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How the Political Elite View Democracy  
in Deeply Divided Countries:  
The case of Iraq

by

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degree of  
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## Table of content

<b>List of Figures .....</b>	<b>7</b>
<b>List of Tables.....</b>	<b>8</b>
<b>List of Abbreviations.....</b>	<b>9</b>
<b>Acknowledgements.....</b>	<b>10</b>
<b>Declaration and Inclusion of Material from a Prior Thesis:.....</b>	<b>11</b>
<b>Abstract: .....</b>	<b>12</b>
<b>CHAPTER 1: .....</b>	<b>13</b>
<b>Regime Change and Democracy in Iraq .....</b>	<b>13</b>
<b>1.1 Introduction .....</b>	<b>13</b>
<b>1.2 The Situation in Iraq .....</b>	<b>17</b>
Pre-2003 Iraq: Politico-historical Context.....	17
Post-2003 Iraq: An Overview .....	18
Vertical Ethnoreligious Divide .....	19
Horizontal Ethnoreligious Divide .....	20
Precipitate Withdrawal: Fragile Security .....	23
Justification for the Time Period.....	25
<b>1.3 Regime Change and Democracy .....</b>	<b>26</b>
Concepts and Measurements .....	26
Regime Change and Democracy in Iraq .....	30
<b>1.4 Case Selection and Relevance .....</b>	<b>33</b>
<b>1.5 Outline of the Thesis .....</b>	<b>37</b>
<b>CHAPTER 2: .....</b>	<b>40</b>
<b>The Feasibility of Democracy in Iraq: Previous Research.....</b>	<b>40</b>
<b>2.1 Introduction .....</b>	<b>40</b>
<b>2.2 The Modernization Approach .....</b>	<b>41</b>
The Theoretical Idea.....	41
General Patterns: Previous Empirical Studies .....	42
The Specific Case of Iraq: Previous Empirical Studies .....	44
Conclusion.....	46
<b>2.3 International Promotion of Democracy .....</b>	<b>47</b>
The Theoretical Idea.....	47
General Patterns: Previous Empirical Studies .....	48
The Specific Case of Iraq: Previous Empirical Studies .....	51
Conclusion.....	53
<b>2.4 Democracy ‘by Force’ .....</b>	<b>54</b>
The Theoretical Idea.....	54
General Patterns: Previous Empirical Studies .....	55
The Specific Case of Iraq: Previous Empirical Studies .....	56
Conclusion.....	58

<b>2.5</b>	<b>Democracy through State-building.....</b>	<b>59</b>
	The Theoretical Idea.....	59
	General Pattern: Previous Empirical Studies.....	59
	The Specific Case of Iraq: Previous Empirical Studies.....	61
	Conclusion.....	64
<b>2.6</b>	<b>Political Culture.....</b>	<b>65</b>
	The Theoretical Idea.....	65
	General Pattern: Previous Empirical Studies.....	66
	The Specific Case of Iraq: Previous Empirical Studies.....	68
	Conclusion.....	69
<b>2.7</b>	<b>Political Institutions.....</b>	<b>70</b>
	The Theoretical Idea.....	70
	General Pattern: Previous Empirical Studies.....	72
	The Specific Case of Iraq: Previous Empirical Studies.....	75
	Conclusion.....	79
<b>2.8</b>	<b>Conclusion: Mixed Findings and the Missing Variable.....</b>	<b>82</b>
	<b>CHAPTER 3: .....</b>	<b>84</b>
	<b>Theoretical Approach and Hypotheses.....</b>	<b>84</b>
<b>3.1</b>	<b>Introduction.....</b>	<b>84</b>
<b>3.2</b>	<b>Political Institutions Matter.....</b>	<b>85</b>
	Theoretical Ideas.....	85
	Political Institutions in Established Democracies.....	86
	Political Institutions in Divided Societies: The Case of Iraq.....	88
<b>3.3</b>	<b>Political elites matter.....</b>	<b>95</b>
	The Theoretical Ideas.....	95
	Political Elite and Transition Processes.....	97
	The Political Elite in Divided Societies: The Case of Iraq.....	100
<b>3.4</b>	<b>Theoretical Framework.....</b>	<b>102</b>
	Theoretical Approach.....	102
	Assessing the Political Elites' Views on Democracy.....	104
	Dimensions of cleavage and a Model for political socialisation.....	108
	.....	112
	.....	112
	Main Hypotheses and Findings.....	112
<b>3.5</b>	<b>Conclusion.....</b>	<b>114</b>
	<b>CHAPTER 4: .....</b>	<b>116</b>
	<b>Research Design and Methodology.....</b>	<b>116</b>
<b>4.1</b>	<b>Introduction.....</b>	<b>116</b>
<b>4.2</b>	<b>Philosophical worldview.....</b>	<b>118</b>
	Pragmatism as a Philosophy to Social inquiry.....	118
<b>4.3</b>	<b>Strategy of inquiry.....</b>	<b>121</b>
	Mixed Methods Strategy.....	121
	Concurrent Triangulation Design.....	123
	Concurrent Embedded Design.....	123

<b>4.4</b>	<b>Research Methods.....</b>	<b>124</b>
	Mixed Methods.....	124
	Interviews with Elites .....	125
	Elite Surveys .....	127
<b>4.5</b>	<b>Setting and Sampling .....</b>	<b>129</b>
	Setting.....	129
	Sampling.....	130
<b>4.6</b>	<b>Limits of the Research Design .....</b>	<b>132</b>
	Technical Limitations .....	132
	Methodological Concerns .....	133
<b>4.7</b>	<b>Ethical Considerations.....</b>	<b>133</b>
	The Role of the Researcher.....	133
	Voluntary Participation.....	135
	Informed Consent .....	135
	Privacy .....	136
	Harm and Safety .....	136
	Excellence and Integrity .....	136
	Honesty, Accountability and Cooperation.....	137
<b>4.8</b>	<b>Conclusion .....</b>	<b>137</b>
	<b>CHAPTER 5: .....</b>	<b>139</b>
	<b>How the Iraqi Political Elite Define Democracy .....</b>	<b>139</b>
<b>5.1</b>	<b>Introduction.....</b>	<b>139</b>
<b>5.2</b>	<b>Islam and a Muslim Majority Country.....</b>	<b>141</b>
	The Sunni Shia Divide.....	141
	Islam and Politics .....	142
	Muslims and Democracy .....	144
<b>5.3</b>	<b>Democracy: Shia views .....</b>	<b>145</b>
	The Shia in Iraq .....	145
	Defining Democracy: The core value .....	146
	Democratic Ideal: The main goals .....	148
	Conclusion.....	151
<b>5.4</b>	<b>Democracy: Sunni's view .....</b>	<b>151</b>
	The Sunni in Iraq .....	151
	Defining Democracy: The core value .....	153
	Democratic Ideal: The main goals .....	154
	Conclusion.....	156
<b>5.5</b>	<b>Democracy: Kurdish views .....</b>	<b>157</b>
	Kurds in Iraq.....	157
	Defining Democracy: The core value .....	158
	Democratic Ideal: The main goals .....	160
	Conclusion.....	161
<b>5.6</b>	<b>Elites' view: Why does it matter? .....</b>	<b>162</b>
	Optimism and Pessimism .....	162
	The Majoritarian Ideal Makes a Difference.....	164
	The Consensual Ideal Makes a Difference .....	167

<b>5.7</b>	<b>Conclusion .....</b>	<b>168</b>
<b>CHAPTER 6: .....</b>		<b>171</b>
<b>Political Elites' Support for Consensus and Majoritarian Institutions.....</b>		<b>171</b>
<b>6.1</b>	<b>Introduction .....</b>	<b>171</b>
<b>6.2</b>	<b>The Shia Perspective.....</b>	<b>173</b>
	Introduction .....	173
	Shia Support for Majoritarian and Consensual Institutions .....	173
	The Executive-Party Dimension .....	175
	The Federal-Unitary dimension .....	176
	Conclusion.....	177
<b>6.3</b>	<b>The Sunni Perspective .....</b>	<b>178</b>
	Introduction .....	178
	Sunni's Support for Majoritarian and Consensual Institutions .....	178
	The Executive Party dimension .....	180
	The Federal-Unitary dimension .....	181
	Conclusion.....	183
<b>6.4</b>	<b>The Kurdish Perspective.....</b>	<b>184</b>
	Introduction .....	184
	Kurds' Support for Majoritarian and Consensual institutions .....	184
	The Executive-Party Dimension .....	186
	The Federal-Unitary Dimension .....	187
	Conclusion.....	189
<b>6.5</b>	<b>Cross-group Findings .....</b>	<b>190</b>
	The Consensual Traits .....	191
	The Majoritarian Traits.....	192
	Federalism and Constitution .....	193
<b>6.6</b>	<b>Conclusion .....</b>	<b>195</b>
<b>CHAPTER 7: .....</b>		<b>197</b>
<b>Federalism through Divergent Perspectives .....</b>		<b>197</b>
<b>7.1</b>	<b>Introduction .....</b>	<b>197</b>
<b>7.2</b>	<b>Federalism in Iraq .....</b>	<b>199</b>
	Federalism in the Iraqi Constitution and in Practice .....	199
	Current Debates on Iraq's Federalism .....	202
<b>7.3</b>	<b>The Shia Perspective.....</b>	<b>205</b>
	Distribution of Power .....	205
	Consensual or Plural.....	207
	Conclusion.....	209
<b>7.4</b>	<b>The Sunni Perspective: .....</b>	<b>209</b>
	Distribution of Power .....	209
	Plural or Consensual.....	211
	Conclusion.....	213
<b>7.5</b>	<b>The Kurdish Perspective.....</b>	<b>213</b>
	Distribution of Power .....	213
	Plural or Consensual.....	215

Conclusion.....	218
<b>7.6 Conclusion .....</b>	<b>218</b>
<b>CHAPTER 8: .....</b>	<b>220</b>
<b>The Iraqi Constitution .....</b>	<b>220</b>
<b>8.1 Introduction.....</b>	<b>220</b>
<b>8.2 The Iraqi Constitution .....</b>	<b>222</b>
<b>8.3 The Shia Perspective.....</b>	<b>223</b>
Drafting the Constitution: Process or Proposal.....	223
Democratic Ideas versus Group Interests .....	225
Islam and Democracy .....	225
Constitutional Amendment and Concluding Remarks.....	227
<b>8.4 The Sunni perspective.....</b>	<b>229</b>
Constitution Drafting: Process versus Proposal.....	229
Democratic Ideas versus Group Interests .....	230
Islam and Democracy .....	230
Constitutional Amendment and Concluding Remarks.....	232
<b>8.5 The Kurdish Perspective.....</b>	<b>234</b>
Constitution Drafting: Process or Proposal.....	234
Democratic Ideas versus Group Interests .....	234
Islam and Democracy .....	235
Constitutional Amendment and Concluding Remarks.....	236
<b>8.6 The Constitution: Persistent Challenges.....</b>	<b>238</b>
<b>8.7 Conclusion .....</b>	<b>240</b>
<b>CHAPTER 9: Conclusion .....</b>	<b>243</b>
<b>9.1 Introduction .....</b>	<b>243</b>
<b>9.2 The Contributions of my Thesis.....</b>	<b>244</b>
<b>9.3 Limitation of my Thesis and Suggestions for Future Research .....</b>	<b>252</b>
<b>9.4 Implications for Democratic Development in Iraq .....</b>	<b>255</b>
<b>Selected Bibliography .....</b>	<b>261</b>
<b>Appendix A: List of Interviewees.....</b>	<b>290</b>
<b>Appendix B: Interview Questions on Democracy and Federalism .....</b>	<b>294</b>
<b>Appendix C: Interview Questions on the Iraqi Constitution .....</b>	<b>296</b>
<b>Appendix D: Survey on Support for Democratic Institutions.....</b>	<b>298</b>
<b>Appendix E: Survey on Federalism in Iraq .....</b>	<b>302</b>
<b>Appendix F: Survey on the Iraqi Constitution .....</b>	<b>304</b>

## List of Figures

1.1	Iraq's 18 provinces (map on the left) and the three groups (map on the right).	22
1.2	Iraq crude oil production	23
1.3	Illustrates Iraq's regime trend from 1945 to 2015	31
3.1	The Proximate factors with bearing on elite attitude to democracy	112
3.2	The structure of the empirical chapters	114
4.1	The Research Design	117
4.2	Pragmatism as a philosophy of social inquiry	120
4.3	The ethnoreligious distribution of members of parliament by province.	129



## List of Tables

1.1 Ethno-religious distribution of power in Iraq (2005, 2010, 2014)	20
1.2 ethno-sectarian distribution of parliamentary seats 2010	23
1.3 Polity iv Regime types and Authority component variables	28
2.1 Democracy Index Iraq 2006-2015	64
3.1 The Political Institutions of two Different Types of Democratic System	89
3.2 The Less-Formal Institutions (Political Agreements)	92
3.3 Understanding Democracy as Ideal and Actual as Examined in This Thesis	105
3.4 The dimensions of cleavage and a model for political socialisation	109
4.1 Mutual Usage of Quantitative and Qualitative Methods	122
4.2 Concurrent Triangulation Design	123
4.3 Concurrent Embedded Design	124
4.4 Iraqi Parliamentary Elections, 2010 After 77 Seats Added	131
5.1 The Distribution of Ethnicity of Iraq's Population	142
6.1 Shia Political Elite Support for Majoritarian and Consensus Institutions	177
6.2 Sunni Political Elite Support for Majoritarian and Consensual Institutions	183
6.3 Kurdish Political Elite Support for Majoritarian and Consensual Institutions	189
6.4 Cross Group Percentage of Support Majoritarian and Consensual Elements	190

## List of Abbreviations

CPA	Coalition Provisional Authority
EU	European Union
GDP	Gross Domestic Product
ICM	Iraqi Council of Ministers
IDF	Iraqi Dialogue Front
ICP	Islamic Call Party also known as Islamic Dawa Party
IGC	Iraqi Governing Council
IGK	Islamic Group of Kurdistan
IHR	Iraqi House of Representatives
IIP	Iraqi Islamic Party
IMF	International Monetary Fund
ISCI	Islamic Supreme Council of Iraq
ISIS	Islamic State in Iraq and Syria
IUK	Islamic Union of Kurdistan
IVP	Islamic Virtue Party
KDP	Kurdistan Democratic Party
KRG	Kurdistan Regional Government
NDI	National Democratic Institute
P-IV	Polity IV (data base)
PUK	Patriotic Union of Kurdistan
TAL	Transitional Administrative Law
UIA	United Iraqi Alliance
UK	United Kingdom
UN	United Nations
US	United States
USAID	United States Agency for International Development

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## Declaration and Inclusion of Material from a Prior Thesis:

This thesis is submitted to the University of Warwick in support of my application for the degree of Doctor of Philosophy. It has been composed by myself and has not been submitted in any previous application for any degree. I would like to add though that a part of the data for chapter 6 was previously collected and used for my Master of Arts degree, at the University of Warwick (UK). Please note that this data has been combined with more recent data, which was collected in a separate round of data collection as PhD student at the University of Warwick. The rest of the empirical data as analysed in chapters 5, 6, 7 and 8 is completely new, as well as the work for all the other chapters of the thesis. The work presented including data generated and data analysis has been carried out by the author; the data and analysis has not been carried out by other collaborators and no part of this thesis have been published by the author.

## Abstract:

This thesis focuses on the role of agency during political transition processes in divided societies. To be more specific, it examines how the Iraqi political elites view democracy and what type of political institutions they support. The years between 2012 and 2015 are of great significance and the final US withdrawal at the beginning of the period marked the conclusion of military occupation. That event made the Iraqi political elite central to the political process. Previous studies have focused on structural issues in post invasion Iraq, highlighting factors that could facilitate democracy or systems that could undermine prospects for a democratic system in the country. A gap in the literature on Iraq is identifiable as there is a lack of any real attention to the issue of agency. The theoretical contribution of this study is that it illustrates and underlines the importance of elite perspectives for the democratisation process in a country divided along ethno-religious lines. The study argues that democratic institutional arrangements are needed as the means to reconcile different, and at times conflicting, political interests. Having established this point, the research analyses the role of agency in terms of key political players in forming, arranging, and setting up institutions. Extensive field research collating original empirical data was carried out in Iraq, Baghdad and Erbil, from 2011 to 2015. This study surveys the Iraqi House of Representatives, the Iraqi Presidency, and the Iraqi Council of Ministers, and involves interviews with highly placed decision makers in the executive, the legislative and the judiciary, as well as members of the Constitution Drafting Committee. Key participants include; the President and the Prime Minister, Speakers of the Parliament, and the Chair of Iraqi Constitution Drafting Committee. The participants include members from all the main ethno-religious groups in this divided country. Based on this new data, the specific views of Iraq's political elites are analysed, and their preferred types of political system are articulated, providing a concise contribution to current knowledge of democracy building in Iraq. The first empirical finding is that elites of the minority groups conceive democracy as power sharing, while members of the majority understand it as majority rule. The second finding is that larger groups support majoritarian institutions, while smaller groups support consensual ones. Those findings confirm previous academic thinking, for example Lijphart's theory on consensus democracy. The third finding is more surprising. All groups support a consensual arrangement of federalism and a majoritarian constitution. This unexpected support for these types of institutional arrangements required investigation in more depth to determine how political elites view federalism in Iraq, and how the constitution, if the opportunity arose, might be amended. It is argued that the future possibilities of Iraq's polity depend largely on political agreements between the political elites representing the main groups in Iraq. The stability of the country rests mainly on the ability of its elites to arrange political institutions in such a way as to accommodate the different interests of the groups they represent.

## CHAPTER 1:

### Regime Change and Democracy in Iraq

#### 1.1 Introduction

In February 2003, President George W. Bush declared that ‘all Iraqis must have a voice in the new government, and all citizens must have their rights protected’ (Bush 2003). The United States prosecuted the war and as a result the Iraqi regime collapsed. The challenge was not in toppling the regime, which was relatively easy, but in what had to be done next (Baker and Hamilton 2006). After the US invasion, the main debates on the future of Iraq have revolved around democracy building. Central to the debate is whether a democratic Iraq is feasible. Although some writers argue that general conclusions about the feasibility of imposed democratisation cannot be drawn (Beetham 2009: 445), there is a growing literature on what should be involved in attempts to build democracy (Lawson 2003; Makiya 2003; Byman and Pollack 2003; Byman 2003a; Byman 2003b; Nader 2003; Anderson & Stanfield 2004; Dawisha 2004; 2005a; 2005b; Diamond 2005a; 2005b; Katz 2006; Tessler, Moaddel, and Inglehart, 2006; Gupta 2007; Visser & Stanfield 2007; Moon 2009; Munson 2009; Khalilzad 2010). In the main, the existing literature addresses and discusses the structural factors as challenges to the process building and is split on the structural issues. Some work highlights those structures that are obstacles, while other studies point out those structural factors that could help transition.

This thesis will offer an alternative perspective, focusing on the role of agency.<sup>1</sup> To be more specific, it examines how the Iraqi political elites view democracy and what type of political institutions they support. The existing literature on the feasibility of democracy in Iraq addresses structural factors. The aim of this research is to inspect the support for democracy among members of the Iraqi political elite and so determine the feasibility of it being applied in the country. Their specific views and preferred types of political system are analysed, providing a concise contribution to current knowledge of democracy building in Iraq. In this way, the thesis, in addition to locating the position

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<sup>1</sup> This approach could be regarded as an alternative approach as far as the study of the case of Iraq is concerned – otherwise agency as a variable to explain transition has along strand of literature.

of the main research question within the existing literature on democracy building in divided societies, also deals with the views and the preferences of the political elite as factors in helping or hindering the emergence of democracy. The focus is on the role of the agency and political actors in democracy building in Iraq.<sup>2</sup> Agency is about volition and political choice, having the ability to make choices or decisions that have implications for politics. This thesis locates its focus on agency,<sup>3</sup> in the broader literature which has dealt with this issue at length (e.g. Foweraker, J. and Landman, T. 1997; Colomer, and Pascual 1994; Burton, Gunther, and Higley 1992; Przeworski 1991; O'Donnell, Schmitter, and Whitehead 1986).

The focus of this thesis is narrowed to study the elite agency in democratic transitions. The thesis is about elite views of democracy and their attitudes towards the concept of democracy as it is functioning in Iraq. There has been an extensive literature on the role of elite agency as an explanatory factor for democratic transitions in Latin America and Southern Europe; the 1980s and early 1990s focused on agency as a fundamental variable in explaining shifts in political systems (see, O'Donnell, Schmitter, and Whitehead 1986). It explained transitions from authoritarian rule,<sup>4</sup> based on political factors hypothesised in terms of elite behaviour, or agreement among elitea, 'elite pacts,' 'elite settlements,' 'elite negotiation' and 'elite agreements' (see chapter 3, sec. 3.3).

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<sup>2</sup> The subsequent chapters of this thesis will primarily focus on the views of the political elite with regards to the meaning of democracy and the arrangements of political institutions, therefore, this thesis does not discuss structural factors and external actor. Of course, there are other significant issues such as, security, political violence and the role of insurgents, and corruption which are extrinsic challenges to democracy building in Iraq (see; e.g. Ghanim 2011; Rubin 2006; Diamond 2005a; 2005b; Anderson and Stansfield 2004). Further, this thesis does not cover the disputes over oil and finance in relation to democracy building and their impact on Iraq's transition (see; e.g. Birdsall and Subramanian 2004; Mahdi 2007a; 2007b; Billon 2008; Ryan 2010; Muttitt 2012; Al-Basri and Al-Shebahi 2013). A growing literature has already dealt with such structural extrinsic factors; hence, the scope of this study is justified (see chapter 9, section 9.3) with its objective; filling the gap in the literature and in knowledge on the views of political elite in a deeply divided society –i.e. Iraq - by subscribing the feasibility of democracy to the broader spectrum of regime change and democratic transition.

<sup>3</sup> This thesis makes a difference between popular agency and elite agency and relates itself to the latter (i.e. by elite agency, the thesis refers to political elites). Chapter three, also makes it clear how agency is measured and how it is deployed in the analysis (see chapter 3, sec. 3.3).

<sup>4</sup> It is worthy to note, as Przeworski (1991: 51-99) has identified, a breakdown of an authoritarian regime may reverse, or it may lead to new dictatorships, even if the outcome is not a return an old or a new dictatorship, transitions might get stuck somewhere along the way in regimes that limit contestation or suffer from a threat of military intervention.

Moreover, the literature has also elaborated on the role played by political elite in democratic transitions and consolidation in Latin America and Southern Europe (Highly and Gunther 1992). This part of the literature comprises of different case studies,<sup>5</sup> such as, the model of elite settlement in Spain (Colomer 1991; Gunther 1992); the consequences of elite settlements in Mexico (Knight 1992); elite settlements in Colombia, Costa Rica, and Venezuela (Peeler 1992); the unification of the elite and democratic consolidation in Italy (Cotta 1992); elite pacts in Uruguay (Gillespie 1992); elite negotiation in Argentina and Chile (Cavarozzi 1992); the role of elites in Peru in the 1980s (Dietz 1992); the role of elites in the political transition of Brazil (Bruneau 1992); the Portuguese transition to democracy, where the political elite had an indirect role in facilitating the move away from authoritarian rule to democratic governance (Graham 1992); and the role of the political elite in the Polish transition from authoritarian rule (Colomer and Pascual 1994). In all those cases, the primary focus has been on the elite agency variable (political elite), which has been regarded ‘logically and factually before the existence of regime stability or instability to peaceful or disruptive mass mobilisation and participation.’ The central argument has been that ‘elite consensus requires agreement on the worth of political institutions and the rules of the political game that is played within and around those institutions’ (Burton, Gunther and Higley 1992: 323). This thesis also agrees with this main argument, as it bridges the attitudes of the Iraqi political elite to democracy and their preferences for institutional arrangements.

The insights that this study provides are based on in-depth data and empirical findings of elite views and opinions on democracy among the Iraqi political elite. The views are of those who run day-to-day politics in Iraq, making decisions that affect the lives of millions of people for better or worse. Those political elites have serious insights into what works and what does not and, hence, how the formal institutions should be re-arranged. For the past decade, they have been party to a constant endeavour involving trial and error, to build democracy. In this study, they express what democracy means to them, how the Iraqi democratic political system should look, how federalism should be operationalised, and how the constitution, if the opportunity arose, should be amended.

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<sup>5</sup> The type of case study employed in this thesis has been discussed in this chapter sec. 1.4.



The participants in this study are the top decision makers in the Iraqi power structure and include: two Presidents, two Prime Ministers, and two Speakers of Parliament, in addition to the President of Iraqi Kurdistan and two Prime Ministers of the Kurdistan Regional Government (KRG), 14 ministers from the Iraqi Council of Ministers and 15 members of the Iraqi Constitution Drafting Committee, including the Chairman and the Deputy Chairman. Additionally, the questionnaire on Iraq's political institutions surveyed 100 Iraqi members of parliament. All those interviewed also participated in the survey (Chapter 4). The participants were drawn from all ethno-religious groups and all significant political parties in the Iraq parliament. In terms of its empirical depth on the feasibility of democracy in Iraq, with a focus on the political elites' views, it might justifiably be asserted that this study is unprecedented.

This chapter starts with a summary of the political situation in Iraq (section 1.2). It will first describe the key political developments before 2003, and will then go more in-depth with an overview of the period after 2003, which has been characterized by the United States' withdrawal and democratic practices such as elections and representation in the midst of political turmoil. This section will also justify the selection of the specific period (2011-2015) which is central to my research. Thereafter, the chapter defines the concepts and identifies measurements for examining regime change and democracy in general. It will also focus on defining and measuring the type of political regime and levels of democracy in Iraq (section 1.3). The next section (section 1.4) will provide a rationale for the case selection, hence why the thesis focuses on Iraq. Finally, the subsequent chapters of the thesis are outlined (in section 1.5). The rest of the thesis will consist of two main parts: while chapters 2, 3 and 4 are predominantly theoretical, the chapters 5, 6, 7 and 8 are very empirical relying on original large-N surveys and new data from semi-structured interviews with political elites in Iraq. The conclusion (Chapter 9) will bring theoretical and empirical contributions together, to discuss the implications of my findings for potential development of democracy in Iraq.

## 1.2 The Situation in Iraq

### Pre-2003 Iraq: Politico-historical Context

Iraq<sup>6</sup> is a relatively new country, and was an invention of the British. In 1918, Great Britain occupied the three Ottoman Empire provinces (Arabic: *Wilayat*) of Mosul, Baghdad and Basra. During the years 1920-21, those three wilayats were joined together to form a new territory within Iraq's present borders, under a League of Nations' Mandate administrated by Great Britain (Tripp 2007; Dawisha 2009). The wilayat of Mosul was the Kurdish populated area in the north, the wilayat of Baghdad was the Sunni Arab-populated area in the centre, and that of Basra was the Shia-populated area in the south. From the start of Iraq's foundation these different ethnic and religious groups lacked a sense of coherence. There was a lack of a shared common history or national awareness among them as each had its own distinctive history.

During the monarchy (1921-58), there was a form of democracy and pluralism that led to the emergence of various political parties (Bashkin 2009; Dawisha 2005). It contributed not to a realisation of an Iraqi national identity but in each groups' recognition of their role as political actors, further pursuing their individual causes. From the mid1940s to the mid1950s, political parties were established along ethno-religious lines; the Constitutional Union Party (1949) led by Nuri Said was composed mainly of Sunni Arabs; the Socialist People's Party (1950) led by Salih Al Jabr was mainly composed of Shia Arabs; and the Kurdistan Democratic Party under the leadership of Mustafa Barzani, throughout the 1950s, was pursuing the Kurdish cause (Tripp 2007).

Since the overthrow of the British backed monarchy in 1958 and the establishment of an authoritarian republic, Iraq's subsequent regimes aimed at the consolidation of the state's power based on Arab nationalism, an ideology in which 'unity' (Arabic: *Wahda*) became the core value to develop a common sense of belonging and advance a national identity. However, the 1974 Kurdish armed revolt over issues of autonomy (Kurdish:

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<sup>6</sup> Iraq was a name the British gave to the territory of the three Ottoman provinces of Basra, Baghdad and Mosul. Originally the name was used in reference to areas around Basra. The literal word of *al A'raq* in Arabic means the sides of the two rivers and the land between them along their length.

*Khosary*), and the 1977 Shia Karbala demonstration (Arabic: *intifada*) against the government, reflected antipathy towards such unity.

Under Saddam Hussein (1979-2003), Iraq degenerated into a personal dictatorship and the one-party rule of the Ba'ath Party (see, Makiya 1989). Hussein consolidated his hold on power and made an effort to control Iraq's territory through single identity,<sup>7</sup> secular, Arab Nationalism. Iraq's territorial unity, however, was maintained at gun point. The differences between groups were suppressed by coercion at the expense of groups' rights and freedoms. Iraq's nationalism, also, remained problematic and an area of contestation; it was attractive primarily to the Sunni Arabs, was rejected outright by the Kurds, and failed to gain support among the Shia (Dodge 2003; Galbraith 2006). Therefore, the sense of belonging to one group, a single Iraqi nation, failed to develop fully. Instead, affiliations were based on ethno-religious groups. In pre-2003 Iraq, during the monarchy (1921-58), the authoritarian republic (1958-68), and the Ba'ath regime (1968-2003), the Sunni Arabs ruled Iraq and controlled its apparatus of rule while the Shia were suppressed, and the Kurds were marginalised (Tripp 2007; Marr 2011).

#### Post-2003 Iraq: An Overview

The 2003 US-led war on Iraq was an act of external intervention with the purpose of changing a regime that was deemed to be a potential threat to international security. This conclusion was based on the belief that the Iraqi government had weapons of mass destruction. Removal of the dictator would also, it was assumed, facilitate the promotion of democracy and peace in the region.<sup>8</sup> The United States and the United Kingdom initiated the 2003 Iraq military invasion (Cornish 2004; Crammer and Thrall 2012) resulting in the collapse of Saddam's regime. On May 1, 2003, President Bush

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<sup>7</sup> As a unity slogan of modern states, nationalism is 'primarily a political principle, which holds that the political and the national unit should be congruent' (Gellner 1983: 1). That is, the boundaries of the state end when the extension of a nation ends. The political process of building a 'nation state' understood in Gellner's conception as 'one nation one state' has been a rather problematic process in the making of modern Iraq.

<sup>8</sup> Between 1990-2002 the Security Council issued 11 resolutions on Iraq and about its position in relation to international peace and security in the region and also issues related to proliferation of weapons of mass destruction and long-range missiles. These resolutions include: 661 (6 August, 1990); 678 (29 November, 1990); 686 (2 March, 1991); 687 (3 April, 1991); 688 (5 April, 1991); 707 (15 August, 1991); 715 (11 October, 1991); 986 (14 April, 1995); 1284 (17 December, 1999); 1382 (29 November, 2001); and 1441 (8 November, 2002).

stated ‘mission accomplished’ when declaring the end of the major combat operations. This marked the end of the invasion period and the beginning of the military occupation. UN resolution 1483 on 22 May, 2003, recognised the United States and the United Kingdom as occupying powers (i.e. the authority), and called upon them to facilitate structures by which the peoples of Iraq could govern their political affairs.

#### *Vertical Ethnoreligious Divide*

The United Nation’s resolution 1546 on 8 June, 2004, terminated the Coalition Provisional Authority (CPA) and endorsed the Iraqi Governing Council (IGC). Nevertheless, Iraq remained under occupation and the United States and United Kingdom were the de-facto authorities. The nature of the IGC was sectarian: 25 of the political elite were appointed by the CPA following the approximate proportions of the ethno-religious divisions in Iraq: 13 Shia Arabs (52 percent), 5 Sunni Arabs (20 percent), 5 Kurds (20 percent), 1 Turkmen and 1 Assyrian. For the first time since Iraq’s formation, ethno-religious groups became the basis of the political system. Those 25 members of the political elites signed the Transitional Administrative Law (TAL) to be, in effect, the provisional constitution for Iraq until the adoption of a permanent constitution and the formation of a permanent government.

During 2005, Iraq’s constitution was drafted (see Chapter 8). It was ratified in a national referendum on October 15, 2005, with 79 percent in favour. Subsequently, in the 2005 December parliamentary elections all groups participated, with a high turnout of 79.63 percent. The three main electoral lists were ethno-religious coalitions, with various Shia, Sunni, and Kurdish political parties forming pre-electoral intra-group coalitions. The Shia coalition (United Iraqi Alliance) led by Ibrahim Ja’afari won the largest number of seats, 128. The Kurdish Coalition (Dichromatic Patriotic Alliance of Kurdistan) led by Masoud Barzani won 53, and the Sunni Coalition (Tawafuq) led by Tarriq al-Hashimi came in third place with 44 seats.

The first permanent Iraqi government was formed in May, 2006. Following 6 months of negotiation, the Iraqi political elite agreed on an ethno-sectarian composition for the apparatus of rule. The Iraqi president was Kurdish, with two Vice Presidents, one Sunni and the other Shia. The Prime Minister was Shia, with two deputies, one Sunni and the other Kurdish. The Speaker of the House of Representatives was Sunni, with two

deputies, one Shia and the other Kurdish. This was the balance of power, based on a power sharing agreement.

Iraq's political system is that of a parliamentary republic, in which the parliament elects the president, who then names the nominee of the largest parliamentary bloc as prime minister. With the support of the House of Representatives, the prime minister forms the government and holds most of the executive power. In Iraq informal political agreements (see Chapter 6) among the political elite of the three main groups precedes its formal political system. Therefore, regardless of the outcome of consecutive Iraqi parliamentary elections (2005, 2010, 2014), the ethno-sectarian formula for power distribution has remained (see Table 1.1).

**TABLE 1.1** ETHNO-RELIGIOUS DISTRIBUTION OF POWER IN IRAQ (2005, 2010, 2014)

<b>KURD PRESIDENT OF REPUBLIC</b>	Sunni Vice president	Shia Vice president
<b>SUNNI SPEAKER OF PARLIAMENT</b>	Kurd Deputy	Shia Deputy
<b>SHIA PRIME MINISTER</b>	Kurd Deputy	Sunni Deputy

Moreover, the formation of the cabinet in Iraq has been based on multi party coalitions (cross group political coalitions) in which the government has been based on proportional representation. For the past three rounds of elections, Shia coalitions have won the majority of the seats in the parliament, and they have formed the government based on a cross group coalition. The elections in post 2003 Iraq have brought about a shift, not only in Iraq's regime, but also in the identity of power. For the first time in Iraq's history, the silenced Shia majority have become the majority in government causing a shift in power from the Sunni Arabs to the Shia Arabs.

#### *Horizontal Ethnoreligious Divide*

Iraq is a federal state (Chapter 7). Its federal structure is constituted of 1 region (the Kurdish region) and 15 provinces (the Shia and Sunni governorates). The provinces that are composed of the majority of each group are territorially linked. The three Kurdish provinces in the north have enjoyed self-rule and a form of autonomy since 1992, and introduced the idea of federalism to protect their region. Since 2005, the Kurdish region has its own parliament, a government and military forces, known as the

Peshmarga. Since late 2012, the 4-5 Sunni provinces in the centre have proposed the idea of the formation of a region similar to the Kurds. The territorially linked 9-10 Shia provinces in the south constitute a de facto Shia region. Thus, the three main groups are geographically concentrated in different areas.

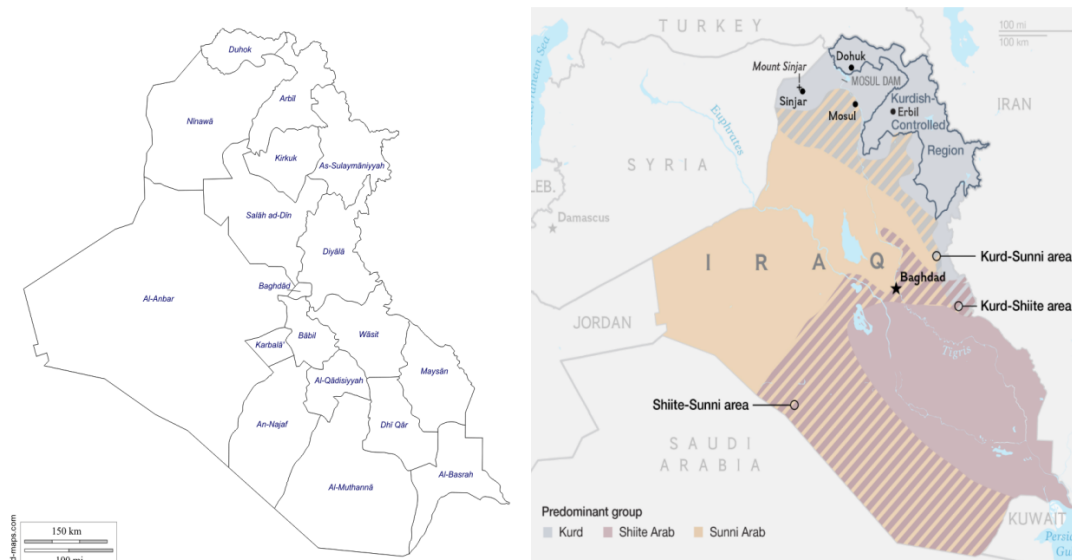
Ethnically speaking, three regions underpin the 18 provinces in Iraq. The three major identity groups are divided along ethnic and religious lines<sup>9</sup> and the demographics of the main groups have shaped the political map of the country: the Kurds in the north (18-20 percent of the population), the Shia in the south (50-55 percent), and Sunnis in the centre and the west (28-30 percent). With ambiguous and overlapping borders, these percentages are disputed and are at best approximations (see Figure 1.1).

Iraq is an oil rich country, though its economy had been undermined by wars and sanctions throughout the 1990s and up to 2003. Due to its oil, Iraq has been able to rebuild its infrastructure, for example, daily oil exports rose from 1.8 million barrels per day (bpd) in 2005 (see Figure 2) to a record of 4.750 million bpd in January 2016. This level of production did not last and output has fallen to 4.412 million bpd since July, 2016. Nevertheless, Iraq's economic resources are also reflected in its ethno-religious divisions. The Kurdish provinces in the north and the Shia provinces in the south have most of Iraq's oil reserves. Although the Sunni provinces do not have oil, Iraq's major oil refineries are in the Sunni populated areas and Iraq's largest water reserves are also in the Sunni areas. The two rivers, the Tigris and the Euphrates, that run the length of the country, pass through the Sunni populated areas to the southern, Shia populated, areas (Al-Ansari 2016). That has given the Sunni upstream control of water and is a factor in the relationships between the northern Sunni and southern Shia provinces (see Figure 1.1).

**FIGURE 1.1** IRAQ'S 18 PROVINCES (MAP ON THE LEFT) AND THE THREE GROUPS (MAP ON THE RIGHT)

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<sup>9</sup> As a Muslim majority country, Iraq is a mosaic of religions and ethnicities. Besides Muslims, which are divided between two sects, Shia and Sunni, there are other religious minorities such as Christians, Jews, Yazidis, Sabians, Shabaks, Kaka'is and Baha'is. In terms of ethnicity, there are Arabs, Kurds, Turkomen, Assyrians, Armenian and Kildanis.



The members of the Iraqi House of Representative are elected through multimember open lists for each province. Table 1.2 shows the ethno-sectarian distribution of the Iraqi House of Representatives in the 18 provinces based on the 2010 parliamentary elections. Table (1.2) confirms that Iraq's society is deeply divided along ethno-religious lines. There is a strong sense of identity among members of the same ethnic or religious group who act as blocs during country wide elections. The three consecutive parliamentary elections in 2005, 2010 and 2014 have made the divisions between the main Iraqi groups highly visible. Almost all major political parties in post 2003 Iraq are ethno-religiously based. This holds true for the Kurdish,<sup>10</sup> Sunni<sup>11</sup> and Shia<sup>12</sup> political parties. In the 2005 elections, political parties formed pre-electoral coalitions but in 2014 many of them formed post-electoral intra-group coalitions. The Shia coalition holds 172 seats, the Sunni 74 and the Kurdish 62. The remainder of the seats were for several other smaller parties and the 8-seat quota for minorities. After three rounds of elections, the sizes and the ratio of different groups in the parliament remained relatively static.

<sup>10</sup> Five major Kurdish political parties united by the Kurdish cause are; the Kurdistan Democratic Party, the Kurdistan Patriotic Union, the Change Movement, the Kurdistan Islamic Union, and the Kurdistan Islamic Group.

<sup>11</sup> Five major Sunni political parties in Iraq that represent the Sunni Arabs are; Accord Front, Iraqi Dialogue Front, the Iraqi Islamic Party, Ahl al Iraq, and Liberation and Reconciliation.

<sup>12</sup> Five major Shia political parties that all have a Shia spiritual leader are; the Islamic Supreme Council of Iraq and al Aziz al Hakim as spiritual and de facto leader of the party; Sadrist Trend, with Muqtada al-Sadr as spiritual and de facto leader of the party; the Islamic Dawa Party; Nuri Kamal al Maliki and Ibrahim al-Jafari run a branch of the party; the Fadhila Party, and Muhammad al-Yaqubi as spiritual leader of the party.

**TABLE 1.2: ETHNO-SECTARIAN DISTRIBUTION OF PARLIAMENTARY SEATS 2010**

PROVINCES	Seats Allocated	Shia	Sunni	Kurdish
<b>SHIA MAJORITY</b>				
NAJAF	12	12	-	-
MISAN	10	10	-	-
MUTHANA	7	7	-	-
DHI QAR	18	18	-	-
KARBALA	10	10	-	-
QADDISYA	11	11	-	-
BASRA	24	24	-	-
WASIT	11	10	1	-
BABIL	26	13	3	-
BAGHDAD	68	46	22	-
<b>SUNNI MAJORITY</b>				
DIYALA	13	4	8	1
ANBAR	14	-	14	-
SALAH AL-DIN	12	-	12	-
NINEVA	31	-	23	8
<b>KURDISH MAJORITY</b>				
KIRKUK	12	-	6	6
SULAYMANIYA	17	-	-	17
ERBIL	14	-	-	14
DUHOK	10	-	-	10
COMPENSATORY	7	4	2	1
<b>MINORITIES</b>	8	-	-	-
<b>TOTAL</b>	325	169	91	57

**FIGURE 1.2 IRAQ CRUDE OIL PRODUCTION**

### *Precipitate Withdrawal: Fragile Security*

The presence of the US troops as occupying forces within Iraq led to a growing opposition to the United States. The polling in 2006 indicated that 79 percent of Iraqis had a ‘mostly negative’ view of the United States’ impact on their country, and ‘61 percent approved of attacks on US-led forces’ (Baker and Hamilton 2006: 35). Those polls reflected views throughout Iraq, with the exception of the Kurdistan region where the US invasion was perceived as liberation. In other words, there was no safe-haven for US-troops in Arab Iraq. The US considered a withdrawal<sup>13</sup> and a deadline of the

<sup>13</sup> The United States was facing a twofold-pressure from within Iraq (as mentioned above) and back home. By 2007, polls showed the majority of the US electorate were in favour of withdrawal.



31st December, 2011, was set for the withdrawal of American military personnel from all Iraqi territory. The last troops left Iraq on December 18, 2011, marking the end of military occupation.

There has been a considerable amount written on this precipitate withdrawal. It has been argued that a premature departure from Iraq would destabilise the country and lead to greater sectarian violence. To foster a legitimate democratic government would have required a long-term extensive commitment of financial, military, and political resources (Dobbins et al 2003; Feldman 2004; Baker and Hamilton 2006; Ryan 2010; Sky 2011). In 2006, the Iraqis Study Group Report (Baker and Hamilton 2006: 32-7) concluded that without the support of the United States, the Iraqi government was not capable of governing, sustaining or defending itself.

The effect of withdrawal was to stimulate political instability. It can be argued that the emergence of the militant religious group known as Daesh,<sup>14</sup> in central Iraq in 2014, was a result of the failure to accommodate the Sunnis and their demands in the apparatus of rule (Cockburn 2014; Sekulow 2014; Cockburn 2015; Stakelbeck 2015; Stren and Berger 2015). That is, Daesh can be seen as an outcome of the on-going sectarian war within Syria (Reuter 2015).<sup>15</sup> Daesh seized the opportunity presented by on-going Sunni protests in Iraq (2013-2014) by attacking Arab Sunni populated areas. These areas were the least organised politically, the most neglected socio-economically and weakest militarily, hence the most vulnerable. By 2013, the *Sahwa* was effectively non-existent due to al-Maliki's reluctance to integrate them into Iraq's security forces.

In the aftermath of the American withdrawal, Shia Prime Minister al Maliki aimed to centralise power. Part of his policy was the systematic marginalisation of the Sunni by refusing to integrate them into the Iraqi security services. He dissolved Iraq's Sunni

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<sup>14</sup> Daesh stands for the abbreviation of the Arabic name of the organization, *Dawla Islamiya fi al Earaque wa Sham*, translates as the Islamic State of Iraq and Levant ISIL. Daesh captured the two largest Sunni provinces, Nineva and Anbar, and announced an Islamic Caliphate linking the Sunni populated areas in Syria and Iraq.

<sup>15</sup> Originally begun as protests against the Ba'ath regime in Syria, it then took the form of violence conflict and war against the regime. The regime in Syria suppressed the consecutive protests throughout 2011, which lead to nationwide uprising. With Iran, as the main Shia force in the region, being heavily involved in supporting the Syrian regime, the nature of the conflict changed from people against the regime to a Sunni-Shia divide within and across Syria, which then spilled over to Iraq.

Awakening (Arabic: *Sahwa*) who were the main forces<sup>16</sup> driving Qaeda out of Iraq in 2006 (Benraad 2011).

The Iraqi forces' offensive against Daesh was ineffective as a military solution lacked a political agreement among the political elite of the three main groups. In response, the Sunnis formed their military force, the National Guard. Following this, a political agreement was reached and Iraqi forces, including the Kurdish Peshmarga, the Sunni National Guard, and the Shia Hashd participated in the Mousl offensive. The ethno-religious divide manifested itself proportionately in the number of Iraqi forces; Shia 25000, Kurd 15000 and Sunni 10000. Since then, Daesh has been perceptibly weakened in Iraq and Iraqi forces have retaken considerable territory. The causes of Iraq's instability and conflicts are political. However, the potential solutions are also political. Therefore, this thesis focuses on political institutions and how the political elites view Iraq's political system.

#### *Justification for the Time Period*

Iraq is a deeply divided society whose ethno-religious divisions are deep rooted, a fact that is reflected in the politics, the economy, and the state's military. This thesis, therefore, examines the views of Iraqi political elite with reference to their ethno-religious backgrounds. Furthermore, a fundamental characteristic of Iraqi society is the politics of 'collective identities' (Pierce 1981; Karolewski 2010). It is unthinkable to discuss the politics of Iraq without reference to the influence of collective identities, because in Iraq such identities are not only the building blocks for political action to mobilise groups to influence political outcomes, they are also the basis for political representation and territorial claims. The term 'group' is used to connote a means by which people identify themselves and differentiate themselves from others (Anderson 1991; Castells: 1996; Baumann: 1996; Bauman: 2004; and Gillespie: 2006), specifically in two forms: ethnicity (Arab-Kurd) and religious sect (Shia-Sunni).

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<sup>16</sup> Also called the *Sahwa* movement, mainly sponsored by the US military, they were composed of tribal leaders, *Sheikhs*, who came together to ensure the security of their communities. In the Sunni areas, they included; *al-Majlis al-Waṭanī li-Inqādh al-‘Irāq* (the National Council for the Salvation of Iraq), *Ḥarakat al-Inqādh al-Sunnī* (the Sunni Salvation movement), *al-Majlis al-Waṭanī li-Ṣaḥwat al-‘Irāq* (the National Council for the Awakening of Iraq), and *Ḥarakat al-Ṣaḥwah al-Sunnīyah* (the Sunni Awakening Movement).

An important source of identity-based politics involves ethnicity. In a deeply divided polity such as Iraq, ethnicity is a crucial base from which to mobilise identity groups for territorial claims ('Arab lands' versus 'Kurdish lands'). For example, Kurds claim the Kurdish areas based on the historical geography of a Kurdish region. Religion is another source of collective identity. In Iraq, Islam embodies itself in the form of two main sects, Shia and Sunni, and sectarian violence at times stems from the political differences between these two sects. This thesis takes into account the views of the political elites of those groups whose views on the political system in Iraq are perceived through their ethno-religious divisions; the Shia, the Sunni, and the Kurd.

This thesis studies the years from 2005 up to the present day, with a particular focus on the 2012-2015 period. The data collection in this thesis was carried out during the Parliamentary round (2010-2014), a period with significance unique to Iraq. In 2011, the last US troops left the country, marking the end of military occupation. This withdrawal has magnified the significance of context in Iraq, in relation to the emergence of democracy or any other stable form of political system. With the US withdrawal, the task of Iraq's democracy building was left to Iraqi's themselves, in particular to their political elites; in effect, to the ethno-religious groups. Therefore, it is essential to know the views of those political elites on Iraq's political system and political institutions, how they view democracy, and what sort of political institutions they prefer. Collecting, collating and assessing this knowledge will be at the core of the empirical chapters in this thesis.

### 1.3 Regime Change and Democracy

#### Concepts and Measurements

Before the question 'Has a regime change taken place in Iraq?' can be answered, answers to other questions are necessary. These include: 'What is regime change?' and 'How can it be measured?' A political regime is a system of rules that govern political rights and the extent to which they are exercised, and their effects on control over state activity (Przeworski et al. 2000: 18). A political regime has two defining parameters: (a) institutionalised rules between government and the people; and (b) institutionalised procedures between different parts of the apparatus of rule. Eckstein and Gurr (1975:

26) define the characteristics of regimes in terms of ‘authority patterns’ that are equivalent to the mechanisms of rule; authority patterns are the institutionalised functions through which states operate, the machinery of government. When those authority patterns change the regime as a whole shifts. The 6 component variables that combine to provide authority are investigated below.

A regime change, therefore, requires a shift in the two key dimensions of a political regime; ‘relations among governing institutions and relations between institutions and the society at large’ (Maoz 1996: 219). Operationally, a regime change can be defined as the movement of a state from one type of government to another, only when a state previously designated as one regime type is then designated as another regime type (Gurr et al. 1989; Maoz and Russett 1993). Such a move can occur within non-democracies (autocracy-anocracy), between a non-democracy and a democracy (anocracy-democracy), and move towards, or away, from either type.

The Polity IV<sup>17</sup> (P-IV) database was used to measure regime change in Iraq. It measures different political regimes against three types of polities; democracy, autocracy, and anocracy. The P-IV has operationally defined each type (Marshall and Jagers 2002).

Democracy is defined as a system that has institutionalized certain particulars; a citizen’s political participation and the guarantee of personal freedoms; institutions through which policies and leaders alternate according to the expressed will of the citizen body; constraints on the executive’s exercise of power. Autocracy is defined as a system that also has distinctive features; the restriction and suppression of political participation; the selection of chief executives through a regularized process of selection within the political elite; a lack of institutional constraints on the executive’s exercise of power. The third type is anocracy, a polity that exhibits mixed qualities of both of democracy and autocracy (Marshall and Jagers 2002: 12-13).

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<sup>17</sup> The Polity IV project is a continuous Polity research tradition of coding the authority characteristics of states for purposes of comparative, quantitative analysis. The original Polity conceptual scheme was formulated and the initial Polity I data collected under the direction of Ted Robert Gurr and informed by foundational, collaborative work with Harry Eckstein, *Patterns of Authority: A Structural Basis for Political Inquiry* (1975).

The overall regime type is indicated by subtracting the ‘autocratic value’ from the ‘democratic value,’ to provide a single regime score that ranges from +10 (full democracy) to -10 (full autocracy). Regimes that fall between the ranges from -6 to +6 are anocracies, +6 and above are democracies, and -6 and below are autocracies (See Table 1.3).<sup>18</sup>

**TABLE 1.3: POLITY IV REGIME TYPES AND AUTHORITY COMPONENT VARIABLES**

REGIME TYPE	Regime Score	Authority Component Variables
DEMOCRACY	+6 to +10	Competitiveness of participation Regulation of participation Openness of executive recruitment
ANOCRACY	-6 to +6	Competitiveness of executive recruitment Regulation of Chief Executive Recruitment Executive constraints
AUTOCRACY	-6 to -10	

The P-IV’s conception of democracy is procedural and it only concerns the machinery of government based on the above authority component variables (‘authority patterns’). It regards other features of democracy, such as the rule of law, civil systems of checks and balances, freedom of the press, as means to, or specific manifestations of, those authority patterns.<sup>19</sup>

In order to understand the position of this thesis concerning definitions of democracy, a brief elaboration is necessary. The notion of democracy understood in its modern sense is a compound-idea. The pre-modern idea of democracy could be understood merely as participation, rule primarily *by* the people. The modern interpretation of the idea of democracy, however, has a peculiar twist, representation that is rule primarily

<sup>18</sup> Furthermore, P-IV measures regime type by coded values which have six authority component variables. The operational definitions of each variables as follows: (1) The Competitiveness of Participation; refers to the extent to which alternative preferences for policy and leadership can be pursued in the political arena. (2) Regulation of Participation; refers to the extent that there are binding rules on when, whether, and how political preferences are expressed. (3) Openness of Executive Recruitment; refers to the extent to which the recruitment of the chief executive is open to the politically active population to attain the position through a regularised process. (4) Competitiveness of Executive Recruitment; refers to the presence of the selection of chief executives through popular elections among two or more political parties or candidates. (5) Regulation of Chief Executive Recruitment; refers to the procedures to transfer executive power, and the extent of its institutionalisation. (6) Executive Constraints, refers to the extent of institutionalised constraints on the decision-making powers of chief executives the checks and balances between the executive, legislative and judicial powers (Marshall and Jagers 2002: 19-27).

<sup>19</sup> Moreover, the P-IV does not include coded data on civil liberties. To measure those features of democracy that concern political rights and civil liberties in Iraq, one could use the Freedom House (FH) database. The Polity PIV is better in measuring regime change.

*for* the people. John Stuart Mill, in support of a democratic government argues that ‘participation must be as great as the community in question allows it’ and ‘the ideal type of a perfect government must be representative’ (Mill 2003: 314). The two ideas of participation and representation are the crux of any modern democratic idea.

There are different conceptions of large scale and minimal democracy. Scholars who focus on the participation side of democracy by society at large argue in favour of a modern viable theory of democracy, central to which is the notion of participation (e.g. Bateman 1970; Blumberg 1968). Their stand is against a ‘procedural democracy,’ and they propose a more egalitarian and grass-roots form of democracy (e.g. Gutmann & Thompson 1996). Among them there is a strong tendency towards a democracy that requires citizens to be engaged in creating ‘public opinion’ (e.g. Fishkin 1995). Furthermore, they equate the meaning of a consolidated democracy with a system that provides and protects ‘liberties’ (e.g. Diamond 1999). Their argument is that the performance of democratic institutions depends in measurable ways upon ‘social capital’, that is an actively engaged citizenry (e.g. Putnam 2000). Having said that, the complexity of society becomes central to the way democracy functions, hence, society and its freedoms become the yardstick by which democracy ought to be measured.

Scholars who focus on the representational elements of democracy, what might be seen as the machinery of government, argue for a minimalist conception. Schumpeter proposes a theory of democracy which is ‘no more definite than is the concept of competition for leadership’ (Schumpeter 2003: 10). Adam Przeworski uses language to defend a Schumpeterian conception of democracy using a Popperian standard (2003: 12). Democracy, as a system in which political leadership is elected through frequent competitive elections (Schumpeter 1942: 269), is regarded as the only system in which citizens can change political leadership with ballots without resorting to bullets (Popper 1962: 124). Depending on the point of departure, it has been argued such minimalist conceptions reduce democracy to a set of institutions that allow the people to elect, and also periodically remove, their rulers (Shapiro 1996: 82). Democracy can be conceived of as a political system that institutionalizes the changing of governing officials (Lipset 1981: 33). Based on those minimalist definitions of democracy, institutional arrangements and the political elite become central to the way democracy functions.

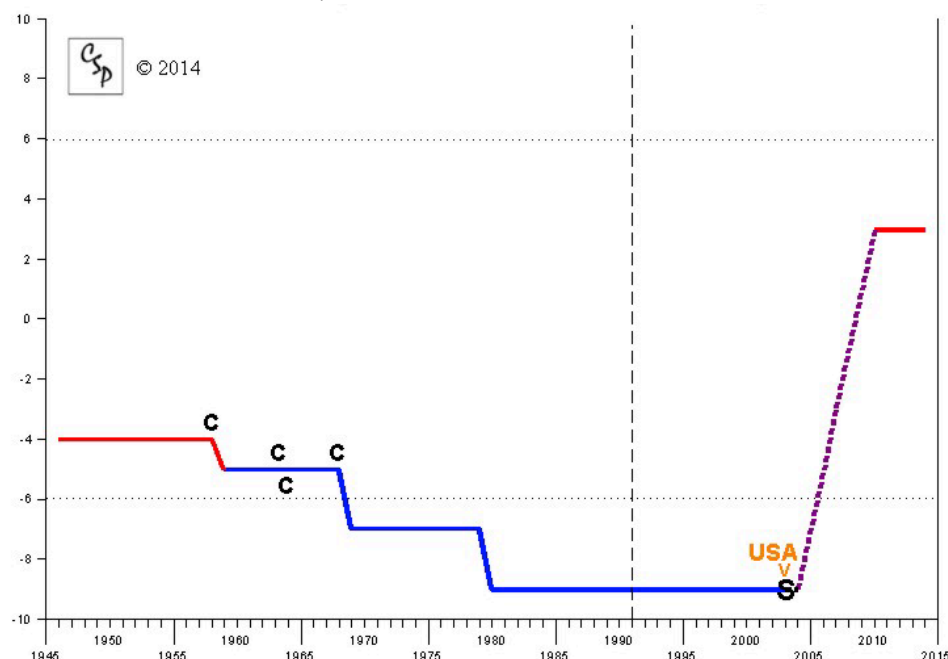
Although this thesis focuses on representation, it does not disregard the participation base (i.e. Iraq's ethno-sectarian division). This thesis takes the social bases of participation to be foundations for the type of representation applied. Accordingly, Iraq's democracy through divergent perspectives of ethno-sectarian groups in Iraq, the Shia, the Sunni and the Kurds, are all explored. It does so with reference to the views expressed by the political elites who represent those groups, and their preferences for certain institutional arrangements. A minimalist conception of democracy is endorsed (Chapter 3).

### Regime Change and Democracy in Iraq

To return to the question, 'Has there been regime change and democratisation in Iraq?', one of the chief objectives of the invasion was regime change linked to the introduction of a representative government. According to the US Army General Tommy Franks, who led the invasion of Iraq under the codename 'Operation Iraqi Freedom,' the objectives of intervention were, specifically, 'to end the regime of Saddam Hussein ... eliminate Iraq's weapons of mass destruction ... to secure Iraq's oil fields and resources ... to help the Iraqi people create conditions for a transition to a representative self-government' (Sale and Javid 2013). In other words, the main purposes in intervening militarily in Iraq were concerns for international security, safe access to oil, regime change and replacing an authoritarian system with a representative regime. Regime change can be seen as an end in its own right and a precondition for the fulfilment of all the other US objectives. Iraq's 2003 regime change has resulted in an elimination of an autocracy and the introduction of a hybrid anocracy regime, characterised by political instability and government ineffectiveness (Maoz 1996).

Figure 1.3 tracks Iraq's annual Polity scores from 1946 to 2015 with a referent grid denoting vertical thresholds for democracy (+6 and above) and autocracy (-6 and below). Iraq's Polity score is +3 (Iraq's autocratic value +1 subtracted from its democratic value +4). Although this places Iraq closer to a democracy than an autocracy, Iraq clearly does not meet the threshold to enable it to be labelled a democracy.

**FIGURE 1.3 ILLUSTRATES IRAQ'S REGIME TREND FROM 1945 TO 2015**



Source: Polity IV, country report Iraq 2010.

The graph provides information on Iraq's specific political conditions. The solid blue line indicates Iraq's general regime scores over time with a score of -9 for the years 1980 to 2003 (-10 full autocracy). The solid red line at the upper right hand corner refers to the period of active factionalism (i.e. regime instability and ineffectiveness) from 2010 onwards. The broken line denotes an interruption<sup>20</sup> (from 2003 to 2009) that includes the period of military invasion and occupation. The capital letters mark the initial point of regime change, letter C denotes coup d'état events (1958, 1963, 1964 and 1968) and letter S denotes regime collapse in 2003. The abbreviated designation of the intervening state and an orange caret at the point of intervention denotes direct external military regime change intervention, in this case that of the US-led 2003 invasion.

There are six authority component variables that the P-IV measures for Iraq's polity for the year 2010 (the parliamentary round 2010-2014). First, the 'competitiveness of participation' is factional. Iraq is characterised by ethnic-based political factions that compete for political influence in order to promote the interests of particular groups

<sup>20</sup> An interruption refers to a period in which a country is occupied by foreign powers terminating the old regime. The P-IV has coded the intervening years as an interruption (Iraq 2003-2009). Cases of foreign 'interruption' are treated as 'system missing.'



and programs. Second, the 'regulation of participation' is sectarian. In Iraq, political demands are characterised by different interests among multiple identity groups and alternate between intense factionalism and government favouritism. The Shia have secured central power. They favour their group members in central allocations and have restricted the political advancement of the Sunni and Kurds that they see as competitors. Third, Iraq's 'openness of executive recruitment' is 'open' to an extent. Chief executives are chosen by a combination of two methods elite designation and competitive election. Iraq's presidency is allocated to the Kurds. Kurds nominate different candidates who then compete for the majority of votes within the Iraqi House of Representatives. In 2014, the Kurdish Candidates, Barham Salih and Faud Masoum, ran for the post of President and Masoum won. Fourth, Iraq's 'competitiveness of executive recruitment' is 'transitional.' Iraq has adopted two transitional arrangements for designation and competitive election. This illustrates the principle of proportionality. After the national parliamentary election in Iraq, each group is ascribed a share in the federal government in proportion to their numerical strength (e.g. the formation of the council of ministers and apportionment of ministers to each group). Fifth, the 'regulation of chief executive recruitment' is 'designational.' Iraq has been practising a transitional arrangement to regularise the distribution of power. The chief executives are chosen by designation within the political elite, without formal competitive elections. This applies to the President (Kurd) and the two Vice Presidents (one Shia and one Sunni), the Prime Minister (Shia), and the two Deputy Prime Ministers (one Kurd and one Sunni). Sixth, the 'executive constraints' indicates an intermediate category. In Iraq, the limitations on the executive power fall in a moderate category in the middle of the two extremes of slight and substantial limitations. The executive, in the person of the Prime Minister, has more effective authority than accountable groups, such as the House of Representatives or the Federal Court, but is subject to partial constraints by them. In consequence, Iraq can be classified as a semi-democracy, an anocratic polity which fails to meet the threshold for a minimalist concept of democracy.

The lack of further democratisation has, in part, been caused by ‘active factionalism’.<sup>21</sup> Iraq’s diverse identity has not been effectively integrated and managed within its mechanisms of government. It is rather politicised and mobilised as restrictive identity factions. This fact can be seen in the competitiveness of political participation within the central authority. The focus of this thesis is primarily on this period of active factionalism, in the form of ethno-religious divisions that are tracked in the red line in the upper right hand corner of Figure 1.3. It is crucial to analyse how the elite members of different groups view democracy within this period, and what type of political institutions they prefer. This is the missing piece in the jigsaw of established literature on democracy building and regime change.

## 1.4 Case Selection and Relevance

The very nature of this study is a case study. A case study has been conceptualised as ‘the intensive study of a single case for the purpose of understanding a larger class of cases’ (Gerring 2004: 342; Gerring 2013: 139). This definition reconstructs case studies in a way that emphasises comparative politics, which has been closely linked to this method. Single-country studies are of great importance and the field of comparative politics has benefited greatly from single country studies (e.g. Dahl 1961; Lijphart 1968; Scott 1976; Popkin 1979; Tilly 1986; O’Donnell 1988; Tarrow 1989; Putnam 1993; Varshney 2002). Recent works (see, Landman 2000; 2008; Landman and Carvalho 2017) have used case studies in comparative perspectives, among other issues, to explain democratic transitions and institutional design.

The case study method has several advantages. Within the discipline of political science, case studies are more useful to give descriptive inferences, propositional depth, and internal case comparability. They are also helpful to provide insight into causal mechanisms. They are useful when the causal proposition at issue is invariant; when the strategy of research is exploratory; and when a significant variance is available for only a single unit or a small number of units (Gerring 2004: 352). Those are the

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<sup>21</sup> I have borrowed the term ‘active factionalism’ from Marshall and Jaggers (2002: 2-3). They argue when factionalism (i.e. the politicised identity difference -e.g. ethno-religious cleavages) is active, ‘it challenges the coherence and cohesion of authority patterns within the shared, central polity.’

probable objectives for a thesis based on a case study, as far as the general attributes of case studies are concerned.

There are different methods available to case study researchers to select their cases.<sup>22</sup> Of all the methods, perhaps the most controversial, is the crucial-case method (see, Gerring 2006: 189-190). Gerring (2004: 348) has argued that one way for a case study to be able to make a credible claim to provide evidence for causal propositions of broad reach is to choose ‘crucial cases’ (e.g. Reilly and Phillpot 2003; Desch 2002; Goodin and Smitsman 2000; Kemp 1986). A case is said to be crucial when its design exhibits the two characteristics of ‘most likely’ and ‘least likely.’<sup>23</sup> That is to say, ‘most likely cases for one theory become the least likely case for its antithesis, and vice versa,’ so that ‘the distinction is one of research design and objectives rather than the inherent characteristics of a case.’ (Eckstein 1975: 119). For that same reason, ‘crucial case study proceeds best when a case is treated in both senses and confronted with both theory and counter theory’ (ibid). The case study of this thesis is a ‘crucial case’ as it tests the question of the feasibility of democracy in Iraq against a most likely theory, (i.e. consensualism), and a least likely counter theory (i.e. majoritarianism), with reference to political elites’ attitudes. By virtue of being a crucial case, the findings of this thesis and the lessons drawn from it could apply to other cases with a similar context - in particular, other multi-ethnic countries in the Middle East.

This thesis is a single-country case study and its primary virtue is the depth of analysis it provides. The insight that this study shares is in-depth data and empirical findings of elite views and opinions on what works best for Iraq. This case of Iraq as a case study is important in comparative politics in general, and in democratisation studies in specific. Iraq is one of the most critical cases in the Middle East, in terms of the feasibility and the likelihood of democracy becoming embedded. Due to its central geographical location within the Middle East, what happens there inevitably influences neighbouring states. Iraq’s stability, or lack of it, is a key determinant of the geo-political situation in the whole region. In addition, its unique multi-ethnic and sectarian

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<sup>22</sup> Those methods include; typical, divers, extreme, Deviant, influential, crucial, pathway, most-similar, most-different (see, Gerring 2006)

<sup>23</sup> The characteristics of most-likely and least-likely cases, and their relation to the design of this thesis have been further discussed in chapter two, in the last part of section 2.7.

divides, combined with the manner in which democracy was introduced, provide the country with numerous experiences from which others can learn, making it a potential model for transition in other states.

Iraq's position in relation to the Middle East is both critical and crucial in another sense as well, as Iraq sits geographically between the two poles of fundamentalism in the Muslim world, Shia Iran and Sunni Saudi Arabia. Those two regimes, surrounding Iraq, are not only undemocratic<sup>24</sup> but also hostile to democracy and liberal values. Both view Iraq as their proxies as Iraq's population is comprised of both Sunni (45-48 percent) and Shia (50-55 percent). Iraq is at the heart of a region which Samuel Huntington (1991) labelled the last stronghold of authoritarianism in the world.<sup>25</sup> Due to its crucial position, Iraq has been perceived as a portal for democracy into the Middle East, including those two bastions of Muslim fundamentalism.<sup>26</sup>

It was President George W. Bushes' belief that the establishment of 'a free Iraq at the heart of the Middle East will be a watershed event in the global democratic revolution' (Bush 2003). An objective of the United States' military invasion, therefore, was to bring democracy, hoping that Iraq would be the first phase in a comprehensive transformation of politics in the greater Middle East (Fukuyama 2006: 12). The free Iraq, to which the US president aspired, has not materialised and Iraq's status is clearly not that of a free country (see Freedom House 2015 database).

This highlights the second major factor that makes Iraq a critical case; Iraq's own conditionality and setting. In the Iraqi context, particularly in relation to the feasibility of democracy, three characteristics are important: it is a deeply divided society, the religion of Islam is dominant, and it is a rentier state, highly dependent on its oil revenues. The established literature on the possibility and likelihood of democracy in

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<sup>24</sup> Some might argue that Iran could be regarded as a guided democracy, here I refer to underdemocraticness of those two regimes in terms of being hostile to liberal democracy.

<sup>25</sup> This argument was valid as long as the Arab countries were concerned with the exception of Lebanon's power sharing, and of course Israel - the latter is not an Arab country.

<sup>26</sup> I make this assumption based on a premise developed by Huntington, the snowballing effect; the democratisation of countries A and B is not a reason for democratisation in country C, unless the conditions that favoured it in the former also exist in the latter (1991: 16). That is, the three countries are Muslim majority countries. They all have Sunni and Shia groups. They are oil rich countries. If democracy was successful in Iraq, it is more likely to be successful in those other two countries as well.

societies that are divided along ethnic lines suggests that such states face significant challenges in introducing and maintaining democracy (Lijphart 1969; Horowitz 1985). Linked to this issue is the question of constitutional design and institution and democracy building in divided societies. Despite its divided society, it is overwhelmingly Muslim and Islam plays a fundamental role both in state and society. This opens another related topic, the debate on democracy and the compatibility of Islam and democracy in Muslim countries. As Iraq is an oil rich rentier state<sup>27</sup> (e.g. Birdsall and Subramanian 2004; Mahdi 2007a; 2007b; Billon 2008; Ryan 2010; Muttitt 2012; Al-Basri and Al-Shebahi 2013), Iraq is also a relevant case for anyone examining the relationship between democracy and oil. Of the 23 countries that derive their income primarily from oil and gas sales, none is a democracy (Diamond 2010). This opens the debate on modernisation and democracy (Chapter 2).

The method by which democracy was introduced to Iraq is worthy of special consideration. Democracy was brought to Iraq on the back of a military invasion and was imposed through a military occupation. Empirical studies have shown that foreign interventions have been ineffective in promoting long term democratisation (Enterline and Greig 2005) and that externally imposed democracies rarely lead to full democratisation. The evidence shows, therefore, that military interventions tend to be ineffective in spreading democracy (Downes and Monten 2013; Beetham 2009). With a focus on the significance of an organised social base for democratisation, Hippler (2008) offers an explanation for the limited success of external democracy building in post-war societies. He concentrates on the cases of Bosnia, Kosovo, Afghanistan, and Iraq. With respect to history, there is a contrary view that contends, democracy is quite frequently established by undemocratic means. Laurence whitehead,<sup>28</sup> refers to four cases in which democratic institutions had been acquired under American armed forces, these include, France, Italy, Japan, and West Germany (Whitehead, 1996: 59). This

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<sup>27</sup> A rentier state is defined and its wider implications for my own analysis is demonstrated in chapter 2 (see section 2.2).

<sup>28</sup> Whitehead (1996: 5-24) has identified three international dimensions of democratisation; first, 'contagion,' that focuses on the study of actors and the motivations of external powers. Second, 'control perspective,' confines itself to explaining the calculation of the dominant powers and links it to the power politics tradition in international relations. Third, 'consent,' is a perspective that tries to analyse the complexities of the consolidation process; therefore, it focuses on means that could establish consent. The focus of this thesis confines to the third approach; it concentrates on the internal dynamics of institution building and mutual accommodation - it concentrates on the consent end of democratisation.

opens the international aspect<sup>29</sup> to this issue, including that of international state building.

It has been argued that Iraq's democracy, if established effectively, increases the chances and likelihood of it becoming 'a successful model' of democracy for the Middle East (e.g. Alterman 2003: 158; Byman 2003b: 72; Baracati 2004: 158; Ryan 2010: 65). The chances of an effective realisation of democracy as a political system is, in fact, subject to contextual aspects: social, cultural and economic. While the established literature has addressed these different aspects of Iraq's context, concentrating on the structural, this thesis examines the views of a correct application of democracy in Iraq with reference to the views and preferences of the Iraqi political elite.

## 1.5 Outline of the Thesis

Following on from this introductory chapter, Chapter 2 will summarise and assess the previous studies which have focused on the question of the feasibility of democracy in Iraq. This chapter identifies a gap in the literature, as there is a neglect of the importance of agency in examining the feasibility of democracy in Iraq. As well as filling the gap in the literature, this thesis will provide a departure from established approaches, as it examines the feasibility of democracy through the divergent views of the political elite. Chapter 3 will develop a theoretical framework based on two premises, political institutions and political elite. It also articulates the main hypotheses and presents a model for the thesis. Chapter 4 explains the methodology, data collection and analysis, research design and justifications, and also addresses ethical considerations.

Chapter 5 will examine the political elites' values and goals, as well as their conceptions of democracy, with reference to related and relevant literature from a different aspect: Islam and democracy (Al-Fanjari 1973; Enayat 1982; Sisk 1992; Esposito and Piscatory 1991; Esposito 1991; 1992; Esposito and Voll 1996; Brumberg 2003; Abu El Fadel 2004). Given that Iraq is a Muslim country, where the majority of the political elites

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<sup>29</sup> The international dimension of democratisation and other arguments put forward on the three modes of democracy imposition (i.e. Whitehead 1996) are discussed in chapter two sec. 2.4.

are either Muslims or Islamic, it was essential to examine to what extent Islam plays a role in the political elites' conceptions of democracy. Moreover, Chapter 5 examines the different definitions of democracy held by different groups, in relation to the two consensus and majoritarian ideals, where the Shia conceive it as majority rule, and Sunni and Kurds as consensus. It is argued that the political elites' conceptions of democracy matter and how elites perceive the idea of democracy could either build trust or destroy it. This thesis shows that the conception of democracy as majority rule in Iraq has undermined trust between members of different ethno-religious groups who belong to the political elites.

Chapter 6 will contribute to the debate on institutional engineering in culturally and ethnically divided countries using data from surveys carried out with members of the elite groups. There are different views on political institutions and their feasibility and function in deeply divided societies. Some scholars recommend power sharing institutions (e.g. Lewis 1965; Lijphart 1984; Reynolds 1999), while others suggest majoritarian institutions (Horowitz 1991; Sartori 1997; Reilly 1997; 2001). The approach of this thesis will contribute to both bodies of literature. The preferences of the political elite for formal political institutions affect the outcome of the type of democracy in a country. This chapter discusses the preferences of the political elite from divergent perspectives, on all of the key institutional arrangements. The debate is then extended to cover institutional design in divided countries.

Chapter 7 assesses the preferences of the political elite and their support for different forms of federalisms and federal structures in Iraq by using data from interviews and surveys involving key political players. The chapter is both general and specific, contributing to the general literature on federalism in different forms. The idea of power sharing and the distribution of powers between the central government and other administrative units is investigated (e.g. Watts 1998; Norman 2006). Federalism as a source of political stability, including the idea that a federal system can reduce the likelihood of secession (e.g. Simeon 1998; Linz 1997; Simeon and Conway 2001) is analysed. A further issue related to federalism, and relevant to the case of Iraq, is the politics of recognition, which in turn is interconnected to identity politics, when different ethno-religious groups strive to politically exist based on their identity

(Gutmann 1994; Kymlicka and Norman 2000; Carens 2000; Kymlicka 2001), and this too is examined. The main contribution of the thesis relating to these three areas<sup>30</sup> is provided through a detailed analysis of the preferences of political elites, both intra-group and inter-group. Specifically, this thesis contributes to the existing literature on federalism in Iraq (e.g. Brancati 2004; Smith 2005; Salamey and Pearson 2005; Anderson and Stansfield 2005; Galbraith 2006; Anderson 2007; Visser and Stansfield 2007; Alkadiri 2010; Natali 2011; Hiltermann, Kane, and Alkadiri 2012; Danilovich 2014).

Chapter 8 discusses the results of conversations and surveys with members of the Constitution Drafting Committee, on the topic of the Iraqi constitution. The findings will provide insight into the constitution and so contribute to the relevant literature which, currently, is mainly concerned with the role of Islam and federalism (Brown 2005a; 2005b; Morrow 2005; Jawad 2013). The findings extend the empirical data on these issues, from the perspectives of the members of the Constitution Drafting Committee. There has been much controversy and speculation on whether the Iraqi constitution is inherently democratic or not because of the second article. This chapter will argue that the different groups' perceptions of the constitution have changed since it was drafted, and will address the challenges of introducing amendments that lie ahead. Finally, Chapter 9 will revise the key assumptions derived from the main hypotheses tested in the previous chapters, revisit the model, and determine a way forward for future research.

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<sup>30</sup> the three areas, as mentioned earlier include, (a) power sharing and distribution of power, (b) political stability and territorial unity, (c) politics of recognition and identity.



## CHAPTER 2:

### The Feasibility of Democracy in Iraq: Previous Research

#### 2.1 Introduction

In the 1970s, the world witnessed a wave of democratisation. Countries in Latin America began transitions to democracy, followed by Asian countries, while in the early 1990s many countries in Eastern Europe and sub-Saharan Africa also moved towards democracy (O'Donnell and Schmitter 1986; Bratton and Van de Walle 1994; Linz and Stepan 1996; Doorenspleet 2000; 2005). Samuel Huntington called it the 'third wave'. He contended that the number of democratic governments has doubled in a very short period of time, providing empirical evidence that 'between 1974 and 1990 at least 30 countries made transitions to democracy' (Huntington 1991: 12). The phrase has been criticised, as many of those transitions proved to be shifts towards semi-authoritarian rule (e.g. Diamond 2002; Schedler 2002; Doorenspleet 2000). However, the third wave, nonetheless, brought optimism and enthusiasm for the promotion of democracy in the Third World to subsequent US administrations. The Middle East was the only region which remained authoritarian<sup>31</sup> and was seen as an example of 'exceptionalism' with its specific social, cultural,<sup>32</sup> political and economic conditions making democracy less likely (Aarts 1999; Rubin 2002).

Still, the 1990s was an optimistic period in history, and not only US politicians but also political scientists thought democracy could spread throughout the world. One of the most influential and prominent scholars was Francis Fukuyama who argued that the United States' aim was to promote democracy in the hope that Iraq could be the opening gambit of a comprehensive plan aimed at transforming the politics of the greater Middle East (2006: 12). However, the question as to whether democracy is feasible in Iraq has yet to be answered.

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<sup>31</sup> With the exception of Israel and Lebanon; the former is not an Arab country, and the latter's experience of consociation degenerated into a civil war –characterized by conflict and politico-militant fragmentations, e.g. the presence of Hizballah.

<sup>32</sup> A more recent scholarly work argues against this concept of Middle East 'exceptionalism,' and instead it contends that the Arab culture is not inherently incongruent with democracy (see, Pratt 2006).

This chapter will summarise and assess previous studies which have focused on this question. Based on an extensive literature review, it is clear that six approaches can be distinguished. The first approach can be located within the more general modernization approach, and argues that countries need a certain level of modernization before they can make a transition to democracy. The second approach focuses on the impact of international promotion of democracy, while the third approach focuses on the impact of 'democracy by force' and military international interventions. The fourth approach debates whether state-building is needed before a country can make a transition to democracy, the so-called 'sequence debate'. The fifth approach focuses on the importance of specific types of political institutions to understand the feasibility of democracy in a country, while the final, sixth, approach emphasises the importance of political culture.

This chapter will not only discuss the main theoretical elements of these approaches, but will also explore whether the conclusions can be supported by empirical evidence as described in previous key studies. It will become clear that the evidence is mixed. Moreover, there is one important missing link, which has been ignored in the studies so far, which is how political elites view democracy. This is a crucial question when trying to understand the feasibility of democracy. This missing variable will be central to the analysis found in the remainder of this thesis.

## 2.2 The Modernization Approach

### The Theoretical Idea

Modernization, as expounded by Max Weber, is 'rationalisation' (Weber 1905). The institutionalization of rationality in socio-politico-economic spheres of modern societies has played a significant role in institutionalizing liberal values in the West. Modernization indicates political development through rationalization of government apparatus, and the concentration of power through institutional expansion. The modernization approach aims to establish a correlation between cultural and economic structures with the political structures of modern societies.

Seymour Martin Lipset's article in 1959 has been recognised as one of the foundational texts of modernization theory. Lipset argues that all the various aspects of economic development (i.e. industrialization, urbanization, wealth and education) are so 'closely interrelated as to form one major factor which has the political correlate of democracy' (Lipset 1963: 41). That is to say, certain economic and social structures are necessary for the emergence of democratic political institutions, where they do not exist, and for their maintenance, where they do. Economic development brings about changes in the social structures that tend to, or are more likely to, produce democratic political institutions (Lipset 1959).

There is a connection between the idea of the spread of democracy linked to economic development as manifested in a free market economy. Modernization in this regard highlights the importance of the western model of political institutions and economic industrialization. Economic liberalization and political democratisation pre-supposes the acceptance of the former as a pre-condition for the latter. Three general characteristics underpin modernization theory: economic (free market), cultural (liberal values) and political (democratic institutions).<sup>33</sup>

#### General Patterns: Previous Empirical Studies

A fundamental question is whether societies become liberal if they become industrialized, and whether states become democratic if they reach an advanced level of development. On the one hand, democracies are more likely to emerge as countries develop economically (e.g. Hayek 1944; Lipset 1959; Freidman 1961; Riker and Weimer 1993; Przeworski and Limongi 1993). On the other, democracies, it is suggested, can be established independently of economic development and there is no absolute relationship between democracy and economic development (e.g. Pye 1966; McKinlay and Cohan 1975; Kohli 1986; Marsh 1988).<sup>34</sup>

Optimism is apparent in the early expressions of the economic form of modernization as a catalyst to the formation of political democracy (Lipset 1959). Such optimism,

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<sup>33</sup> Section 2.1 discusses the economic pattern, and sections 2.4 and 2.7 will discuss the political and cultural patterns of modernization theory respectively.

<sup>34</sup> There is also another proposition that maintains democracy hinders economic growth in less developed countries (e.g. Feng 1977; Cohen 1994).

however, has been criticised on the premise that it was wrong to assume changes caused by economic development would necessarily be favourable to democracy. Instead, it has been argued that democracy is likely to emerge with the presence of political institutions capable of channelling and responding to socio-economic changes (Huntington 1968). Although such critics shifted the focus from the economy to political institutions, they agreed with modernization theory's core assumption that economic development leads to profound social changes. In early 1990, for instance, propositions were made that the International Monetary Fund (IMF) and the World Bank ought to make political democratization and economic liberalization the preconditions for economic assistance (Huntington 1991: 17).

In the 1970s there was growing scepticism towards modernization, in particular from those who focused on the economic aspects. Various studies, in the case of Latin America (e.g. Frank 1970; Cardoso and Enzo 1979), found that the international economy had caused countries to be 'dependent' and remain underdeveloped. This phenomenon is known as dependency theory, the core idea of which is that underdeveloped countries have their own unique characteristics and are not a primordial version of developed countries. The theory did not accept a concept of an inevitable, assumed, universal path of development, be it economic or otherwise. In a similar vein, with a focus on the political aspect, other studies showed that development forced on many underdeveloped countries resulted not in democracy but 'bureaucratic authoritarianism' (O'Donnell 1973).

A study of statistical analysis for seventeen Latin American countries with a robust empirical test of the 'economic development thesis' has shown that the positive relationship between economic development and democracy was not upheld - infirming the main claims of modernization theory (e.g. Landman 1999). A more recent study to demonstrate the relationship between economic development and democracy by quantitative empirical evidence, confirms that economic development has positive effects on democratic performance; nevertheless, these effects vary across diverse aspects of performance and also across regions (see, Foweraker and Landman 2004).

It has also been argued that early modernization theory failed to differentiate between democracy's sustainability (i.e. consolidation) and the establishment of democracy (i.e. democratisation) (Przeworski 1997). This critique showed that economic development played a significant role in supporting the former but not in promoting the latter. That also implied that if democracy were to enter an economically better off country it would be maintained, or conversely, if a rich country became democratic it was less likely to revert to non-democratic systems. Recent retests of modernization hypotheses with new data suggests that modernization assumptions have stood up well (Inglehart and Welzel 2005; Epstein et al. 2006).

Positively correlating with democracy's survival, it has been argued that Gross Domestic Product (GDP) is the single most important factor to be considered. This probability increases, to the point that no democracy has ever been replaced in a country with a GDP of more than \$6,055 (Przeworski 1997; 2004). Nevertheless, all the studies that suggest economic development sustains democracy (e.g. Lipset: 1959; Przeworski 2004; Inglehart and Welzel 2005; Epstein et al. 2006; Peerenboom 2008) are based on countries where citizens are involved in the generation of national wealth. They are representative of other wealthy autocratic countries, where oil is the prime source for the generation of national wealth. That is to say, oil is an intervening variable that could make the emergence of democracy less likely in oil dependent countries where national wealth does not positively correlate to democracy, such as in the petro states in the Persian Gulf.

#### The Specific Case of Iraq: Previous Empirical Studies

Extensive studies have examined Iraq's oil wealth in relation to sustaining its political system. The literature covers the disputes over oil and finance in relation to democracy building and their impact on Iraq's transition (e.g. Birdsall and Subramanian 2004; Mahdi 2007a; 2007b; Weede 2007; Billon 2008; Ryan 2010; Muttitt 2012; Al-Basri and Al-Shebahi 2013). Those studies suggest that Iraq's oil has not undermined but rather sustained Iraq's economy and politics. Furthermore, looking into the future, forecasts for political and economic conditions in Iraq for 2013-2017 suggest that oil reserves could lead to an expansion of oil firms and could help gross domestic supply increase by an average of 9 percent (Iles 2012).

In Iraq, oil is a political commodity and has direct impact on the political system. A majority of those who argue against Iraq's democracy refer to Iraq's poor economic conditions or the resource curse narrative. One of the arguments against the likelihood of democracy in Iraq, as far as modernization theory is concerned, is that Iraq is an oil-dependent country. The core of the argument is that to rely heavily on oil to generate wealth as the primary source of GDP is not favourable to democracy (Rosser 2006; Ross 2001); among the 23 countries that derive their income chiefly from oil and gas sales, none are a democracy (Diamond 2010). One of the greatest concerns for post-war Iraq is the possibility of becoming a 'petro state' (Lawson 2003), in which oil revenues go directly to a national government which typically has high levels of corruption.

Iraq is an oil dependent rentier state. The theory of 'rentier state' implies, in an oil-dependent country, that the state does not need to tax its citizen as it has an external flow of income (Mahdavy 1970; Beblawi and Luciani 1987). The distinguishing mark of a rentier is that the rent comes from outside and goes directly to the state (Luciani 2013: 91). Therefore, oil-rent could alleviate the need for political representation and political accountability as those who are in power sell oil and buy legitimacy, as in the case of the Gulf states.

Iraq being an oil rich country has, to some extent, managed to build its infrastructure successfully. Daily oil exports rose from 1.8 million barrels per day (bpd) in 2005 to a record 3.08 million bpd in April 2015. Since 2005, Iraq has entered into a different phase of economic development. Although the economy of Iraq has been oil dependent, from 2004 to 2011 the contribution of oil to the total GDP was reduced from 70 percent to 43 percent. Oil has been a major contributor to the rebuilding of other aspects of the economic infrastructure.

The GDP in Iraq was worth 168.61 billion US dollars in 2015. Despite its fragile security, Iraq's economy has been booming. Foreign investment, real estate projects, finance and, in some parts of the country, agriculture have expanded. This has all resulted in a rise in GDP per capita from 3856.3 US Dollars in 2005, to 4963.10 US

dollars in 2015. Subsequently, poverty has shrunk from 54 percent to 19 percent using the World Bank's measure of the ratio of the population that lives on less than one dollar per day (Al-Basri and Al-Sebahi 2013). Iraq's wealth has grown, the country has witnessed some improved levels of economic development but as section 1.3 demonstrated, Iraq is neither a free country, nor does its political system meet the minimum threshold for democracy. Growth in wealth and the emergence of democracy do not, so far, correlate positively in Iraq.

### Conclusion

If it is accepted that national wealth is the most significant factor for ensuring regime stability, and it is the case of a rentier state that oil is the most valuable resource in generating national wealth, then it follows that oil is the most significant factor in regime survival, be it democratic or otherwise. This conclusion is applicable to both democratic and non-democratic regimes. Wealth derived from oil has sustained the oil rich autocracies of the Gulf States. Therefore, if a country is not democratic, oil revenues could hinder democratic transition since the wealth generated strengthens the apparatus of state and maintains the political system of a rentier state.

The three consecutive rounds of Iraqi national elections have not alleviated the concern that Iraqi leaders would buy legitimacy through the sale of oil. This could be the case particularly in intra group representation.<sup>35</sup> Iraq's oil, so far, has not reduced the need for political representation, but it has not helped transition either. Wealth does play a fundamental role, and in Iraq it favours the sustainability of its political system which at present is an anocracy (see Section 1.3).

Therefore, modernization theory does not hold true in the case of Iraq. The country is rich but it has not democratised, in direct contradiction of the modernization hypothesis. In addition, Iraq is dependent on oil which appears to make it even harder for such a process to manifest. Economic development could lead to a form of democracy in Iraq, and in one sense that looks promising given the existence of elections, a multi-party

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<sup>35</sup> That is to say, those groups who have direct access to oil revenues (the Kurds and the Shia) could lead electoral campaigns more effectively compared to the other groups (Sunnis).

assembly and federalism, but there is, at the same time, the crucial variable of oil that makes it unlikely.

## 2.3 International Promotion of Democracy

### The Theoretical Idea

International promotion of democracy<sup>36</sup> is rooted in the assumption that the increase in democratic regimes positively correlates with international security and stability. That is based on the notion that democratic systems of governance resolve conflict internally without the need to resort to violence. Internationally, wars between democratic countries are less likely as they distribute wealth nationally and make better trading partners (Doyle 1983; Gleditsch 1992). Democracy as a political system ensures both political stability and economic prosperity.

Allied to this idea is the notion of the universality of democratic principles and practices. The principles of equality, human rights and rule of law, as well as the practices of participation, representation, and accountability, are seen as aspired to in all societies, and not necessarily just as western export models. The promotion of those values, however, seems to be the task of democratic countries (Hermann and Kegley 1995; 1996; 1997; 1998). A sample of state and non-state actors supporting democracy as the ‘provider’ shows assistance is democracy-assistance-from-the-north. According to democracy assistance factsheets, the leading countries in supporting democracy are Canada, Denmark, France, Germany, the Netherlands, Spain, Sweden, the United Kingdom and, with the lion’s share, the United States.

Since the aftermath of the Cold War, the promotion of democracy has become a defining characteristic of US international interventions, specifically aiding democratic transitions and assisting developmental programs. The belief that the international promotion of democracy contributes to both the security and economic interests of the United States has made international democratisation a key feature of its foreign policy (Kagan 2006; Smith 2012; Cox, et al. 2013; Sedaca and Bouchet 2014) and successive

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<sup>36</sup> There are other terms closely related to this topic, such as international support for democracy, democracy assistance and democracy building. This is also presented in terms of ‘good governance’ to help governments to enforce the rule of law to protect human rights and to limit corruption.



US administrations have accepted this policy as a core element of their foreign aid (Carothers 2004; Finkel et al. 2006).

#### General Patterns: Previous Empirical Studies

Different studies have investigated theoretical explanations and have looked for empirical evidence for democratisation (see; Stephan 1986; Doorenspleet 2005; Grugel and Bishop 2014). Stephan (1986) has systematically characterised the primary coalitional and institutional paths to democratisation, he identifies the role of external powers in three distinct categories; internal restoration after external reconquest; internal formulation; and externally monitored installation<sup>37</sup> (1986: 65). There is also a tendency to divide international democratisation into two different processes: democracy promotion and democracy assistance. Democracy promotion is viewed as the hard-form of democracy support, including military interventions and economic sanctions, while democracy assistance is the soft-form of democracy support in the sense that it occupies the positive ground (Burnell ed. 2000). In their support for emerging democracies, either to help transition or to help consolidate, the US initiatives are more conducive to democracy promotion while the EU programs are linked to democracy assistance. International support for democracy, therefore, is interlinked with the 'transition paradigm' (Carothers 2004: 180). In a way, conceptually, democracy promotion is associated with cases in transition and democracy assistance with those of consolidation. However, in a host country the two processes of democracy support overlap; some principles must be consolidated to make way for transition, i.e. elections, political parties, institutions and civil society are all mutually re-enforcing factors for transition as well as the consolidation of emerging democracies. Both terms are used interchangeably in this study.

Contemporary theories about democratisation consider the promotion of democracy (Carothers 2000; 2002; Burnell 2000; Ottaway and Carothers 2003; Carothers 2004; Bjørnlund 2004). There are two main views, the first of which sees democratisation as

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<sup>37</sup> It has been argued that, under the supervision of external powers the primary internal actor (i.e. the authoritarian regime) initiates change from within it does so while preserving its many interests. However, when the internal opposition parties initiated reform these could be categorised in four different types a- society led regime termination, b- party pact, c- organised violent revolt, d- Marxist-led revolutionary war (Stephan 1986: 65-66).

an all-encompassing process of transforming the host country (e.g. Kumar and de Zeeuw 2006). Democracy promotion is a comprehensive process covering social, political, and economic sectors. The second is a more focused view of democratization; the single most important factor is ‘political institutionalisation’ rather than civil society (Diamond 1994: 15). Democracy promotion translates to the spreading of democratic political systems. A distinction could be made between these two viewpoints as developmental and political respectively. Both views have been criticised, the former for being unassertive and ineffective, while the latter for being assertive and its potential to become confrontational with host governments seen as counterproductive (Carothers 2009: 5-6). From the donors’ perspective, international promotion of democracy ought not to marginalise the state in favour of civil society (Fritz and Rocha Menocal 2007). It is also contended that to rely on agreements with the state could undermine efforts to make it accountable (van de Walle 2001), when recipient states learn to play a reform game with international donors.

A review of current literature indicates three general patterns in international promotion of democracy. The first involves elections and the institutionalisation of political parties.<sup>38</sup> The second enhances the rule of law and improvements to the justice sector. The third develops civil society and a supportive media.<sup>39</sup> In international promotion of democracy, supporting the effectiveness of electoral systems and the functionality of political parties are intertwined. Elections are mechanisms by which governments attempt to gain international legitimacy. Consequently, support for elections has become a primary element in international democracy promotion from the donor-side. Empirical studies have shown that international support for free and fair elections has played a crucial role in democratic transitions (Bjørnlund 2004; Lopez-Pintor 2000). Closely related to supporting electoral programs is the role of political parties. In newly emerging democracies, political parties are pre-conditions to elections, because they are the organised mediums through which the diverse demands of citizens are represented. Various scholarly studies (e.g. Schoofs and de Zeeuw 2004; Carothers 2006) have found that international support for the institutionalization of political parties have been constructive in assisting democracy in recipient countries.

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<sup>38</sup> For international support on cases of Latin America (see; Angell 1996; Grabendorff 1996).

<sup>39</sup> State actors promote democracy through international organisations and NGO’s such as USAID, NDI, KAS, NED, IFES, IDEA (Rakner, Menocal and Fritz 2007).

Another fundamental aspect of international democracy promotion has been the enhancement of the judicial system in establishing the rule of law. The rule of law can be conceptualised as those publicly known laws, the sum of which make up a system that treats all citizens alike and preserves their political rights and civil liberties (Carothers 2003). Although a wide range of donors have designed programs for reforming the justice sector in developing countries (Mendelsohn and Glenn 2000), the two regions that have attracted most scholarly attention are Latin America and Eastern Europe (e.g. Salas 2001; Carothers 2003; Skaar et al. 2004; Channell 2005). In those two regions, to strengthen the rule of law, the international donors' focus has been on reforming and improving the function of legal systems, processes motivated by economic liberalisation and political democratisation. It has been noted that in the case of Latin America, the process has been hindered by local stakeholders' unwillingness to reform (Carothers 2003) while in Eastern Europe the obstacle has been the nature of the process itself as it has taken place without the active involvement of key stakeholders (Channell 2005). To help recipient countries re-write laws accomplishes little, in terms of promoting democracy, if parallel substantial investments are not provided to positively change conditions for implementation and enforcement (Carothers 1998: 11).

The empowerment of civil society could facilitate the promotion of democracy. The development of civil society becomes manifest when members of the society form an associational domain on a voluntary principle to protect their interests. Such a domain is separate from, and enjoys autonomy in relation to, the state (White 1994: 379). Academic studies focusing on 'social capital' (e.g. Putnam 1993) as the missing variable that could make democracy work and encourage international donors to promote democracy through an enhancement of civil society. In empowering civil society, one aspect, in particular, has been given significant attention, which is freedom of expression. Empirical studies (e.g. Howard 2003; Hume 2004; Becker and Vlad 2005; Kumar 2006) suggest that the media as a resource-rich channel has been a high-impact factor in spreading democratic political awareness in civil societies. In certain contexts, it has assisted democracy through helping to create a vibrant and politically aware civil society.

Another possible agent of democratic transition are social movements. Whilst Robert Putnam (1994) sees democracy as the result of virtuous behaviour in the form of the civic community (Putnam et al 1994). Joe Foweraker and Todd Landman (1997) argue that democracy is the result of political struggles for rights.<sup>40</sup> They have identified the key connections made between collective action and individual rights and have tested these in the context of the selected cases of Brazil, Chile, Mexico and Spain (in their modern authoritarian regimes). Using statistical techniques and employing these to illuminate historical processes, the work presents a defence of democracy as the direct result of collective struggles for individual rights.

#### The Specific Case of Iraq: Previous Empirical Studies

The efforts of international promotion of democracy precede the 2003-Iraqi invasion. As October 1998, the Clinton Administration approved 'the Iraq Liberation Act' to establish a program to support a transition to democracy. The Act stated that the United States should have a policy 'to support efforts to remove the regime headed by Saddam Hussein from power and Iraq and to promote the emergence to a democratic government to replace that regime' (Public Law 105-338; SEC. 3). It was an assistance to support a transition to democracy, focusing mainly on Iraqi democratic opposition organisations. The Act allocated \$97 million to support Iraq's civil society and opposition groups (ibid; SEC. 4-5). The soft-end approach, however, did not result in regime change and it did not initiate transition. Saddam Hussein remained in power until 2003.

After the 2003 invasion, and during the 2004-2011 military occupation, the United States was determined to democratise both the apparatus of rule and Iraqi civil society and concentrated on three issues: electoral monitoring through international organisations such as the European Union Commission and the United Nations; political parties were supported through organisations such as the National Democratic Institute; and support for a diverse civil society was channelled through NGO's such as USAID and other international donors.

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<sup>40</sup> By measuring social mobilisation and citizenship rights and analysing their statistical mutual impact, within and across national cases.

In Iraq, understanding the nature of political parties is key to comprehending the structure of civil society. It has been well established that in modern societies political parties are central players in democratic politics and it is inconceivable that other social movements and networks will supplant the many roles undertaken by parties (Huntington 1968: 408; Smith 2009: 108-121; Lapalombar 1966: 3). Political parties have myriad roles (Cammack, Pool and Tordoff 2002: 98-102; Katz 2008: 301; Smith 2009: 128) and, in Iraq, they link members of different groups to the machinery of government, reconcile conflict by accommodating different interests, and enhance political communication within and across different groups. The main political parties are established along ethno-religious lines (see Section 1.2) and share the common characteristic of 'patron-client relationship' (Eisenstadt & Roniger 1981: 276-7; Cappedge 2001: 176).

As a consequence, international donors are faced with a dilemma. If they support Iraqi political parties in their existing undemocratic structures, strengthening such political parties could undermine the democratisation of Iraqi civil society. If they do not support political parties to institutionalise them, parties remain weak, and as no other social organisation could perform the many functions of political parties, this could also subvert the process of democratisation. Nevertheless, these remain suggestions and guidelines at best. When it comes to political parties in Iraq, for the most part, the groups that parties represent are prioritised over democratic principles and practices.

In the interview with Lisa C. McLean, Country Director of the National Democratic Institute, she stated that the NDI is training all political parties in Iraq on democratic principles and that they 'give suggestions and guide lines and enable parties to be committed to practising democratic behaviour.'<sup>41</sup> The NDI (2010: 5) suggests that in order for a political party to help the democratisation process, its commitment to democratic principles should be reflected not only in its written constitution, but also in the day-to-day interaction between leaders and members. A party must be committed to conducting their business based on democratic conduct. In doing so, a democratic

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<sup>41</sup> Please note that I am citing McLean in an interview which I conducted in July 2010 in Erbil, in the Headquarters of NDI in Ankawa district (see Appendix A).

party should allow members to express their views freely, promote the membership of women, encourage participation by all members, be tolerant of different ideas, abide by agreed rules and procedures for decision-making and hold leaders accountable to members and supporters. The question is, to what extent do international organisations have influence over the constituencies of recipient countries. In the case of Iraq, the democratisation process is subject to the willingness of Iraq political leaders and their political parties, to democratise.

Despite competing political agendas, Iraqi women activists are pressing to be part of the political transition, highlighting the liveliness of Iraqi civil society (Al-Ali and Pratt 2009). The civil society in Iraq, however, is refracted through the three main groups and, in consequence, is deeply fragmented. Therefore, the associational realm of citizens either does not enjoy autonomy from the state or, where it does, it is not powerful enough to influence the state; the power relationship is inescapably top down. Moreover, the literature concerning democracy assistance in Iraq (e.g. Ryan 2010; Sky 2011) contends that Iraq's weak civil society is a long way from becoming self-sustaining. Therefore, to keep momentum towards democracy, Iraq will require on-going assistance from the United States and other international democracy assistance donors for an extended period.

## Conclusion

The success of international promotion of democracy is conditioned by the specific objectives, and the particular methods and approaches, used in its promotion (Burnell 2007). Although host countries have different economic, political, institutional and historical constituencies, the model for democracy assistance is derived from democratic development in the United States and Western Europe (Carothers 2000: 85). The success of democracy promotion requires the acknowledgement of the particularities of the context in the recipient countries. There has been a tendency among the US Presidents to believe that their country has a 'mission' to promote liberal values and democratic principles. George W Bush's statement; 'we will ensure that one brutal dictator is not replaced by another; all Iraqis must have a voice in the new government, and all citizens must have their rights protected' (Bush 2003), and Barack Obamas' promise; 'we will stand with citizens as they demand their universal rights,

and support stable transitions to democracy’ (Obama 2013) confirms this approach from both main political parties. However, the main question remains to be answered; in the case of Iraq, ‘Does international democracy promotion work?’ The simple answer is both yes and no, as it all depends on the desire and willingness of Iraqi leaders to abide by democratic principles and practices, as well as the United States’ readiness to stay the course and assist Iraq’s democracy, at both state and societal levels.

## 2.4 Democracy ‘by Force’

### The Theoretical Idea

The theoretical argument for democracy by force is that authoritarian regimes oppress their people. Topple the regime and the people will welcome democracy. This conclusion is based on assumptions concerning political legitimacy which authoritarian regimes rarely have if the populations widely support democratic values, making the ‘democracy by force’ mission a relatively easy sell. A connected point is that weak and fragile states are threats to the security and the stability of the international order (Fukuyama 2005). Therefore, prospective regime change operations are likely to target poor and fragile states or states that have been defeated in war such as Japan and Germany. The fundamental notion in democracy by force is that the state exists, and the mission is only to change regime, not to build the state anew.<sup>42</sup>

The probability of ‘snowballing’ provides another theoretical option for regime change through democracy by force and suggests that replacing an authoritarian regime in one state is likely to have a knock on effect in other authoritarian regimes with similar contexts. A linked idea is found in the regional-policy argument, first advanced in the early 1990s. In the aftermath of the Gulf War in 1990, it was argued that if the United States were to sustain a large military force in the Gulf, with time, that would build the momentum toward democratisation. This argument evolved into an assumption that unless some movement towards democracy occurs, such a military deployment is less likely to be sustained over time (Huntington 1991: 15). To keep vital interests in the region and ensure stability, the US had to have a military presence, which was

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<sup>42</sup> The following section on democracy through the effort of state-building will make this distinction clearer, providing a concise explanation of what is ‘state’ and what involves the process of ‘state building’.

acceptable only in the context of promoting democracy in the region and by targeting regimes, such as that of Saddam that had made the Middle East unstable.

### General Patterns: Previous Empirical Studies

In the literature on democracy by force, two main points emerge; the nature and style of imposition, and the conditionality and context of the target country. The empirical findings, however, suggest that democracy by force is less likely to produce self-sustaining democratic regimes.

Historically speaking, it has been the case that the US has frequently carried out the promotion of democracy by force of arms. Laurence Whitehead (1996: 59-91) discusses the US attitude towards democracy promotion in Latin America and, in doing so, he identifies three different forms of the imposition of democracy in the case of the Caribbean. First, the promotion of democracy through ‘incorporation,’ where the US has played a consistent, sustained, and determining role in the democratisation process.<sup>43</sup> Second, democracy promotion through ‘invasion.’<sup>44</sup> Third democracy promotion through ‘intimidation.’<sup>45</sup> Out of those three methods, only in the first instance, Whitehead argues, ‘the result has been a fully consolidated democratic regime of Puerto Rico’ (Ibid: 64).

Empirical studies have examined the cases of foreign interventions in relation to democratisation with a focus on the method of intervention (i.e. imposition). An examination of a global sample of states in the twentieth century have shown that a distinction can be made between the impact of ‘fully externally imposed’ and ‘weakly externally imposed’ democratic regimes. It is argued that the fully imposed cases do not stimulate democratisation, while the weakly imposed cases undermine democratisation (Enterline and Greig 2005). If a US imposed democracy, in any given country in the Middle East was successful, it would not necessarily stimulate

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<sup>43</sup> The case of Puerto Rico.

<sup>44</sup> The case of Panama, in November 1903, Panama broke away from Colombia under the US protection, the new republic received immediate recognition and financial assistance, and in return, the US was granted large concession over the proposed canal route. In a similar instance, a second invasion of Panama protected the authorities chosen in the 1989 elections and terminated a tyrannical rule.

<sup>45</sup> The case of Nicaragua, the intimidation forced them to accept a high degree of International supervision of the 1990 elections.



democratisation in the region. If unsuccessful, however, the very process of intervention and imposition of democracy would undermine democratisation all together. This is diametrically opposed to the expectations of the United States.

In a similar vein, it has been argued that externally imposed democracies rarely lead to democratisation, and military intervention tends to be ineffective in spreading democracy. A statistical examination of seventy cases of foreign-imposed regime changes in the twentieth century, suggests unless conditions in the target country are favourable to democracy, those intervening meet with little success in promoting democratisation (Downes and Montan 2013). Such favourable conditions include high levels of economic development and societal homogeneity, as well as previous experience with representative governance. Given that interventions tend to target countries that are economically poor, fragile and subject to conflict, due to their deeply divided societies, with little experience of representative government, the outcome of democracy by force remains uncertain at best.

Through a focus on the significance of an organised social base for democratisation, empirical findings indicate the limited success of external democracy building in post-war societies including Bosnia, Kosovo, Afghanistan, and Iraq (Hippler 2008). This study reaches a similar conclusion, that without the necessary preconditions for democratisation in post-invasion societies, external attempts will be of little success. Parallel to those findings, an examination of the longevity of 43 imposed democratic regimes, from 1800 to 1994, suggests that the survival of democracy is firmly conditioned by factors that are all conducive to one particular socio-economic context of the recipient country (Enterline and Greig 2008). The above empirical findings not only indicate the uncertainty of democracy by force, but also highlight the centrality of context to the emergence of democracy and the extent of success in sustaining it.

#### The Specific Case of Iraq: Previous Empirical Studies

The Middle East, being perceived as the last stronghold of authoritarianism in the world (Huntington 1991), was where the US aimed to achieve the next triumph of liberal democracy. It was President George W. Bushes' belief that the establishment of 'a free Iraq in the heart of the Middle East would be a watershed in the global democratic

revolution (Bush 2003). According to the US Army General Tommy Franks, one of the primary objectives of intervention was ‘to help the Iraqi people create conditions for a transition to a representative self-government’ (Sale and Javid 2013). Regime change, therefore, was an end in itself and a means to secure a transition to democracy in Iraq.

The early days following the regime change seemed promising to many scholars. Part of the literature argued for the feasibility of democracy, and Iraq was regarded as having the greatest potential for realising a transition. Therefore, it was believed that Iraq’s democracy, if established correctly, could increase the chances and likelihood of becoming ‘a successful model’ of democracy for the Middle East (e.g. Alterman 2003: 158; Byman 2003b: 72; Baracati 2004: 158; Ryan 2010: 65).

Empirical studies have also examined the belief that forcing Iraq to democratise could propel the Middle East to greater democratisation. Empirical findings on similar historical cases, however, do not support such an assumption (Enterline and Greig 2008) and have shown that the likelihood of success of democracy by force is subject to the contextual conditionality of the host country. Iraq’s context is unfavourable for democracy.

The existing literature addresses the structural factors as challenges to the feasibility of democracy in Iraq. The lack of a vibrant civil society, the weakness of a national identity, and the presence of a deeply divided war-torn society all contribute to creating a situation that is ‘extremely unfavourable for democracy’ (Moon 2009: 147) and indicate that Iraq is a long way from meeting most of the social pre-requisites for democracy (Diamond 2005: 319; Mokhtari 2008).

An analysis of examples of the imposition of democracy reveals that there was not one case in which the primary goal of military action was, in fact, to bring democracy to an authoritarian state. Consequently, it has been argued that the military imposition of democracy in Iraq is likely to fail for reasons that go beyond the particular circumstances of Iraq or the Middle East (Beetham 2009). This argument is based on the US discourse that the prime objective of the United States military intervention was

to build a democratic regime but since regime change was involved, democracy was introduced under-military occupation and therefore viewed with scepticism.

The Bush administration was both overly ambitious and unduly optimistic concerning the consequences of democratisation by force, both in Iraq and for the greater Middle East. Two factors, in particular, account for such optimism: the crisis of legitimacy and snowballing. Those two factors have been identified as having contributed significantly to the wave of the third-wave transitions to democracy (Huntington 1991: 13). The increasing crisis of legitimacy in authoritarian regimes in the Middle East came, it was believed, from a preference for democratic values. Iraq's pivotal position in the Middle East between the two pillars of Islam, Iran and Saudi Arabia, led to an assumption that should it become a democracy, others in the region would follow suit. It has, however, been argued that those neighbours whose regimes are hostile to democracy have undermined the democratic process in Iraq (Fawn and Hinnebusch: 2006). Not only was Iraq unable to influence other authoritarian regimes to democratise, on the contrary, those regimes had a negative impact on the process of democracy building in Iraq.

## Conclusion

The empirical findings for cases of democracy by force showed that general conclusions about the outcome of democratisation cannot be made. Military invasion, even with the specific objective of democracy building, is unlikely to result in a democratic regime. The military intervention in Iraq was successful in toppling the authoritarian regime, but it was not successful in establishing a democratic regime. However, Iraq does now have, thanks to the military invasion and occupation, a representative government, an elected assembly proportionally representing different groups. Nonetheless, Iraq has a long way to go before it is a fully fledged democracy.

Moreover, the hope that the democratisation of Iraq by force might be the catalyst to democracies in other parts of the Middle East has proved to be a chimera. Indeed, events such as the emergence of Daesh indicate that Iraq's process of democratisation has been a major cause for instability in the region. Even more telling is the fact that having large numbers of both Sunni and Shia within its population, Saudi Arabia and Iran have been able to use the country as a proxy to continue their own feud.

## 2.5 Democracy through State-building

### The Theoretical Idea

The core idea in democracy through state building is rooted in the political form of modernization theory. From 1917 until 1919, President Woodrow Wilson made efforts to re-establish the international order relying on liberalism and democratic forms of government as key to peace and security in both international and domestic politics (Knock 1995; Paris 2001; 2004; Chandler 2006; Belloni 2007). His vision underpinned the modernization theory inspired by western liberal philosophy that stressed political development through institutional expansion, rationalisation of government apparatus, power concentration, and economic industrialisation. Modernization theory highlighted the importance of the western model of political institutionalisation. It argued that democracy was more likely to emerge if political institutions capable of channelling and responding to socio-economic changes were in place (Huntington 1968). Moreover, if a country is to be democratised, other democratic states must help it become a functioning state. This is the state-first argument.

### General Pattern: Previous Empirical Studies

For Max Weber, the state is an entity which successfully claims a ‘monopoly on the legitimate use of violence’ (Weber 1919). The state is the sum of effective institutions that requires territory and a population over which it can practice a uniform application of the rule of law.<sup>46</sup> It can be conceptualised as the apparatus of rule (Poggi 1978; Tilly 1985) that includes institutions, processes and practices. A nation, however, is not the same as a state. A nation can be defined as ‘a socially constructed community, imagined by the people who perceive themselves as part of that group’ (Anderson 1991: 6). This concept is conducive to a cultural form of a nation allowing it to stay within or transcend a state’s territory. A nation can also be conceptualised as merely a category of persons ‘if and when the members of the category firmly recognise certain mutual rights and duties to each other in virtue of their shared membership of it’ (Gellner 1983: 7). This concept coincides with the boundaries of the state, as far as rights and duties are defined within the legal framework of the rule of law.

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<sup>46</sup> The definition of state also includes the establishment of a uniform economic structure and a polity that is internally organised and internationally recognised (internal and external sovereignty). Here, I do not intend to theories what a state is, a great scholarly effort on this issue is Robert Nozick’s (1974) work.

The primary characteristic of the modern state is that it acts legitimately in the name of the people or nation. The modern state is normally a nation-state. This combination of the political unit (state) and the national unit (nation) creates nationalism (Gellner 1983; Hobsbawm 1990). Nationalism, as an ideology, has been the driver for the development of nation-states (Poggi 1978). The fundamental question that arises here is what happens if there is more than one nation within the boundaries of a state? In such a case, nationalism becomes an exclusive phenomenon, including one group and excluding others.

State-building in deeply divided societies remains a challenge. It includes actions to establish the institutions of the state to enable it to perform its core functions (Fukuyama 2004; Call and Cousens 2007; Fritz & Menocal 2007). As a process, it covers consolidation of power, institutionalisation of the apparatus of rule and economic enhancement (Fritz 2007; Belloni 2007; Hehir and Robinson 2007; Crater 2008; Budrich et al. 2010; Sisk and Paris 2009; Raue and Sutter 2009; Krause and Mallory 2010; Mathilde and Hille 2010; Chandler 2010). State building assumes a sequential process, in building effective political institutions, the construction of state infrastructures, and the establishment of a stable economic system. The process, which is context blind, in the case of divided societies, tends to focus on a top down approach to institutions which can exacerbate any potential for conflict. Democratic government is seen as a solution to the problem of nation and state and has become the underlying justification for the strategy of international intervention. There is a split with some arguing that intervention must follow a 'sequence'; a method of putting off democratisation until some indeterminate future time (Fukuyama 2005; 2007; Mansfield & Snyder 2007). Others argue, that it should be 'gradual' (Carothers 2007a; 2007b; Berman 2007).

Those who make the case for international intervention for state building argue that the main reason for such interventions should be to empower weak states to have functioning governments that are capable of planning, executing policies and, enforcing laws (Fukuyama 2005: 9). This is based on the idea that governments seek order first, followed by economic development and, only then, democracy (Huntington 1968).

These views acknowledge three sequential phases to state building; a post-conflict reconstruction that applies to countries emerging from violent conflict; the creation of self-sustaining institutions; and, finally, the strengthening of the authority of a weak state through re-enforcing its authority (Fukuyama 2005: 135-6). It has been argued that it is dangerous to push states to democratise before the 'necessary preconditions are in place' and that democracy-promotion efforts should pay attention to fostering the preconditions for self-sustaining institutions (Mansfield and Snyder 2007: 5).

In contrast to sequentialism, another view places democracy at the very outset of the task in the process of creating a new political order as the priority in any international intervention agenda (Carothers 2007b: 18). There are fewer dangers in 'premature' democratic experiments than trying to 'hold off democratic change until conditions are ideal' (Berman 2007: 14). These views imply that if democracy was left for a later stage, the state institutions might take shape in non-democratic forms, and those very institutions might strangle the emergence of democracy at a later stage.

#### The Specific Case of Iraq: Previous Empirical Studies

Some scholars have categorised the US intervention in Iraq as a case of nation-building (Dobbins 2003; Feldman 2004; Dobbins 2005; Diamond 2006; Fukuyama 2006; El-Khawas 2008), calling it American state building in Iraq (e.g. Tripp 2007; Rear 2008; Hechter and Kabiri 2008). Post-invasion Iraq has witnessed efforts to improve democratic legitimacy and strengthen political institutions, what this thesis calls 'democracy building'. However, other literature labels this as 'nation' or 'state building' and a distinction needs to be made here; 'state building' is the process of making state institutions effective and able to maintain the rule of law; 'democracy building', however, as far as state institutions are concerned, is the process of making those institutions more representative, more inclusive and more accountable.

The primary challenge to the process of state building in Iraq was the lack of security, which was a by-product of the power shift from the Sunni to the Shia and the misfit between state, nation and society. The United States' state building process in Iraq was carried out under military occupation after the destruction of the Iraqi apparatus of rule. In spite of the fact that Iraq's conventional forces were defeated and the regime

collapsed, militant resistance (Arabic: *al muqauama*) against the occupation (Arabic: *eh'tilal*) persisted. One reason for this was that the US sent only one-fifth of the soldiers anticipated by the pentagon's planners (Woodward 2004) and they proved incapable of filling the power vacuum created after the abolition of the regime and the conventional forces.

The primary reason for militant insurgency was the power shift that the invasion caused. The three provinces of Baghdad, Saladin and Anbar, all Sunni governorates, saw the highest number of attacks on US troops. According to the Iraq Coalition Casualty Count, by December 2006, those three provinces alone were responsible for around 80 percent of US military deaths (IBC 2006). On April 16, 2003, Paul Bremer, the administrator of the CPA, promulgated order Number 1 'the Debathification of the Iraqi Society.' The order disestablished the Ba'ath Party of Iraq, abolished the party's structures and removed its leadership from positions of authority and responsibility in Iraqi society (CPA 2003: 1). Consequently, the process of de-ba'athification prevented former members of the Ba'ath party participating in the newly established power structures in Iraq.<sup>47</sup> Although members of both the Sunni and Shia groups held the significant positions of authority in the Ba'ath regime, the implementation of the de-ba'athification did not include the Shias. Prior to December 2005, Sunnis had boycotted the political process. With the Sunnis keeping their distance, Shias filled the majority of public sector, governmental positions and security posts. The Shia were in power. By all accounts, the de-ba'athification put an estimated 750,000 people out of work and available for insurgency (Dodge 2006: 215). The initial effort of state building in Iraq transformed the existing cultural sectarianism into a tangible political division.

The United States' objective in state building was to introduce democracy to Iraq and to make the Iraqi government effective, sustainable, and capable of defending itself (Baker and Hamilton 2006). President George W. Bush stated 'our commitment to democracy is being tested in the Middle East' (BBC 2003). The United States was concerned mainly about representation and participation and pushed for elections so

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<sup>47</sup> The disestablishment of the Party was all encompassing and targeted members at all levels, including full members of the Ba'ath Party holding the ranks of *UdwQutriyya* (Regional Command Member), *Udw Far* (Branch Member), *Udw Shu'bah* (Section Member), and *Udw Firqah* (Group Member). Senior Party Members were also removed from their positions and banned from future employment in the public sector.

that the Iraqi people could have a representative government and assembly by early 2006. It could be argued that the effectiveness of the government was secondary to its representativeness. It could also be argued that only a representative government could be effective and functional, and that was the dilemma. The United States chose to make participation and representation the priorities as they are the two mediums through which government could become functional and effective. Although the Iraqis had an elected parliament and a representative government by 2006, the effectiveness of the government has seen little progress.

The 2011 US withdrawal marked the end of occupation and with it the process of state building. That precipitate withdrawal left the job half done. It has been argued that to foster a legitimate democratic government in Iraq, an extensive long-term commitment of financial, military, and political resources was necessary (Dobbins et al. 2003; Feldman 2004). As early as 2006, the Iraqi Study Group had drawn attention to the fact that without the support of the United States, the government was not capable of governing, sustaining or defending itself and suggested that a premature departure from Iraq would lead to both a deterioration in stability and greater sectarian violence (Baker and Hamilton 2006: 32-7).

It has been contended that the United States has been more successful in democratising states than building fresh states (Fukuyama 2005). Along similar lines, it has been demonstrated that the United States has had a better record in improving state capacity and democratic functions than in trying to build state strength where it did not previously exist (Monten 2014; Brownlee 2007). The United States' chances of success were lowered as the invasion resulted in the collapse of the state through the elimination of the Ba'ath party, the only party for over thirty years, with which the state was synonymous. Therefore, the United States had to build state institutions at the same time as promoting democracy. After more than a decade, Iraq still has a dysfunctional government (Ghamin 2011), and an undemocratic political system.

Table 2.1 provides data on democracy as measured on five different variables from 2006, the first representative government, to 2015. Two variables draw attention to themselves; 'functioning government', where for the year 2015, Iraq scores 0.07 (1 least



democratic and 10 most democratic) and political participation, where for the year 2015, Iraq scores 7.22. Chapter 1 placed Iraqi political rights and civil liberties in the “not free” category. To what extent political participation could be helpful for the emergence of democracy where the government is dysfunctional is a moot point. This brings us back to the state building versus democratisation debate. In the case of Iraq, democratisation and state building efforts went hand in hand, but both were undermined by the premature withdrawal of the US.

**TABLE. 2.1 DEMOCRACY INDEX IRAQ 2006-2015**

<b>THE MAIN VARIABLES</b>	2015	2010	2006
<b>ELECTORAL PROCESS</b>	4.33	4.33	4.75
<b>FUNCTIONING OF GOVERNMENT</b>	0.07	0.79	0.00
<b>POLITICAL PARTICIPATION</b>	7.22	6.11	5.56
<b>POLITICAL CULTURE</b>	4.38	3.75	5.63
<b>CIVIL LIBERTIES</b>	4.41	5.00	4.12
<b>OVERALL SCORE:</b>	4.8	4.00	4.01
	1.00 Least Democratic 10.00 Most Democratic		

## Conclusion

Iraq is characterised by a misfit between the nation and the state. If the nation is taken as a hypothetical community (Anderson 1991), then, in the case of Iraq, it is problematic since there are different communities in play. If the nation is taken as a polity where the boundaries of identity and of the state are congruent (Gellner 1983), again there are issues because the ethnic differences between Kurd and Arab, and the religious divide between Sunni and Shia, are problematic. Iraq’s deeply divided society remains a challenge to its statehood. This will remain so as long as the main determinant of a state’s strength or weakness is the outcome of the struggle between the state’s application of a set of rules, and other organisations within the society who apply different rules (Migdal 1988).

The process of state building after the collapse of the state in 2003 was undertaken under the most severe set of circumstances imaginable given the diversity in identity

and the unfavourable security situation. The strategy of US for state building in Iraq was to have a functioning government capable of sustaining and defending itself. At the same time, the United States' aimed to build a representative government and the two processes of state building and democracy were carried out together, but the job was only half accomplished. When the US withdraw from Iraq, the country did not have a functioning government and it was neither able to sustain nor defend itself. It follows that, in so far as state building was the medium through which it was hoped democracy would be established, the US failure in state building in Iraq, inevitably meant the failure to embed democracy.

## 2.6 Political Culture

### The Theoretical Idea

Culture is a variable in political analysis (e.g. Harrison and Huntington eds. 2000), and to examine it in relation to politics is to study it as political culture. Political culture can be defined as a 'particular pattern of orientations to political action' (Almond 1956: 396). A more precise concept is to view it as set of norms, beliefs and sentiments that give meaning to a political process which drive and direct behaviour in a political system (Wiarda 2014; Welch 2013; Aronoff 2002; Almond & Diamond 1994; Kedou 1994; Chilton 1988). Political systems are relative embodiments of political cultures, democratic or otherwise. A group of prominent scholars (e.g. Putnam 1993; 1995; Huntington 1996) argued that cultural traditions shape the political behaviour of their societies, reaffirming the relationship between political systems and socio-political conditions. This is where the cultural modernizationists derive their core idea that a democratic political system is the embodiment of a democratic political culture. They want to get to the root of the factors that cause cultural change, so that by identifying such factors they could predict the result of the political form of cultural transformation. The idea that a certain form of political culture could lead to political democracy has its roots in the cultural aspects of modernization theory. The main argument is that modernization is a profound process that transforms primordial cultures into modern ones (see, Lerner 1958).<sup>48</sup> That shift in cultural values, caused by economic

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<sup>48</sup> A similar understanding of modernisation in the context of the Middle East countries is developed by Daniel Lerner (1958). Who argued that modernization occurs when certain aspects of the cultural changes are stimulated by Western industrial urbanism, that is, exposure to, and presumed participation

transformation of modes of production and industrialisation, eventually brings about changes in political structures. With time, such a cultural transformation produces, or forms, new identities which tend towards liberal values, the cultural prerequisite to liberal democracy.

#### General Pattern: Previous Empirical Studies

Different empirical studies have examined the intricate interactions between the dominant cultural values in societies, relative to their political systems, particularly, to unravel how economic and political developments are associated. Two different patterns can be distinguished, the first being the attempt to identify what is the most important variable responsible in making democracy more likely. This includes an inquiry into the political culture to ascertain its primary traits and to show how the importance of political culture for democracy could be weighed. The second is the attempt to identify the most significant factor in the prevention of the establishment of democracy. This view treats culture as a consistent phenomenon that will not disappear. Empirical studies offer different and, at times, opposing findings.

A study drawing on a large body of evidence from approximately 85 percent of the world's population, shows that the cultural values of people are changing, which in turn influences their political and religious perspectives. It takes modernization as a predictable process of human development that inexorably leads towards a predestined end result in which modernization is the vehicle and liberalism is the destination (Inglehart and Welzel 2005). As a process in human development, economic advancement brings about the kind of cultural transformation that ensures those values of individualism and individual freedoms are progressively more likely.

In this study, the researchers designed a model of social change to predict the way in which value systems play the central role in emerging, democratic institutions. The core idea is that coherent cultural change, the product of modernization, is conducive to democratisation. It concludes that cultural changes are the most significant intervening variable between economic development and political end results based on a revised version of modernization theory. If the early theory of modernization held the

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in, the mass media of communication and political awareness. In chapter 5, this thesis argues that Lerner is wrong, in the case of Iraq (see, section 5.2).

hypothesis that economic liberalisation could lead to political democratisation, the revised version suggests that cultural liberalisation could bring about the same result. The intervening culture variable suggests that societies are fundamentally determined by cultural conditions and the end result of this determinism in human progress is liberalism.

However, other scholars draw a distinction between what is western and what is modern (Huntington 1996). While non-western nations might strive to become wealthy, to develop, and to have access to modern technology and science, this does not necessarily indicate their willingness to accept western values as well. This view differentiates modernization from liberalisation and westernisation. The process of modernization is not an escalator ascending to the ultimate end point of liberalism but is rather one in which cultures modernise alongside their own inherent and intrinsic values. Another line of argument portrays culture as either an obstacle to, or a facilitator of, the emergence of a western type of liberal democracy. The main argument contends that the most important distinctions between peoples are no longer ideological, political, or economic; 'they are cultural' (Huntington 1996: 21).<sup>49</sup>

In relation to Islam, it has been argued that 'governmental legitimacy' flows from religious doctrine but that the 'Islamic concepts of politics differ from and contradict the premises of democratic politics' (Huntington 1991: 28). As far as Islam is concerned, such views fail to differentiate between the doctrine as articulated in the Koran and peoples' interpretation of it, or indeed their implementation in practical scenarios. It is certain that the Islamic doctrine involves principles that may be both supportive and antagonistic to democracy, but the interpretation of Muslims varies on a spectrum from liberal to anti-liberal. Based on Islamic doctrine, governmental authority comes from the people and not from religious doctrine. Islam outsources political authority to the people. Islamic doctrine with regards to politics (Quran 42: 38) does not prevent consultation or elections. If culture is taken as an intervening variable, it is a Muslim democracy, not an Islamic democracy, that has to be examined (Chapter 5).

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<sup>49</sup> There is a reoccurring theme in Huntington's writings (1991; 1993; 1996); some cultures (i.e. Confucius and Islamic) show a great resistance to accepting western views of democracy.

### The Specific Case of Iraq: Previous Empirical Studies

There are different views on whether the political culture in Iraq is a facilitator or a barrier to the emergence of democracy. Studies on either side tend not to be systematic analyses of the political culture in Iraq. Different authors point to structural factors that in their totality indicate the political culture in Iraq.

Those who highlight the obstacles note the lack of a vibrant civil society, the weakness of a national identity, the presence of a deeply divided society and structures that are extremely unfavourable for democracy. It is further argued (Diamond 2004; Diamond 2005a; Milton-Edwards 2006; Mokhtari 2008; Moon 2009; Parker 2012) that as a country with a society divided along ethnic and religious lines, Iraq is a long way from meeting most of the social and cultural conditions for democracy. One of the key factors holding back Iraq from becoming democratic is its legacy of an authoritarian culture and the absence of a historic democratic culture.

Of those who argue against the possibility of a democratic Iraq, Bruce E. Moon is the most pessimistic. His views stem from his assessment of the prospects for democracy based on the historical precedents of cases with similar contexts. He advances the argument that both theory and evidence indicate that a set of structural factors are necessary conditions for transition and Iraq lacks all of them. Those structural factors could be summed up in the phrase, 'lack of a democratic culture'. He concludes that, even in a quarter century, the odds of Iraq achieving democracy are close to zero (Moon 2009).

In response to the argument that contents the obstacles to the emergence of democracy in Iraq are cultural, counter arguments have been put forward that democracy in Iraq is not solely subject to the legacies of authoritarianism and the absence of a history of democratic institutions (see, Dawisha 2005). With reference to historical experiences, the 1921-58 era, is called the period of democratic attitudes and practices, demonstrating that there were traditions of political pluralism and experiences of representative political institutions and believes that post 2003 Iraq does not suffer from a deficit in democratic culture. Moreover, along similar lines, with a focus on pluralism and culture, it has been argued that Iraq, between 1921-58, was more democratic and

pluralistic than is generally believed (see, Bashkin 2009).

The above arguments are presented in support of the feasibility of democracy in Iraq and regard the country as the best candidate in the region for democratisation. Supporting structural factors include the cultural variable. Daniel Byman (2003), for instance, points out that before the Gulf War, Iraq had probably the 'best educated, most secular, and the most progressive population of all of the Arab states' (Byman 2003b: 72). Bearing that in mind, other scholars (e.g. Alterman 2003: 158; Byman 2003b: 72; Baracati 2004: 158; Ryan 2010: 65) have advanced the idea that if established correctly, Iraq's democracy could become 'a successful model' of democracy for the Middle East.

### Conclusion

It has been argued that modernization as the liberalisation of cultures is an inevitable process (Inghlhart and Welzel 2005). The change of value systems has been regarded as a cultural shift with culture being the prime intervening variable responsible for the emergence of political democracy. That view is opposed by those who, like Huntington (1996), view culture to be a persistent phenomenon, and argue cultures revive along value systems peculiar to themselves. In arguing for the possibility of democracy based on culture, the existing literature offers mixed views and propositions. Some argue Iraq lacks the sort of political culture that any type of political democracy requires, while others argue that Iraq's political culture is a relative facilitator for political democracy, in comparison to other countries in the region.

The fundamental question that remains is, 'In the context of Iraq, what constitutes the political culture?' What is clear is that Iraq does not have a single political culture. It has not been successful in creating a unified single national identity, or a coherent social structure. Both ethnicity and religion are component parts of the political culture. Each group has developed its distinctive political culture; among the Shia, religious elements prevail, among the Kurds, ethno-nationalism, and among the Sunni, Arab solidarity is dominant. In this context, it is not a matter of whether the political culture is resistant or receptive to democracy, but rather that the political culture of each group demands a specific type of democracy consistent with its values.

## 2.7 Political Institutions

### The Theoretical Idea

The primary issue is the identification of what type of institutional arrangements are more effective for the emergence, maintenance, and survival of a democratic system. On this there is a growing literature (e.g. Rose 1992; Castles 1994; Linz 2000; Schmidt 2002; Taagepera 2003; Müller-Rommel 2008; Vatter 2009; Flinders 2010). The issue is constrained by context; in particular, what types of institutional arrangements are better in which societies.

There are two main propositions, majoritarian institutions and power sharing, a non-majoritarian institution. Scholars, albeit using different terms, have contrasted different forms of liberal democracy (e.g. Dahl 1956; Finer 1975; Riker 1982). Attempts have also been made to contrast the two principles of majority and proportionality (e.g. Steiner 1971; Powell 1982). As a form of democratic governance, power sharing was regarded as less democratic, compared to the majoritarian form of democracy which was held up as the only form of true democracy until late 1960 (Bormann 2010: 2). Lijphart's work challenged that assumption and accepted the premise that social structures (i.e. political culture) shape democratic (political) institutions (Almond 1956). Lijphart (1968) advanced the argument that for societies that are heterogeneous, institutions that allow the political elite of different groups to reach political agreement were necessary; in effect, institutions accommodating social divisions.<sup>50</sup> One case examined was the stability of the democratic system of the Netherlands which, despite its fragmented society, Lijphart contended was due to the presence of those accommodating arrangements and the absence of majoritarian practices.

Lijphart developed his idea on politics of accommodation based on four principles: grand coalition, proportional representation, segmental autonomy and mutual veto into the theory of consociationalism (Lijphart 1977). This was both a comparative framework and a prescription for deeply divided countries for building democracy. Later it was used to assess the qualities of democracies. To assess his consociational

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<sup>50</sup> While for homogenous societies, where the majority can change, institutions that concentrate power were more effective (e.g. the United Kingdom).

theory, he used quantitative measures, and this led to his theory of advanced consensus democracy (1984; 1999).

There are different views on this development. It has been argued that it was a shift from examining the political stability of democracies (consociation) to the performance of democracies (consensus) (Doorenspleet and Pellikaan 2012). It has also been argued that it was a shift from a focus on the cultural peculiarities underpinning democratic systems (accommodation) to the constitutional attributes of democracies (consensus) (Bormann 2010). These two views are not mutually exclusive. Lijphart himself states that the consensus idea emerged out of his effort to measure consociational theory more precisely. He refers to this development in terms of methodology, from a case study (1968), to comparative methods (1977), and finally to statistical methods (1984; 1999) (Lijphart 2008: 20).<sup>51</sup> A consensus democracy is defined in terms of ten traits (i.e. institutional arrangements) that contrast the ten traits of majoritarian systems (Lijphart 1999) (see Chapter 3).

There have been both support and criticism on his typology and ideas on consociation theory<sup>52</sup> and his conception of majoritarian has been questioned for insufficient distinctions between supermajorities, majorities and pluralities (Nagel 2000). Presidentialism has been a key dimension in other typologies of democratic systems (Shugart & Carey 1992; Fuchs 2000), yet Lijphart's typology excludes it and this omission has raised concerns. The reason for excluding the Presidency as a factor lies in the fact that the British and Dutch systems that he explores, and concludes are best, are both parliamentary. His labelling of some institutions as majoritarian and others as consensual has also come in for a degree of criticism (Tsebelis 2002: 111; Roller 2005: 116).

Those that support Lijphart acknowledge his contributions to democratic system theory as extremely helpful in informing, and positively influencing, researches on the

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<sup>51</sup> There has been a growing literature on Lijphart (Kriesi 2008; Müller-Rommel 2008). Various studies have reviewed his work on consociational democracy (e.g. Andeweg 2000) and consensual democracy and consensus institutions (e.g. Bormann 2010), while more recent works have combined both consociational theory and consensus framework (e.g. Doorenspleet and Pellikaan 2012).

<sup>52</sup> Criticism on consociational democracy include, Brain 1975, Halpern 1986, and Horowitz 2000, to name few among many others.



feasibility of democracy (Tsebelis 2002: 115). It has also been argued Lijphart's typology has been a major step forward, as the majoritarian consensus typology is more comprehensive than the alternative presidential-parliamentary typology (Armingeon 2002: 82; Bormann 2010: 5) Indeed, he has been regarded as the leading authority in arrangements in democratic countries designed to secure a satisfactory degree of political sophistication among different groups in societies that are divided along ethnic or other lines (Dahl 1998: 192).

#### General Pattern: Previous Empirical Studies

In deeply divided societies, the major factor that poses the most serious challenge to democratic institutions is ethnic division. In particular, when different ethnic groups are politicised, it is believed this will eventually destabilise a democratic system. This phenomenon is theorised as 'outbidding effect'. Principally, it contends that in an ethnically divided country, when a political party is ethnically based, the emergence of other ethnically based political parties is encouraged. The politicisation of ethnic divisions infects the political system and undermines the competitiveness of its politics (Rabushka and Shapel 1972; Brain 1975; Horowitz 1985). It has also been argued that ethnic parties, if institutionally encouraged and regulated, can sustain a democratic system. An empirical study based on the case of ethnic party behaviour in India concludes that the intrinsic nature of ethnic divisions does not threaten democratic stability (Chandra 2005). Rather, what could potentially threaten stability is the institutional context within which ethnic politics takes place. Furthermore, it has been argued that institutions that restrict ethnic politics to a single dimension (e.g. either religion or language) destabilise democracy, while institutions that encourage multiple dimensions of ethnic identity can sustain and stabilise it (Chandra 2005). The institutional regulations of ethnic parties both minimize conflict and enhance political stability.

The prime objective of institutional arrangement in divided societies is to institutionalise ethnic conflicts. A civil war is one of the most extreme manifestations of the effect of such conflicts. It has been argued that religious differences are crucial in explaining domestic conflicts (Huntington 1996). In analysing the impact of political systems in preventing such conflicts, with a focus on sub-Saharan African countries,

empirical findings have shown that among other social differences, religious differences are more important in the development of civil war. That analysis has concluded that being a consociational democracy significantly reduces the incidence of ethnic civil war in those countries (Reynal-Querol 2002) as the consociational system has reduced the likelihood of ethnic civil war caused by religious polarisation.

The impact of consociational institutions, however, varies from one context to another, in some contexts their implications could lead to potential conflict and violence. Therefore, arguments have been put forward against the separation of ethnic groups, the case study of Bosnia, from 1992 to 1995, shows that it is rather a misidentification of ethnicity and demographics to regard these as a cause of conflict (See, Stroschein 2005). Moreover, with reference to the case of Bosnia 1995 with comparative insights from Northern Ireland 1998 (both places were examples of consociational institutions); it has been argued that problems Bosnia now faces<sup>53</sup> are due to its consociational governance structure –i.e. the consociational arrangements are at odds with individual rights (see. Stroschein 2014).

Other studies have used Lijphart's majoritarian and consensual typologies as an analytic framework in comparative studies of new democracies. Specifically, it is used for examining the way political institutions in newly established democracies are formed and to classify these democracies in terms of their formal institutions as either majoritarian or consensual. An empirical study of South Africa classifies its formal institutions as of a consensus type, the function of which is subject to the informal practices relating to the distribution of power and the nature of party system. The study, however, argues that the consensual appearance of democracy on the basis of formal institutional criteria may be misleading because, in the case of South Africa, the party system impacts on the meaning of other institutional criteria. It is suggested that a distinction between a majoritarian and consensus democracy should be assigned a relative weight (Cranenburgh & Kopecky 2004), the distinction being constrained by more than a mere formal institution.

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<sup>53</sup> It has been noted that in case of Bosnia was the large amount of international aid was crucial to the initial state-building effort, nevertheless, the current problems of the country could not be addressed with International aid alone. Hence, international aid has not alleviated the consociational issues in that country (see, Stroschein 2014).

The political system of Namibia has also been examined to determine whether it exhibits institutional traits of majoritarian or consensual systems. The analysis of those traits results in a mixed outcome with 'a moderately consensus model' value achieved. It is argued that the statistical modal value represents a distorted image of Namibian politics. Consensus features, such as bicameralism and a rigid constitution, do not 'behave' as such due to one-party dominance, and neither does proportional representation produce consensus politics. Lijphart's criteria are too formal, and should not receive equal weight as not all institutional arrangements identified by him have the same effect on a democratic system in making it more majoritarian or more consensual. It has been concluded that focusing on two criteria of power-sharing, party systems and government coalition, gives a better analysis. That requires the examination of political behaviour, specifically of governing elites, to determine the presence of cooperation and compromise (Cranenburgh 2006). These two studies indicate the necessity of a combining the earlier works of Lijphart with his more recent works.

The major systematic effort to combine the two parts of Lijphart, however, only occurred recently. The combination of consociational theory with consensual framework was first presented by Doorenspleet (2012), to assess the performance of different democratic systems. The empirical findings show, with respect to the good governance indicator, that proportional representation electoral systems always perform best. Findings confirm the consociational hypotheses that social structures shape the performance of political institutions. In countries that are not divided along ethnic lines, centralisation works best, while in countries divided along ethnic or other lines, decentralisation is more effective. This latter point has been confirmed by other scholars who have argued that decentralisation is crucial, particularly in countries with deeply divided societies (Norris 2008).

Not all quantitative examinations support power sharing arrangements. An empirical study, based on a data set of 101 countries, representing 106 regimes, tested the effect of three institutions in reducing conflict. Those institutions were parliamentary and presidential arrangements, proportional representation and majoritarian electoral systems, and federal and unitary structures. In the case of divided societies, the findings

show that parliamentarism with proportional representation appears to exacerbate or even inflame political violence when ethnic fractionalisation is high. The effect of federalism, however, is less certain (Selway and Templeman 2012). A more recent study based on states post-1945 with ethno-federal arrangements, shows that ethno-federalism has succeeded more often than it has failed. The findings show that ethno-federalism has demonstrably outperformed other institutional alternatives, and where they have failed, they have done so where no institutional options could have succeeded (Anderson 2014).

It has also been argued that consociationalism has become increasingly vague and ambiguous as the theory has been stretched to claim relevance to all people everywhere (i.e. Dixon 2011). In some contexts, consociation and consensual arrangements are not the best solution. This is particularly the case in Northern Ireland. The attempt to make the consociation theory relevant to all cases of divided societies will challenge the coherence of consociational theory (Dixon 1997; 2005; 2011). As long as the consociation theory highlights the significance of context, then those who aspire to it should allow for the possibility that in some contexts, like Iraq, consociation could be the practical option and in other cases, like Northern Ireland, not so.

#### The Specific Case of Iraq: Previous Empirical Studies

Existing literature has addressed the subject of the feasibility of democracy in Iraq with reference to challenges to democracy posed by the structural factors. Additionally, there is a growing literature on Iraq's transition and attempts to build democracy (e.g. Lawson 2003; Byman 2003; Nader 2003; Anderson & Stanfield 2004; Dawisha 2004; 2005a; 2005b; 2010; Diamond 2005a; 2005b; Gupta 2007; Visser & Stanfield 2007; Moon 2009).

In relation to the different types of democratic system in Iraq, different and opposing arguments have been put forward. It has been argued that establishing a democratic government in Iraq could be a risk as it empowers identity-based parties. This could result in 'illiberal democracy'; as the majority Shia vote as a block, they would never lose power (Ottaway 2003; 2005; Brancati 2004). No scholar has so far advocated a presidential system for post-2003 Iraq. The only proposed system is parliamentary and,

on this point, there seems to be universal agreement (Dawisha and Dawisha 2003). However, academics disagree as to what model of parliamentary system, a majoritarian or a non-majoritarian alternative, would work best. Those who propose majoritarian institutions argue that institutional mechanisms that could help build democracy and prevent the escalation of conflict are electoral systems across ethnic lines, federalism on a non-sectarian basis, and protection of minority rights (e.g. Wimmer 2003; Visser 2012). It has been suggested that Iraq's new constitution reflects a liberal form of consociation that accommodates Iraq's democratically mobilised groups. Iraq's constitution has been examined for both shared regional and federal governments and self-governing local governments. It has been concluded that the constitutional provisions offer a satisfactory way forward for Iraqis (McGarry and O'Leary 2006).

Concerning federalism, the key issue is whether majoritarian or power-sharing arrangements would suit Iraq better (Chapter 7). It has been argued that the implementation of decentralisation and devolution, mixed with federalism, should be the cornerstone of Iraqi democratic development (Mingus 2013). It has also been put forward that, in the case of deeply divided countries, Iraq being one of them, federal power-sharing bargains have better chances of preventing secession when potential secessionists believe that they could have political significance within the federal structure (O'Leary 2012). Some scholars, however, have warned against majoritarian arrangements in divided societies (Lewis 1965; Lijphart 1984; Reynolds 1999), and others have called for majoritarian arrangements (Horowitz 1991; Sartori 1997; Reilly 1997). Moreover, the debate has examined almost all political institutions arguing particular institutions are more likely than others to successfully facilitate efforts to build democracy in divided societies.<sup>54</sup>

Donald Horowitz (1985) contends that power sharing regimes may, in fact, serve to institutionalise ethnic divisions, deepening, rather than ameliorating, social identities. He argues they are, 'inapt to mitigate conflict in severely divided societies' (Horowitz 1985: 256). Additionally, he has advanced different objections (Horowitz 1985: 568-76; 1991: 137-45, 167-71; 1997: 439-40; 2000: 256-9) to Lijphart (1977) who

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<sup>54</sup> Instead of making a lengthy comparison of both views, I will address the critiques of power sharing and the majoritarian alternative on the two topics, electoral systems and government formation.

emphasises the cooperation of the political elites of different groups through consociational structure. Horowitz specifically criticises the motivational inadequacy of Lijphart, the optimism that the political elite representing group A would cooperate with the political elite representing group B (Horowitz 1997: 457; 1991: 140-1). He advances a further proposal, that consociational arrangements could potentially subdivide the existing ethno-religious group along different ideological lines.

Horowitz (2009: 21) believes when leaders compromise across ethnic lines in the face of severe divisions, counter elites arise who object to one or more elements of the compromise. When groups begin with a single set of leaders, it is likely those leaders will be seen as merely party leaders, opposed by leaders of other parties seeking the support of the same group. Based on these two premises, Horowitz suggests an alternative set of institutions that cut across different ethno-religious groups. He advocates political parties that are not ethnically based and electoral systems that encourage the political elite to seek votes from not only members of their groups but of others. He makes reference to other academics (e.g. Riker 1962; Reilly 1997; Wimmer 1997; Reilly and Reynolds 1999), to confirm his conclusion that political leaders are more willing to compromise under some electoral systems than under others.

In terms of electoral systems, the integration or majoritarian methods have two main propositions: cutting across divisions and vote pooling (Lipset 1960; Horowitz 1985). Cutting across divisions (Lipset 1960; Lipset and Rokkan 1967) suggests that two-party majoritarianism forces parties to moderate to obtain a majority. It proposes cutting across ethnic boundaries and rejects segmental autonomy. There is also a proposition for the establishment of a number of heterogeneous federal units wherein large groups are divided into smaller units. In such contexts, 'vote pooling' has been proposed, that is pooling votes from the electorate of such heterogeneous federal units to form a majority coalition (Horowitz 1985).<sup>55</sup> Horowitz's critiques on power sharing and his alternative proposal in the context of Iraq can be criticised for being overly optimistic on the likelihood of a majoritarian alternative for deeply divided societies proving to be successful. He believes that the peoples in deeply divided societies would vote for

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<sup>55</sup> The other alternative is the power-sharing model, including both consociational and consensual (Lijphart 1977; Lijphart 1995; Lijphart 1999; Lijphart 2010). In brief, it proposes the solution that seeks accommodation rather than assimilation or integration of ethnic differences.

elites from a different ethnic or religious group. In the case of Iraq, however, the ethno-religious divisions are not simple cultural divisions. They are deeply rooted sentiments and the different groups have different causes; it is very unlikely that a Kurd would vote for an Arab Shia to be a representative of the Kurdish cause.<sup>56</sup> In Iraq, the political elite from different parties within the same group have developed similar discourses, and different parties within the same group have made intra-ethnic or intra-sect coalitions. The Shia, the Kurds and also the Sunnis, have their own internal coalitions and those intra-group coalitions have become the base for inter-group grand coalitions.

The two majoritarian options, both cross-cutting and vote-pooling are less likely in the Iraqi context. If cross-cutting is considered in Iraq it becomes clear that ethnic loyalties are strong and groups vote as blocs. This prevents the emergence of two main parties, or it prevents alternation if there are two main parties. The consequence is the permanent exclusion of some groups, a highly undemocratic outcome. If, however, vote-pooling were to be adopted, this would underestimate the motives for the agreement during parliamentary coalition building. It would also overestimate incentives for moderation in cross-group voting. This view suffers from the same weakness as the cross-cutting majoritarian method, members of different groups do not vote across ethnic boundaries.

It can be argued that both Lijphart<sup>57</sup> and Horowitz do discuss the possibility of multi-ethnic coalitions. Lijphart tends to focus on post-electoral coalitions, while Horowitz focuses on pre-electoral coalitions. To apply each in the context of Iraq, the post electoral coalition translates to a political agreement and coalition building among different factions in the Iraqi parliament, both within the same groups and between different groups. While the pre-electoral system translates as coalition building from different lists, both within the same group and between different groups.

Since 2005, all the cabinets, with the exception of the pre-electoral coalition in 2010, have been formed based on post electoral coalitions. Two of the leading Sunni and Shia

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<sup>56</sup> One might ask the question why the president of Iraq is from the Kurds and the other Arabs have voted for him. In fact, the case of Iraq's President being a Kurd is a result of a political agreement among the Iraqi political elite, not the outcome of a specific form of electoral system. It is an informal practice.

<sup>57</sup> Lijphart's views will be discussed further in Chapter Three, where the thesis uses his typology as tool to examine the preferences of Iraqi political elite's preferences for institutional arrangements.

political leaders, Tariq Hashimi, the vice president, and Ayyad Alawai, the former prime minister, joined forces and formed a pre-electoral list, the Iraqqya List. Although the list gained the largest number of votes, it could not form a government because the Shia lists of State of Law and National Iraqi alliance led by Nuri al Maliki and Ibrahim al Jaffari respectively, formed a new coalition. This became the largest coalition in the parliament and they were tasked with forming the broad post electoral coalition cabinet.<sup>58</sup>

Iraq's federal executive is based on a broad or grand coalition. In the aftermath of the elections in 2005, 2010, and 2014, the political elite from different groups negotiated to form the subsequent cabinets through an informal power sharing arrangement. The federal executive operates with informal power sharing between the three main groups; the President is a Kurd, the Prime Minister is Shia, and the Head of the Council of Representatives is Sunni. Each group is proportionally represented in the legislature, and each group is represented in the executive in proportion to their numerical strength in the legislature. The Iraqi constitution grants a mutual veto, which in practice translates into a minorities veto (art. 142). Iraq has developed a federal system which has established segmental autonomy and this has also been embedded in the Iraqi constitution (art. 1 and art. 116-121). In the context of Iraq, as far as the informal political agreements are concerned, consociational power-sharing with proportional representation, accompanied with grand coalition, segmental autonomy and veto all manifest themselves.

## Conclusion

The idea of building democracy through specific types of institutional arrangements becomes clearer in the literature on countries that are ethnically or religiously divided. The theory rests on the assumption that certain institutions could manage ethno-religious conflict peacefully. The debate on institutional arrangements in divided societies mainly concerns resolving conflicts about the distribution of political power. In other words, the debate involves propositions for managing conflict through

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<sup>58</sup> This led to much disagreement and controversy in the Iraqi parliament. Many political elites believed that the formation of the 2010 cabinet was not according to the Iraqi constitution and was unconstitutional as the Iraqi constitution states that the largest winning list ought to form the cabinet – Chapter 8 examines this issue with reference to the empirical findings.



allocating political power among different groups.

In the case of Iraq, two views, intergrationist and accomodationist, were examined in depth. It became apparent that those two traditions have contrasting views on the nature of ethno-religious groups and the function of political institutions. The former viewed the ethno-religious differences to be rigid; therefore they propose mechanisms that acknowledge those differences and suggest that political institutions ought to be built around them. This approach advocates power sharing mechanisms in both forms, formal political institutions and less formal political agreements between different groups (e.g. Lewis 1965; Lijphart 1969; 1999; 2008). The latter, on the contrary, viewed ethno-religious groups to be malleable, therefore they propose mechanisms that incorporate ethno-religious groups and suggest that political institutions ought to be arranged to force such groups to cooperate. This approach advocates power concentrating mechanisms in the form of formal political institutions that cut across different groups (e.g. Brian 1975; Horowitz 1991).

In the case of deeply divided societies, one fundamental point becomes abundantly clear; any examination of ethnic differences, in relation to political institutional arrangements, indirectly involves the role and position of the political elite. Lijphart's (1977: 53, 165) consociation theories emphasise the role of the political elite in resolving political inter-ethnic differences. Horowitz (1985; 1991) hopes to encourage the political elite to canvass votes across different groups. The former argues that the political elite could accommodate their differences through political agreements while the latter argues that, with the help of a certain formal institutional arrangements, they could rise above their ethno-religious differences. Both views are centred around the attitudes of those political elites.

Neither, however, have addressed the views and preferences of the political elite concerning the feasibility of their systems. Lijphart takes it for granted that the political elites in divided societies will prefer his solutions and Horowitz assumes that his proposals would be welcomed. At best, the views of both scholars remain hypothetical assumptions. Thus, there is a gap in the literature on the views of political elites which this thesis aims to fill with specific reference to the case of Iraq.

Before drawing the final remarks of this chapter, a relevant point needs to be discussed here regarding the ‘crucial case’ method (as discussed in chapter 1, section 1.4). This is relevant to the two-subsequent chapters in order to clarify the theoretical issues discussed in chapter 3 and justify the methodological choices made in chapter 4. Harry Eckstein (1975) believes that for a case to be crucial it ‘must closely fit a theory if one is to have confidence in the theory’s validity, or conversely, must not fit equally well any rule contrary to that proposed’ (1975: 118). Iraq as studied by the design of this thesis, is a candidate for a crucial case as it is argued that it fits the power sharing theory (i.e. consensual), and does not fit other proposed power concentrating theories (i.e. majoritarian). Chapter 1, section 1.4 argued that a crucial case has a most likely and a least likely attribute. The most likely case predicts to achieve a certain outcome, yet it does not, therefore it is used to disconfirm a theory. A least likely case, however, predicts not to achieve a certain outcome, yet it does, therefore it is theory confirming. It is believed that of all formulations, a crucial case offers ‘the most difficult test for an argument,’ and thus provides what is ‘perhaps the strongest sort of evidence possible in a nonexperimental, single case setting’ (Gerring 2006: 115).

The method in which the crucial case is employed is tailored to the peculiar nature of this thesis as it is about the attitude of elite agency to democracy. Chapter 6 in specific, presents the two models of democratic institutional arrangements and tests both against the preferences of the elite. Both the least likely theory (embodied in majoritarian institutional arrangements) and the most likely theory (embodied in consensual institutional arrangements) are weighted with the proximity of the elite vote –i.e. preference (see chapter 4, section 4.4). Furthermore, Chapters 7 and 8, in a similar manner deal with two institutions that matter the most in the case of Iraq and run the test for both theories. Moreover, Gerring (2006: 121) argues it is almost always easier to disconfirm a theory than to confirm it with a single case. A theory that is deterministic may be disconfirmed by a case study and this is the most common employment of the crucial case method in social science settings. The focus of this thesis, however, is on both theory and counter theory. Gerring’s view is helpful in clarifying the outcome; if the theory is not disconfirmed (when the largest number of political elite prefer power

sharing), then it is valid -as in this single case its anti-thesis has been employed and has been disconfirmed (when the greatest number of elite do not prefer majority rule).

## 2.8 Conclusion: Mixed Findings and the Missing Variable

Based on this literature review, the feasibility of democracy in post-2003 Iraq remains a contentious issue. Democracy is less likely because Iraq's wealth and income is generated through oil revenues. Oil is a critical variable for modernization. Democracy is possible because a majority of the civil society support it. Available evidence suggests that democracy by force is not a viable option. The United States has been more successful in building democracy in states that were already in existence than in building states anew. Post-2003 Iraq is an example of a state that has to be reconstructed but democracy appears to be feasible because the indications are that power-sharing options might work. Moreover, democracy is potentially viable because the culture does not suffer from democratic deficit.

While current literature focuses on structural factors for the feasibility of democracy, this thesis marks a departure from that approach. The extent to which Iraq's experience of building a democracy or, indeed, any other type of political system is determined by the level of knowledge of what Iraqis mean by the term democracy, their ideas on how to make it functional and, at the most basic level, whether they actually want it at all. Where representative democracies in modern societies translate in practice into rule by elected political elites or officials, it is vital to know the views of such elites concerning the political system they prefer. This is particularly so during transition periods, when elites have greater control of power than in situations that have already been consolidated. Iraq's democracy could have elements that are congruent with liberal democracy and elements that are not; it could develop non-liberal but not necessarily anti-liberal aspects.

There can be no better approach to discerning the real views of those with actual power than interviewing and surveying those key personnel. This thesis presents the views of the highest decision makers in the country including: two Presidents, two Prime Ministers, and two Speakers of parliament, as well as 14 Ministers of the cabinet and 100 members of the Council of representatives. The literature on democracy in post-

invasion Iraq is vast, yet, paradoxically, far from complete. The most distinguishing feature of current literature on post-2003 Iraq's democratisation is the neglect of the role of agency in the process. It is this role of agency that is the major thread running through this entire thesis.

## CHAPTER 3:

### Theoretical Approach and Hypotheses

#### 3.1 Introduction

The main objective of this chapter is to develop a theoretical framework to answer the main research question on the views and preferences of political elites on democracy and the arrangement of political institutions in Iraq. The underlying assumption is that elites play a pivotal role in transition processes aimed at building democracy. This idea is particularly relevant in the case of Iraq, where the elite have played a central role in forming and arranging the political institutions. The previous chapter concentrated on the extent to which democracy was related to either external or internal factors. It showed that there is a missing element in current literature (on Iraq) explaining the role of elite agency in the attempts to build democracy and its role in explaining the feasibility and, more importantly, the desirability of democracy in Iraq, as articulated in the views and preferences of the political elite.

While assuming the importance of political institutions, in section 3.2, two different aspects are examined; the importance of political institutions in established democracies and the centrality of political institutions in divided societies as a means of resolving conflict, with a particular focus on Iraq. Referring to elite theories of democracy, in section 3.3, this chapter highlights the significance of the elite by addressing their role during transitions and their position in divided societies such as Iraq. Section 3.4 combines the two elements of the elite and political institutions to develop a theoretical approach to answering the main research question of how the Iraqi political elite view democracy.

Thus the goal of this chapter is not only to summarise the main theoretical stances on the importance of the political institutions and the elite, but also to synthesise them to provide a coherent theoretical approach. This approach draws in particular on Robert Dahl's (1998) framework and employs Arend Lijphart's (1999) conceptual map on democratic institutions. Additionally, with reference to Lipset and Rokkan (1967), this chapter maps out a model of decisive cleavages in Iraq, and with reference to Bartels

2010, it presents a model for political socialisation process as it applies in the case of Iraq.

## 3.2 Political Institutions Matter

### Theoretical Ideas

Eminent scholars have studied political institutions in considerable depth. Yet there is a lack of agreement on a single definition (March and Olsen 1984; 1989; Moe 1990; Lowndes 1996; Peters 1999; Rhodes et al. 2006). In basic terms, the common characteristics of organisational, social and governmental institutions are that they are all 'stable, with valued, recurring patterns of behaviour' (Huntington 1965: 394). That is, institutions are the different organised elements of a society (Williams 1983: 169) that could be understood as the embodiment of particular procedures and practices (Lowndes 1996). Therefore, institutions conform to a pattern of interactions that are predictable (Peters 2005: 18). Institutions embody the organising principles that rationalise human interactions, be they social economic, political, cultural or religious.

An understanding of politics is required before any serious examination of the forms of institutions can be undertaken. Politics can be best understood in terms of power, for it 'is about power; about the forces which influence and reflect power and its distribution and use' (Held and Leftwich 1984: 144). To relate institutions to politics is, consequently, to understand institutions in terms of power since it is through political institutions that the distribution and the use of power are organised. More importantly, political institutions rationalise the distribution, as well as the restriction, and the use of power. An institution's importance, therefore, can be determined by reference to its functions. The fundamental significance of political institutions is their role in institutionalising rationality through defining political conduct and rendering political behaviour predictable. In other words, political institutions rationalise political conduct and establish a recurring pattern of interaction between the apparatus of rule and wider social structures, including the population.

Since the sixteenth century, the word institution as a term has had a specific connotation when used in relation to the practices and customs of government. Institutional functions could be classified into three interrelated and overlapping categories; the first

is 'governs', which includes what is formal and recorded; the second, 'practices', including what is informal and demonstrated; and the third, 'narratives,' which includes the semi-formal and spoken (Lowndes and Roberts 2013: 53-69). Although this categorisation is followed to an extent in this research, three different forms are also identified and political institutions are classified as formal arrangements, less-formal agreements and informal establishments. In the context of Iraq, the formal institutions include the House of Representatives and the Council of Ministers, whose functions have been written into the Iraqi constitution. The less-formal agreements are practices resulting from power sharing, such as the allocation of Iraq's presidency to Kurds, which are not mentioned in the Iraqi constitutions. The informal establishments include ethnic, cultural or religious groupings such as religious sects, in the case of the Shia, which has become an informal political institution, an example of which is Sistani's fatwa concerning proportional representation.

#### Political Institutions in Established Democracies

In a democracy, the political system is based on the belief that 'governments need the consent of the governed' (Dahl 1968; 1998; 2000). To build a government and to win the consent of the governed depends on the formation and the function of certain types of effective political institutions. There seems to be universal agreement among scholars on this point. Institutions as 'restrictions on a one-sided pursuit of self-interest' (Weber 1978: 43) are central in establishing democracy as a political system. To define democracy strictly, as applied to the apparatus of rule, however, makes political institutions central to any understanding of what democracy is and what it does. This is the case for both the structure and the function of democratic systems which can be understood through an examination of their political institutions. Institutions matter more than any other factor that could be used to explain political decisions (Peters 2005: 164). Due to their immense significance, the study of political institutions is at the heart of political science (Eckstein 1963: 10).

The definition of institutions that this thesis adopts is one that sees them as based on rules and organised practices that are relatively long lasting. A collection of such institutions creates a political order that fits, more or less, into a coherent system (March and Olsen 2008: 3-6). Institutions understood in that sense are the factors that compose

the architecture of different political systems and facilitate the rules that determine political outcomes. In democratic systems, political institutions are central to democratic politics because they are the mechanisms by which political actors can aggregate different ideas on, and practices of, how to govern. In established democracies, therefore, political institutions affect the prospects for democratic endurance, and significantly shape the logic and outcome of democratic statecraft (Dahl 2005; Lijphart 1999; Nohlen 1996; Stepan 1996; Satori 1994; Thelen and Stenmo 1992; Horowitz 1991). Eminent scholars (e.g. Dahl 1956; Finer 1975; Mansbridge 1980; Riker 1982) have drawn contrasts between different types of liberal democracies with respect to their institutional arrangements. The arrangement of political institutions matters because different institutional arrangements construct different types of democratic political systems.

The most notable contrast point of modern liberal democracies is between the two models of power sharing and power concentration models. The differences between them are largely down to their specific institutional arrangements. For example, proportional representation can be seen as a manifestation of power sharing while plural representation can be interpreted as a system that concentrates power. These differences have been studied by a variety scholars (e.g. Dixon 1968; Steiner 1971; Powell 1982; Hattenher and Kaltefleiter 1986; Huber and Powell 1994; Lijphart 1999). Arend Lijphart (1999), in particular, contrasted the defining characteristics of majoritarian democracies and consensual democracies. He enumerated the common traits (i.e. institutions) of majoritarian democracy and contrasted each with a corresponding consensus trait in order to name a consensus democracy (see Table 3.1). Lijphart argued that, in established democracies, different institutional arrangements could result in different democratic systems namely, the majoritarian and consensus.

It is not only political institutions but also the type of their arrangements that are affected by the performance of democratic systems. Lijphart's (1999) findings show that consensus systems outperform majoritarian systems on measures such as political equality, citizen participation in elections, and convergence of government policies and voter preferences. He argued that the consensual systems' success was due mainly to consensual institutional arrangements. Lijphart's findings are based on research in



established democracies but it is entirely valid to employ his conceptual map (Table 3.1) to examine the case of a deeply divided polity in transition such as Iraq.<sup>59</sup>

### Political Institutions in Divided Societies: The Case of Iraq

There are different views on political institutions and their feasibility and function in deeply divided societies. Some scholars recommend power sharing institutions (e.g. Lewis 1965; Lijphart 1984; Reynolds 1999). Others suggest that majoritarian institutions are best (Horowitz 1991; Sartori 1997; Reilly 1997). The diverse, and even opposing, views on different types of institutional arrangements reinforce the significance of political institutions. Scholars disagree on which institutions work best but they agree on the fact that certain institutional arrangements are key in building democracy in divided societies.<sup>60</sup> Lijphart is one advocate of power sharing institutional arrangements for such societies. In contrast to Lijphart's view, there are a number of writers that criticise non-majoritarian systems for divided societies (Barry 1975; Lustick 1979; 1997; Lardeyert 1991; Van Schendelen 1983; Quade 1991; 1995; Norris 2004; 2008; O'Leary 2005). They warn that in such societies in the longer term (e.g. Norris 2007: 27), power sharing institutions may produce undesirable obstacles to 'good governance', such as the fragmentation of the legislative and a potential secession stemming from federalism. Such concerns are redundant in the context of Iraq because the fragmentation is not the outcome of power sharing institutions. It is a political reality upon which the state of Iraq has been founded. The ethnic differences are not pliant but solid; they are geographically concentrated in different areas, show resistance to integration and demand accommodation.<sup>61</sup>

Lijphart's approach mirrors the context of Iraq. His work on two contrasting systems of democracy serves as a conceptual map for the theoretical framework of this thesis. It shows how the majoritarian and consensus systems (conceptual clarity) are

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<sup>59</sup> In 'constitutional design for divided societies' (2004), Lijphart also recommends a form of consensual institutional arrangement for institutional engineering and building democracy in divided societies.

<sup>60</sup> To avoid repeating myself, I will return to this debate in Chapters 6, 7 and 8.

<sup>61</sup> These matters have already been address in Chapter 1. I will discuss the main critiques of non-power sharing (consensual) institutional arrangements in subsequent chapters: in Chapter 6, I examine the debate on institutional design; in Chapter 7, I discuss the debate on federal structures; and in Chapter 8 I review the debate on constitutional design for deeply divided societies, focusing on arguments that explain and help in understanding of the theoretical framework.

interpreted in this thesis, as well as illustrating the types of democratic political institutions that the thesis examines in relation to elite support and preferences (analytical parsimonious). Lijphart used the term ‘power sharing’ in his 1969 writings as a synonym for ‘consociational democracy’, which is a ‘grand coalition complemented by three secondary instruments: mutual veto, proportionality, and segmental autonomy’ (Lijphart 1977: 36). Consensus democracy, however, is a new concept closely related to consociational democracy, but it ‘is not coterminous with it’ (Lijphart 2008: 6). The right column in Table 3.1 shows the ten defining characteristics of a consensual system. Consociational and consensual conceptions have a large degree of overlap but remain distinct. The consociational system relies on less-formal agreements, whereas the consensual system emphasises formal-institutional devices.

**TABLE 3.1 THE FORMAL POLITICAL INSTITUTIONS OF TWO DIFFERENT TYPES OF DEMOCRATIC SYSTEM**

	MAJORITARIAN SYSTEM	CONSENSUAL SYSTEM
<b>EXECUTIVE-PARTY DIMENSION</b>	Concentration of executive power in single-party majority cabinets	Executive power sharing in broad multiparty coalitions
	Executive-legislative relationships in which the executive is dominant	Executive-legislative balance of power
	Two party systems	Multiparty systems
	Majoritarian and disproportional electoral systems	Proportional representation
	Pluralist interest group systems with free for all competition among groups	Coordinated and corporatist interest group systems aimed at compromise and concentration
<b>FEDERAL-UNITARY DIMENSION</b>	Unitary and centralised government	Federal and decentralised governments
	Concentration of legislative power in a unicameral legislature	Division of legislative power between two equally strong but differently constituted house
	Flexible constitutions that can be amended by simple majorities	Rigid constitutions that can be changed only by extraordinary majorities
	Systems in which legislature have the final word on the constitutionality of their own legislation	Systems in which laws are subject to a judicial review of their constitutionality by supreme or constitutional courts
	Central banks that are dependent on the executive	Independent central banks
	<b>Maj. institutional arrangements</b>	<b>Cos. institutional arrangements</b>

Note: The institutional arrangements are adopted from Lijphart 1999. The table is my compilation. This table explains how this thesis understands the formal political institutions and, according to the above institutions, the preferences of Iraqi political elite are assessed.

The idea of consociation developed by Lijphart highlights the significance of context. W. Arthur Lewis is regarded as one of the most influential writers on Lijphart's consociational model. Lewis has studied the politics of thirteen West African states.<sup>62</sup> His main argument was; 'to create good political institutions in West Africa one has to think their problem through from the foundation up' (Lewis 1965: 64). That is, the political culture and structure of those societies had to be taken into consideration in any study of them. He has argued in favour of an inclusive form of democracy for divided societies and against the principle of exclusion (i.e. opposition) which he regarded as undemocratic. Congruently, Lijphart (1977:42) has argued that the consociational approach does not abolish or weaken sectarian divisions but recognises them explicitly and turns them into constructive elements of a stable democracy. Lijphart's recommendations on 'constitutional design for divided societies' (2004) have combined elements of both consensus and consociational, and he concluded that the successful formation of democratic government in divided societies requires two key components: *grand coalition*, that is, 'participation of representatives of all significant communal groups in political decision-making, especially at the executive level'; and *group autonomy*, that is 'groups have authority to run their own internal affairs especially in the areas of education and culture' (Lijphart 2008: 76-88).

It is Lijphart's view (2008: 8) that the differences between consociational and consensual systems do not involve any conflict and they are compatible. Other scholars (Doorenspleet and Pellikaan 2013) have argued that Lijphart's earlier work needs to be combined with his more recent 1990s research (see Lijphart 2008). Similarly, the main formal political institutions of majoritarian and consensus systems (Table 3.1) and the less-formal agreements (Table 3.2) are used in this study to advance a framework to assess the views and preferences of elites on their political institutions. Drawing on Lijphart's suggestion, both grand coalition and segmental autonomy are utilised as explanatory factors to discuss two formal institutions: federalism and constitution (Chapters 7 and 8). This approach relates the views of both Lewis and Lijphart, on the role of other politicised informal institutions through addressing democracy through

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<sup>62</sup> Liberia, the former British colonies of Ghana, Nigeria, and Sierra Leone, and the former French colonies of Mauritania, Senegal, Mali, Guinea, Upper Volta, Ivory Coast, Togo, Dahomey, and Niger.

divergent perspectives (Lewis) and the preferences of political elite for different institutional arrangements and less-formal agreements (Lijphart).

This research employs only two out of four<sup>63</sup> consociational elements; group autonomy coincides with segmental cleavages and ethno-sectarian divisions in Iraqi society which helps an understanding of the nature of social fragmentation. Grand coalition relates to the unwritten rules of power sharing among the different groups in Iraq and provides insights into the structure of the political system. Additionally, the consociational literature highlights the significance of political leadership, especially in reference to the two practices of group autonomy and grand coalition, and this corresponds to the logic of this research as it puts emphasis on the political elite. Reference to the two elements of consociational democracy are provided for explanatory purposes only, whereas elements of consensus-majority democracy compose the analytical framework of this research.

This thesis recognises that consociational less-formal agreements have potentially positive outcomes but can lead to undesired outcomes if not put in place properly. Table 3.2 highlights both such positive and negative possibilities.<sup>64</sup> It is assumed for the purposes of this research that, in addition to formal consensual institutions, if the two less-formal practices of grand coalition and segmental autonomy are operationalized correctly and not manipulated by the group that form the majority, then positive outcomes are more likely which will help establish and sustain democracy. However, if consociational agreements are conditioned with a majoritarian operationalizing of formal institutions, then democracy is less likely to endure. This analysis is peculiar to Iraq.

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<sup>63</sup> The other two elements are promotional representation and veto; the former will be discussed with the formal institutions, and the latter is implicitly established in the Iraqi constitution (see Chapter 8).

<sup>64</sup> The table is my compilation. This table shows the defining characteristics of consociational democracy, and also both positive and negative aspects of the implementation/manifestation of each indicator. Lijphart has not highlighted the negative aspects of his theory and these can be seen as a limitation of his work.

**TABLE 3.2 THE LESS-FORMAL INSTITUTIONS (POLITICAL AGREEMENTS)**

INFORMAL PRACTICES	DESIRED OUTCOMES	UNDESIRED OUTCOMES
Government by a grand coalition of the political leaders of all significant segments of the plural society.	Cooperation among the political leaders and compromise.	Competition among the political leaders and disagreement.
High degree of autonomy for each segment to run its own internal affairs.	Federation and autonomy for minorities.	Deepening the segmental cleavages.

Consociational System: the two informal practices of grand coalition and segmental autonomy

The formal political institutions, at least theoretically, as outlined in the Iraqi permanent constitution, are democratic. Iraq has a parliamentary system in which the parliament names the President and the Prime Minister. Constitutionally, there is a balance of power between the executive and the legislative. The constitution has separated the judicial, the legislative and the executive powers. Iraq has a multi-party system, and almost all the political parties are based on ethno-religious foundations. Iraq is a federal decentralised government in which the legislative power is concentrated in a unicameral legislature. The legislature has the final word on the constitutionality of its legislation although, in certain cases, there are judicial reviews, and the constitution is inflexible. In post 2003 Iraq, consociational elements have been employed to thread through the formal institutional arrangements to hold it together. There is a veto for each of the three main groups based on provinces, to make a balance between the federal government and the provinces or regions, and segmental autonomy has been recognised and established. The three rounds of elections have been based on proportional representation, although the constitution does not require it, and since 2005 all Iraqi cabinets have been formed based on broad multi-party coalition–intergroup coalitions.

Robert Dahl, after reviewing the two sides of the debate (Lijphart’s and Horowitz’s) on institutional arrangements for divided societies, reaches the inescapable conclusion that there are no general solutions to the problems of culturally divided countries. Consequently, ‘every solution will need to be custom tailored to the features of each country’ (1998: 195). One method to customise the solution for a deeply divided country is to take into account the views of their political leaders. That is especially true in the case of Iraq.

The answer to the question of how Iraqi formal political institutions are arranged is crucial in order to identify the type of political system the Iraqi political elite have developed so far, and which parts of it they want to see changed in the future. Lijphart's (1999: 3-4) defining institutional traits of majoritarian and consensual models are utilised to locate Iraq's political system within that majoritarian-consensual spectrum. The ideal type of a majoritarian model has the following attributes. On the executive-party dimension, the executive power is concentrated in a single party majority cabinet. In executive-legislative relationships, the executive is dominant: it has a two party system, there is a disproportional electoral system, and there are pluralist interest groups. On the unitary-federal dimension: it has unitary and centralised government, legislative power is concentrated in a unicameral legislature, the constitution is flexible, the legislature has the final word on the constitutionality of its own legislation and, finally, the central banks are subordinate to the executive.

The ideal type of a consensual model is in sharp contrast with the majoritarian ideal. First, on the executive-party dimension, the executive power is shared in broad multiparty coalitions; there is a balance of power between the executive and legislature; it has a multi-party system; there is proportional representation and coordinated interest groups. Second, on the federal-unitary dimension, it has a federal decentralised government; the legislative power is divided between two equally strong, but differently constituted, Houses and it has a rigid constitution that can be changed only by extraordinary majorities. In this system, laws are subject to judicial review on their constitutionality by supreme or constitutional courts and the central banks are independent.

The arrangement of formal political institutions in Iraq can be seen to fall into distinct categories. One, the executive-party dimension: the executive power is shared in broad multi-party coalitions, there is a legislative executive balance of power, there is proportional representation, and a multi-party system, with plural interest groups. Second, on the federal-unitary dimension: Iraq is a federal system, the legislative power is concentrated in a unicameral legislature, has a rigid constitution with the legislature having the final say on the constitutionality of its own legislation, and the Iraqi central bank is independent. Therefore, Iraq's political system has elements of both

majoritarian and consensual models. Out of ten traits, only three are majoritarian and the rest are consensual. In addition to those consensual traits, four consociational principles are also present in Iraq. Grand coalition is an informal practice while the other three principles, proportional representation, segmental autonomy and mutual veto, are written into the Iraqi constitution (see Chapter 8).

It is fundamental to recognise that not all formal institutions, as identified by Lijphart, have the same significance. Some institutions can influence a system to become more majoritarian or consensual than others. Iraq has a parliamentary system in which the Shia form a majority in the House of Representatives. As a result, the two traits of unicameralism and the absence of judicial review, more than others, could push Iraq's political system towards majority rule. Iraq's legislative power is concentrated in a unicameral legislature, the House, and the legislature has the final word on the constitutionality of its legislations unless it directly contravenes the constitution. In such a case, the Shia as the majority in the legislature could establish majority rule, especially taking into account the fact that Iraq's political system is parliamentary and the post of Prime Minister is reserved for the Shia, based on informal political agreement between the three main groups.

In most divided societies, a political agreement between the political leaders of different groups precedes the formal institutional arrangement. In the case of Iraq, the precedent of the formal institutional arrangements coming first has been one of the principles of power-sharing agreed between the leaders of the three main factions. The consensus has been inherently political, and Andre Kaiser (1997: 434) labels the democratic form of such a system as 'negotiation democracy,' which seems a particularly apt term for use in the Iraqi context.

Iraq's negotiation politics have become manifest in the four principles of power sharing (consociation) of grand coalition, segmental autonomy, proportional representation and minority veto. Those principles, outlined by Lijphart (2008:7), are in direct opposition to majoritarian principles. A hypothesis can be developed that a consensual model is more likely to work than a majoritarian model in Iraq. This contention can be justified

based on the fact that the consensual model has grown out of the consociational model.<sup>65</sup> Therefore, the two are congruent and Iraq's political system is based on a set of political agreements that are conducive to a consociational power sharing model. It follows that a consensual model is more likely to be feasible. Conversely, a majoritarian model is less likely because it is, in principle, contradictory to the way Iraq's political system is structured.

The theoretical framework in this thesis draws on the significance of institutional design, yet departs from a mere constitutional approach and focuses on elites' views on democracy and their preferences for institutional arrangements. Discussing democracy as a set of institutions puts the political elite central to the process of establishing a democratic system.

### 3.3 Political elites matter

#### The Theoretical Ideas

The concept of a political elite is inter-connected with the concept of power. The political elite can be defined as '... the power holders of a body politic' (Lasswell et al. 1965: 3-19). The importance of the political elite in a body politic resides in their access to power. To discuss democracy as a set of institutions with a focus on the political elite is the main attribute of 'elite theory of democracy.' The theory makes a twofold assumption; power lies in institutions, and elites make institutions work (Hunter 1953; Mills 1956; Domhof 1967; Putnam 1976; Schwartz 1987; Bottomore 1993; Bacharach 2010). The common idea shared by classical elitist theorists (e.g. Schumpeter 1942; Kornhauser 1960; Sartori 1962) is that democracy is a procedure by which the political elite compete for power to govern.

The elite theory of democracy's conception of political elite, in particular Joseph Schumpeter (1942), is akin to Max Weber's view that 'a person is granted the authority to decide, and must be allowed the freedom necessary if he is to deliberate and act in a responsible manner' (cited in Parry 1969: 145). Schumpeter viewed democracy as 'a

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<sup>65</sup> Lijphart (2008: 6) states that consensus democracy has grown out of his effort to define and measure consociational democracy more precisely.



method' designed to produce trustworthy government, what he called 'the rule of politicians' (Schumpeter 1942: 269). He also defined a democratic method as the 'institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people's vote' (Schumpeter 1956: 25). Schumpeter conceived an elitist democracy based on the two main principles mentioned above; to arrange a set of institutions that make political decisions, and to have a political elite who enjoy political power. This thesis acknowledges both principles, but puts the emphasis on the latter. Elites have personal resources and they make institutions work; this is in line with Dahl's view that political elites have influence over political events (1971: 128).<sup>66</sup>

Elite theory has been criticised by scholars who favour a more classical notion of democracy developed by theorists who advocated popular political participation and government by the people, such as Jean-Jacques Rousseau (2008) and John Stuart Mill (1946). The former was more concerned with the legislative power and participation, while the latter concentrated on the executive power and representation. Jack L. Walker (1966) follows this tradition. Walker's criticism can be summed up in the single assertion that elitist theorists conceive democracy solely in procedural terms, as a method of decision making bound by an elite's responsiveness to popular opinion, emphasising the limitation of the average citizens, on the one hand, and the trust put in the elite, on the other (Walker 1966: 288-295).

Robert A. Dahl (1966) has responded to Walker's critiques by elaborating on two distinct doctrines of the elitist theorists, one of which is anti-democratic and the other democratic. The former contends that popular rule is not only undesirable but regards it as impossible (e.g. Michels 1915, Pareto 1935; and Mosca 1939); whereas the latter advocates the desirability of representative government, albeit 'with the emphasis on the empirical proposition that *leaders do have great weight* in modern representative systems,' Dahl has named 'Beer, Hartz, Lipset, Key, Mayo, Milbrath, McClosky, Morris-Jones, Polsby, Schumpeter and Truman' (including Dahl himself) as holders of the latter doctrine and regard themselves as the advocates of 'the elitist theory of

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<sup>66</sup> Conceptions of democracy by the elite as an ideal and a reality are explored from Chapters 5 to Chapter 8.

democracy' (Dahl 1966: 296). In giving weight to the political elite's role in establishing democracy, derived from the idea put forward by Dahl and his fellow scholars, this thesis distances itself from the anti-democratic tendencies of the other 'elitist theorists,' classical or otherwise.

### Political Elite and Transition Processes

Although the discourse on the 'elitist theorists of democracy' concerns established democracies, it also has implications for cases involving democratic transitions. There have been scholarly empirical and theoretical attempts to reconcile the role of the political elite with the transformation of regime type. The wave of transitions to democracy during the 1980s, in Latin America and Southern Europe, attracted much scholarly attention (O'Donnell, Schmitter, and Whitehead 1986; Malloy and Seligson 1987; Baloyra 1987; Needler 1987; Karl and Schmitter 1991). The literature on those transitions shifted the focus away from explanations based on social structures towards political factors hypothesised in terms of the behaviour of powerful actors or elites, termed 'elitist transitions'.

Research in this area studied the possible transitions from authoritarian regimes in terms of 'elite pacts,'<sup>67</sup> a precise agreement among the elite that explained the rules governing the exercise of power based on complementary assurances over their vital interests.<sup>68</sup> A study by Terry Lynn Karl and Philip C. Schmitter shows that democratic transitions by pacts i.e. when elites agree upon a multilateral compromise among themselves, are most likely to lead to democracy<sup>69</sup> (Karl and Schmitter 1991: 284). Similarly, other scholars (e.g. Lopez-Pintor 1987; Malloy 1987) have found that in certain cases contingent elite choices eventually produce democratic adaptation or cause democratic disintegrations. The assumption that elites play key roles in transition can be deduced from broad empirical evidence and underpins the approach of this thesis. Although Iraq is a case of

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<sup>67</sup> Guillermo O'Donnell and Philippe C. Schmitter (1986) have pointed out some presumed objectives of those pacts such as; to serve as temporary solutions anticipated to avoid certain troublesome outcomes; to pave the way for more permanent arrangements; for some of their elements to eventually become the law by being incorporated into constitution or statutes; while others could be institutionalized as the typical operating procedures of state agencies, political parties, interest associations and the like (O'Donnell and Schmitter 1986: 37).

<sup>68</sup> As long as the elite actors were concerned, they were divided in two categories, pacts (the consensus among the political elite) and impositions (elite seize power and change regime).

<sup>69</sup> Compared to other cases by reform, or by revolutions, where the masses cause regime change, or imposition has led to limited democracy.

an imposed transition, it shares a fundamental characteristic with the empirical proposition of elitist transitions which is the centrality of the political elite during that transition.

There have been theoretical justifications for, and attempts to theorise, the role of the political elite in the survival of democracy and the process of democratisation (e.g. Hagley and Burton 1989; Field, Higley and Burton 1990; Dye and Zeigler 1996; Etzioni-Halevy 1997; Higley and Burton 2006). In particular, Higley and Burton (1989) introduce an 'elite paradigm' by addressing the way domestic elite interrelations affects regime stability, democratic transitions, and breakdowns. The core assertion of their study is that democratic transitions depend heavily on the 'consensual unity' of national elites, whereas 'disunited elites' make a political regime unstable and cause democratic breakdowns (1989: 17).

In subsequent studies Higley and Burton (1989; 1990; 2006) propose three elite configurations: disunited, consensually united and ideologically united elite. They argue that each of these configurations has an origin in nation-state formation. Further, they have developed two dimensions of elite variations: structural integration and value consent. The former refers to formal and informal networks and the latter denotes relative agreement among the elite about 'the worth of governmental institutions' (Higley and Burton 2006: 9). They further argue that when the political elite are disunited, structural integration and value consensus are minimal. When elites distrust each other, a struggle for dominance, in what might be seen as a political war, ensues. When the elite are ideologically united, structural integration is extensive in a strongly centralised manner, value consensus is extensive, and is the embodiment of a single ideology (religious doctrine, ethnic creed). When the elite are consensually united, structural integration and value consensus are extensive and 'there is an underlying *consensus about the worth of existing political institutions*' (ibid: 14 emphasis added).

In the aftermath of the Iraq invasion, a degree of consensual unity among the Iraqi political elite was achieved in the IGC, though imposed by the United States. The formation of subsequent Iraqi governments (2006, 2010 and 2014) based on grand coalitions have been the outcome of a political consensus among the elites. It is one of

the objectives of this study to examine this consensual unity through analysing views and synthesising preferences for different institutional arrangements.

Before moving further forward, the two key concepts of transition and agency require clarification - as they are understood in the context of this thesis. First, transition is the interim period during which the legacies of the former regime (i.e. authoritarianism) coexist with the realities of a new regime (i.e. democratic) that attempts to replace it.<sup>70</sup> That is, the period of transition ends when political democracy has created a less suspicious attitude toward each other's purposes, ideas and ideals (O'Donnell and Schmitter 1986: 72). Given that established premise as a sole measure, then it could be argued that, in the case of Iraq, the transition has not been passed yet, as there is too much mistrust and suspicion towards one another among the political elite (as this study shows).

Second, on the concept of agency, in chapter 1, section 1.1, I argued that this thesis makes a difference between popular agency and elite agency and the focus was narrowed on the later. Elite agency, as this thesis applies the term, refers to the political elite. By political elite I refer to those who are the members of the apparatus of rule, (the legislative, the executive and the judiciary), members of the Iraqi parliament, members of the Iraqi government and members of constitution writing committee. And those are the participants in this study. Section 3.4 of this chapter presents a model to illustrate where the attitudes of the political elite come from to show the causal ordering of factors that have a bearing on elite attitudes to democracy. Chapter 4, section 4.4 further explains how elites' views and preferences are measured and analysed, using both methods surveys and interviews.<sup>71</sup>

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<sup>70</sup> O'Donnell and Schmitter (1986) in their work entitled 'tentative conclusions about uncertain transitions,' introduce the principle of uncertainty for transitions. A principle could very well be applied to Iraq as a case in transition.

<sup>71</sup> The views of elite and their preferences are measured with their choices for either consensual or majoritarian institutional arrangements, through surveys; and their interviews are more or less descriptive narratives -using thematic analysis. Moreover, it has been established that attitudes, beliefs, and behaviour constitute a second major category of social and political data that can be efficiently studied with surveys (see, Boyd and Hyman 1975: 274).

## The Political Elite in Divided Societies: The Case of Iraq

In a deeply divided country, during transition, political leadership is particularly required to facilitate peaceful competition for power. Building democratic institutions relies on cooperation between elites representing different groups (Byman and Micheal 2003: 130; Khalilzad 2010: 42). As long as the political elite are the most significant actors peacefully competing against one another (Case 1996), their unity guarantees the political stability of the newly emerging democratic system. In societies that are fragmented with ethnic, religious or ideological divisions, however, the political elite represent different ethno-religious groups who are responsible for constructing democratic settlements. In such societies, an essential step towards democracy is that elites satisfy their desire for power through peaceful means instead of resorting to violence (Bermeo 1992: 276; Brown 1996: 583).

The discussion of the centrality of political elites in building democracy in deeply divided societies forms the second part of the theoretical framework. The main underlying proposition of this thesis is that support for democracy by the Iraqi political elite is one of the most important factors in building democratic institutions. That, however, is based on the assumption that transformation from 'elite disunity to consensual unity is an essential precondition for political stability and lasting democratic transition' (Higley and Burton 1989: 21). Along similar lines, Larry Diamond (2005c: 65) argues that when the political elite believe that the democratic regime is 'better than any other realistic alternative they can imagine,' they are committed to democratic norms. Their belief and behaviour correspond to democratic practices and democracy, consequently, could have a promising future. Similarly, Francis Fukuyama (1995), identifies some levels<sup>72</sup> necessary to building democracy, the first of which is a normative commitment to the idea of democracy among the political leaders and the ruling elite. The support for democracy, which is often grounded in the personal satisfaction of the political elite, could lead to achieving democratic practices during the transition period. Political scientist, Adeed Dawisha has rightly stated that the answer to whether 'Iraq goes up the rising path of democracy

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<sup>72</sup> The other three levels are: Level two - consolidating democracy at the level of institutions, constitution, electoral systems and political parties; Level three - involves the existence of civil society, interest groups, independent media and civil right groups; and Level four - includes phenomena such as family structure, religion, moral values, ethnic consciousness and 'civic-ness'. See Fukuyama, F. 'The Primacy of Culture' *Journal of Democracy*, vol. 6, no. 1, (1995), pp. 7-9.

or down the falling road of division may very well lie in the bargaining, arguing, and political deal-making that are going on in Iraq in the present time of transition' (2005: 49).

This thesis holds that the political elite are key to building democracy in Iraq. The United States' strategy for post invasion Iraq placed the political elite central to the process of rebuilding Iraq's formal institutions. After its military victory, the United States' main drive of democracy building efforts was in creating appropriate political elites and this became the single most important task for post-Saddam state reconstruction (Manning 2006: 727; Nader 2003: 482). War and regime collapse abolished formal political institutions and created a political vacuum. On 16th May, 2003, Paul Bremer<sup>73</sup> issued regulation Number 1, announcing the establishment of The Coalition Provisional Authority (CPA)<sup>74</sup>, and on 13<sup>th</sup> July, 2003, in regulation Number 6, he declared the formation of the Iraqi Governing Council (CPA 2003). The Iraqi Governing Council (IGC), chosen by the US administration in Iraq, was made up of 25 people representing Iraq's diverse religious and ethnic groups on a proportional basis: thirteen Shia, five Sunni, five Kurd, one Turkmen and one Christian. In Lijphart's view, this was a manifestation of power sharing, which has been criticised on a variety of grounds, 'but no one has questioned its broadly representative composition' (Lijphart 2008: 76). With the institutionalization of the ethnic and religious fragmentations into the apparatus of rule, the Iraqi Governing Council, those 25 members of their respective elites were tasked with drafting the Transitional Administrative Law (TAL).<sup>75</sup> In consequence, the elite took the first steps in drafting the Iraqi constitution.

In post 2003 Iraq, the political elite have had a central role in shaping Iraq's politics and forming its political system. Their views and preferences concerning democracy

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<sup>73</sup> Paul Bremer, an American diplomat, was US administrator to Iraq. He served as the head of the CPA from May 11, 2003, until limited Iraqi sovereignty was restored on June 28, 2004.

<sup>74</sup> The CPA was established as a transitional government following the invasion of Iraq. Citing United Nations Security Council Resolution 1483 (2003), the CPA granted itself the executive, legislative, and judicial authority over the Iraqi government from the period of the CPA's inception on April 21, 2003, until its dissolution on June 28, 2004.

<sup>75</sup> The TAL was Iraq's provisional constitution that was signed on March 8, 2004 by the Iraqi Governing Council. It came into effect on June 28, 2004 following the official transfer of power from the CPA, to a sovereign Iraqi government. The law remained in effect until the formation of a new government in May 2006, when it was superseded by the permanent constitution that had been approved by referendum on October 15, 2005.

are, therefore, of great importance and underpin the adaptation and practices of political action that are of the essence in establishing democratic institutions and their functions. The following section will combine the two parts of the theoretical framework, the importance of political institutions and the significance of the political elite, to address the main research question.

### 3.4 Theoretical Framework

#### Theoretical Approach

Conceptually, the political elite and the political institutions are important because of their connection with the notion of political power. Political power can be understood as decision making with a ‘severely sanctioned choice’ and political institutions are the organising principles of politics through which these sanctioned choices are made. Governmental institutions, by default, become the home to the political elite. This thesis, however, recognises political power as both actual and potential. In the case of Iraq, actual power of the political elite comes from the groups that they represent while their potential power comes from the position they hold in the formal institutions of government. For example, the Prime Minister is a Shia, his remit is written into the Iraqi constitution and can be categorised as potential power. However, the extent of what he can actually do, *actual* power, depends to a great degree on Shia support.

Therefore, the theoretical approach to assessing views of elites combines elements of institutionalist and elitist approaches rather than simply employing an institutionalist one, in the sense of putting political institutions first in any political analysis (e.g. Hay 2002; Peters 2005; Rhodes, Binder and Rockman 2006). This approach acknowledges and draws on the centrality of political institutions while putting the role of political elite first.

The two composing elements of the theoretical approach of this thesis, the elite theory of democracy and the institutionalist approach, have been criticised separately as a set of political norms and as a guide to empirical research respectively. To combine both approaches minimises the weaknesses of and answers the criticisms levelled at both. That is, within the scope of this thesis both the significance of elite theories of

democracy during transition and the importance of institutional arrangement in divided societies are acknowledged and defended.

The political norm of the ‘elite theory of democracy,’ has been criticised for limiting the normative theory of democracy and dividing society into elites and citizens (e.g. Walker 1966). This thesis, although employing the ‘elite theory of democracy,’ is not an apology for elite rule, but rather offers a pragmatic analysis of how representative democracy functions in modern societies, whether homogenous or heterogeneous, strongly unified or deeply divided. By placing the emphasis on incorporating formal institutions, this approach admits the possibility of institutional vigour enabling non-elite individuals to become members of the elites. The membership of the ruling class and those that are subject to rule is not fixed or static. Membership changes and such mobility is at the heart of representative democracies. Given Iraq’s context, the approach of this thesis is realistic and pragmatic (see Chapter 4) and recognises that the survival of democracy in a deeply divided society is inextricably linked to the attitude of the political elite, since democratic decisions can only be reached through accommodation and compromise between divergent group leaders.

The ‘elite paradigm’ has been criticised on the grounds of its lack of conceptual clarity. It fails to draw a clear line between elites and non-elites. Along similar lines, it is also vague as to the scope of an elites’ power (e.g. Cammack 1990). This thesis addresses these criticisms and responds to the concerns raised through conceptual clarity and the exactness of expression.

The precise definition of ‘political elite’ in this thesis draws a clear distinction between the political elite and non-political elite. All those in the political elite are members of formal political institutions (the legislature, executive and the judiciary) who also happen to be political party members and members of different ethno-religious groups. However, the term political elite does not include religious elites, such as the Shia *Mujtahid* and the Sunni *A’lim*, unless they are directly involved in politics or their views, stances and *fataws* shape political decisions through membership of a formal political institution. The terms ‘elites’, ‘political elite’, ‘the ruling elite’, and ‘political leaders’ are used interchangeably to refer to members of the formal institutions who are



the top decision makers. Concerning the scope of elite power, the actual power of an individual within an elite is related to the informal institutions of which that individual is a member and includes factors such as the size of their ethnic group or their sect, while the potential power is due to the formal institutions of which the political elite becomes a member of, such as the powers of the Prime Minister or the President as stated in the constitution.

Some scholars have expressed concerns that to understand a political system primarily in formal-legal institutional terms is inadequate and narrows focus (Macridis 1963; Eulau and March 1969; Drewry 1996). This thesis addresses such concerns. With institutions, three connotations, informal, less-formal and formal, are used. Informal institutions are social complexes that 'give order to social relations' (Weber 1978: 40), such as a religious sect and ethnicity, specifically when they become the defining cultural characteristics of a group and form 'ethno-religious segments.' This thesis refers to such institutions as 'informal institutions' and sheds light on their divergent political perspectives on Iraq's democracy. The term less-formal refers to political agreements between different groups such as grand coalitions and segmental autonomy. Formal institutions constitute the formal governmental institutions of consensus and majoritarian systems as identified by Lijphart (1999).

#### Assessing the Political Elites' Views on Democracy

One way to determine the views of the political elite concerning democracy is to ask them about the meaning of democracy as they see it and to examine their support for political institutions. Such an approach combines elites and institutions and is a theoretically valid and relevant method. However, the examination of democracy and what it means ideally, as opposed to what it does in reality, is a categorisation of democracy developed by Robert Dahl (1998). With the modifications that the structure of this thesis requires, this method used by Dahl is utilised. Dahl makes the assumption that democracy can be best understood in two contingent forms, as *ideal* and as *actual* government (1998: 29). That is, to define democracy as an *ideal* involves questions such as, 'What is democracy?' and 'Why democracy?' Whereas to define democracy as an *actual* political system necessitates identifying political institutions required in a democratic system, as well as the conditions that favour such institutions. This method

applies the theoretical framework to answer the main research question in three overlapping and interconnected sections (see Table 3.3).

This theoretical framework assumes that the Iraqi political elite see democracy as desirable. Their specific views on democracy can be further deconstructed by asking the questions; ‘What does democracy mean?’ and ‘What type of democracy is supported?’ Only by understanding what exactly Iraqi political elites mean by democracy can there be any progress in analysing their preferences for a certain type of democratic system. From that knowledge comes the ability to identify, and discuss, the implications of such a system in Iraq. Put simply, it is only after knowing the meanings they attach to their conceptions that their choices can be understood.<sup>76</sup>

Dahl’s (1998) method of understanding democracy is employed (see Table 3.3) to answer the main research question, as well as Lijphart’s ideas (1999) on democratic institutions to formulate an analytical structure corresponding to the theoretical framework. The centrality of political institutions in divided societies, and the significance of political elites in building democracy during periods of transition, is emphasised.

**TABLE 3.3 UNDERSTANDING DEMOCRACY AS IDEAL AND ACTUAL AS EXAMINED IN THIS THESIS**

	IDEAL	ACTUAL	
	Values and Ideas	Democratic Political Systems	
POLITICAL ELITE DIVERGENT PERSPECTIVES	What is democracy?	What political institutions does Iraq’s democracy require?	What conditions do those institutions require?
	What does <i>democracy mean</i> ? Why do they support democracy?	What type of political institutions do Iraqi political elite support?	What works best and what are the challenges in building democratic institutions in Iraq?
	Chapter 5	Chapter 6	Chapters 7 and 8

As Table 3.3<sup>77</sup> shows, Chapter 5 answers the question ‘What is democracy?’ by

<sup>76</sup> It is vital to note that I have given different discourses on definitions of democracy (see Chapter 1). In this present chapter, I have given a preliminary understanding of democracy. Those, nevertheless, were views in the literature and democracy as perceived in other contexts. The meaning of democracy in the context of Iraq, however, as in what it means to Iraqi political elite and what type of political system do Iraqi political elite craft out of the ideal of democracy, is further clarified from the context of this thesis by showing how the political elite understand democracy.

<sup>77</sup> I have borrowed the idea, as well as the table layout, from Dahl (1998), with the modifications that this thesis requires – i.e. the chapters and the questions relating to democracy in Iraq.

examining how democracy is viewed as an ideal among the political elite, why they favour democracy and what values or norms do they serve with their conceptions of democracy. Knowing these views is essential because the first step in building democracy, as Francis Fukuyama (1995: 9) believes, is a normative commitment to the idea of democracy among political leaders and the ruling elite. Larry Diamond (2005c: 66) has argued that the elite have significant, disproportionate, power and influence, and feels elites matter the most in ensuring the stability of democracy, not only in their behaviour but also in their beliefs. He further argues that democracy is built on two dimensions (norms and behaviour) and three levels (elite, organisation, and mass public).<sup>78</sup>

Chapter 5 is concerned with the role of norms and beliefs at the elite level. A narrative analysis is used to show what the Iraqi political elite refer to as ‘democracy,’ and to illustrate the sort of ideas they find ‘democratic.’ The intention is to determine whether political elites representing different ethno-religious groups have similar or divergent conceptions of what democracy is and whether the conceptions of elites from different ethno-religious groups differ in relation to the main ideals of democracy. A further aspiration is to show where their views overlap by indicating the type of ideas and goals that elites from each group appeal to while defining democracy. Finally, the crucial issue of whether any such differences in definition matter is addressed.

After defining democracy as an *ideal* within the context of Iraq, democracy as an *actual* political system is explored. As the theoretical framework in Table 3.3 suggests, this will be done in two parts to answer the two sub questions derived from the main research question; ‘What democratic system?’ and ‘What works in Iraq?’

Chapter 6 examines the type of democratic system that the majority of the Iraqi political elite support. A mechanism has been formulated using Lijphart’s 1999 conceptualisations of consensus and majoritarian systems (see Table 3.1) to serve as a survey (see Chapter 6). Lijphart contrasts the two models and these are presented under two dimensions, each comprising of five variables (i.e. formal institutions) on which a

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<sup>78</sup> This research discusses the first and second levels, the elite and organizations i.e. institutions. The third level of mass public is beyond the grasp of this paper.

particular country, in this case Iraq, 'may be at either end of the continuum or anywhere in between' (Lijphart 2008: 7). The survey, in this way, gives the political elite the option to choose either consensus or majoritarian formal political institutions. Chapter 6 initially examines the support for different types of democratic systems among the three main groups, to show what group supports which type of democratic system. It goes on to examine the support of all groups combined, to pin down the institutions on which a majority of all groups agree. From this analysis, a picture of Iraq's preferred political system, and whether it lies at either end of the continuum or somewhere in between the consensus and or majoritarian democracy models, can be drawn.

Chapters 7 and 8 address the last part of the main research question. Chapter 7 focuses on federalism as a formal institution, with in depth empirical evidence from interviews and surveys (see Chapter 4). These sources suggest how operationalizing federalism could be managed through the divergent perspectives of the main groups in Iraq. Segmental autonomy as a less-formal political practice is used as an explanatory factor to further discuss Iraq's federalism. An examination of what elites, from different groups, mean by federalism, and what type of federalism, majoritarian or consensual, they support is also addressed. Chapter 8 examines Iraq's constitution through an analysis of responses from members of the Constitution Drafting Committee. The chapter treats the constitution as a formal institution, and steps beyond the mere 'text' by articulating the views of the committee members ascertained from structured interviews and surveys (Chapter 4). Thematic analysis is used to discuss the constitutional challenges as seen from divergent perspectives. The first of these involves a discussion on the role of Islam in drafting the constitution to illustrate the compatibility or contradictions between the established provision of Islam and principles of democracy and, crucially, how the Iraqi political elite have reconciled the two. The second constitutional challenge stems from the idea of the 'democraticness' of the Iraqi constitution. The chapter explores 'grand coalition' as a less-formal political practice (see Figure 3.1) to inspect the vagueness of some articles and, hence, ambiguity in their implementation, specifically by asking whether the formation of the Iraqi government in 2010 was according to the constitution or not.<sup>79</sup> The third issue involves

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<sup>79</sup> That is the idea of 'grand coalition,' as the coalition among the Shia lists to form the majority or the grand coalition among all major lists of Shia, Sunni and Kurds.

ideas and efforts to bring about constitutional amendments, to show what parts, if any, of the constitution are more likely to be amended and to show how and why views have shifted after a decade of living under the constitution.

#### Dimensions of cleavage and a Model for political socialisation

In this section, I have two main objectives, first, to present the most decisive dimensions of cleavage in the context of Iraq, and second, to explain the nature of political socialisation, as stems of those cleavage dimensions (how they are translated in politics). Having established those two premises, using the general idea of the proximity of factors affecting connections of democracy and preferences for different institutional arrangements, the section provides greater clarity on where ethno-religious identification sits in the causal ordering.

One method to identify the type of cleavages, is the method used by Lipset and Rokkan (1967: 47) categorising the decisive dimensions of cleavage in the Western politics. One ought to be cautious to describe the context of a country, using the technical concepts tailored to describe the context of totally different country. Having this in mind, I will be only borrowing the framework and the structure of presentation.<sup>80</sup> It is argued that there are two important types of cleavages, territorial and functional. ‘Territorial’ cleavages are involved in defining the nation, such as church-government cleavages over national morals and secularism.<sup>81</sup> ‘Functional’ cleavages, are both industrial and economic, these are interest based cleavages over worker and owner or primary and secondary economy.<sup>82</sup>

If we apply the same framework to the context of Iraq, then the territorial cleavages become primary, and functional cleavages become secondary. In other words, the

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<sup>80</sup> Lipset and Rokkan (1967), when they discuss the cleavages in western politics and how those cleavages were translated into party politics, terms that describe issues peculiar to the western countries. For example, for the *cleavage* of land-industry, the *critical junctures* is industrial revolution 19<sup>th</sup> century, while the *issue* is tariff levels for agricultural products vs. freedom for industrial enterprise – these are a part of the history of the west, and also the issues are also issues that have concerned the west. Although this thesis adopts the framework of *cleavage-critical juncture-issues*, it does so with incorporating the specific feature of the context of Iraq, social, political and historical.

<sup>81</sup> It is argued that these cleavages were stirred in the ‘national’ revolutions that swept Europe beginning in France (see, Lipset and Rokkan 1967).

<sup>82</sup> These cleavages were stirred by the industrial revolutions, beginning in Britain (see, Lipset and Rokkan 1967).

functional cleavages are refracted through territorial cleavages – in the context of Iraq. There are three decisive dimension of cleavage in Iraqi politics (see table 3.4). First, an ethnic divide, between Arabs and Kurds, this can be dated back to 1920s and the formation of Iraq as a nation state. This cleavage, a defining characteristic of Iraqi politics, has become manifest in issues such as Kurdish ethno nationalism versus Iraqi nationalism. Second, a religious sect divide, between Sunni Arab and Shia Arab, and this can be traced back to the mid 7<sup>th</sup> century (see chapter 5). This cleavage, has shaped Iraq's politics since the countries establishment, prior to 2003 the Sunni Arab ruled Iraq, and the 2003 invasion brought a shift in power and the Shia became the rulers of Iraq. Currently the issues of this cleavage revolve around the principle of power sharing and majority rule between the two sects. There is a third cleavage, and it is relatively new, secularism versus fundamentalism. This cleavage is less decisive compared to the other two, because it is refracted through the other two.<sup>83</sup>

**TABLE 3.4 THE DECISIVE DIMENSION OF CLEAVAGE IN IRAQI POLITICS**

<b>CLEAVAGE</b>	<b>CRITICAL JUNCTURE</b>	<b>ISSUES</b>
<b>KURD-ARAB</b>	The formation of the modern nation state of Iraq in 1920.	Kurdish ethnonationalism vs. Iraqi nationalism, (translated into subject vs. dominant culture) powers to the region vs power to the centre – federal vs unitary.
<b>SUNNI-SHIA</b>	The killing of Ali's second son Ali Karbala (modern southern Iraq) in year 680 AD. (1920-2003 secular Sunni dominance, 2003–present sectarian Shia dominance)	The Sunni vs. Shia struggle for power, (translated to subject vs. dominant culture) power sharing vs. power concentrating proposals.
<b>SECULARISM-FUNDAMENTALISM</b>	The removal of the Ba'ath regime (2003) and drafting the new constitution in 2005	The position of religion of Islam in defining national morals vs. secularism. Islamism vs. liberalism - Islamic provisions vs. democratic principles (in the case of the constitution)

Reference to the previous three rounds of national elections in Iraq (2005, 2010, 2014) makes the above case of decisive dimensions of cleavage stronger. Those elections (see chapter 1, section 1.2) clearly show that there is a primacy of ethno religious identity. It further showed that, the cleavages in Iraq are concentrated in geographically different areas (see chapter 1, table 1.2). It was argued that the cleavages are not malleable and resist to change (i.e. integrate and assimilate), moreover, they are bases for political

<sup>83</sup> That is to say, the ethno-religious cleavages are cutting across the third cleavage (secularism-fundamentalism) and thus making it less decisive in political matters. For example, the three main groups (Shia, Sunni, Kurd) have different political parties including secular or Islamic parties. The secular political parties of group A would not form alliance with other secular political parties from group B, at the expense of their group A's interests.

mobilisation, as all politically significant postictal parties in Iraq are based on ethnic or religious cleavages (see, footnote; 6, 7, and 8).

The result of national election in Iraq are of great importance, for understanding not only the nature of cleavages but also the form of political socialisation. Elections show the degree of political interest of the voters and their general political orientations (Campbell and Kahn 1952; Campbell et al. 1960). There is a metaphor that presents the electoral process as an 'echo chamber' in which 'the people's verdict can be no more than a selective reflection from among the alternatives and outlooks presented to them' (Key 1966: 2). In the case of Iraq, what has been presented to the peoples of different groups, have been their causes and their needs and interests, but these have been done through political parties from those groups. Therefore, It can be deducted that the party candidates, of different groups, in the national election, receive the vote of their supporters in proportion to those candidates' devotion to groups' cause, and interests. Ethno-religious cleavages and the political of socialisation, therefore, are mutually self-reinforcing.

Bartels (2010) has shown that the theoretical account of voting behaviour offered in 'The American Voter' drew heavily upon the metaphor of a 'funnel of causality.' In which proximate influences on voting behaviour were subject to explanation, considering temporally and causally prior forces. In other words, temporal priority and causal priority are inseparably linked, events 'follow each other in a converging sequence of causal chains, moving from the mouth to the stem of the funnel' (Campbell et al. 1960: 25). The main argument contended that 'funnel of causality' would allow going back in time (through causal chain) in search of other antecedents of proximate to vote choice. The changing patterns of voting behaviour,<sup>84</sup> therefore, could be applied in a framework to the 'political translation' of external non-political factors into politically relevant consideration (Campbell et al. 1960: 29-33). That is to say, the political attitudes to elections could, in fact, be explained by other causal factors that are not necessarily political, such as ethnic sentiment or cultural taste- opening a door to incorporate non-political factors in explaining political attitudes.

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<sup>84</sup> On explanation for changing patterns of voting behaviour (see, Boyd 1972; Miller et al. 1976), with a particular focus on elite behaviour and its electoral implications (see, Page 1978).

It has been argued, that in some circumstances, the analogy between the 'voting decision' and a carefully 'calculated decision' could be incorrect, as for many voters political preferences may better be considered analogous to cultural tastes, votes seem to be matters of sentiment and disposition rather than 'reasoned preferences' (Berelson et al. 1954: 310-11). That is particularly the case in Iraq, as members of a group vote in a bloc. In Iraq, the ethno-religious identity is a proximate factor,<sup>85</sup> other less proximate factors include issues of the day, immediate socio-economic concerns, and perceptions of politics in the current moment.<sup>86</sup>

So far, it follows that in the context of Iraq ethno-religious identity is the primary proximate factor, which sits at the very outset of causal ordering. Those cleavages are bases for political socialisation, the political elite elected through ethnic-based parties, are anticipated to fulfil the expectations of their electorate. Therefore, their attitude to democracy is filtered through their groups interests (see chapter 5 and chapter 8). On a similar vein, they support a form of institutional arrangements that would best serve their groups causes and interests (see, chapter 6 and chapter 7). Those institutional arrangements once more could feed into the cleavages, to further strengthen position of different groups (see Figure 3.1).

Based on what have been argued so far, it could be argued that the primary source of elite's attitudes to democracy, is in fact the ethno-religious cleavages they represent. Moreover, the views of the elite agency on the meaning of democracy are measured by assessing their norms and values -by interviews through qualitative descriptive narratives. And elite agency's support for different institutional arrangements are measured by surveys, through identifying the directions of their preferences (see chapter 4. Section 4.4). Additionally, as figure 3.1 shows the causal order of the main factors that have bearing on the attitude of political elite to democracy. It shows that the ethno-religious cleavages are at the outset, followed by political socialisation.

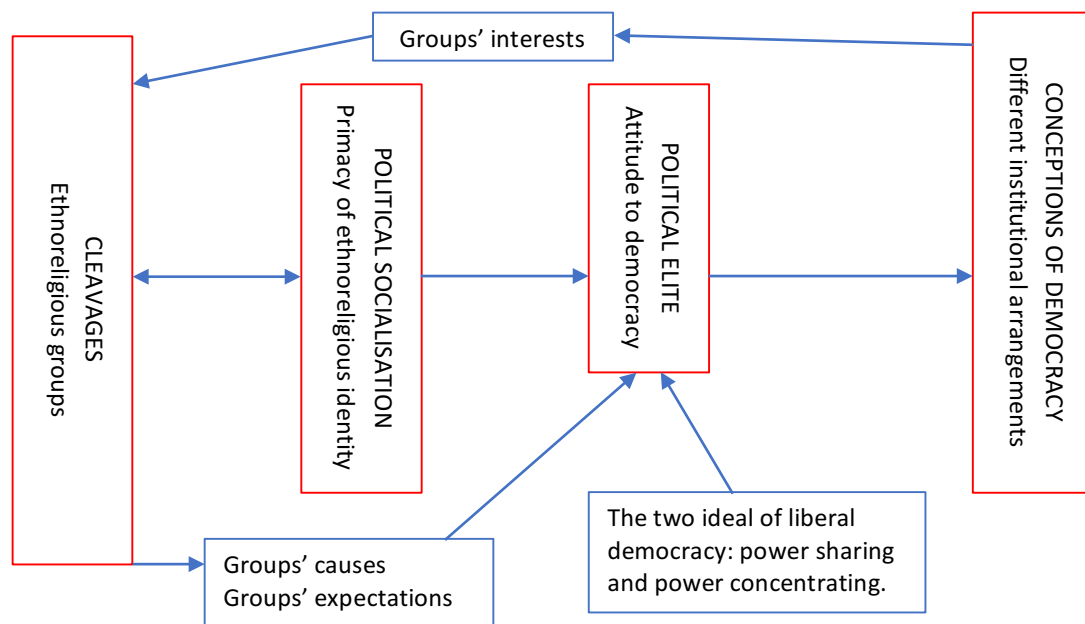
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<sup>85</sup> The ethno-religious identification is incorporated to the model of 'funnel of causality,' a factor which the model neglects.

<sup>86</sup> It is worthy to note that this assertion is true about the national elections in Iraq, for different groups vote in a bloc, in this case ethno-religious identification is the most proximate factor to electoral vote. Political parties within different groups, have different platforms for socio-economic concerns and they compete for their voters support, as a secondary proximate factor.



**FIGURE 3.1** ILLUSTRATES PROXIMATE FACTORS WITH BEARING ON ELITE ATTITUDE TO DEMOCRACY



### Main Hypotheses and Findings

The main hypotheses and findings derived from the implications of the theoretical framework are as follows:

The first hypothesis (Chapter 5) states that: There are differences between groups in terms of concepts of democracy as an ideal. Shias are more likely to define it as majority rule, Sunnis are more likely to define it as power sharing, and Kurds as consensus.

Chapter 5 will show that different groups have different perceptions of democracy, as well as having different notions as to what values and goals can be best achieved through that democracy. Therefore, democracy as an *ideal*, in a society divided along ethno-religious lines, makes the different political attributes of groups more discernible.

The second hypothesis (Chapter 6) states that: It is more likely that members of groups that are smaller than other groups in the system will support a system based on consensus.

Chapter 6 will confirm that size of groups matters but, additionally, there are other factors that determine a group's support for either a consensus or a majoritarian system,

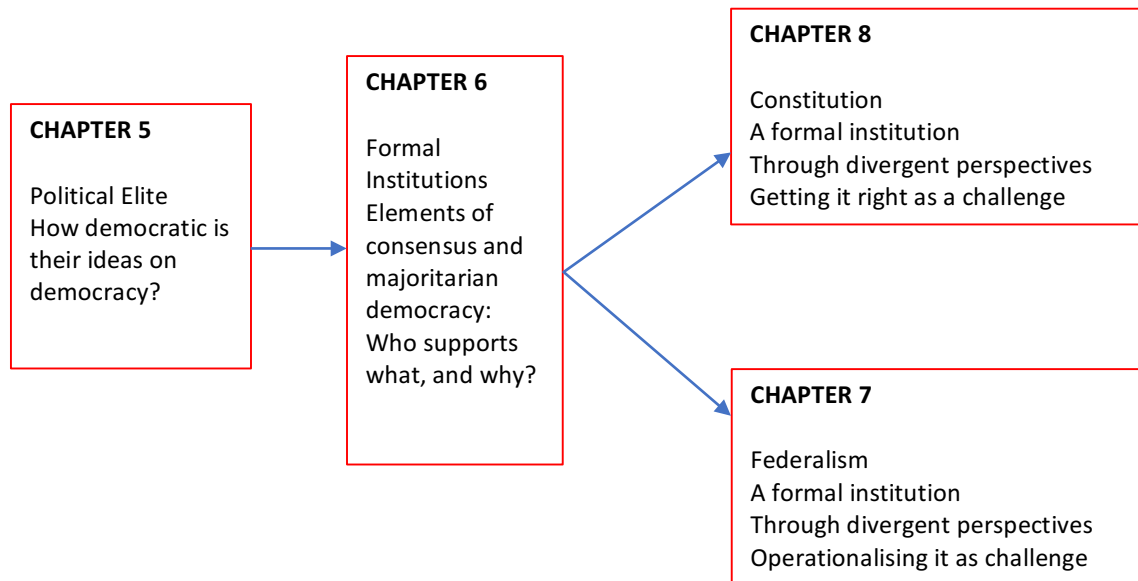
including legacy, history and different ethno-sectarian causes. A further examination of the views and preferences of the Iraqi political elite for two formal institutions, federalism and constitution, is also undertaken.

Chapter 7 will show that support for a specific type of federalism is key to building democracy, but there are interesting assumptions that only a federalism that guarantees the segmental autonomy of each group will keep the country from falling apart. That is, a federal system with segmental autonomy is absolutely necessary but this form of federalism is hard to achieve in the face of realities in Iraq.

Chapter 8 will show that the constitution is key, and even if constitutional challenges are addressed satisfactorily, then there is the likelihood that the interpretation of the constitution will remain problematic. Iraq's constitutions remain a challenge to the feasibility of democracy in the long term.

Chapter 9 will present, and also revise, the key assumptions derived from the main hypotheses tested in the previous chapters, revisiting the model and why it is a relevant issue. The key nature of this model in answering the main research question is explained. The model will demonstrate that if political elites can rise above ethno-sectarian differences then it is more likely that a consensus system will be established. However, the issue of capacity or will to rise above ethnic or religious background remains problematic. Through testing the main hypotheses, the model also leads to the conclusion that if democracy is to be embedded satisfactorily as a system to be practised, then the political elites must reach agreement between the key players on establishing a consensus democratic system coupled with consociational, less formal, agreements. That is to conclude, consensualism is a means to resolving political conflict among different groups, as well as being a desirable goal in its own right.

**FIGURE 3.2** DIAGRAM SHOWS THE STRUCTURE OF THE EMPIRICAL CHAPTERS



### 3.5 Conclusion

This chapter discussed the theoretical framework derived from the main research question, which asks how the Iraqi political elite view democracy. The argument has been put forward that during transition, in divided societies, the elite matter for two main reasons; they are legitimate players acting on behalf of their groups, and they are in a position to exercise their influence over decisions that affect the overall process of building democratic institutions. The approach of this thesis, however, is a mixture of institutional and elitist, arguing that while institutions matter, the importance of the political elite is central to Iraq's democracy building.

The chapter articulated the theoretical framework with respect to two particulars, the political institutions and the political elite. It categorised institutions as formal, less formal or informal, and defined the political elite as the members of Iraq's apparatus of rule, members of formal institutions. Elite theory of democracy was used to highlight the role of elites and institutions in relation to the feasibility of democracy in a deeply divided society, paying particular attention to the two elements of elites and institutions. The theoretical framework, in turn, provided a method to assess the views and the

preferences of the political elite, by examining their values, definitions of, and support for, democracy.

The main hypotheses derived from the theoretical framework were, first, it is likely there are differences between groups with regard to conceptions of democracy as an ideal. Second, it is more likely Shias define it as majority rule, while Sunnis will define it as power sharing, and Kurds as consensus. Third, it is more likely that the members of a group will support a consensus system the smaller it is in relation to other groups involved. The next chapter will explain the methodology of the thesis and the research methods used to implement the theoretical framework.

## CHAPTER 4:

### Research Design and Methodology

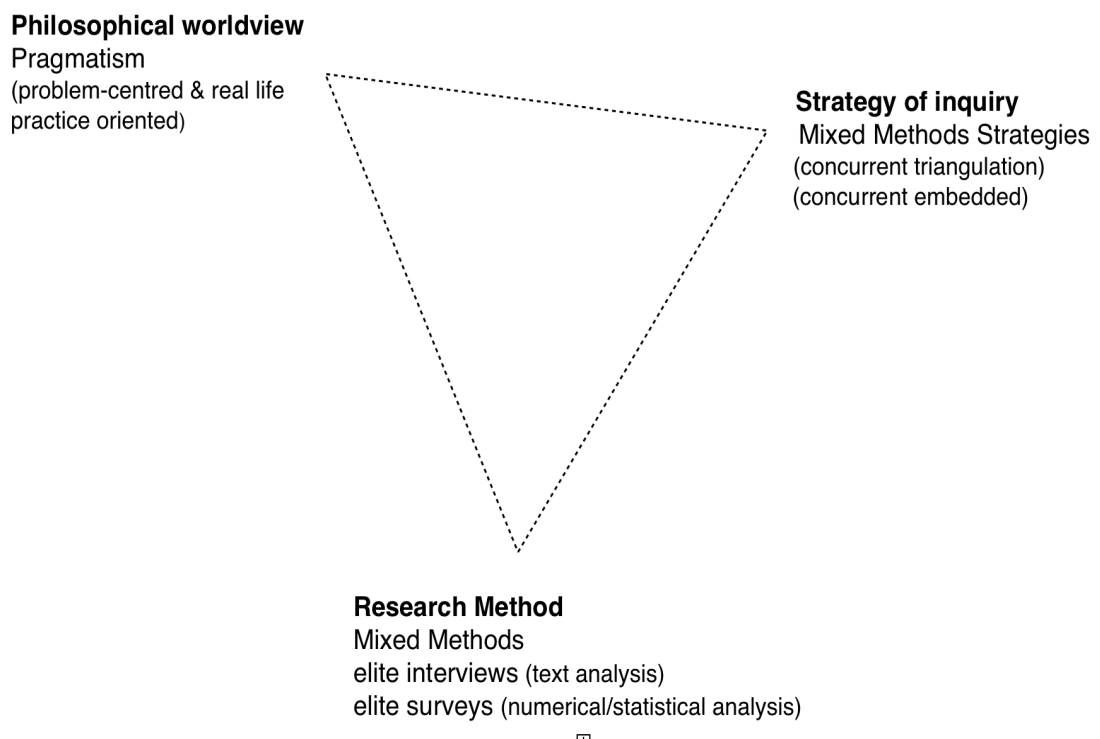
#### 4.1 Introduction

Research design is the plan to conduct research that involves the intersection of a philosophical worldview, a strategy of inquiry, and research methods (Creswell 2009: 5). Pragmatism is a particular paradigm that provides a rationale for mixed methods research and is the philosophical worldview of this thesis. Triangulation is a strategy that approaches a research question from multiple angles to cross validate findings and is the strategy of inquiry used in this thesis. The research method is mixed and combines qualitative and quantitative method in a distinctive ‘mixed methods’ inquiry (Rorty and Murphy 1990; Patton 1990; and Cherryholmes 1992; Tashakkori and Teddlie 1998; Bryman 2006; Creswell and Plano Clark 2011; Greene 2005; 2007). Different terms have been used to denote this approach, including *mixed methodology*, *multimethod*, and/or *qualitative and quantitative methods*. ‘Mixed methods’ is used in this work, following other recent research (Creswell 2009; Bryman 2006; Tashakkori and Teddlie 2003).

This chapter provides the overall research design in relation to the theoretical framework developed in the previous chapter. In Chapter 3, Dahl’s (1998) model on understanding democracy as an *ideal* and an *actual* was employed. It was argued that to define democracy as an ideal involves questions such as, ‘what is democracy?’ In this study, the questions include, ‘what do political elites mean by democracy?’ and ‘why do they favour it?’ To define democracy in reality involves identifying the political institutions and conditions that such institutions require in order to identify the preferences of a political elite for institutions, and how they should operate (i.e. political system, federalism and constitution). Taking the theoretical framework and hypothesis into consideration, mixed methods design is the appropriate tool to collect relevant data and conduct effective analysis. To reveal what political elites mean by democracy, and how they define it, elite interviews are the appropriate tool. To assess their preferences for political institutions (see Chapter 3, sections 2.2 and 2.3) and examine their support for different institutional arrangements, surveys are the most suitable device.

The employment of mixed methods in this thesis, in turn, informs the research design. Figure 4.1 illustrates the design of this research, comprising the intersection of its philosophical worldview, its strategies of inquiry, and the research methods used.<sup>87</sup> Some limitations and potential weaknesses in the research design are identified and ethical issues are addressed before a conclusion is drawn.

**FIGURE 4.1: THE RESEARCH DESIGN**



<sup>87</sup> The design of the research owes much to Creswell 2009: 5.

## 4.2 Philosophical worldview

### Pragmatism as a Philosophy to Social inquiry

Scientific inquiry has become manifest in two traditions; discovering facts and, constructing theories. Georg Henrik von Wright (1971) distinguishes the two main traditions as Aristotelian (i.e. teleological) and Galilean (i.e. causal). He argues that these two traditions have evolved separately with regards to methodology. First, positivism as the philosophy of science, represented by August Comte and John Stuart Mill, relies on scientific ‘explanation’ regarding causal relations. Second, a reaction against positivism, the anti-positivist philosophy, represented by Max Webber and Wilhelm Dilthey, attacked the positivist view of explanation, emphasising ‘understanding’ (von Wright 1971: 4-7).

Positivism,<sup>88</sup> assumes there are observable political events, actors and structures about which one could make ‘reasoned, informed and intelligent, analytical statements’ (Landman 2000: xvii). Therefore, in practical terms, ‘every explanation, be it casual or teleological can further our understating of things;’ however, ‘understanding’ is also connected with ‘intentionality’ in a way ‘explanation’ is not (von Wright 1971: 6). It is this psychological ring of intentionality that the anti-positivists (e.g. interpretivists, constructivists) emphasis; that is, human actors, attach personal meanings to their actions - i.e. not only observing the act but also the meaning attached to it helps us understand it in each social context (see, Berger and Luekmann 1980; Lincoln and Guba 1985; Schwandt 2007; Crotty 2007; Neuman 2013).

The debate most fundamentally concerns different stances on how the social world works. Karl Popper (1972) presents a continuum stretching from the most irregular, disorderly, and unpredictable ‘clouds’ on one end, to the most regular, orderly, and predictable ‘clocks’ on the other. Deducing from observations of natural phenomena that deterministic laws govern all nature, Popper makes the statement that ‘all clouds are clocks, even the most cloudy of clouds’ (Popper 1972: 210). Views such as Popper’s, who take the social world as ‘clock like,’ measurable and predictable (known as ‘behavioural’), has become a dominant tradition in political science. Subsequently,

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<sup>88</sup> Also, positivism has a deterministic view and claims that causes determine outcomes; therefore, it seeks explanation and theory verification (see, e.g. Smith 2003; Burbules and Phillips 2000).

political science has tended to treat political events as natural phenomena - using similar explanatory logic as found in natural sciences. Nevertheless, there have been concerns about the 'applicability to human subject matters of a strategy used in hard science' (see, Almond and Genco 1977). It has been argued that understanding political reality requires not only examining the determinate aspect but also the creative and adaptive - the human property - aspect too (Almond and Genco 1977: 497). Therefore, the social disciplines, to progress scientifically, require 'their own philosophy of science based on explanatory strategies, possibilities, and obligations appropriate to human and social reality' (ibid: 522).<sup>89</sup>

The above argument has two clear implications; firstly, it is an argument against the imposition of the laws of hard sciences on the social sciences. Secondly, it is also a call for a coherent philosophy that combines the two traditions of positivism and interpretivism - a characteristic peculiar to the social sciences. It is my view that pragmatism provides such a peculiar philosophical worldview and makes its ontological stance clear about 'how the world works.' Here I mainly rely on the philosophy of John Dewey on Pragmatism (1920; 1925; 1931; 1938; 1941). Dewey's philosophy on the nature of knowledge cartels and the dualism of mind and matter (Dewey 1931). His philosophy has implications for relating the two philosophical paradigms (i.e. positivism and interpretivism), the distinction between which has been the main topic in philosophy of knowledge in social research (see, Guba & Lincoln 1994; Denzin & Lincoln 2005).

To Dewey (1920; 1925) these two views; a) to think that the world exists apart of our conception of it (i.e. positivism); b) to think that the world is a product of our conception of it (i.e. interpretivism), are equally valid assertions about the substance of human experience. In other words, the world in which we live constrains our experiences, and, our interpretations of such experiences confine our understanding of the world. Thus, pragmatism puts a heavy emphasis on human experience in forming an ontological

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<sup>89</sup> The position of this thesis on the big question of 'how the world works', is akin to Almond and Genco's, the world is a sum of observable facts the study of which should be done through scientific methods correspondent to the nature of the social sciences. It acknowledges that the world works as 'clock like,' but leaves room for intentionality (the human element) – clouds and clocks are not mutually exclusive, but rather complementary. The view of this thesis is further clarified in the following discussion, as it accepts pragmatism as the philosophical stand point for social research.



foundation to arrive at ‘warranted assertions’ about social events. In so doing, it draws on the elements of the two different traditions for arriving at knowledge in social sciences<sup>90</sup> –i.e. positivism and interpretivism or constructivism (see, figure 4.2).

For Dewey (1920), an experience is built around two inseparable parts, the sources of beliefs and the meanings of actions. That is, experiences create meaning by bringing beliefs and actions in contact with each other; therefore, ‘pragmatism concentrates on beliefs that are more directly connected to actions’ (Morgan 2014: 1051). Moreover, pragmatism, as ‘a doctrine of meaning’ holds that ‘the meaning of an event cannot be given in advance of experience’ (Denzin 2012: 81). Pragmatism highlights the significance of linking meanings and actions in the process of inquiry that is central to the search for knowledge (see; Dewey 1941). To Dewey, ‘warranted assertions’ are outcomes of inquiry, a process in which knowing and doing are inseparable; knowledge is the result of meaning implied in practice. This corresponds to the design of this thesis and the central research question – what do political elites mean by democracy? And what are their different preferences regarding institutional arrangements? The elites’ attitudes towards democracy constitutes what they mean by democracy, in the context of Iraq. This connection between attitude and meaning is central to pragmatism as a philosophy to social research.

**FIGURE 4.2: PRAGMATISM AS THE PHILOSOPHY OF SOCIAL INQUIRY**

POSITIVISM	PRAGMATISM	INTERPRETIVISM
Causality (Explanation)	Experience (Inquiry) Action-Meaning	Intentionality (Understanding)
Research method: Quantitative	Research Method: Mixed Method Quantitative and Qualitative	Research Method: Qualitative

<sup>90</sup> The key concept in Dewey’s pragmatism is ‘inquiry’ (see, Morgan 2014), he believes that experiences involve a process of interpretation (see; Dewey 1920). Interpretation makes inquiry a self-aware decision-making about the observable circumstances. That is, inquiry is the connection between observable facts, and interpretation of such facts, hence, it is bridging the two philosophical standpoints of positivism and interpretivism, while acknowledging the significance of both in the process of generating warranted assertions (i.e. knowledge).

There have been efforts to make pragmatism a coherent philosophy of social research (Morgan 2014; Goldkuhl and Cronholm 2010; Goldkuhl 2008; Goldkuhl 2005; Gronholm and GoldKuhl 2004). Goldkuhl (2008) calls for a ‘full pragmatism’ in conducting social research, that includes three forms; functional, referential and methodological. Functional pragmatism holds that knowledge should be useful for action (useful and applicable); referential pragmatism focuses on knowledge about action (explanatory); methodological pragmatism indicates that we learn about the world through actions and that knowledge is based on actions (experience and interpretation) (Goldkuhl 2008: 2). The nature of this thesis relates to the three forms of pragmatism, the warranted assertions that this thesis will arrive at are aimed to be both useful and applicable (knowledge for action). It is explanatory in a sense; through surveys, it explains the attitude of the elite to different institutional arrangement (knowledge about action). It also holds that the warranted assertions of this thesis are based on observing the attitude of the political elites towards democracy (knowledge through action).

The appropriateness of the research design is justified by the philosophical stance taken in this thesis in relation to acquiring knowledge and its interpretation (Guba 1990; Mertens 2005; Crotty 2007). Pragmatism is the philosophical worldview of this thesis –in its methodological sense. That is, pragmatism presents a paradigm that allows the combination of qualitative and quantitative approaches. It is a form of methodological pluralism that advocates for what works best in a particular research context (Jupp 2006: 179-180). It utilizes both positivist and interpretivist worldviews, opening the door to multiple methods of data collection and analysis (Gray 2009: 37; Johnson and Onweugbuzie 2004). The appropriateness of pragmatism in approaching the main research question lies in the fact that it allows the use of different available methods to examine views of the political elite on democracy and measure their preferences for formal institutional arrangements.

### 4.3 Strategy of inquiry

#### Mixed Methods Strategy

Research methods in the social sciences can be divided into two traditions: quantitative and qualitative (see, e.g. Ragin 1989; Tarrow et al. 1995; Mahoney and Goertz 2006).

Prominent scholars have argued that the difference between the two traditions should not be exaggerated (Denzin 1978; Marsh and Stoker 2002; Hammersley 1992). Alan Bryman (2012: 633-4) mentions different ways by which qualitative and quantitative research can be combined, including triangulation, completeness, asking different questions, contextuality and diversity of views. This thesis uses those techniques to achieve greater reliability and validity, enhance research credibility, and to ensure the most comprehensive account of Iraq's politics possible could be rendered. The main research question is deconstructed into two sub questions; 'What do political elites mean by democracy?' and 'What are their preferences for different institutional arrangements?' The use of qualitative research is justified as it enables a contextual understanding of democracy, federalism and the Iraqi constitution when combined with external data gained through surveys.

This thesis seeks to understand what the political elite mean by democracy (interpretivist), as well as try to explain the support for different institutional arrangements among its members (positivist). It combines elements of both qualitative and quantitative approaches; it uses words and numbers, open ended questions in qualitative interviews and closed questions in quantitative surveys. Using this mixed methods approach ensures that the research outcome has a strength which 'is greater than either quantitative and qualitative research' (Creswell and Plano 2011). Table 4.1 shows the employment of quantitative and qualitative methods in forming a mixed methods approach.

**TABLE 4.1** MUTUAL USAGE OF QUANTITATIVE AND QUALITATIVE METHODS

RESEARCH CRITERIA	COMBINED RESEARCH METHODS
Two types of research question	Asking qualitative and qualitative questions
The way questions are developed	Pre-planned (quantitative) participatory (qualitative)
Two types of sampling procedure	Probability and purposive
Two types of data collection	Elite survey and elite interview
Two types of data analysis	Numerical and textual or Statistical and textual
Two types of conclusions	Objective results and subjective interpretations

Source: Tashakkori and Creswell (2006: 3-7)

### *Concurrent Triangulation Design*

As Table 4.1 shows, the concurrent triangulation design helps to analyse and compare results from the first two empirical chapters. Chapter 5 records in depth interviews and examines the different concepts of democratic ideals among the Iraqi political elite. The data is analysed using the strategies for qualitative analysis (Strauss 1987; Corbin and Strauss 2008: 65) such as thematic analysis, text analysis and constant comparison. Chapter 6 provides extended surveys on elite support for formal political institutions. The data is analysed using numerical analysis to show the relationship between two variables, group size and support for consensus democracy. The results of the two chapters are then compared. The concurrent triangulation design cross tests the findings on the meaning and support for democracy. It interprets the quantitative findings of Chapter 6 in light of the qualitative findings of Chapter 5. For instance, identifying the way the Shia political elite define democracy (Chapter 5) helps understand their support for some political institutions and not others (Chapter 6).

**TABLE 4.2 CONCURRENT TRIANGULATION DESIGN**

QUALITATIVE	QUANTITATIVE
CHAPTER 5 Elite interviews What does the elite mean by democracy?	CHAPTER 6 Elite survey What type of democracy does the elite support?
QUAL. Data Analysis Democracy through divergent elite perspectives.	QUAN. Data Analysis Support for types of democracy through divergent perspectives.
Data Results Compared	

### *Concurrent Embedded Design*

Table 4.3 illustrates the concurrent embedded design in Chapters 7 and 8. The results in both chapters could be embedded because they are both formal democratic institutions and the participants of both are the political elite. Chapter 7 discusses federalism and begins with the larger number findings, quantitative elite surveys (both within and across different groups), before narrowing the focus to analyse elite views expressed in interviews to show what is understood by federalism. The qualitative data is embedded in the quantitative data and the synthesis of both types of findings show

what particular types of federalism attract support, as well as how federalism is more likely to be operationalized in Iraq. Chapter 8 starts with in depth interviews on the constitution and then examines the data from the surveys on support for a consensus constitution. The quantitative findings are embedded in the qualitative interpretations.

**TABLE 4.3 CONCURRENT EMBEDDED DESIGN**

QUANTITATIVE	QUALITATIVE
<p>CHAPTER 7</p> <p>Qualitative data (interviews) is embedded in quantitative data, (survey) the broad groups' perspectives on federalism and the elites' views on federalism.</p>	<p>CHAPTER 8</p> <p>Quantitative data (survey) is embedded in qualitative data (in depth interviews), the Iraqi constitution discussed with the elite and then the views of a broader number of elite is addressed.</p>
<p><b>Analysis of findings</b></p> <p>What type of federalism works best in Iraq and how federalism should be operationalised.</p>	<p><b>Analysis for findings</b></p> <p>How to get the constitution right and what are the areas that need to be amended if necessity arose.</p>

## 4.4 Research Methods

### Mixed Methods

The theoretical framework, together with the model of the hypothesis, is congruent with the mixed methods research design. The theoretical framework showed that to answer the main research question, two forms of data were required: democracy as ideal (qualitative), and democracy as actual (quantitative). Philosophically, the mixed methods approach<sup>91</sup> adopts a pragmatic method, based on a view that it is both socially constructed and based upon the reality of the world (Johnson et al 2007; Gary 2009). That is also the philosophical stance of this thesis, which holds that, at the elite level, knowledge of Iraq's political system can be gained through examining political elites' conceptions of democracy and analysis of their preferences for particular political

<sup>91</sup> It is worth mentioning that the mixed methods have been regarded as an effective strategy for conducting comparative research (see, Liebermann 2005).

institutions. This thesis has collected data by employing the two methods of interviews and surveys of Iraqi political elites.

### *Interviews with Elites*

Extensive literature on interviewing elites (Dexter 1970; Moyser and Wagstaffe 1987; Rubin and Rubin 2012; Mosley 2013) confirms the significance of this method in collecting qualitative data, in particular, regarding political issues (Pierce 2008: 119). Chapter 3 identified elites as exercising a disproportionately high influence on the outcome of events. It has been argued that the majority of work by political scientists is concerned with the study of decision makers with a key tool being elite interviewing (Burnham et al. 2004: 205). Beth Leech suggested that in elite interviewing, it is appropriate to treat a respondent as an expert about the topic in hand, and this approach has been followed in this research (2002: 663).

Interviewing political elites, therefore, is a key to obtaining information on political issues. Oliver Halperin and Sandra Heath contend that 'elite interviews can enable a researcher to make inferences about the beliefs or actions of a wider population of political elite' (Halperin and Heath 2012: 273). Although elite interviewing, in specific cases, could be used exclusively to determine a political elite's views on democracy or related topics, this approach has been criticised as 'unrepresentative and atypical' (Devine 2005: 141). Notwithstanding that criticism, nevertheless, it is not binding in the context of the subjects explored in this thesis in the context of Iraq, in particular democracy, federalism and the constitution. These are controversial issues on which political elites tend to express views that are representative rather than unrepresentative of their groups' interpretations.

The strength of elite interviewing is dependent on three factors: the socio-political context, the questions asked, and the position of participants. In this thesis, all of those factors contribute to the strength of elite interviewing. Iraq is divided along ethno-religious lines and, as a whole, is in transition. The Iraqi political elites, representing different groups, propound what they truly believe in relation to controversial issues would be in the best interests of their faction. The questions asked concern issues of great importance in shaping Iraq's politics in addition to democracy. The elite that were interviewed all held significant political positions, and as representatives of their groups

had little option other than to express their group's stance. By targeting different political leaders among the Shias, Sunnis and Kurds (see Appendix A), the general political patterns among these groups with regards controversial issues could be discerned.

Two main rounds of elite interviews were undertaken in Iraq, one in July 2011 and another in September-October, 2012 (with a smaller number carried out up to December 2013). During the first interview, six questions were asked pertaining to the definition of democracy and obstacles to building democracy (see Appendix B). The participants were key members of the political elite in Iraq including: the President of the Republic, the Prime Minister, the Head of the House of Representatives, the Head of the Iraqi Kurdistan parliament, the Prime Minister of Iraqi Kurdistan, other key political party leaders in Iraq and Kurdistan, and 14 Iraqi government ministers.

Three different types of interview questions were employed concentrating on challenges to building democracy, federalism and the federal structure in Iraq from July 2011 to December 2013 and the Iraqi constitution. The questions on federalism were put during the same interviews that covered democracy building. Those interviewed included: the President, Jalal Talabani and the current President, Fuad Masoum, the former Vice President, Tariq al Hashimi, the former Prime Minister, Ibrahim al Jaffari, the former Speaker of Parliament, Ayyad Samarai and the current Speaker of Parliament, Salim al Jaburi, the Iraqi Kurdistan President, Masoud Barzani and two consecutive Prime Ministers of the Kurdistan region, Barham Salih and Nechirvan Barzani. In addition, 14 other ministers from the Iraqi Council of Ministers were interviewed. All those interviewed on the constitution were members of the Iraqi constitution drafting committee: 16 members, including the chairman of the committee, Humam Hamoody, out of 69 members (See Appendix C).

With the exception of two interviews, all the interviews were conducted inside Iraq, in Baghdad, Basra, Erbil and Sulaimania, with the majority in Baghdad, specifically in the House of Representatives and the Council of Ministers building (for full list of interviewees, see Appendix A).

All the interviews on democracy, apart from one, were conducted in person, in either Arabic or Kurdish, with the exception of one or two, which were in English. Interviews lasted between 45 to 60 minutes and were recorded, translated and transcribed. Only one response was via email following a meeting and discussion. Some responses were in writing following meetings and discussion with the participant as some participants preferred to respond in that way. The interviews on the Iraqi constitution were a combination of in person discussions and written replies. The constitution committee members were questioned together and, as the issues were highly legalistic, preferred to provide lengthy written responses in Arabic and Kurdish languages, which were then translated (see Appendix B). Irrespective of the medium of response, all those interviewed were met in person to ensure that there was no misunderstanding of the questions being asked. Questions were printed out in the appropriate language so that if time ran out for oral reply, the respondent could address the issues later and respond in writing.

### *Elite Surveys*

The surveys were in two languages, Arabic and English, as almost all the Kurdish political elite in the Iraqi House of Representatives or the Iraqi Council of Ministers speak Arabic rendering a Kurdish version of the questions unnecessary. The surveys were carried out at the same time as the interviews, in the same locations. Initially, two rounds of surveys, on support for federalism and different democratic systems, were carried out during a visit to Baghdad in July 2011. In September-October 2012, a second round was conducted in which the same survey was revisited, together with two other surveys, one on political support for federalism and the other on the Iraqi constitution, the latter only for members of the Iraqi Constitution Drafting Committee.

The survey on formal political institutions was based on Lijphart's 1999 conceptual map on different institutional arrangements. The respondents had the option to choose between the two contrasting types of democratic system to reveal what type of institutional arrangements they would prefer (See Appendix D). Although Lijphart's conceptual map is a starting point, it is not a blue print or a model for Iraq's political system. Arend Lijphart (1999) has defined majoritarian democracies by ten characteristics and has contrasted them with consensus democracies, making it clear



that political systems may fall on a scale or spectrum between majoritarian to consensus. The ten characteristics that he has identified for majoritarian and consensus models serve as a point of reference against which a political system can be measured: in the case of this thesis, to measure the desirability of a particular political system to the Iraqi political elite.

The questionnaire was composed of ten questions that included all the characteristics of majoritarian and consensus democracies. The first option in each question was a majoritarian element and the second option a consensus element. This survey, however, does not restrict choice to a consensual model or a majoritarian model but rather gives the opportunity to choose between those formal political institutions that form either model, or choose a different model that combines elements of both. If, for example, a respondent chooses 7 elements of consensus and 3 elements of majoritarian, the desirability is measured as 70 percent consensus. This applies to members of a group to denote a certain percentage of a particular group support or desire for a specific institutional arrangement. There were 100 participants in this sample divided proportionately between groups based on their percentage of seats in the Iraqi House of Representatives, 52 Shia, 28 Sunni, 18 Kurds and 1 each from the Christian and Turkmen communities (see Section 5).

The second survey was on federalism in Iraq and was divided those in favour of, and those against, a federal system (see Appendix E). The ratio of participants was as above but were not the same individuals. The survey was carried out primarily in the Iraqi House of Representatives in Baghdad, and the Iraqi Council of Ministers offices. All the top decision makers that were interviewed on democracy and federalism also participated in the two separate surveys on federalism in Iraq and different institutional arrangements.

In the survey on the constitution, each question had 3 elements and, unlike the previous surveys, had to be treated differently. For example, question three, on the established provisions of Islam, has three components: 1. compatibility with democratic principles; 2. incompatibility with democratic principles; and 3. undecided (see Appendix F). 35 out of the 69 Iraqi Constitution Drafting Committee participated, comprising of 16 Shia,

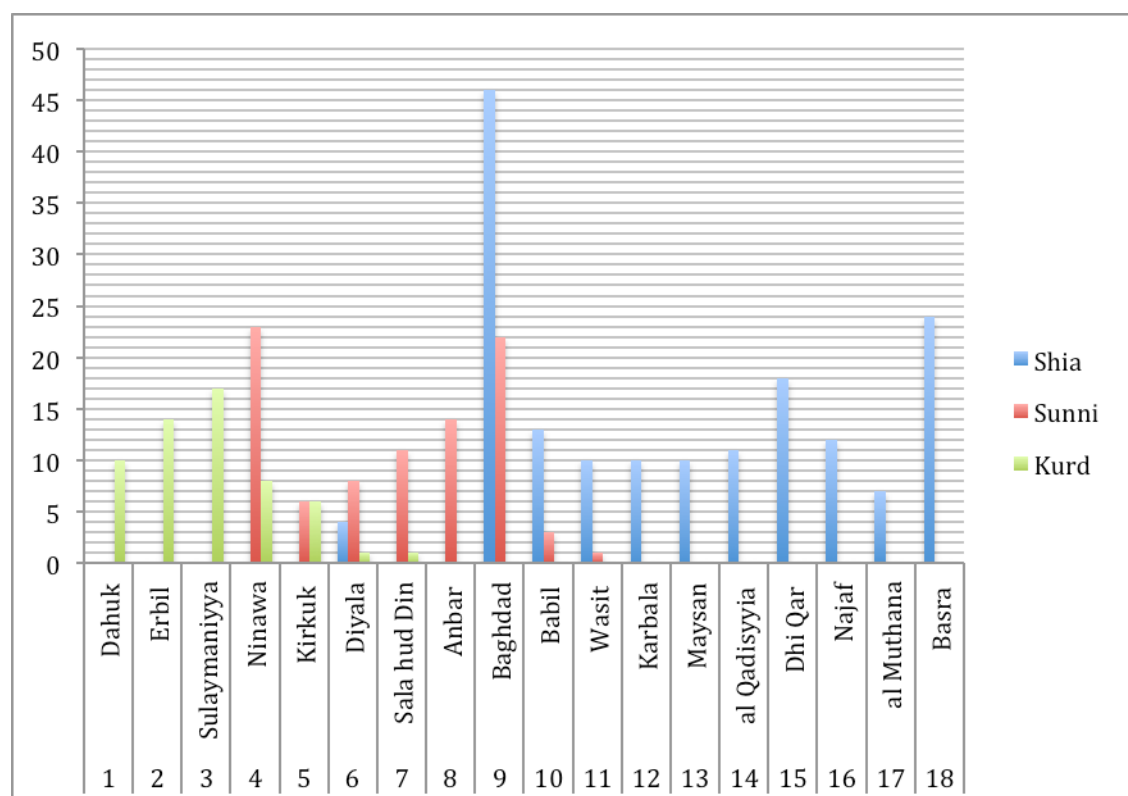
8 Sunni, 8 Kurd and 3 from other minorities. The surveys were distributed in the Iraqi House of Representatives and other Iraqi cities where some members of Constitution Drafting Committee were located. For the surveys on political institutions and federalism, the questionnaires were distributed during breaks in sessions of the House of Representatives. This necessarily involved access to the Iraqi House of Representative (IHR), contact with the Iraqi IHR and other politically significant political elites in Iraq.

## 4.5 Setting and Sampling

### Setting

The demographic profile of Iraq is such that each ethnic group or sect inhabits a different part of the country. Kurds are located in the 4-5 provinces of the North East, Sunnis are predominant in the 5-6 provinces of the Middle, and the West, while Shia are the majority in the 7-8 provinces of the South and South East. Figure 4.2 illustrates the numerical size of all the 18 provinces represented in parliament and, based on the 2010 elections, displays the number of each ethnic or religious group in different colours in each.

**FIGURE 4.3: THE ETHNO-RELIGIOUS DISTRIBUTION OF MEMBERS OF PARLIAMENT BY PROVINCE.**



In the Iraqi 2010-2014 and 2014-2018 parliaments, the Shia composed 52 percent of the total population, Sunnis 28 percent and Kurds 18 percent. Figure 5 illustrates the demography of each province represented in the Iraqi House of Representatives in the Iraqi parliamentary elections of 2010, and the parliamentary members of each province based on ethnic or religious background. The data was accessed in February 2014. In addition to the numbers shown in figure 5, others from the minorities include; 5 Christians, 1 Baghdad, 1 Erbil, 1 Ninawa, 1 Dhuk, 1 Kirkuk; 1 Yazidi, 1 Shabak from Ninawa, and 1 Sabea from Baghdad, a total of 8 seats based on a quota system. This data was helpful in setting and conducting the surveys.

Changes in the number of the seats allocated to each province alters the numerical strength of a certain ethno-religious group. Prior to the 2010 elections, the Iraqi parliament passed a law, adding seats to each province in a complicated process that ultimately favoured the Shia. In total, 77 seats were added affecting all 18 provinces. The Shia received 45 seats, the Sunni 22 and the Kurds 10. Although the Shia actually formed 48 percent of parliament based on 2005 Iraqi parliamentary elections, the percentage increase in seats was 58, the Sunnis increase of 22 actually formed 31 percent of the parliament, and the Kurd's percentage increase was 13, translating to 21 percent of the parliament. This represented an overall 10 per cent increase in Shia seats even before holding the elections, enabling them to claim a majority in parliament in 2010. By identifying who is Sunni and who is Shia among the Arab representatives, it becomes clear that the additional seats and the changes to the numbers of the main groups had resulted in a clear advantage to the Shia. The following pie charts illustrate this point.

### Sampling

This research takes the numerical strength of each group in the Iraqi parliament based on the 2010 elections, to devise a sample representing the Iraqi political elites' preference for either consensus or majoritarian democracies. The sample was derived from the total number of parliament Members and the number for each group in the years 2010-2014. This representative choice enhances the validity and the reliability of this research. Table 4.4 indicates the base for the sampling process.

**TABLE 4.4** IRAQI PARLIAMENTARY ELECTIONS, 2010 AFTER 77 SEATS ADDED

GROUPS	Shia	Sunni	Kurd	Minorities	Compensatory	TOTAL
NO OF SEATS	166	87	57	8	7	<b>325</b>
PERCENTAGE	52%	28%	18%	2%	2%	<b>100%</b>

Table 4.4 shows the total number of Iraqi parliament members from each group. As the Shia represent 52 percent of the parliament, the number of Shia participants in this research is 52, the Sunni percentage is reflected by 28 respondents, and there are 18 respondents, mirroring the percentage held by the Kurds. The other minorities account for only 2 percent, therefore, they will have two respondents, one Christian and one Turkmen. However, the sampling used is Random Sampling (Burnham et al. 2004: 86-7), the purpose being to use a technical and rigid procedure to eliminate bias in choosing respondents. To improve the accuracy of simple random sampling ‘stratified random sampling’ has been used, as relevant information about the members of the Iraqi political elite and their backgrounds is available. Additionally, to improve ‘systematic random sampling’, the Shia have 52 respondents in both surveys but include those holding divergent views such as the political factions affiliated to either Muqtada Sadr, Abdul Aziz al Hakim or Ayatullah Ali Sistani. This principle has also been applied to Kurds and Sunnis.

The questionnaires on support for different institutional arrangements and federalism were distributed in the Iraqi House of Representatives and the Iraqi Council of Ministers. Each questionnaire surveyed 31 percent of the Iraqi Council of Representatives (100 out of 325). The Iraqi Constitution Article 49 states that the Council of Representatives consists of a number of members, based on a ratio of one seat per 100,000 Iraqis representing the entire Iraqi people. The 100 respondents were sampled accordingly. With the Shia composing 52 percent of the parliament, this equates to 52 percent of the entire population. Therefore, out of the 100 participants the 52 respondents among the Shia is representative sample of the Shias in parliament at a ratio of 1: 3.19 and this sample is representative of the Iraqi Shia population at a ratio

1: 319, 230. For the Sunnis, with 28 respondents, this sample is representative of the Sunnis in parliament at a ratio of 1: 311, and of the entire Sunni population in Iraq at a ratio of 1: 310,714. Kurds have 18 respondents and this sample is representative of Kurdish Iraqi Parliament members at a ratio of 1: 3.17 and of the Kurdish population in Iraq at a ratio of 1: 316,666. The same equation applies to the two respondents of other minorities.

For the survey on support for different institutional arrangements, 25 percent of the Iraqi Council of Ministers, 12 ministers out of 31 and 15 additional Ministers of the State, including Iraq's current and former Presidents, were all involved. The respondents in each of the surveys originally totalled more than 200 but through a process of elimination this number was reduced by half. A response was dismissed when it was incomplete, fortunately a rare occurrence, or because a group had exceeded allocation. For example, there were 35 Kurdish respondents, but only 18 of these were selected at random, to ensure a representative sample.

## 4.6 Limits of the Research Design

So far this chapter has demonstrated the appropriateness of the research design for answering the main research question and test the main hypothesis. Nonetheless, any weakness applicable to a mixed methods design could potentially be a weakness in this research and needs to be addressed.

### Technical Limitations

There are there potential weaknesses in terms of operational and technical aspects (see Gary 2009; Krahn et al. 1995). In depth interviews combined with quantitative data increases the time required for the research; the synthesis of findings and interpretations from two approaches with lack of integration can be problematic; and, finally, at times inconsistent findings can emerge that add more complexity than validity.

The collection and analysis of vast amounts of qualitative and quantitative data did require considerable time. However, the time was necessary to ensure the highest possible levels off credibility were achieved.

In order to meet the challenge posed by of lack of integration in the analysis of the findings, the chapters that are similar in content are analysed together (see Table 4.2 and 4.3). Another factor that helps synthesise both qualitative and quantitative data is the similarity of the questions, the respondents, and the level of analysis. Chapters 5 and 6 deal with democracy (ideal and actual), while Chapters 7 and 8 both deal with formal institutions. The participants in all chapters are the political elite and the level of analysis is at the individual level, helping compare and triangulate the findings of each of the two chapters taken together.

The third concern that the diversity of the contents of data could add more complexity is valid. However, on the other hand, diversity of data could also be seen to improve reliability. In this research, complexity issues have been reduced by the simplicity of the research design. In addition, the themes explored to answer the main research question and test the hypotheses are kept concise. Each chapter tests only one single hypothesis, and both the themes of analysis and the variables are clear.

#### Methodological Concerns

There is a view that mixed methods is another version of positivism, locating itself within the thinking of positivism because it rarely reflects the constructionist or subjectivist views of the world (Giddings 2006: 198). That is a view firmly rejected in this thesis. In addition to using surveys and quantitative measures, this thesis also pays attention to qualitative methods that focus on meaning, symbolism and further the norms and the values of the political elite. The mixed methods approach offers the ‘best of both worlds’ and, as Jennifer Greene (2005: 275) has put it, mixed methods inquiry offers ‘understanding more defensibly, more comprehensively, more insightfully and understanding with greater value consciousness and with greater diversity of values.’

## 4.7 Ethical Considerations

### The Role of the Researcher

The field of political science has an established literature on the status of the researcher as an ‘insider’ and an ‘outsider’ and the effect on conducting fieldwork and academic

research (see; e.g. Adler and Adler 1987; Horowitz 1986; Krieger 1985). The insider-outsider divide has been categorised in terms of third party positions such as an explicit outsider and ‘an apparent insider’ (Carling et al. 2014). In the context of Iraq, such categorisation could be translated as ethnicity, language, political affiliation, religion and religious sect and names. An outsider might not have access to the extensive background information on the different groups but, nevertheless, could treat groups objectively without bias. An insider might have extensive knowledge and experience of the context but the potential to be inclined to the group of which he is a member remains a challenge to the objectivity of research.

In this case, in this thesis, there is a combination of both outsider, as a researcher from the University of Warwick, and insider as a Kurdish Iraqi Sunni Muslim. One of the potential drawbacks is previous knowledge of those participating in the interviews and personal attitudes towards the issues under examination. The challenge was to remain objective, and gain the participants’ acceptance as an unbiased outsider. By developing the sampling method for all groups to be presented in this study according to their numerical strength, this challenge was dealt with satisfactorily. During the interviews, all groups were treated equally in terms of allocation of time.

The researcher had the advantage of sharing ethnicity with the Kurds, religious sect with the Sunnis and with the Shia, the fact that the researcher’s middle name was Ali, all helped to engender trust and smooth communication.<sup>92</sup> As an insider, it is crucial to be aware of personal bias, and attempts have been made to replace it with an all-inclusive attitude towards the Iraqi political elite representing different groups.

In fieldwork, language remains one of the most important tools. All contact with the Arab political elites was in Arabic and it was particularly important that Arabic words were used that captured the essence of English academic terminology and concepts.

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<sup>92</sup> The name ‘Ali’ played an important role in helping to build connections with the Shia political elite. Had the name been Omar, this would have been a great barrier to even the consideration of answering many of the questions asked. Those two names are religiously sensitive in Iraq, especially in Baghdad; the Shia favour the name Ali as it is the name of a cousin of the Prophet (his rightful successor), and they dislike the name Omar. Omar, the second Khalifa according to Shia narrative, had prevented Ali’s immediate succession after the Prophet – the Sunnis reject this. One of the high official Sunni political elite informed me that in 2013 in Baghdad alone, 384 people were assassinated just because of their names (Omar) and he had the list documented.

This was also the case in relation to the Kurdish language and the researcher's status as an insider. Simple translation of terms had the capacity to lead to misunderstanding, without the knowledge of how such terms might be interpreted by individuals within an elite. The translation of a political term is a prime example of when there might be a need to know how certain terms are used in the Iraqi context, as opposed to the application of mere linguistic expertise. For example, in Iraq the political elite use *al-tawafuq* for political agreement, while the general term *al-tawafuqi* refers to the Iraqi political system, the two are very different and only a researcher with insider status could correctly appreciate the implications of using one term or the other.

### Voluntary Participation

This research is based on studying groups of politically significant people, the key political elite and decision makers in Iraq. Awareness of their rights is essential and various ethical concerns have been taken into account before, during, and after this research. The first principle was that participation in interviews or surveys was completely voluntary, anyone was entitled to decline if they so wished, and those that did volunteer had the absolute right to withdraw at any time for any reason.

### Informed Consent

Another principle closely related to voluntary participation is informed consent. All participants were fully informed about the purpose and potential benefits of this research, the process through which participants would be selected, procedures that would be followed, and any risks that might be involved were discussed. This principle was taken extremely seriously since its correct application formed the basis for other ethical principles that were also adopted. All the participants were drawn from various political elites and included members of parliament representing different sections and sects. Informed consent was crucial, since to ensure the integrity of the outcomes, each participant had to consent to participation and be briefed on the objectives. In practice, however, informed consent required more than only introducing the procedure and the objective of the study, the researcher had to be entirely open about his own background and provide reassurance that he was not biased towards any group,



## Privacy

The right to privacy gave participants the opportunity to decide what information they were willing to share publicly. During previous fieldwork in Iraq, participants were selective in their responses, and at times raised points on certain issues only on the understanding that they would not to be quoted on that specific information, for example, in cases of discrimination and corruption. This research has factored that kind of issue into account and the thesis has been produced on the basis that the participants know best why they should or should not be quoted. In a highly politicised, and at times violent, environment, where different sects and ethnic groups constantly strive for a larger share of power, especially in the House of Representatives, privacy is of the essence. The right to anonymity for any individual providing information is of paramount concern. Responses to the surveys in this research are all anonymous and only gender and sect/ethnic backgrounds were indicated in the results.

## Harm and Safety

Research that could cause harm to participants is fundamentally unacceptable. In the case of this research, harm could result in indirect ways, based on publication of named responses to politically sensitive questions. The interviewees in this study, however, in the main, gave their consent to the content of the interview being published with the exception of a few that indicated which information they did not want to be revealed. This study takes safety as a fundamental requirement and ensures the dignity, rights, safety and well-being of all involved, avoiding unreasonable risk or harm to participants. In that vein, the safety of the researcher was also an issue for appropriate consideration, since the work involved extensive and frequent travel in potentially volatile areas over extended periods of time, on occasion as long as two months. Sensible precautions were taken to minimise any potential risk.

## Excellence and Integrity

The researcher has at all times striven for excellence in the conduct of this research, aiming to design and produce work of the highest quality and ethical standards. In relation to integrity, all legal, regulatory and ethical requirements in the United Kingdom and in Iraq have been fully observed. Further, the need to maintain a knowledge and awareness of relevant and current legislative and regulatory

requirements, codes of practice of professional bodies, University policies and procedures, including the access of support and guidance provided by Research Governance & Ethics, have all been acknowledged. The research will be appropriately reviewed, and necessary regulatory ethical approval will be obtained.

#### Honesty, Accountability and Cooperation

To foster and support honesty in relation to this study, the research design, methodology, data, findings and results have been made available to scrutiny, subject to appropriate confidentiality conditions applicable to personal or commercially protected data. There are fully auditable records of timesheets, participants' consent, all relevant approvals, and access to, and interpretations of, any associated legal agreements, grant terms and conditions. Additionally, the wider consequences of this work in terms of the need to engage critically with the practical, ethical and intellectual challenges that are inherent in the conduct of high quality research have been taken into consideration. The requirements and guidance of any professional bodies in this field of research, especially those of supervisors, have provided an essential contribution to the outcome of this study.

## 4.8 Conclusion

This chapter outlined the research design of this thesis with reference to (a) its philosophical worldview, (b) its strategy of inquiry, and (c) the research methods deployed. It was argued that it is the philosophical worldview, pragmatism, that provides a rationale for mixed methods research. The chapter also identified triangulation in the strategy of inquiry, which approaches the main research question from multiple angles to cross validate the findings of this thesis. It also examined the combining of qualitative and quantitative methods for the collection of relevant data. Interviews were deemed the most appropriate tool to ascertain how a political elite defines democracy, and how they define it, while surveys were used to assess their preferences for a number of political institutions and to examine their support for different institutional arrangements.

The chapter explained the sampling procedure used, including how the groups were sampled according to their numerical strengths in the Iraqi House of Representatives. The thesis uses data collected from three different surveys on three topics: elite support for political institutions (Chapter 6); elite support for federalism (Chapter 7); and, political elite preferences on controversial themes in the Iraqi constitution (Chapter 8). Interviews with members of elites were also conducted on political views on democracy (Chapter 5), their preferences for Iraq's federalism and also issues in the Iraqi constitution (Chapter 7 and 8).

This chapter acknowledged that the research design has both technical and methodological limitations. The technical limits included time, the difficulty in synthesizing qualitative and quantitative findings, the diversity of data and the process of interpreting and analysing different types of data. These concerns were addressed by employing the triangulation strategy to synthesise the different types of data. In terms of analysing the issues of complexity, the qualitative and quantitative questions asked are on the same topic in each chapter. Another methodological concern of this thesis is that pragmatism is regarded as another form of positivism, which rarely reflects constructionist or subjectivist views. This concern is mitigated through an approach that, in addition to using surveys and quantitative measures, also utilises qualitative methods that focus on meaning, symbolism and aspects that further the norms and values of the political elite. This is done with the help of in depth interviews with members of the elite.

Finally, the ethical considerations sections discussed both the role of the researcher and the safety of the participant. In particular, the issues relating to an insider and outsider in conducting research on political questions, and with participants who hold political positions, were emphasised. The researcher, being an insider, has managed the issue of bias using two methods; asking similar questions in elite interviews, and adopting numerical representation in surveys (sampling). The next chapter will be the first empirical chapter and will discuss democracy in Iraq as a Muslim majority country. It will focus on how the Iraqi political elite, as members of different ethno-religious groups, define democracy.

## CHAPTER 5:

### How the Iraqi Political Elite Define Democracy

#### 5.1 Introduction

This chapter examines the views of the Iraqi political elite towards democracy and identifies what members of that elite mean by democracy. In the light of their views, the instrumental value of democracy, in terms of what goods or values it might deliver (as opposed to its intrinsic qualities, or values) is explored. The values that the political elite wish to promote through their interpretation of democracy, and the goals they hope to achieve, are also fully articulated and the position of the political elite representing different ethno-religious groups in Iraq, in relation to the two ideals of democracy, majoritarianism and rule through consensus, are illustrated. This chapter focuses on the question whether and to what extent that elite members of different groups in Iraq define democracy in different ways, with reference to different democratic ideals. The more specific hypothesis which is central in this chapter is as follows: the larger groups are more likely to define democracy as majoritarianism, while smaller groups are more likely define it as rule through consensus.

The context of Iraq, characterised by ethno-sectarian divisions, has made democracy a contentious subject. The views on democracy held by political elites belonging to the same religious sect but from different ethnic backgrounds, for example Sunni Kurds and Sunni Arabs, are different. Similarly, elites from the same ethnic group but from different sects, for example, Arab Sunni and Arab Shiite, also hold differing views on democracy. The practical operation of democracy has been equally problematic as the ethno-sectarian cleavages in Iraqi society have been subsumed into the governmental apparatus. Post-2003, Iraq was built on a political consensus between the three main groups and the complexity of that political system is manifest in the relationships between the three main groups around which the political system is designed. Lack of harmony between them, or the fundamental disagreement of any one of those groups with proposals, could threaten political stability and the very existence of the system itself. The ethno-religious arrangement of politics in Iraq provides the rationale for the structure of this chapter, as it approaches views on democracy through the divergent

perspectives of elite members of the three main groups; the Shia, the Sunni and the Kurds.

Iraq, in addition to the deeply divided nature of society, has a majority Muslim population where any examination of the concepts of democracy requires a preliminary understanding of the relationship between Islam and politics. Consequently, this chapter reviews the relevant literature on three issues; the Sunni-Shia divide in Islam, the relationship between Islam and politics, and the compatibility of Islam and democracy. It begins by discussing these issues as dealt with within the broader literature, and then contextualises each in the politico-religious situation of Iraq. The chapter goes on to examine the views of the three main groups on democracy. The Shia define democracy in terms of majority rule while the Sunnis are torn between the two ideals of democracy. The Kurds define it through an emphasis on attributes which equates to the consensual ideal. The views of different groups confirm the hypothesis but the findings show that within each group interpretations of democracy are subject to factors that go beyond the issue of numbers of adherents in any group. The ultimate ambitions of each group, in fact, impacts on their interpretation of democracy as an ideal. Further variables such as religion, culture and ethnicity, as well as history, grievances or alliances, also affect whether concepts of democracy are likely to be majoritarian or consensually based.

The chapter will also show that the views of the political elite matter, and moreover, their different interpretations of democracy matter since those interpretations could directly build trust or destroy it between the separate groups. It will provide an overview of different groups' perceptions of their position in Iraq. It goes on to examine the definitions and operations of democracy as the majoritarian ideal, as a major cause of distrust between the constituent elements of the Iraqi political elite. The chapter, then, makes the case for the consensual alternative as the more appropriate for the rebuilding of trust and, hence, as a means of sustaining Iraq's polity.

## 5.2 Islam and a Muslim Majority Country

### The Sunni Shia Divide

The two main sects in the Islamic world are the Sunni and the Shia, comprising 85 percent and 15 percent respectively of adherents. Fourteen centuries ago, the Sunni-Shia split started with a disagreement as to who was the legitimate successor to the prophet of Islam and how that decision should be arrived at. The Shia insisted that the rightful successor was Ali, a member of the prophet's house. The Sunni, however, favoured using *ijma* (consensus) to determine who the rightful successor was, *Khalifa* (see; e.g. Nasr 2007; Madelung 2008; Hazleton 2010). For that reason, the distinguishing features of Shia and Sunni should be seen in 'their political ethos,' and in particular in 'issues on Islamic history' (Jabri 1979: 132; Enayat 1982: 19). Although other writers argue that the differences between the two sects should be studied as cultural (e.g. Lewis 1940) or social (e.g. Watt 1961), there is an argument that their difference can be seen as inherently political, out of which cultural and social differences then emerged. That is to say, the Shia have a specific political attitude towards religion which sets them apart from the rest of the Muslim population. To the Shia, one person (*imam*) embodies both political and religious authorities in the concept of *imamat*, while for the Sunni the two authorities are separate. This thesis proceeds on the understanding that the Shia constitute a *political* sect within Islam.

The Sunni-Shia divide has characterised Iraq's history and politics for a considerable period. That division, particularly in the Arab context, has at times led to sectarian violence (see; Chapter 1). Given the Iraqi context, it is appropriate to regard the divide as a difference in political doctrine because, as identified earlier, the difference between the two sects is basically political in nature. Shia Arabs comprise 50-52 percent and Sunni Arabs 30 percent of the total population of Iraq, and if the Kurds, at 18 percent, and Turkmen, at 2 percent, the majority of whom are also Sunnis, are counted, the Sunnis comprise 48-50 percent of the population (see table 5.1) Those percentages are disputed and the subject of controversy among the members of the Iraqi political elite. In the Iraqi context, however, the religious-sect divide relates to Arabs only, and although Kurds are Sunni they do not consider themselves a part of this divide as ethnically they are different from both Sunni Arabs and Shia Arabs.

**TABLE 5.1** THE DISTRIBUTION OF RELIGIOUS SECT AND ETHNICITY OF IRAQ'S POPULATION

SECTS OF ISLAM	ETHNIC GROUPS		
	Arab	Kurd	Turkmen
SHIA	50%	1%	1%
SUNNI	28%	18%	2%

### Islam and Politics

There are two different discourses on the relationship between Islam and politics as perceived by Islamic scholars in the Muslim world, and external observers and writers. Firstly, the prevailing view among Islamic scholars, both Sunni and Shia, is that Islam and politics are inseparable since, in addition to faith, Islam concerns social and political aspects of life (e.g. Mawdudi 1948; Qutb 1964; Khomeini 1970, Qardawi 1987). Reference to those scholars suggests that the political system of Islam is based on three principles: unity of God (*tawhid*), the prophethood of Mohammed (*risalat*) and vicegerency (*khilafat*). There is universal agreement among Islamic scholars on *tawhid*, *risalat* and *khilafat*. The divergence is only apparent on the *type* of *khilafat*, where their conceptions of *khilafat* differ on whom and how it should be arrived at; the difference is political. The Sunni believe political polity should be based on consensus, *ijma*, while the Shia believe the rightful successor must be a member of the household of the prophet.

The second discourse can be found in the growing literature that examines the relationship and interaction between Islam and politics (e.g. see; Martin 1987; Roy 1994; Choueiri 1997; Denoeux 2002; 2011; Mandeville 2007; Ayooob 2008; Volpi 2010; Tibi 2012; 2013). This includes two different stances: a view that acknowledges the interconnection between Islam and politics, and one that rejects such a contention and is, it might appear, ironically promoted by those on the right in terms of a political attitude towards Islam. It must be borne in mind that the question as to whether Islam is or is not political, or should or should not be a part of the political aspects of life, lie beyond the scope of this thesis.

In the context of Iraq, however, whether Islam and politics are separate or integrated does not merit a lengthy discussion. In Iraq, there is a socio-political reality that cannot be ignored; Islam has a significant presence within the state and is the official state religion. Islam limits the legislative power; the second Article in the constitution, for

example, reads, 'no law may be enacted that contradicts the established provisions of Islam.' Moreover, Islamic individuals are members of state institutions. The majority of those who are in positions of power are Muslims, if not Islamic. Olivier Roy (1994: viii), identified the term Muslim as pertaining to a cultural reality, while the use of Islamic suggests a political connotation. The majority of the Iraqi political leaders are Islamic, this is to say, they are members of a certain Islamic political party in Iraq, with the exception of the Kurds, the majority of whom are Muslims but not Islamic.<sup>93</sup> Thus, in Iraq, Islam and politics are linked and inseparable.

The above given, takes us back to a topic discussed at length in chapter 2, section 2.6, namely the cultural form of modernisation - Muslim-majority society and the feasibility of democracy. A key proponent of the modernisation theory, Daniel Lerner, believed that the rest of the world would follow the Western concept of modernity,<sup>94</sup> 'what America is... the modernising Middle East seeks to become' (Lerner 1958: 79). Interwoven to his conception of modernity was a distinctive personality, a modern individual.<sup>95</sup> Moreover, Lerner argues that the mass media plays a crucial role in the modernisation process (1958: 52). This thesis shows that the people of Iraq have constructed their particular roadmaps to modernity with regards to the meaning of democracy and that the meanings most top Iraqi decision-makers attach to democracy are entirely different from the meaning of democracy understood in its western sense, i.e. liberal democracy.

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<sup>93</sup> I do not tend to argue that all the Sunni or the Shia political elite are religious; of course there are secular individuals and parties within the Sunni and the Shia groups. The Kurdish political parties and political elite are mainly secular but, again, in Iraqi Kurdistan there are two Islamic political parties that combined have 16 seats out of 111 parliamentary seats in the Iraqi Kurdistan Parliament.

<sup>94</sup> Using the case of six Middle Eastern countries (Muslim majority), he has tried to put forward a theory to show how and why the worldwide modernisation process is taking place. This work is comprised of a technique for measuring the process, and an application of theory in those countries.

<sup>95</sup> The work present as a typology of cultural transition. 'Modern,' is sought to be urban, literate, financially stable, interdependent, and to have a rather secular worldview and able to understand various world situations. Traditional, on the contrary, is said to be rural, non-literate, living at a subsistence level, respectful of authority, to have a local worldview, and rather devout. In between, there is 'transitional.' It is put into different categories on their proximity to a modern lifestyle, 'transitionals are people who share some of the empathy and psychic mobility of the moderns while lacking essential components of the modern style, notably literacy' (Lerner 1957: 13).



## Muslims and Democracy

The literature on Islam and democracy, which also includes Muslims and democracy, concentrates on the particular issue of the compatibility of Islam and democracy. Timothy D. Sisk (1992: xi) points out two main stances among Muslims on the compatibility issue, one that 'places priority on a religious foundation for the state' and another that sees the essential doctrine of Islamic thought and practice to be compatible with democratic ideas and institutions. In other words, among those Muslims who aspire to the idea of democracy there are two different tenets held: those believing the first hold that a democracy *within* Islam is feasible, while those adherents of the second argue that western democracy is a suitable political system *for* Islam.<sup>96</sup>

Therefore, the advocates of an Islamic democracy believe that Islam has both the freedoms and the political structure for a democratic system. Ahmad Shawqi Al-Fanjari argues in Islam that *rhuma* (kindness) is the equivalent of what is regarded as freedom in Europe and *tarahum* (mutual kindness) is synonymous with democracy (see; Al-Fanjari 1973). Along similar lines, John L. Esposito (1996: 18-29) argues that the concept of *ijma* (consensus) can both legitimatise and become the procedure for an Islamic democracy. Hamid Enayat (1982: 135) points out that Islam has the legal prerequisite for a democratic system; the rule of law. That argument can be seen to be based on the fact that in Islam the power of any government must be subject to, and limited by, the *sharia* law - a set of laws driven from the Quran and tradition.

Based on the above arguments it could be argued that Islam can produce its own unique democracy, distinct from western democracy both in notion and function. In parallel, albeit different to the above arguments, there is another view that asserts the democracy found in the west is the appropriate system for Islam. With reference to several verses in the Quran (49:13, 11:119, 6:12, 6:54, 21:107, 27:77, 29:51, 45:20), Khaled Abu El Fadel (2004: 5-36) points out three principles: pursuance of justice; a consultative non-autocratic method of governance; and the institutionalisation of mercy and compassion in social interactions. He concludes that 'democracy is an appropriate system for Islam,' because it endorses a form of government that is most effective in helping Muslims to

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<sup>96</sup> There are other views among Muslims that reject all notions of democracy –democratic ideas, democratic values and democratic practices- e.g. the *Wahabis* who are a part of the Sunni sect mostly concentrated in the Saudi Arabia.

promote those principles. That is to say, a democratic system helps Muslims to promote their religious values; hence, democratic practices are not only compatible with but also enhance Islamic principles.

Concerning the different types of democracy (majoritarian and consensus) there is a view among Muslims who aspire to an Islamic democracy whose conception of an Islamic democracy is consensual rather than majoritarian which is based on an interpretation of Islamic history (e.g. Esposito & Voll 1996; Esposito 2000). Accordingly, Daniel Brumberg (2003: 269) pinpoints a lack of unity among Muslims and argues it is exactly this absence of unity that requires a form of power sharing and political institutions that emphasise agreement and cooperation with a promise of inclusion that could promote accommodation in Muslim majority countries. Therefore, some writers have argued that in studying the compatibility of different ideals of democracy with Islam the focus should be on what *Muslims want*, rather than what *Islam is* (e.g. Hashemi 2004; Graham 2002). Correspondingly, Bernard Haykel (2004: 80) has named two leading Muslim scholars, the Sunni scholar, Yusuf al-Qardawi, and the Shia scholar, Mohsen Kadivar, who accept the compatibility of Islam and democracy and argue Muslim rulers must be elected for a fixed term of office.

In the case of Iraq, the existing literature covers Islamic movements' involvement in the democratisation processes (see; Bayat 1998; 2007; Clark 2004; Henfer 2011), but there is a gap in the literature which is twofold; firstly, on the conception of different democratic ideals with regard to different religious sects and ethnicities; and, secondly, on what type of democratic ideal Muslims in a Muslim majority country desire, in terms of institutional arrangements. This chapter, together with other empirical chapters, aims to fill those two particular gaps and constitutes in its own right an innovative and original contribution.

### 5.3 Democracy: Shia views

#### The Shia in Iraq

The main distinctive feature of the Shia sect in Iraq is political. Almost all Shias have the same doctrine concerning politico-religious leadership; they all agree on Ali's

religious supremacy and political authority as the only rightful successor of the Prophet (Jafri 1979; Jabar 2003; Nakash 2003; Shanahan 2004; Lower 2008; Nafissi 2009; Rizivi 2010). The Shia doctrine ties issues of faith to political authority, and regards the Shia *Mujtahids* of our present time as spiritual and political leaders. The major feature of Shia politics is that religious sect and political power are two in one. Therefore, any form of political system, with respect to the Shia sect, inevitably has to address the role of religion. The three significant power brokers in the Shia community are the Grand Ayyatullah Sistani, Abdul Azziz al Hakim, and Muqtada al Sadr. They are the leading Shia clerics who have been heavily involved in Iraq's politics since the 2003 invasion. For instance, Vali Nasr (2006: 231) has argued that Sistani has a pragmatic approach to politics as one man one vote, and has adopted democracy to turn the tables on the Sunnis in Iraq.

In the previous chapter, the theoretical framework articulated the theory that the political elite define the ideal of democracy on two terms: what values are best served with democracy, and what goals democracy can achieve. Subsequently, the first hypothesis stated that members of the Shia group are more likely to support a majoritarian notion of democracy compared to members of other groups (Kurds and Sunnis). In this section, this hypothesis, through the implication of the theoretical framework, has been developed to illustrate the political elite's views on democracy as an Ideal. The hypothesis that elite members of the Shia group favour democracy as majority rule is confirmed but their idea of democracy is not a liberal one.

#### Defining Democracy: The core value

To recap, derived from the theoretical framework of what values are thought to be best served with the idea of democracy, the hypothesis that Shia political elite are more likely to support the Ideal of democracy as rule of majority was proposed. This was based on the assumption that Shias form the majority in Iraq. However, it is logical to ask to what extent the Shia worldview tolerates the idea of democracy and, specifically, what type of values and goals could it serve. To ascertain answers to those questions the first Iraqi Prime Minister, Ibrahim Ja'afari,<sup>97</sup> was interviewed.

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<sup>97</sup> Ibrahim al Ja'afari was the Iraqi Prime Minister for the transitional government from 2005-2006 and previously one of the two vice presidents in the Iraqi interim government from 2004-5. He was also the

Ja'afari, in his effort to define democracy as an ideal, began by creating a structure by which the very idea of democracy could be addressed from a Shia perspective. The structure was a framework consisted of two types of laws, fixed and flexible. Compulsory duties (*wajib*) are the fixed laws that constitute the five pillars of Islam (i.e. prayers, fasting, zakat, and pilgrimage). Compulsory prohibitive laws (*haram*) are also fixed and these include a set of proscriptions against, for example, adultery, killing, drinking alcohol, hypocrisy and telling lies. Ja'afari further explained that those dos and do nots fall into a hierarchy of acts from permitted to non-permitted in five categories; *wajib* compulsory duty; *mustahabb* recommended; *mubahh* neutral; *makruh* disliked; and *haram* sinful. In his view, the fixed laws are where democracy has no influence and he re-affirmed that 'in the Islamic political thought the compulsory duty and the sinful are red lines. Those are fixed points and Allah His Almighty has commanded so.' This is an explicit limitation on the very idea and understanding of democracy.

Further concerning values, liberal democracy, both consensual and majoritarian, understood in its modern sense, is not value free. It is vital to point out, from the Shia perspective, how democracy, as an ideal, favours Islamic values at the expense of liberal norms. Ja'afari believed that liberalism and Islam are two different world-views; philosophically, he referred to liberalism as the right of the individual to choose to live life as he/she pleases, while he referred to someone as Islamic if he/she implements the laws discussed above, the compulsory dos and do nots. Such an individual chooses to live a life as Allah pleases. Therefore, he viewed Islam and liberalism to be inherently different, stating, 'it is not correct for a Muslim even to say I am liberal or liberalist' let alone uphold liberalist values or philosophy. With this in mind one could argue that, at least in theory, democracy through a Shia perspective (i.e. Ja'afari's interpretation) clashes with the liberal notion of democracy. Even if a limited democracy that holds merely political elections is accepted, the Shia perception could hardly encompass such an "electocracy". The interpretation as to the role of religion limits the scope of voting. As Ja'afari stated, some aspects are 'out of question and cannot be put to voting' referring to the fixed laws. Democracy as an ideal is acceptable as long as it serves

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main spokesman for the Islamic Dawa Party the largest Shia party in Iraq. He is Shia Arab with a moderate Islamist ideology. Currently the foreign minister of Iraq.

Islamic values, and this can provide a hint as to the nature of democracy that the Shia worldview favours.

Therefore, from a Shia perspective the divine is always present as a moral guardian, and the ideal of democracy must be mitigated by the supremacy of the divine laws. To this end, it is clear that the values Ja'afari wishes to serve with the idea of democracy are Islamic values. For example, he was against a democracy that 'leads to same sex marriage'. Further, it could be deduced that the goal is to locate the ideal of democracy between the two ends of compulsory duties and sinful actions, bearing in mind, democracy must at least serve as a means of implementing the compulsory and preventing the sinful while working in the domains of the recommended, the natural and the disliked. In other words, this is to locate democracy within the flexible laws, under the restrictions of the fixed laws of Islam, as interpreted through the perspective of the Shia sect. That, by definition, puts in place an Islamic democracy instead of a liberal one. To accept Islam as the foundation for democracy is a matter of faith, therefore it is shared by all those who are religious in the Shia political elite. To view democracy through such a perspective is, in fact, to view it as an instrumental tool. To see democracy as an instrumental tool, one that has no special value in itself but which protects and enhances principles such as individual rights and freedoms, is a perspective shared by Liberals too. In the case of the Shia, democracy is seen as an instrument to protect and enhance Islamic provisions as interpreted through the Shia doctrine.

#### Democratic Ideal: The main goals

The theoretical framework stated that the meaning of democracy as an ideal becomes clearer with reference to the values and goals political elites attach to their support for a specific ideal of democracy. This section corresponds to Chapter 3, to show the Shia elite's values and ideas on democracy as an Ideal, what democracy is, and what goals they wish to achieve by it. In the discussion above, the role that religious values play in the Shia conception of democracy was explained, the following paragraphs demonstrate the Shia political elite's support for a majoritarian form of democracy and explains why the Shia favour a majoritarian democracy in the context of Iraq.

Throughout the interview, Ja'afari demonstrated his support for majority rule in two ways; directly by favouring the very idea of democracy as the rule of the majority, and indirectly by criticising the idea of consensus democracy. Firstly, by democracy Ja'afari meant a political form of democracy restricted to elections and a system of checks and balances. He favoured the idea of democracy in terms of *majority rule* and stated that 'the best thing about democracy is that the larger in society is the large in the government'. Further, he strongly believed that consensus is opposite to democracy, arguing a consensual system wherein the smaller parties have a veto power is, in essence, antipathetic to the very idea of democracy, for in such a case 'the majority cannot do much.' He expressed concerns that the Shia majority's power has been limited in the apparatus of rule due to power sharing. Secondly, Ja'afari criticised the consensus system for it was imposed through invasion, practised under occupation and, because of it, the Iraqi people had never truly experienced real democracy, by which he meant a non-consensual democracy.

Ja'afari, whose views to a large extent resemble the Shia house in Iraq, as the following paragraphs will demonstrate, believed consensus in Iraq has resulted in a paradox; those who were socially and numerically greater have become smaller in the government, and those who were socially and numerically smaller have become greater in the government. Nevertheless, those who are socially greatest are also predominant in the Iraq government and House of Representatives where the Shia are the majority, yet they claim that their power is limited due to the need for consensus. Thus, one could argue the goal Ja'afari aims to achieve by democracy is a majority rule, in which the Shia power is neither restricted nor limited by the presence of other groups, despite the constitutional restrictions on majority rule. The above views expressed by Ja'afari indicate the presence of a strong element of constitutionalism. Liberals favour a self-binding democracy with a constitution that does not allow majorities to abolish democratic principles such as abolishing elections or eradicating freedoms. Some democratic principles ought to be channelled appropriately (i.e. majority rule) for liberal values to flourish. The Shia appear to wish for a different type of self-binding system based on Islam's demands on the individual and society as a whole. The Iranian polity since 1979 could be an exemplar of the Iraqi Shia's vision of a constitutional democracy. To comprehend correctly the positions outlined by Shia ministers,

discussed below, it has to be borne in mind that support for majority rule or a majoritarian democracy is in the context of Shia rule of Iraq and the Shia conception of democracy as discussed above.

Ja'afari's views, in particular his support for the democracy as majority rule, were shared by almost all other Shia ministers. In their responses to whether they preferred the Iraqi government to be based on consensus or majority, five out of six ministers favoured a government based on majority. Minister of State, Dr Sahib Qahraman, however, stated that Iraq's democracy is still in its formative phase but favoured a 'majoritarian system for the future' while supporting pluralist and disproportional representation in the interim. Similarly, Planning Minister, Ali Yusuf Abdul Nabi Al-Shukri, stated that in Iraq 'democracy needs time' and he was in favour of a type of democracy based on the majority. Human Rights Minister, Muhammad Shiya al-Sudani, believed that a government based on majority would be a better choice for Iraq and he was in favour of disproportional representation as the preferred electoral system. Likewise, the Minister of State for Tribal Affairs, al-Shaikh Jamal al-Batigh, asserted 'Iraq's democracy is an infant and it will take time until it grows up and becomes mature,' and he also favoured majoritarian democracy. Minister of State, Diaa Najm al-Asadi, stated that democracy in Iraq is at the very beginning of the road, and preferred a majority government with disproportional representation.

The only minister who was not in favour of a majoritarian democracy among the Shia was Minister of State, Bushra Hussein Saleh, from the Islamic Virtue Party, representing the Sadrist Movement. In contrast to other Shia ministers, Bushra favoured consensus and proportional representation as she believed that to be the only system that could 'represent all segments of Iraqi people'. In Iraq, the Sadrist Movement is known as the alternative voice in the Shia house. They are the Shia nationalists and have a stronger sense of Iraqi solidarity compared to other groups within the Shia community. However, while there are different views in the Shia family, the vast majority are in favour of a majoritarian democracy. The main goal that the Shia political elite want to achieve is to be able to form a government based on majority, that is, Shia's form the government, and then establish a majoritarian form of democracy under the supremacy of their religious sect.

## Conclusion

In this section, the in-depth empirical data confirmed part of the first hypothesis that the Shia political elite support a majoritarian democracy in Iraq. Their support was based on Dahl's method that democracy as an Ideal could be best understood in terms of value and goals discussed in Chapter 3 (section 3.4). Correspondingly, the way in which values and goals form ideas on democracy among the Shia political elite was discussed. The data shows that religious values play a significant role in shaping the nature of democracy. From the Shia perspective, the Ideal of democracy is viewed as a form of *Islamic* democracy and not necessarily a liberal democracy. Shias support democracy as long as it serves their religious values. Furthermore, the data shows the goal for which the Shia elite support democracy, which is to bring about a majority based government and to establish a form of majoritarian Islamic democracy.

Moreover, the Shia views' on democracy discussed in this section are also underpinned by a paradox of two particulars. First, the Shia political elite in general support Iraq's democracy because the late 2005 elections made Shias the majority in the Iraqi House of Representatives and, subsequently, the ruling group in Iraq when they were tasked with forming the coalitional government. In other words, Shias owe much of their political power to democracy having been suppressed under previous Iraqi governments. Second, the Shia political elite have fears deeply rooted in Iraq's history and its centralised central authorities. That is why, with the exception of the Minister from the Sadrist Movement, they support a government based on the majority, as they are the majority.

## 5.4 Democracy: Sunni's view

### The Sunni in Iraq

The Sunni Arabs in Iraq have a nationalistic attitude towards Islam.<sup>98</sup> The idea of Arab solidarity among the Sunni Arabs is a part of a broader vision that takes Iraq as an extension of the Arab Nation. Sunni secular Arabs advocated Arab Nationalism as the national identity and in their encounter with Nationalism, similar to other Arab

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<sup>98</sup> While the Shia's in Iraq, as shown previously, have a religious attitude towards nationalism – i.e. religious sect has become the base of identity.



countries, they understood it as patriotic attachment to a specific territory (Haim 1956: 132; Sharabi 1970: 119). While Arab writers made efforts to reconcile Islam and Arab nationalism, to show the two were not contradictory, such efforts, nevertheless, confirmed the Arabic identity of Islam. A typical example is provided by the Prime Minister of Iraq, Abdul Rahman al Bazaz (1965-66), who argued, 'Islam does not necessarily contradict Arab Nationalism unless their political aims differ, but this is unthinkable' (Bazaz 1972: 200). It is Hamid Enayat's view that Arab nationalism has often ended where it had started; with the glorification of Arabism as a commanding value in Islam (Enayat 1982: 114).

With the Iraqi Sunni Arabs, both secular and religious elements are referred to in this research, since what they have in common is Arabic ethnicity and, of course, the fact that they belong to the Sunni sect of Islam. A defining characteristic of the Sunni Arabs, whether secular or religious, is this twofold identity. On the one hand, they regard themselves as a part of the Arab nation, and as a part of the broader Islamic Sunni sect. Arab solidarity and Sunni solidarity are twin characteristics of Sunni Arab nationalists in Iraq. It is because of this blend of religion and nationalism that their views are more secular compared to those of the Shia. Furthermore, Chapter 1 (section 1.2) showed that Sunni Arabs are the Iraqi nationalists, for they have been the ruling elite of Iraq as a nation-state, which was by definition a secular state.

The testing of the hypothesis, and the implications of the theoretical framework examined in this section, follows a structure similar to the previous section. In this section, nevertheless, the second part of the first hypothesis is tested, that is that the Sunni Arab political elite are more likely to define the ideal of democracy as one of power sharing compared to the Shia who conceptualise it as majority rule. This hypothesis is based on the conventional wisdom that in a socially divided group, those in the minority are more likely to support consensus (see Chapter 6). Again, this support for democracy as an ideal is discussed with reference to the values and goals that the Sunni elite wish the idea of democracy to serve.

### Defining Democracy: The core value

The core value that almost all Sunni political elite want an ideal democracy to serve is that of Iraqi nationalism, the notion of 'Iraqiness'. In other words, ideas concerning preserving an Iraqi identity underpin the Sunni political elite's views on democracy. That is because, for the past century, the identity of the Iraqi nation-state has been synonymous with the identity of the secular Sunni Arabs. Therefore, in sharp contrast to Shias, whose core value is sect, the Sunni's is secular; for example, nationalist, Tariq al Hashimi,<sup>99</sup> held the highest Sunni position in Iraq as the vice president (2013). Hashimi conceptualised the ideal democracy in terms of establishing the rule of law, building institutions, and developing a single identity. Further, unlike al-Jaafari who positioned democracy between the two ends of *halal* and *haram* as a safeguard to Islamic values, Hashimi referred to democracy with respect to 'Iraqi identity' as a core value for the unity of all Iraqis. Hence, secular in his approach, Hashimi expounded his non-sectarian aspirations in his participation in the drafting of the Iraqi constitution. In his words, he aimed 'to have a state of law, to have a civil state, a state of institutions, and to have an Iraq of identity not an Iraq of different sects.' Hashimi's appeal to an Iraq of identity is, by definition, a secular one, and his conception of democracy is moderate and inclusive. In addition to Sunni nationalists, he also seeks the support of the Shia nationalists.

A fundamental issue very closely related to the idea of Iraq's identity, in relation to the idea of democracy is the question of majority. Both Sunnis and Shias claim to be Iraq's majority. Sunni Arabs refute the Shia's contention and argue that the Sunni community is composed of the Sunni Arabs, the Sunni Kurds and the Sunni Turkmen. Accordingly, Hashimi asserted if those three ethnic groups join forces, then the Sunnis form the majority as, in his words; 'we will be about 55 percent of the total population of Iraq.' The two opposing views on who is the majority is interesting and provide helpful insights. As the previous section showed, the Shias view democracy as majority rule, and so they see themselves as the majority. Among the Sunnis there are some who also view democracy as majority rule, but with the Sunni's interpretation of the majority.

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<sup>99</sup> After chasing him for a long time from Qatar to Istanbul, finally I managed to meet al-Hashimi on Friday, April 26, 2013 in Istanbul. He held the Sunni's highest political position in the post 2003 Iraq and was also looked on as the icon of Sunni politics in Iraq. This interview was conducted in both Arabic and English.

Hashimi, for instance, favours a majoritarian system over a consensus one, because in his view the Sunni nationalists and the Shia nationalists could co-operate to become the majority to form the government and 'establish a real civil state'. Hashimi, nevertheless, was one among the very few in the Iraqi political elite to be able to rise above ethno-sectarian divides and bridge the gap between the different groups in Iraq. He headed the al-Iraqyya list for the 2010 Iraqi parliamentary elections, a list which composed of members of both the Sunni and Shia political elites with secular and non-secular movements. The list received a majority of the votes and also the majority of the seats in the parliament.

The paradox of similarities and differences characterises the political stance of the Iraq political elite, specifically between the Sunni and the Shia, in post 2003 Iraq. For example, similar to Ja'afari, Hashimi favours majoritarianism, but on an entirely different basis. Ja'afari's stance is that Shias are the majority and that the majority ought to rule, whereas Hashimi's goal is a plural type of democracy, in which different sects and ethnic groups combine to form a majority. Ja'afari and Hashimi both aspire to democracy, the former to an Islamic form while the latter to a more egalitarian and liberal form. Similar to Ja'afari, Hashimi believes that Iraq's democracy was not set up correctly under the occupation but, with an entirely different discourse, Ja'afari criticises the imposition of consensus, whereas Hashimi criticises the monopolisation of power by one segment of the population, the Shia.

#### Democratic Ideal: The main goals

Dahl's method of understanding democracy with reference to values and goals could provide a clearer vision of the main goals. In terms of *values*, such as nationalism and Iraqi identity, all Sunni Arabs share their Sunni solidarity. This is mainly due to Iraq's political history in which Sunni Arabs have been ruling and acting as de facto owners of Iraq since its establishment (chapter 1 section 1.2). Nevertheless, when it comes to *goals* Sunni Arabs are polarised into two distinct camps over what they want to achieve with the idea of democracy. In other words, on the matter of the values that democracy can serve, almost all Sunnis are Iraqi nationalists, while on the goals that democracy can achieve, they lack unity and have two different conceptions of the idea of democracy.

The Sunni, then, are split over the two democratic ideals of majoritarian and consensus. For example, Culture Minister, Dr Saadun al-Dleimi from the Iraqi National Alliance, like Hashimi, favours a majoritarian democracy and argues that 'democracy cannot be built on ethno-sectarian bases' and supports a national list and majoritarian disproportional representation. On the contrary, Ayad al-Sammarai, the 2009 speaker of Iraqi House of Representatives<sup>100</sup> believes that the formation of government should be based on consensus and argues that any form of majoritarian system favours the Shia majority, who monopolise the Iraqi apparatus of rule. Likewise, Education Minister, Mohammed al-Tamimi, and Salman al-Jumaily, the head of the al-Iraqyia list, favoured consensus democracy<sup>101</sup> with proportional representation. A similar view was shared by Salim al Jaburi, the current (2014) speaker of the Iraqi parliament.

When it comes to their ideas on democracy, the Sunni share similar values to those of Iraqi nationalists, but they lack a unified goal. In other words, they lack a unified democratic discourse. On the other hand, a considerable majority of the Shia supports a majoritarian democracy while the Sunnis are split over the two conceptions of democratic ideals of majoritarian and consensus. This, in fact, has undermined the political strength of the Sunnis in Iraq, and, so far, they have not been able to join Sunni Arab groups together let alone, the Sunni Kurds, or the Sunni Turkmen, to form a majority. In the case of Sunnis, it is evident that values play a fundamental role in defining democracy but so does a clear idea on the goal intended to be achieved through democracy. Due to these Sunni divisions, it was easier for the Shia to marginalise them in the 'democratic process.' The Sunni, for the most part, blame this on the US withdrawal; with the end of the occupation, it became possible for the marginalisation of Sunnis to be carried out in a systematic manner. Thus, in the absence of the occupation came the consolidation of power by the Shia, under Maliki. Hashimi

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<sup>100</sup> In July, 2011 he was elected as the Secretary-General of the Iraqi Islamic Party. He is also head of the Iraqi Accord Front, which is an Iraqi Sunni-Islamist political coalition created on October 26, 2005, in the Iraqi Parliament the coalition Tawafuq. I met al-Sammarai in the Iraqi House of Representatives in his office on September 15, 2012 at 12:42 and the duration of the interview was 40 minutes.

<sup>101</sup> There might be a concern as to whether the Iraqi politicians have used expressions such as consensus or majoritarian democracies during the interviews. In Iraq, there are two common terms used to make reference to two different types of rule *al tawafuqyya* meaning 'to reach consensus' and *al aghlabyya* meaning 'the majority.' I have not translated their expressions into Lijpharts terminologies, rather I have described the features of both models (consensus and majoritarian) and they have preferred either model.

informed me that Maliki had 4 million US Dollars of the national budget at his disposal which he could spend with no audit in and, no final statement of, the expenditure, and could be simply authorised by his signature. This capital was used on judiciary, the media and security forces loyal to Maliki to serve a specific political agenda as well as targeting other politicians who had proved to be his opponents: 'This is what happened to Traiq al Hashimi, and Rafe al Isawi and other politicians,' according to al-Hashim in a reference to the removal by Maliki of Sunni Arab officials he accused of being involved in terrorist acts against the government.

In the previous section, the Iraqi Shia concern over a Sunni return to power was raised. This anxiety was the underpinning factor leading to two outcomes; Shia support for a majority government, and the marginalisation of Sunnis. Looking at the situation from a Sunni perspective, as those accused of such ambitions, the matter looks entirely different. Hashimi, along with other Sunni elite, regarded the Shia's fear to be one sided, in that the mistrust went only one way, from the Shia towards the Sunni. The main reason for Shia aggression, Sunnis believe, is because they are afraid of losing power, and assume Sunnis are a threat and are still harbouring ambitions to regain power. Hashimi declared that the Shia assumptions are untrue because 'we are not targeting them, we do not have any hard feelings towards them.' This phenomenon of mistrust is of great importance vis a vis the building of democracy in Iraq and will be returned to at a later stage in the chapter. However, mistrust has been a highly significant factor in generating pessimism among the Iraqi political elite, the main solution for which is the introduction of a set of consensual democratic institutions.

## Conclusion

The Sunni perspective of the ideal of democracy is a secular one and avoids a sectarian approach. They make reference to the people of Iraq as Iraqis irrespective of sect, and define Iraqi identity as loyalty to the boundaries of the Iraqi state. Such 'unity' is the core value which Sunnis want to serve with the idea of democracy. Further, Sunnis are not in favour of sectarian or ethnic divisions of Iraq in terms of 'Sunni versus Shia', or 'Kurd versus Arab'. The ethno-sectarian divide in Iraq after 2003 has, perhaps, disadvantaged Sunni Arabs more than others. The ethnicity factor is their weak link with rest of the country as they do not have the support of Shia Arabs. From the sect

side of the issue, ethnicity has weakened their position as Sunni Arabs do not have the support of the other Sunnis who are Kurds. On the other hand, Sunnis have used both sides of their identity as suited, for example, an appeal to nationalism to gain the support of the Shia nationalists as in the 2010 elections, or an appeal to religion to draw the support of Kurds who are Sunni to counter the hegemony of the Shia in the apparatus of government. However, they have not been successful in countering feelings of belonging to the Shia sect as more important than commitment to nationalism. Among the Kurds, belonging to their ethnic group is more important than religion.

To sum up, the theoretical framework has been helpful in showing the secular nature of Sunni nationalism, as well as highlighting the two different goals which different Sunnis wish to achieve with the idea of democracy, that is consensus and majoritarianism. The significance of the chosen method is that its use is vital in order to understand not only how but *why* the Sunni view democracy differently. Using this methodology shows that their different conceptions of democracy and their support for a particular ideal of democracy is subject not only to their group size or the values that they share in common but also to the goals that they want to achieve. Hence, their weakness is due to a lack of an agreed goal that would unify them. The hypothesis that Sunni are more likely to define democracy as consensus has been partially confirmed; nevertheless, the conception of democracy as a result of a group's size is tempered by historical legacies, present realities and political goals, as well as the ways in which groups see themselves.

## 5.5 Democracy: Kurdish views

### Kurds in Iraq

The Kurds' struggle within Iraq is not religiously based but rather a matter of identity. The defining characteristic of Kurdish politics is ethno-nationalism (Kurdish: *Kurdayati*); the idea of self-rule based on belonging to the Kurdish ethnic group (Kurdish: *Kurd bun*). *Kurdayati* is the common motto of all Kurdish political parties of whatever persuasion and, in the context of this research, of all the Kurdish political elites. *Kurdayati* predates the establishment of the 'nation-state' of Iraq. Kurdish revolts armed, political or civilian, were in response to the imposition of Iraq's boundaries in the period 1917-1920 by Great Britain, and also in response to the imposition of an

Arab identity which sought to eradicate their Kurdish identity by Iraqi central authorities in the years 1960-1990 (see Chapter 1). This history has manifested in the Kurds' quest, post 2003, to protect their identity through building Iraq's democracy. In other words, Kurdish politico-cultural identity is the core value that Kurds want to serve with the idea of democracy. The primary political goal of Kurds is self-rule, in the form of federalism, with greater autonomy for the Kurdish region within Iraq.

The Kurdish political elite are secular in their interpretation of the ideal of democracy. Although they are Muslims, they do not see themselves as involved in the Sunni-Shia sect divide; their pursuit is one of ethnic identity. Therefore, democracy from a Kurdish perspective, by default, includes the notion of *Kurdayati*. Within Iraq, they favour an ideal of democracy which reflects their ethno-nationalist quest.

This section, in a process similar to that adopted in previous ones, analyses the views of the Kurdish political elite with reference to the theoretical framework, in particular Dahl's method in understanding democracy as an ideal (see chapter 3 section 3.4). Throughout this section, the hypothesis that the Kurdish political elite are more likely than members of the Shia and the Sunni elites to support consensus democracy is tested. The confirmation of this hypothesis will be dealt with at the end of this section. Initially, however, an illustration of the value that they want to serve with their idea of democracy and the goals that they want to achieve are investigated.

#### Defining Democracy: The core value

In defining democracy, as accepted by Kurdish leaders, reference is made to discussions with Masoud Barzani, president of the Kurdistan region, and to relevant parts of an interview with Jala Talabani, the President of Iraq.<sup>102</sup> Talabani believed strongly in the consensual ideal of democracy, and further regarded proportional representation as more democratic than a system of plural representation. Barzani, similar to Talabani, defined the ideal of democracy as consensus and a form of power-sharing. Barzani's and Talabani's views on democracy are shared by all those in the Kurdish political elite.

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<sup>102</sup> Note: they are the leaders of the two main Kurdish political parties, and also the two main rivals. The discussion of this divide is not the concern of this thesis, so with the divisions within the Sunni or within the Shia, here, the main concern is with the particular characters of each group that distinguishes it from the other.

Barham Salih, the former Deputy Prime Minister of the Iraqi Federal Government, the former Prime Minister of KRG, and Nechirvan Barzani, the current Prime Minister, as well as Displacement and Migration Minister, Dindar Najman Shafiq, and Trade Minister, Khairalla Hasan Babakir, all favour consensual democratic systems with proportional representation.

Kurds believe that the political, demographic and ethnic nature of Iraq requires the formation of the government on the basis of participation and consensus among different groups. From a Kurdish perspective, Iraq cannot be ruled democratically by a single segment. This stance was re-affirmed by Barzani when he stated that, 'the rule of a particular group has failed in Iraq; therefore, the application of the principle of majority to form the government will end in failure and hinders the success of democracy.' Therefore, the Kurds' promotion of democracy as consensus is, in fact, based on their desire to prevent the centralisation of power which, in Barzani's view, has created fear among the peoples of Iraq. Different parts of the population worry that only a certain group speaks on behalf of the majority and imposes itself on everyone else.

The core value which democracy could serve, for Kurds, is enabling participation and the protection of minority rights, including those of the Kurds. Taking into account the principle of power sharing and consensus among different factions, in their opinion, guarantees democracy. That is because, in Barzani's view, if in Iraq the principle of majority is to be applied, then minorities and other segments cannot participate in the apparatus of rule and he believes that 'does not suit the concept of true partnership, but will lead to the marginalisation of other segments.' Marginalisation is the concept that both Kurds and Sunnis refer to when they address the implication of a majority rule; this is to say, Shia majority could potentially monopolise power. Hence, the main values by which Barzani and others of the Kurdish political elite want to serve with democracy in Iraq as a country of multiple nationalities and religions are coexistence and political action towards a common good.



### Democratic Ideal: The main goals

The goals which the Kurdish elite want to achieve with the idea of democracy are partnership and power-sharing, both aimed at creating a consensus system in Iraq. Chapter 1 showed that since Iraq's formation, the forcing of three main segments into the boundaries of the Iraqi state has resulted in a lack of a collective feeling of belonging, a view that Barzani shared. He also identified a history of coups and revenge by successive regimes that has caused intolerance and prevented coexistence. Barzani stated that the political elite need to rectify those historical mistakes by transforming the whole system to a democratic one by ensuring real participation by groups in the decision making process. That is to say, democracy is a democracy in so far as it respects consensus and, on that basis, Kurds support it.

Furthermore, Barzani favours a system of proportional representation for which he gave several reasons. First, he believed it to be closer to true democracy, as it achieves justice in the distribution of parliamentary seats based on the proportion of voters. Second, he thought that this system gives smaller parties a chance to be represented in parliament, which encourages supporters of smaller parties to exercise their voting rights and cast their votes. Without this system, he argued, the larger political parties will drown out the voices of the smaller parties. Third, adopting this system, in his view, helps to reduce wasted votes, and parliament will, as a result, reflect a better expression of the wishes of the citizens. Fourth, in countries with different ethnic, religious and sectarian groups, he believed it to be essential that all ethnic groups are part of the political process and this can only be guaranteed through a system of proportional representation.

Other minorities including, Christians and Turkmen, have preferences similar to those of the Kurds. Yunadim Yousif Kanna, former member of the Iraqi Governing Council in 2003-2004, and the Secretary General of the Assyrian Democratic Movement, believes that central to the process of building a democratic Iraq is a culture that promotes acceptance of others. He further augured that consensus democracy is the better choice because consensus, in his words, 'could save the society from a majority dictatorship'. Kanna favoured an electoral system that would take into account the smaller groups, in a way that prevents their marginalisation. Likewise, Abbas al-Bayati,

General Secretary of the Islamic Union of Iraqi Turkoman, argued that under the present conditions the government should be based on consensus and, similar to Kanna, he favoured proportional representation. Like the Kurds, the value that these other minorities want to serve with the idea of democracy is that of minority rights and freedoms, and their goal is to establish a democratic system that guarantees these rights and protects their freedoms through a consensus system.

The vast majority, if not all, of the Kurdish political elite, support a consensual democratic system and this is also true for the political elites of the principle minorities, the Christians and the Turkmen. Their support for such a system is primarily based on a desire to prevent a system of rule that gives one segment the right to talk on behalf of all the segments in Iraq. Kurdish views and perceptions on democracy and how it should be built in Iraq, are clear and their ideas are coherent in comparison to the Shia and the Sunni positions. This is true for two main reasons. The Kurds have more experience and they have been governing themselves since 1992, therefore, their views on what Iraq needs and what type of democracy in Iraq would serve their interests best are more specific. The other two segments view democracy through their sectarian divisions, the Shia on the issue of the compatibility of democracy with Islam and presenting a Shia version of democracy for Iraq, while the Sunnis in their vision of democracy make reference to an Iraqi identity, which for the past century has been a secular Sunni Arab identity.

## Conclusion

Based on what has been argued so far, it can be concluded that the Kurdish political elite have a clear vision about their participation in Iraq's democracy as almost all of them define democracy in terms of power sharing and support a proportional electoral system. Returning to the third part of the first hypothesis, that the Kurdish political elite, as well as members of other minorities, are more likely to define democracy in terms of consensus compared to the Shia and the Sunni political elite, the qualitative findings of this section confirm that hypothesis. The application of the theoretical framework has been helpful in identifying not only the fact that the Kurdish political elite define democracy as consensus but also in explaining why they do so.

The main reasons for their support of democracy lies in the values that they seek to protect, that is power-sharing, minority rights, and partnership, all of which being rooted in their quest for ethnic identity. The Kurds in Iraq have not adopted a sectarian approach and avoided becoming a part of the Sunni-Shia struggle. Hence, in post 2003 Iraq, they see themselves rather as stabilisers and part of the solution, not as a part of the problem, in the building of a democracy. For them, this democracy must serve the values they uphold, tolerance and coexistence, and in turn help in the achievement of their goal of protecting their identity and nourishing their *kurdayati* by democratic means while safeguarding their *Kurd bun* within the boundaries of Iraq.

## 5.6 Elites' view: Why does it matter?

The previous sections examined how each group defined democracy, and the different goals and values that each group wished to realise with reference to their ideal of democracy. This section (5.6) now discusses why those different views on democracy matter, and assesses their significance in relation to building democracy in Iraq by returning to a fundamental element of the main research question; What type of democracy could potentially work in Iraq?

The views of members of all the different groups, Shia, Sunni, Kurds and other minorities are referred to. It is worth to noting that what follows is not a personal normative stance concerning democracy in Iraq, but rather an interpretive approach of the views and concerns of the Iraqi political elite. This section argues that the different views on democracy among Iraqi political elites reveal two fundamental particulars: first, the attitude of the Iraqi political elite with regards to their optimism or pessimism in relation to their position in Iraq and, second, the attitude of the Iraqi political elite towards each other, as manifested in political mistrust.

### Optimism and Pessimism

Section 5.3 showed that, in general, the Shia demonstrate optimism in relation to their position in Iraq. This can be deduced from their support of a government based on majority, and their refusal to consider power sharing alternatives that could potentially undermine their monopoly hold on power. This idea of support for a government based on majority is coupled with a preference for centralisation to consolidate the state's

power in their own hands. That could be explained with reference to Iraq's historical legacies. As Chapter 1 highlighted, Iraq's central authorities have witnessed military coups orchestrated, in the main, by the elite members of the political, secular, Sunni Arabs. Hence, the Shia worries concerning the Sunnis returning to power, through coup or otherwise, can be seen as logical. This fear was clearly demonstrated during Maliki's premiership and his efforts at that time to marginalise both the Sunnis and the Kurds in conjunction with consolidating power in his own hands. Shia support for a disproportional electoral system could be explained by the fact that proportional representation brings more voices into the Iraqi Parliament, and turns the existing social segments into potential political rivals through institutionalising their forces.

Section 5.4 showed that, compared to the Shia, the Sunni are rather pessimistic about Iraq's democracy. This is due to several reasons; after the invasion there was a shift in power from the Sunni to the Shia (see chapter 1 section 1.2) and, in the 2010 elections, the Iraqyya list, Hashimi's list, won the majority of seats but it was prevented from forming the government (see chapter 8). Those two reasons were accompanied by a systematic marginalisation of the Sunni political elite under the premiership of Maliki, whose policies, in Hashimi's view, shifted the process of building democracy to 'restoring some sort of dictatorship and tyranny in Iraq'. Specifically, he was highly critical of the way that Maliki ruled the country, to the extent that he stated; 'very easily I could say that Maliki has a style of dictatorship in his mood and philosophy to rule the country ... he is a sectarian person, very deeply sectarian.' He added that if a dictatorship was combined with a sectarian mind-set, then the end result would be a personality that would not serve democracy. Further, Hashimi expressed his worries over Sunni marginalisation which, he believed, could lead to the possibility of bloodshed and the breakout of a total civil war. One way to prevent such an outcome, he suggested, was for the central government to consult the six Sunni governors (which he was not optimistic the monopoly Shia government would do). That being the case, the Sunni in Iraq are not optimistic about their position in the post 2003 Iraq.

Section 5.5 showed that Kurds have mixed feelings concerning the meaning of democracy in Iraq. The Kurdish political elite see the fall of the Ba'ath regime as a historic event which gave the Iraqi people an opportunity to initiate political pluralism

and freedom. Barzani agrees that Iraq's democracy is unique in the region, yet it is at the beginning of a road in which many obstacles lay scattered. He argued that democracy is threatened from two directions. On the one hand, democracy is struggling with the centralisation of power, referring to the role of the Shia monopoly on the apparatus of rule. On the other hand, terrorism and extremist ideas constitute major challenges to democracy in Iraq. Hence, the Kurds' concerns over democracy stem from the two main groups, those Shias who strive for hegemony over Iraqi politics and those Sunnis who resort to political violence. Having said that, although Kurds are optimistic, they do have their own concerns about Iraq's democracy; if one group violates the principle of power-sharing, through violence or other means, then it threatens Iraq's whole political system let alone democracy.

#### The Majoritarian Ideal Makes a Difference

In interviews with the leading members of the Iraqi political elite, the main challenges to democracy in Iraq were confronted. The majority of them, regardless of their ethno-religious backgrounds, alluded to mistrust between the Iraqi political elite as one of the main challenges to be faced. This lack of trust could be related to their views on the democratic ideal (majoritarian and consensus) and their expectations of how a democratic system could empower them, and minimise the power of their rivals.<sup>103</sup>

Shia lack of trust towards Kurds and Sunnis is twofold. First, towards the Sunni, who have been the rulers of Iraq in the past, the Shia worry about the possibility of a Sunni return to power, either through a democratic process, where Sunni's, Kurds, Arabs and Turkmen, join forces and form a majority government, or through undemocratic means such as a military coup (since the majority of former Iraqi military officials (the Ba'ath) were drawn from the among the Sunnis). In the December, 2005 elections the Iraqyya Sunni list, led by Hashimi, received the greatest number of votes. Hashimi was tasked with forming the government but the second and third groups on the electoral lists did not allow this to happen (this will be discussed further in Chapter 8. Further, the implementation of the de-ba'athification order outlined in Chapter 2 deprived the Sunnis from the opportunity to hold governmental positions. From 2007 to 2011, the

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<sup>103</sup> For example, how democracy could empower the Kurds as a minority and limit the power of the Shia as a majority. This also applies the other way around, the Shia's expectation of democracy as a system to make the larger, the stronger and the smaller, the less powerful.

Sunni *sahwa* were the main forces to drive Qaeda out of Iraq, but Maliki was reluctant to integrate them into the Iraqi security forces. These two examples are clear manifestations of mistrust. The Shia's mistrust of the Kurds dates back to early 2010. After realising they were the majority, the Shias favoured more centralised power in Baghdad. Then, with the Shias majority in power, specifically under Maliki's premiership, efforts were made to reduce the powers of regions including the Kurdistan Region, and to consolidate power in Baghdad. The concern was that a strong Kurdish region in the north might declare independence<sup>104</sup> and, hence, it was seen as a threat to Iraq's territorial integrity.

Mistrust, as the major challenge to Iraq's democracy, has been that of the minorities of the majority. There is a lack of trust from the Sunnis towards the Shia, by whom they believe they have been systematically targeted and marginalised. Likewise, Kurds fear another centralised authority in Baghdad. Their concern in post-Saddam Iraq is the possibility that dictatorship might change hands from a secular Sunni, as was the case prior to 2003, to a sectarian Shia dictatorship post 2003. Thus, the top Sunni and Kurdish political elite shared their concerns at interview, conveying their complaints that although they are, in theory, partners in government with the Shia, in practice, they do not share in power.

The qualitative findings of this study suggest that the implementation of a majoritarian democracy, in the context of Iraq, could breed lack of trust among its political elites, a mistrust of all by all. It is crucial to acknowledge that the idea of majority, instead of resolving issues, causes a protracted *conflict* between the main ethno-religious groups in Iraq.

If the concept of majority, with reference to the views of members of different groups, is examined, it can be seen that the rights of 'the majority' is rather a problematic issue in Iraq. The 'majority', both as an *ideal* and as a *reality*, lacks the consent of different groups, and consequently lacks legitimacy. As an ideal, talking in sectarian terms, on the one hand, Shia claim to be the majority, while on the other, the Sunni claim to be

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<sup>104</sup> On various occasions, Masoud Barzani, the president of Iraqi Kurdistan, had made the statement that if the Iraqi central government did not respect the principles of power sharing they will consider the option of independence.

the majority (Sunni Arabs, Kurds and Turkmen). Therefore, given the sectarian divide, a definite majority is hard to achieve. Sunnis claim to be 55 percent of the population, a figure claimed also by the Shia. The mutually exclusive calculations of the majority lead to a stalemate at best but at worst a constant conflict. A majority is hard to achieve not only because there is disagreement on *who* constitutes the majority, but also because there is no agreement on *what* the majority is. Shias favour an exclusive majority, referring to the Shia sect, while Sunnis talk about an inclusive majority with reference to Iraqi nationalism.

Therefore, the majoritarian form of democracy, even as an aspiration, is entangled in a logical inconsistency for the majority, in the context of Iraq, is torn between the two conceptions of being inclusive of all groups and exclusive to one group only (i.e. the Shia). Having said that, the 'majority' as ideal is subjective, and the reality is contested, further complicating the task of building democracy on the basis of such a majority. Consequently, effort made to build democracy on such a foundation is a contradiction in terms, for it becomes the cause of mistrust, and the heart of conflict among different groups (see Chapters 7 and 8).

The common Shia view of democracy as majority rule, and as 'the majority' they claim the right to rule, brings about the mistrust discussed previously on two counts. Firstly, mistrust of the Shia towards anyone who undermines 'their majority' rule, or weakens their hold on power. This has been manifested in the marginalisation of the other two groups, and in the refusal to engage in any sort of power sharing, a refusal underpinned by accusation and fear of a Sunni comeback to power and a Kurdish secession from the country. The Shia majoritarian conception of democracy is coupled with the supremacy of their religious sect. Secondly, from the Sunnis' perspective, the Shia idea of majority rule serves only the Shia majority. Confirmation of this comes from the majority Shia government's neglect of Sunnis. This government was made up of only Shias and imposed stricter measures against the Sunnis. From a Kurdish perspective, the Shia majority, in addition to monopolising power, is also a threat to their Kurdish identity, a centralised authority that makes decisions on behalf of all and is seen to impose an Iraqi Shia Arab identity in the name of a form of Islamic democracy.

### The Consensual Ideal Makes a Difference

In a divided country such as Iraq, when the majoritarian ideal of democracy does not seem to be practical, the consensus alternative is left as the viable option. From here on, the case is made that consensus democracy could both build trust and help solve conflict. Consequently, support for a consensual system is the foundation upon which Iraq's political system can be sustained.

Consensus<sup>105</sup> if implemented correctly could become the practical democratic alternative in a divided society. Political consensus has the potential to build trust among Iraqi political elites, and to limit, or least institutionalise conflict, among the elites of different groups. A very brief reference to the values that the political elite aimed to achieve with their conception of consensus democracy makes the argument become clearer. In the view of the Iraqi political elite, defining democracy in its consensual ideal serves values of inclusivity, tolerance, coexistence, decentralisation of power, and power sharing. These are all conducive to promoting trust among the members of different groups in a deeply divided society. As trust is a pre-condition for democracy, and democracy is the means of solving conflict, then it follows that the sort of democracy that helps build trust (i.e. consensus) in fact could institutionalise conflict.

Moreover, consensus gives the larger groups the greater part of the apparatus of government, while giving the other groups a share. That, by default is closer to justice as it is based on fairness giving it a greater degree of legitimacy as it enjoys the consent of the many different groups in a polity. Therefore, the hypothetical assumption could be accepted that power sharing could reduce the existing mistrust among different groups in Iraq. Shias having their share of, rather than the monopoly over, state powers could take away the concerns of Kurds and Sunnis, and satisfying these groups through sharing of power could take away Shia fears of a Sunni Arab coup or a Kurdish secession.

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<sup>105</sup> Please note that by consensus I refer to the alternative of power concentrating majoritarian democracy. This includes different forms of power sharing (consensus and consociation). In this chapter, I have borrowed the terms majoritarian and consensus from Lijphart but in their definitions the Iraqi political elite were making reference to 'majority rule' and 'the coalition rule' based on power sharing and political agreements among the three main groups in Iraq.



A power sharing consensus is more practical when compared to other majoritarian alternatives. The foundations of Iraqi politics after 2003 has been a political consensus among all politically significant groups in Iraq. To view the ideal of democracy as form of political consensus, therefore, makes a fundamental difference and it is the only feasible alternative for Iraq's polity. The remaining chapters (6-8) examine the assumption that consensus is the pre-condition to building Iraq's political system, and the contention that majoritarian traits (e.g. majority rule and centralisation of power) are more likely to hinder establishing Iraq's political system.

## 5.7 Conclusion

This chapter began by examining the Sunni-Shia divide, the nature of the relationship between Islam and politics, and the compatibility of Islam and democracy, including the possibility of an Islamic democracy. The main thrust was the development of the argument that in the context of a Muslim majority country, the issue is not the compatibility of Islamic doctrine with democratic principles but rather Muslims' views on the democratic ideal and its practices. The chapter demonstrated that Iraq is a deeply divided country and although all those in the Iraqi political elite are Muslims, their views and stances on democracy diverge significantly. The chapter examined the different ways in which members of the political elite view and interpret the idea of democracy.

The chapter tested the first hypothesis that political elites are more likely to have different conceptions of the ideal of democracy, either consensus or majoritarian, based on the size of their group. The idea that the Shia political elite are more likely to understand democracy as majoritarian can be justified (section 5.3). However, their understanding of 'democracy' is subject to their religious sect, in addition to their size. Section 5.4 confirmed to an extent that some of the Sunni political elite defined democracy as consensus, while others veered more to the majoritarian basis for democracy because there is a belief that they are in the majority. Yet, the Sunnis' conception of how the majority should be arrived at was in total opposition to the Shias' idea of what constituted a majority. Section 5.5 confirmed that the Kurdish political elite, and the elites of the Christian and Turkmen minorities, almost invariably define democracy in consensual terms, and hence favour a system for Iraq based on consensus.

This chapter showed that the great majority of those who are part of the Iraqi political elite, regardless of their ethno-religious backgrounds, see a lack of trust as the major challenge to democracy. Based on the findings, the conclusion reached through this research is that in the Iraqi context the definition of what is a majority and the practical application of a majoritarian interpretation of democracy would most likely be the cause of significant mistrust among Iraqi political elite. The conclusion was also reached that consensus could re-build trust, and that the building of consensus is subject to the elite's support for consensual institutional arrangements. This conclusion was based on two arguments: first, any sort of attempt to impose a majority rule could undermine trust, while a consensually based system could help build trust, and was a pre-condition of democracy. Second, although difficult, it is not impossible to build trust among the Iraqi political elite; it requires consensual institutional arrangements in a form of power-sharing that could command the consent of all groups in Iraq, and further enhance the legitimacy of democracy.

To sum up, an understanding of the different views on democracy discussed in this chapter is central to answering the main research question of how Iraqi political elites view democracy. Through examining the values that those elites wish to promote and the goals that they have set themselves through democracy, this chapter focused on the question whether and to what extent that elite members of different groups in Iraq define democracy in different ways, with reference to different democratic ideals. The more specific hypotheses which was central in this chapter was, the larger groups are more likely to define democracy as majoritarianism, while smaller groups are more likely define it as rule through consensus. The findings in this chapter confirmed this hypotheses, however, a fundamental challenge remains, the Shia political elite who are the majority define democracy as majority rule. Therefore, confirmation the hypothesis necessitates thinking about institutional arrangements, this is to say, how the different conceptions of democracy translate in the institutional arrangement. This chapter serves as the foundation for the following chapter that focus on the elite's support for institutional arrangements. The next chapter will examine the preferences of political elite for formal institutions and investigates their support for either majoritarian and/or consensual systems.



## CHAPTER 6:

### Political Elites' Support for Consensus and Majoritarian Institutions

#### 6.1 Introduction

This chapter examines the views and preferences of the Iraqi political elite on formal institutions in Iraq. Preferences are not assumed but rather the particular institutions that have the support of the majority are identified. The process of that identification is not limited in scope other than the limitations imposed by the investigation of the specific views on the topic under consideration. Only those political institutions that have the support of the greater number of political elite, both within each group and also across different groups, are considered. Such a consensus on the significance and importance of institutions suggests a very crucial question: what are the formal institutional arrangements that the Iraqi elites as a whole support?

The primary assumption underpinning the theoretical approach of this chapter is the notion of the homogeneity of the political elite, as developed in the theoretical framework in Chapter 3. Various studies have drawn attention to the fact that the 'unity of national elites' is one of the most important determinants of regime forms (Aron 1950; Ake 1967; Castles 1974; Putnam 1976; 1977; Huntington 1984). This chapter deals with the unity of the political elite on the value of political institutions who concur, regardless of their ethno-sectarian backgrounds, that the first step in building Iraq's political system is effective political institutions.<sup>106</sup> There is a universal acknowledgement of the importance and significance of political institutions, an example of which can be seen in the 2014-2015 Daesh incident.<sup>107</sup> At the beginning of the country's collapse, the Iraqi parliament and cabinet remained active, mainly due to the political elite's determination to maintain the political institutions.

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<sup>106</sup> I have come to this conclusion through my encounter with the Iraqi political elite during the past four years of field work and data collection. I have not come across a single member of the political elite who has doubted the importance of political institutions in building Iraq's political system.

<sup>107</sup> See chapter 1, section 1.2 in particular the subheading 'precipitate withdrawal: fragile security,' moreover, footnotes 9 and 10 elaborate on this matter.

During a period of regime change, when a country moves from ‘a non-democratic to a democratic government the early democratic arrangements gradually become practices, which in due time turn into settled institutions’ (Dahl 1998: 84). That has been the situation in the aftermath of the invasion and the political elite has shaped political institutions, democratic or otherwise (see Chapter 1 and Chapter 3). Federalism became a part of the Iraqi constitution after the Kurds, with Shia support, introduced the idea in 2003. Iraq is now a federal state. The Shia demanded elections as early as 2005 and established a proportional representation for the entire system. The Sunni voted for the Iraqi constitution in the referendum only after the addition of Article 142, guaranteeing Sunni demands would be taken into consideration.

In the case of deeply divided societies, any examination of ethnic differences in relation to political institutions indirectly involves the role and position of the political elite. Power-sharing arrangements emphasise their role in the resolution of ethnic differences (e.g. Lijphart 1969; 1977). The concentration of power leads to the need for politicians to appeal for votes across a wide spectrum of society (e.g. Horowitz 1985; 1991). Both views are centred on the attitudes of elites. The former argues that they could accommodate their differences through agreements, while the latter argues that with the help of formalised institutional arrangements, they could rise above their ethno-religious differences. Elites have, implicitly, become central to either approach; yet neither have explored the views and preferences of the elite concerning the desirability of power sharing-power or systems that concentrate political power. There is a gap in the literature on elites’ support for political institutions, which this research aims to fill.

The surveys on support for different elements of majoritarian and consensual models enable an investigation of support for different formal institutions. Each group of respondents is categorised according to their ethno-religious or ethno-sectarian groups (Shia, Sunni, Kurds and other minorities). The objective is to illicit the preferences of individual members within each group and then assess the overall support for either majoritarian or consensus democracy. The hypothesis is:

There is a negative relationship between the size of a group in a divided society and the support for consensus democracy. Elites from larger groups are less likely to support consensus democracy compared to elites from smaller groups.

This chapter explores the support for different institutional arrangements within and across ethno-religious groups and examines the views of elites with regards to their ethnic group. This element has two dimensions; executive-party and federal-unitary. The hypothesis was tested on ten variables within each group. The conclusion reached is that not all formal political institutions in Iraq have the same impact on propelling the political system to become either more majoritarian or less consensual. The findings on federalism and constitution are of particular interest and form the subsequent empirical chapters in this thesis. It will be demonstrated that the overall support for either system is far from clear, with the outcomes suggesting a leaning towards a mixture of a system with elements of both scattered randomly across the respondents.

## 6.2 The Shia Perspective

### Introduction

The formal institutions supported by the Shia political elite are identified in this section and their preferences for institutional arrangements in terms of the executive-party and the federal unitary dimension are explained. Each dimension consists of a cluster of five variables relating to institutions that together constitute a political system. Through a close examination of the support for those institutions, the type of political system that the Shia favours can be established. The findings show that the majoritarian elements the Shia prefer are fundamental to the re-enforcement of their power in Iraq. Although the Shia are the majority in terms of the general population, and in the House of Representatives, their support of different aspects shows that their preferences are shaped by more than one single factor.

### Shia Support for Majoritarian and Consensual Institutions

The Shia supports a political system that establishes the principles of government and opposition.<sup>108</sup> In November 2015, the leading Shia cleric, Ammar al Hakim,<sup>109</sup> was asked which type of political system he wished to see. Al Hakim argued that the

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<sup>108</sup> Please note that from here and on, I will be heavily relying on findings from my own field work research, the time and place of interview together with the full title and occupation of the interviewees are provided separately (see Appendix A).

<sup>109</sup> He is the leader of Islamic Supreme Council of Iraq, the largest party in Iraq's Council of Representatives until the 2010 elections.

political parties in one group should form pre-electoral alliances, for example, Kurdish parties with different Shia and Sunni political parties. These alliances would cut across the three main groups. The electoral campaign would be based on two political factions, each having within it political parties from all three groups. The outcome of elections would produce a government and an opposition, the cabinet being formed from the winning Alliance list, while the losing faction would provide the official opposition. This is a clear support for disproportional representation since the implementation of this plan would give the Shia a majority in both government and opposition.

Ibrahim al Ja'afari's preference for political institutions reflects his understanding of democracy, as rule by the majority. On the executive-party dimension, he supported all majoritarian elements, except that relating to the party system, where he supported the multi-party system as necessary in the context of Iraqi society. He favoured the concentration of executive power in single-party majority cabinets, and also executive-legislative relationships in which the executive is dominant; majoritarian and disproportional electoral systems, as well as pluralist interest group systems with free for all competition among groups.

On the federal-unitary dimension, Ja'afari preferred a unitary and centralised government, and also the concentration of legislative power in a unicameral legislature. He was in favour of a flexible constitution that could be amended by a simple majority. Further, he supported a system in which the legislature had the final say on the constitutionality of legislation. Ja'afari also supported a system in which the central banks were subordinate to the executive power. To summarize, Ja'afari supported all five majoritarian variables on the federal-unitary issue.

Human Rights Minister, Mohammed Dhya al-Sudani, on the executive-party dimension, supported three elements of majoritarian democracy. He favoured concentration of executive power in single-party majority cabinets, and also majoritarian and disproportional electoral systems. On the federal unitary dimension, he supported the concentration of legislative power in a unicameral legislature. He favoured a flexible constitution that could be amended by a simple majority, and a system in which the legislature had the final word on the constitutionality of its own legislation. Similarly, Works and Planning Minister, Nassar al-Rubayie, from the

Sadrist Shia movement, supported the concentration of executive power in single-party majority cabinets, the concentration of legislative power in a unicameral legislature and a system in which the legislature had the final word on the constitutionality of their own legislation.

The preferences of a sample among the political elite from different Shia political parties has been provided above. The preferences of members of the legislative, a wider number of Shia participants in the House of Representatives are now examined.

#### *The Executive-Party Dimension*

The data presented in Table 6.1 shows that there is strong support for majoritarian variables among the Shia in the Iraqi parliament, with 52 percent supporting majoritarian institutional arrangements overall, on both dimensions. Taking responses for the first five variables that compose the executive-party dimension, it can be seen that the support for majoritarian institutions is 56 percent. This is manifested in their overwhelming support for the concentration of power, in a single-party majority cabinet where 44 out of 52 respondents, 85 percent, chose that approach. In the aftermath of the 2014 elections, when the State of Law Coalition led by Nuri al-Maliki won the largest number of seats, 92, he warned that he would form the government by concentrating power in a single majority cabinet government. Maliki's statement confirmed the Shia's preference for a majoritarian system.

The other majoritarian variables with strong support was the electoral system, where a majoritarian disproportional system was supported by 83 percent and a two party system, which was supported by 56 percent. This data indicates support for a form of majoritarian system in line with the model put forward by al Hakim, where he advocated disproportional electoral arrangement and the division of Iraq into two political fronts as the only way a two party system could be understood in Iraq.

The other two variables on the executive-party dimension are the executive-legislative relationship and interest groups. Table 6.1 shows the majority of Shia parliament members supported consensus institutional arrangements. There is a 58 percent support for coordinated and corporatist interest group systems aimed at compromise and



concentration, and very strong support, 87 percent, for an executive-legislative balance of power. This indicates a preference for an active parliament, in which the Shia form the majority, and the desire to establish a form of checks and balances between the parliament and the government to ensure a balance between those two branches of power.

At first glance, the mix of support for the first and second variables on the executive-party dimension seems to be contradictory but in the context of Iraqi politics the responses re-enforce a single fact. The Shia support a majoritarian arrangement for the concentration of executive power, but since the executive power in Iraq is by default consensual, they favour a balance of power between the parliament, where they have a majority, and the government, which is based on a consensus.

#### *The Federal-Unitary dimension*

On the federal-unitary dimension, the overall support is 50 percent for both majoritarian and consensual variables. This could be misleading because it might be argued that on the federal unitary dimension, the Shia preferences favour both models equally. That, however, is not the case. On the specifics, their support favours a majoritarian system in a way that benefits the Shia in Iraq. On the government type, there is 60 percent support for the consensus variable of federal and decentralised government. This support is explained in the next chapter, where the type of federalism preferred by the Shia is one which decentralises power administratively, gives power to local administrative units at the province level, but maintains a strong federal government. 69 percent of the Shia support the concentration of legislative power in a unicameral legislature. Establishing another house that has equal powers would undermine the legislative power of the House of Representatives where the Shia have a majority, another point elaborated upon in depth in the following chapter.

Concerning the type of the constitution, 77 percent supported a flexible constitution that could be amended by a simple majority. This is a majoritarian arrangement that, in the context of Iraq, could only favour a single group capable of making up a simple majority in the House. The Shia have that simple majority, composing 52 percent of the legislature.

On the type of legislation, 52 percent supported a system in which the legislature has the final word on the constitutionality of the legislation. This, again, gives power to the House of Representatives, and in the context of Iraq, giving power to the legislative branch is, in fact, giving power to the majority in the House, the Shia, which they would see as democracy in action. The last variable on the federal unitary dimension is the central bank, where the consensus approach was supported by 90 percent.

**TABLE 6.1 THE SHIA POLITICAL ELITE SUPPORT FOR MAJORITARIAN AND CONSENSUS INSTITUTIONS**

THE EXECUTIVE-PARTY DIMENSION		MAJ.	CONS.
	The Concentration of Power	84%	16%
	Executive-Legislative Relationship	14%	86%
	Party system	55%	45%
	Electoral System	82%	18%
	Interest Groups	43%	57%
THE FEDERAL-UNITARY DIMENSION			
	Government type (Federal or Unitary)	41%	59%
	The Legislative	70%	30%
	The Constitution	77%	23%
	The Legislation	52%	48%
	Central Bank	10%	90%
N=52			

## Conclusion

Overall, the majority of the Shia political elite support a majoritarian system on the concentration of executive power in a single majority cabinet, a two party system, disproportional electoral system, unicameral legislative, a constitution that can be amended by a simple majority, and a legislature that has the final say on the constitutionality of legislation. A different majority supported a consensual system on the executive legislative balance of power, coordinated interest groups, federal decentralised government and an independent central bank.

The findings in this section show a clear support for majoritarian principles, particularly the federal-unitary dimension. The Shia support variables that clearly favour their group as the majority and support two majoritarian variables that are at the heart of the Iraqi political system; the type of legislative power and the nature of legislation, the concentration of legislative power in a unicameral legislature, and a system in which

legislature have the final word on the constitutionality of their own legislation. This shifts power in favour of the majority in the parliament and a unicameral legislature, as the only legislative power, ensures that the will of that majority is neither limited nor mitigated by another legislative house.

The findings of this section, however, show that the support for the two models is not clear-cut. Even within the same group, there are variations and support is not absolute. Group is a significant, but not the only factor at play and not all the institutions that are categorised as majoritarian are supported by the members of the larger group. Moreover, on four variables the support of the majority of the Shia was for consensual institutions. Support for different institutional arrangements is clearly influenced by other factors, such as the political context and the system that is already in place.

### 6.3 The Sunni Perspective

#### Introduction

This section examines the formal institutions that the Sunni political elite support in Iraq. Their preferences are examined in two dimensions; the executive-party dimension, and the federal unitary dimension. The views of the responses from key political elite will be discussed and the preferences of the larger number of respondents in the House of Representatives will be examined.

The findings show that the majority of the Sunni elite support consensual arrangements but on certain variables their support for specific institutions could rather disadvantage their position in relation to the Shia majority. It will be demonstrated that group size plays a role but there are other factors involved including the way that they perceive themselves as a group and the positions that they hold. All play an equally significant role in influencing their preferences for institutional arrangements.

#### Sunni's Support for Majoritarian and Consensual Institutions

The Iraqi Vice President (2010-2014), Tariq al-Hashimi, supported a political system that could establish a government and an opposition. Similar to al Hakim, he believed that Iraq needs two opposing national political groupings. Al Hashimi is an Iraqi

nationalist and he believed in forming cross group coalitions. In the run up to the 2010 national elections, he joined forces with Shia Ayyad Allawi and formed the Iraqi National Movement, known as the Iraqiya list. His views are shaped by the way he understands Iraqi society, which he sees as in terms of sectarian cleavages, with two main sects, the Shia and the Sunni. He regards Kurds as Sunnis -although they are ethnically different from the Sunni Arabs.

His appeal to the political elite in other groups, however, is not sectarian and he believes the two sects in Iraq could learn to live together. In his view, Iraq's nationalism, Iraqiness, is the solution. In his interview, he stated that if the Sunni Arabs, the Sunni Kurds, and the Shia nationalists were to join forces, they could form a national front. His responses to the questionnaire on the political institutions also reflected his views as outlined in the previous chapter. Concerning the concentration of the executive power, he favoured majoritarianism, with executive power concentrated in a single-party majority cabinet. He supported an executive-legislative balance of power; a multiparty system; and an electoral system with proportional representation. Regarding interest groups, he preferred a pluralist interest group system with free for all competition among groups.

On the federal unitary dimension, al-Hashimi preferred consensual characteristics on all five variables; federal and decentralised government; division of legislative power between two equally strong but differently constituted Houses; and a rigid constitution that could only be changed by an extraordinary majority. He believed that there should be a review of the constitutionality of legislation by the supreme or the constitutional court: 'if such bodies were not politicised by a certain sectarian group', obviously referring to the Shia, and he supported an independent central bank.

Ayyad al-Sammarai, the former speaker of the Iraqi parliament, preferred consensus based models for institutional arrangements. On the executive party dimension, he favoured the consensus elements of executive power sharing in broad multiparty coalitions, an executive-legislative balance of power, a multiparty system and proportional representation. For interest groups, he supports a pluralist interest system with free for all competition among groups, a majoritarian characteristic.

On the federal unitary dimension, al-Sammarai again preferred all the consensual elements of federal and decentralised governments, the division of legislative power between two equally strong but differently constituted Houses, a rigid constitution that can be changed only by extraordinary majorities, and an independent central bank. For the legislation, he favoured a system in which the legislature has the final word on the constitutionality of its own legislation, a majoritarian approach.

The current Head of the House of Representatives, Salim Abdullah al-Jaburi, preferred consensual institutional arrangements on 8 variables. The only two majoritarian institutions that he chose were interest groups and the legislation. Mohammed al-Tamaimi, the Education Minister, similar to al-Samari and al-Hashimi, supported 8 consensual traits. The Trade Minister, Khairulla Hasan Babakr preferred three majoritarian traits; plural disproportional representation; the concentration of legislative power in a unicameral legislature; and a flexible constitution that could be amended by a simple majority. The Culture Minister, Saadun al-Dulaimi, preferred three majoritarian institutions; concentration of power in a single-party cabinet, a two party system, and unitary decentralised government.

A pattern could be discerned in the above responses. The Sunni political leaders have different or opposing views on the key variables, such as the concentration of executive power, the legislative and the legislation. The responses from a wider number of the Sunni political elite, members of the House of Representatives, are explored below.

#### *The Executive Party dimension*

On the executive party dimension, there is a 75 percent support for consensus among the Sunni members of the House of Representatives. On the specifics, there is a strong support, 68 percent, for consensual concentration of executive power sharing in a multi-party coalition. That indicates the approval of the majority of the Sunni parliament members for a government that is based on a broad coalition. The data also shows a very strong support, 96 percent, for an executive-legislative balance of power. This high percentage could be explained by concerns that the Sunni parliament members have with the executive power, for example, as the Prime Minister is Shia. Bearing in mind that the speaker of the Parliament is Sunni, it becomes clear that Sunni support for an

executive legislative balance of power is, in fact, a preference for a balance of power between the two sects in the apparatus of rule.

With regards to the two variables of party and electoral systems, the data shows a strong support for consensus. There is 82 percent support for a multi-party system and 89 percent support for proportional representation. The Sunni support for a multi-party system can be explained by their numerical strength in the parliament. After the 2010 elections, the Sunnis made up approximately one third, 28 percent, of the House. It is, therefore, no surprise that they strongly support a multi-party system, as a two party system gives them little chance to secure a place in government, as the majority Shia would always win and be the ruling party.

The Sunni Arab's support for a consensual electoral system of proportional representation can be explained with their acceptance of the political reality in Iraq, representation in the apparatus of rule in proportion to numerical strength. The Kurds, although Sunnis, do not share a political platform with the Arab Sunnis. The Shia, although Arab, do not share a political platform with the Sunni Arabs. Therefore, it is a rational choice for Sunnis to support proportional representation. The last variable on the executive party dimension is the interest groups, with 60 percent support for the majoritarian trait of pluralist interest group systems with free-for-all competition among groups.

#### *The Federal-Unitary dimension*

The data shows a 64 percent support for consensual institutions on five variables of the federal unitary dimension. Although the majority support consensus on the specific variables, the support for majoritarian traits is greater. The only two consensual traits that have a majority of support are government type and the central bank. There is 100 percent support for a federal and decentralised government.<sup>110</sup> There is also a strong support, 94 percent, for the consensual basis of an independent central bank.

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<sup>110</sup> Please note that some of the Sunni political elite involved in this study support a unitary and decentralised government, but they were not among the parliament members. They were members of the council of ministers.

All the Sunni parliament members who participated in this survey supported the idea of a federal state. While they may have differing views regarding the specific details of how Iraq's federalism should be put into practice, fundamentally, almost all believe that in order for Sunnis to have political independence, a federal region similar to Iraqi Kurdistan is needed. They felt this was the only way that they could escape the hegemony of the Shia and protect themselves from being marginalised.

On three significant variables, the legislative, the constitution, and the legislation, the greater number of the Sunni supported majoritarianism. This is an interesting result because one might expect the minority Sunni Arabs to support consensus on those variables. There is a 54 percent support for the concentration of legislative power in a unicameral legislature. This support could be in part explained by the belief of the Sunni political elite that they could join forces with the Sunni Kurds and Shia nationalists in the parliament.

There is a 54 percent preference for a flexible constitution that could be amended by a simple majority. This result can be explained by reference to the findings reported in Chapter 8. Article 142 promises an amendment to the constitution taking into account the views of the Sunni. Due to their boycott in 2005, the Sunni joined the constitution drafting late and established Article 142 as a guarantee for themselves. Without this article, the Sunnis would not have voted in favour of the constitution in the national referendum. This compromise is examined in depth in Chapter 8.

The legislation variable showed 68 percent support for a legislature that has the final word on the constitutionality of its own legislation. The Sunni view the legislative as theirs as part of the power-sharing agreement and so, for example, the Speaker of the Parliament falls within the remit of the Sunni. They believe that judicial power in Iraq has been politicised by the Shia, a view shared by Kurds, Sunni, and even some Shia that were interviewed. It can be argued that the Sunni elite do not support a judicial review or constitutional supreme courts because any judicial review would favour the Shia.

**TABLE 6.2** SUNNI POLITICAL ELITE SUPPORT FOR MAJORITARIAN AND CONSENSUAL INSTITUTIONS

THE EXECUTIVE-PARTY DIMENSION		MAJ.	CONS.
	The Concentration of Power	33%	67%
	Executive-Legislative Relationship	4%	96%
	Party system	18%	82%
	Electoral System	11%	89%
	Interest Groups	61%	39%
THE FEDERAL-UNITARY DIMENSION	Government type (Federal or Unitary)	0%	100%
	The Legislative	54%	46%
	The Constitution	54%	46%
	The Legislation	67%	33%
	Central Bank	4%	96%
			N= 28

### Conclusion

Overall, the Sunni political elite support a mixture of consensual and majoritarian approaches to the two different dimensions. On six variables, the majority supported consensual traits. These include; concentration of the executive power in a multi-party coalition, executive-legislative balance of power, a multi-party system, a proportional electoral system; a federal decentralised government and independent central bank. On four variables, the greater number supported majoritarian traits. These are; a unicameral legislature, a flexible constitution that could be amended by a simple majority. A legislature that has the final word on the constitutionality of its own legislation and interest groups that are free for all.

These findings partially confirm the hypothesis developed in Chapter 3; the smaller the group, the more likely it is that it will support consensus. On specific traits and institutions, however, the matter is more complex. The findings showed that group size has a significant role but it is not the only factor in determining preferences. On four variables, the majority of the Sunnis supported majoritarian traits, and those could be explained by the way in which the Sunni political elite view themselves, and other groups. Perhaps the most important factor, however, is the positions that the Sunni elite hold in the apparatus of rule. Based on the informal power sharing agreement, the post



of the Speaker of the House is reserved for the Sunni and this, as the findings demonstrated, has to a great extent influenced their preferences for the type of institutional arrangements in Iraq.

## 6.4 The Kurdish Perspective

### Introduction

This section indicates the formal institutions that the Kurdish political elite support in Iraq. As with the previous sections, the preferences of the Kurds for the executive-party and the federal unitary dimensions will be explored. The responses of key Kurdish political figures will be discussed and the preferences of the majority of Kurdish respondents in the House will be examined.

The findings show that the majority of Kurdish political elite support consensual arrangements but on certain variables their support for specific institutions could rather disadvantage their position in relation to the Shia majority. It will be demonstrated that group size plays a role but there are other key factors, including their perception of themselves as a group and the positions that they hold that are equally significant in influencing preferences for institutional arrangements.

### Kurds' Support for Majoritarian and Consensual institutions

The Kurdish elite support a political system that establishes and maintains the principles of power sharing. From a Kurdish perspective, post 2003 Iraq is the product of consensus among the main groups in Iraq and, on almost all variables, they demonstrate a preference for consensual institutional arrangements.

Jala Talabani, President of Iraq until 2013, on both executive-party and federal unitary issues supported consensus. On the party-executive dimension, on four variables he favoured consensual institutions. He believed that the concentration of power in the executive branch should be shared in broad multiparty coalitions, and there should be a balance of power in the executive-legislative relationship. Concerning the party system, he favoured multiparty systems over a two party system, and preferred the consensus aspect of proportional representation for the electoral system. Regarding the

role of interest groups, he believed that the majoritarian element of a pluralist system, with free-for-all competition among groups, would be better for Iraq.

On the federal-unitary dimension, concerning government type, the President favoured a federal and decentralised government. He believed that in the legislative, there should be a division of power between two equally strong but differently constituted houses; the Iraqi House of Representatives and the Iraqi Federal Council, thus supporting a consensus element. He also believed that the constitution should be rigid and should be changed only by an extraordinary majority. On the legislation, Talabani supported a majoritarian element in a system in which the legislature had the final word on the constitutionality of its own legislation. On the last question, regarding the Central Bank, he favoured consensus, where the central bank was independent of the majoritarian element and the central banks were dependent on the executive power. Overall, the President supported nine consensus elements and only one majoritarian. The current Iraqi President, Dr. Fuad Masoum, who is also Kurdish, was one of the participants in this study, but was then then a member of the Iraqi Parliament. Masoum, on all variables, preferred consensus institutional arrangements.

Masoud Barzani, the President of the Iraqi Kurdistan region, on all variables preferred the consensual approach. On the executive-party dimension, he supported sharing the executive power in broad multiparty coalitions; a balance of power in the executive-legislative relationship; a multiparty system; an electoral system of proportional representation; and also coordinated and corporatist interest group systems aimed at compromise and concentration. On the federal-unitary dimension, Barzani preferred all the consensus elements; federal and decentralised government, division of legislative power between two equally strong but differently constituted Houses, and a rigid constitution that could be changed only by extraordinary majority. For legislation, he advocated a system in which the constitutionality of the actions of the legislature were subject to review by supreme or constitutional courts. Finally, he supported independent central banks.

Barzani and Talabani differed only in their support for interest groups. Talabani preferred a majoritarian arrangement of a pluralist interest group system, while Barzani preferred the consensual arrangement of a coordinated and corporatist interest group

system aimed at compromise and concentration. Barzani, while responding to this specific question, expressed the opinion that the institutions in Iraq were not yet fully consolidated, therefore, he preferred 'a more coordinated system for interest groups'. He went on to elaborate on his views stating that Iraq is not a pluralist society. Therefore, different groups had to coordinate and compromise to make the work of interest groups more effective and fair. Barzani supported all the consensual institutional arrangements.

The Prime Minister of the Kurdistan Region, Nechirvan Barzani, supported almost all of the consensus elements on both executive-party dimension and federal-unitary dimension, except for interest groups. On this issue, he favoured a majoritarian pluralist interest group system. That was also the view of the former Prime Minister of Iraqi Kurdistan, Barham Salih. He was still the Prime Minister at the time of interview and, like Nechirvan Barzani, supported all the consensus elements except for interest groups, where he preferred a majoritarian element.

The responses from the Kurdish elite reveal an important point. Barzani and Talabani are the Secretary Generals of the two main political parties in Iraqi Kurdistan, and they have been political rivals. Their preferences for political institutions, however, are almost identical, except for interest groups.

#### *The Executive-Party Dimension*

On the executive party dimension, the Kurdish political elite support for consensual institutional arrangements was 71 percent. On all variables, the greater number of preferences were for consensual institutions with the exception of interest groups, where a majority, 66 per cent, chose the majoritarian approach.

On the type of the executive power, there was 67 percent support for executive power sharing in a multi party coalition. Kurds, since the fall of the Ba'ath regime, have been very strong supporters of power sharing, where they can be partners in the apparatus of rule. This aspiration is articulated definitively by their top decision makers and, as the survey shows, it also represents the will of the majority of Kurdish members of parliament.

In the second and third variables of the executive party dimension, that is the executive-legislative relationship and the electoral system, there was strong support, 94 percent, in favour of consensual arrangements. The strong support for executive and legislative balance of power may indicate Kurdish opposition to the concentration of power in the executive power in a way that might make it superior to the legislative. A superior executive power, to them, runs the risk of providing the opportunity for dictatorship – Kurds have had bitter experiences with centralised authorities in Baghdad in the past. Despite their political differences, Kurds in Kurdistan hold the same views concerning the concentration of power in Baghdad, and support the concept that federal power must be shared among the three main groups in the country.

Strong Kurdish support, 94 percent, for a multi-party system can be better understood bearing in mind Kurdish views on Iraq's society. From a Kurdish perspective, Iraq is a composition of three different groups that represent three different political cultures. Therefore, they see it as unlikely that any political party will be able to mobilise supporters across those groups (see Chapter 5). On the variable of electoral system, there was a 67 percent support for proportional representation. Kurds believe in their numerical strength and wish to be represented in the House based on their proportion of population. On the other hand, a pluralistic disproportional system could lead to an under representation of Kurds as they compose 18-20 percent of the population.

#### *The Federal-Unitary Dimension*

There is 80 per cent support for consensus in the institutional arrangements. On all variables, the larger number of respondents supported consensus. 100 per cent of respondents favoured the consensual characteristic of a federal decentralised government. It can be argued that all the Kurdish elite supported a federal decentralised government for two reasons; a federal system would allow Kurds to maintain their Kurdistan region as an independent polity within Iraq, and decentralisation of power would mean a weakening of central government power. The Kurds oppose a centralised authority in Baghdad and this subject will be discussed further in the following chapter.

In terms of the legislature, 78 percent support a bicameral legislative, indicating that Kurds want a Federal Council to be formed, a view shared by their key political leaders. Kurds find it to be in their interest for the legislative power to be divided between two equally strong but differently constituted Houses. This is because this would give Kurds another area of power to keep the power of the government and the Shia majority in the House in check.

There was a 61 percent support for a rigid constitution that could be changed only by an extraordinary majority. The constitution is crucial for Kurds and will be discussed in depth in Chapter 8. They regard the constitution as the guarantor of Iraq's unity with Kurds staying part of Iraq. Any amendments to the constitution, based on a simple majority, is perceived as a threat to the Kurds' constitutional rights and their interests. A flexible constitution could be amended by the Shia alone, but a rigid constitution cannot be amended except by taking into account Kurdish views, giving the Kurds a de facto power of veto, enabling them to protect their constitutional rights.

61 percent support a system in which laws are subject to a judicial review of their constitutionality by a supreme or constitutional court. This, coinciding with the view of Barzani and Talabani, shows that, for Kurds, the constitution is of great importance and any bills laid before the parliament by the majority Shia should be subject to the filter of the constitution.

On the variable of the central bank, all the Kurdish political elite were in favour of a consensual concept of an independent central bank. No one believed that the central bank should be subject to the executive power. That could indicate concerns about a centralised government that in times of dispute could withhold the Kurdish budget to put pressure on them. Kurdish concerns proved well founded when a dispute between the Kurdistan region and the central government on law relating to oil led to the central authority refusing to give the Kurdish region its due share of the national budget. This included the resources to pay all state employees in the Kurdistan region. Given the use of this tactic by the government, it is easy to understand Kurdish support for an independent bank.

**TABLE 6.3 THE KURDISH POLITICAL ELITE SUPPORT FOR MAJORITARIAN AND CONSENSUAL INSTITUTIONS**

THE EXECUTIVE-PARTY DIMENSION		MAJ.	CONS.
	The Concentration of Power	34%	66%
	Executive-Legislative Relationship	6%	94%
	Party System	6%	94%
	Electoral System	34%	66%
	Interest Groups	56%	44%
THE FEDERAL-UNITARY DIMENSION	Government Type (Federal or Unitary)	0%	100%
	The Legislative	23%	77%
	The Constitution	39%	61%
	The Legislation	39%	61%
	Central Bank	0%	100%
N=18			

## Conclusion

The findings of this section demonstrate that the Kurds support a political system based on consensual institutions. The only variable on which the majority supported a majoritarian approach was the interest groups. For the other nine variables, the majority supported consensual attitude to; the concentration of executive power in a multi-party coalition; a balance of power in the executive legislature; a multi-party system; a decentralised federal government; a unicameral legislature; a fixed constitution; judicial review; and an independent central bank.

Although the majority of the Kurdish elite supported consensual approaches, a significant number, almost one third, favoured majoritarian systems in relation to the concentration of power, the electoral system, the constitution and the legislation. Within the minority Kurdish group, a minority supported majoritarianism as was the case for the Sunni elite. The importance of these minorities within groups will become apparent in the next section.

These findings confirm the hypothesis derived from the theoretical framework in Chapter 3 that the smaller the number of a group, the greater their support for a consensual model. The Kurdish group is smaller than the other two groups and the support for the consensus was higher, compared to both the Shia and the Sunni.

Two other fundamental factors were demonstrated as influencing Kurdish preferences for institutional arrangements; the Kurdish historical experience under former Iraqi regimes, and the Kurdish political experience of self-rule and autonomy. In the context of Iraq, the Kurds believe that consensus could prevent the rise of authoritarian rule in Baghdad, and that a consensual model based on power sharing and a type of federalism that ensures regional autonomy could protect Kurdish autonomy within Iraq.

## 6.5 Cross-group Findings

The empirical data in this chapter confirmed the hypothesis derived from the theoretical framework in Chapter 3. The findings in sections 3 to 5 confirmed this hypothesis (see Table 6.4).

**TABLE 6.4** CROSS GROUP PERCENTAGE OF SUPPORT MAJORITARIAN AND CONSENSUAL ELEMENTS

		Majoritarian system	Consensus system
SHIA ARAB	<i>N=52</i>	52%	48%
SUNNI ARAB	<i>N=28</i>	31%	69%
KURD	<i>N=18</i>	25%	75%
MINORITIES	<i>N=2</i>	10%	90%
<b>OVERALL</b>	<b>N=100</b>	<b>41%</b>	<b>59%</b>

As Table 6.4 shows, the larger the group, the greater the support for majoritarian institutions. However, the matter is more complicated than that. This section shows the results of the survey among all Iraqi Parliament members, regardless of their ethnic, religious or political backgrounds. The results are derived from the responses from the three main groups, as well as the minorities, a total of 100 participants who were members of the parliament. In addition to the views of parliament members, this section also shares the views of members of the executive in Iraq, including the council of ministers and presidency, again regardless their ethno-sectarian differences.

The aim is to establish the overall support for different institutions across different ethno-religious groups and to determine which political institution the majority of the Iraqi political class, irrespective of their ethno-religious backgrounds, favour.

Taking the responses of the 100 participants on the ten variables, the overall support for institutional arrangements is: consensual arrangements, at 60 percent support, with the majoritarian arrangements with 40 percent. This percentage is arrived at by counting the preferences of each participant on the ten different variables. For example, if 80 participants on the first variable of concentration of executive power preferred the consensus in the sharing power in a multi-party executive, then the consensual model on that particular aspect has 80 percent support. However, as has been mentioned previously not all variables on the two dimensions are equally significant in making a political system more consensual or more majoritarian.

To make an examination of the findings of the cross groups more precisely and accurately, the support for each aspect on a specific variable has to be treated separately.

#### The Consensual Traits

There are five variables on which the majority of the elite supported consensus; three of them are on the executive-party dimension and two on the federal unitary dimension. The variables on the executive-party dimension include; executive legislative balance of power; a multi-party system and consensual interest groups. The variables on the federal unitary dimension include; federal decentralised government and an independent central bank.

The significance of the support for the consensual traits on those five variables are apparent when looking at the context of Iraq (see Section 6.3). Since the political system in Iraq is parliamentary, with a balance of power between the executive and the legislative power by default, then the 90 percent overall support for consensus on the executive legislative relationship is to be expected. This is particularly true, bearing in mind the fact that all the participants are members of parliament who, in the main, wish to see such a balance of power.

Similarly, it is a given political reality that each ethnic or religious group has developed more than one political party. Therefore, a multi-party system has become not only a political reality in Iraq but also a political reality within each group in Iraq. Each group



has more than three politically significant parties representing them in parliament. Therefore, the political elites' overall support, 65 percent, consensus for a multi-party system, is not surprising or significant. Moreover, the overall support for the consensual to interest groups at 56 percent, and for a central bank at 94 percent, does not require further investigation because for Iraq they are not of great importance, or subjects of controversy.

Out of the five variables where consensus traits have majority support, one is of the greatest importance, government type. There is a 79 percent support for a consensual approach to the government type variable, a decentralised federal government. Iraq operates under a federal government, but the issue of federalism in the country is far from settled. The federal structure is incomplete and it does not reflect the structure that the Iraqi constitution envisioned and promised. This variable is of great importance in pushing Iraq's political system either towards a majoritarian or a consensual model, an issue on which the views of the Iraqi political elite are diverse. The issue of federalism is controversial because of its importance and significance. Consequently, a separate chapter has been dedicated to examining elites' views and preferences on federalism.

#### The Majoritarian Traits

There are five variables on which the Iraqi political elite have supported majoritarian traits; concentration of executive power, electoral system, the legislation the constitution and the legislation. The support for these variables is of great importance. Those institutions are significant both on their own, and because Iraqi formal political institutions are based on informal political practices that are inherently incongruent (see Section 6.3).

There is a 60 percent support for the majoritarian concentration of power in a single majority cabinet. This result is in sharp contrast to the informal political agreement among Iraq's main groups that advocates a grand coalition and concentration of executive power in a multi-party coalition. There have been efforts to form a majority government, especially based on Shia coalitions, such as the State of Law Coalition. As long as the grand coalition is the principle on which power is shared continues to hold Iraq together politically, the formation of a single majority cabinet remains unlikely.

The electoral system variable, although significant, has not been the subject of controversy in Iraq. The 52 percent overall support for disproportional representation is in sharp contrast to the proportional electoral representation used in Iraq. On the legislative variable, support for a majoritarian unicameralism is 55 percent. This could indicate the fact that the House of Representative is the only legislative house, notwithstanding that the constitution has provision for the establishment of a second, the Iraqi Federal Council. This issue is linked to the question of federalism in Iraq, as bicameralism is one of the principles of federalism. Eminent scholars maintain that despite the primary meaning of federalism as division of powers between the federal and local governments, a further fundamental characteristic of federalism is the existence of bicameralism (Wheare 1946; Elzar 1968; Friedrich 1968; Duchacek 1970).

The 53 percent of support for the majoritarian idea, giving the legislative the final word on the constitutionality of its own legislation, reflects the political reality in Iraq. That is, the Iraqi parliament does not require a judicial review. This could indicate a support for the implementation of the constitution non-consensually, a majoritarian implication for the Iraqi constitution. When the Iraqi parliament has the final word on the constitutionality of its own legislation, then the issue of the composition of the parliament becomes crucial. Since the Shia are the majority, this could enable them to interpret the constitution or issue laws that serve their particular interests.

The findings also show a 62 percent of support for a majoritarian approach to a flexible constitution that could be amended by a simple majority. The response on the constitution variable, together with the findings on the legislation variable, are interconnected, and of great importance. One of the hypotheses derived from the theoretical framework in Chapter 3 was that for a consensual system to be embedded in Iraq there should be support for a consensus on the constitution. These two variables will be further examined in a separate chapter.

#### Federalism and Constitution

This section examined the responses of politicians on different political institutions. The cross-group findings show that the support for either the consensual or majoritarian

models is complex. Overall, there is 60 percent support for consensual traits, but when examined on the single variables the support for both models are similar. That is to say, on five variables the consensual traits have the greater number of supporters but there is greater support for majoritarianism on the other five.

It was argued that not all those variables are of the same significance in moving the political system towards either model. The variables that are of greatest importance are government type and the constitution. On either variable, a particular trait had the support of the greater number. On the type of government, the greater number supported the consensual traits of decentralised and federated government. On the type of institution, the majority supported the majoritarian trait of a constitution that could be amended by a simple majority.

These findings were unexpected in that they are contrary to what is practiced in Iraq. Iraqi federalism, except in the Kurdistan region, is not consensual and the constitution is not majoritarian. The support for decentralised federalism, which is a consensual trait, needs more precise understanding to see what the Iraqi political elite understand by federalism. The Iraqi constitution allows for more than one form of federalism. Majority support for a majoritarian constitution for Iraq that could be amended by a simple majority also raises further questions.

The views expressed by the Sunni and the Shia on those two institutions were also unexpected. On the variable of 'government type' it was rather surprising that a majority of Shia supported a consensual trait of 'decentralised and federal.' Similarly, on the variable of 'the constitution' it was also unexpected that the majority of the Sunni supported a majoritarian trait. Both of those positions seem to be counter-intuitive and therefore require more in-depth investigation as to what exactly each group means by their support for those two institutions.

Federalism and the amendment of the Iraqi constitution are both controversial issues in Iraq. These are institutions that could determine the ultimate shape of Iraq's political system, and, as such, will be examined in depth through empirical findings in Chapters 7 and 8. The Kurds chose to remain within Iraq only when their demands for a federal

region with extended political and fiscal powers were guaranteed. The Sunni demand a federal region based on their provinces, similar to the Kurds. Both groups' demands have, so far, been rejected by the Shia. The constitution is the key to these issues of federalism, and the clause in Article 1 that reads, 'this Constitution is a guarantor of the unity of Iraq' speaks to the issues of territoriality among different groups in Iraq. It is crucial to further explore, through the divergent perspectives of different groups in Iraq, these two key institutions since they not only affect the process of building democracy in Iraq, but also impact significantly on stability and instability.

## 6.6 Conclusion

This chapter filled a gap in existing knowledge concerning the views of political elites on formal institutions in Iraq. It examined these views in four sections. In three sections, the views were analysed in detail and in the fourth, views across different groups were explored. The findings supported the main hypothesis: that there is a negative correlation between a groups' size and their support for consensual systems. More importantly, they also showed that although group size is a significant factor, it is not the only explanatory factor affecting preferences for either consensual or majoritarian models. Other equally significant factors are group interests, the political context of the country in question, the political system already in place, the way in which groups view themselves, the historical grievances, and the political positions that each group occupies in the apparatus of rule. All of these factors combine to affect group preference for either model.

One of the most important findings of this chapter was that support for either model is not clear cut. The sections on each group showed that there are variations within the same groups on particular variables and the section on cross-group findings showed that, in fact, those variations make a difference in the overall support for an institution to be majoritarian or consensual. A minority within the minorities supported majoritarian traits on each variable, while a minority within the majority supported consensual traits on each variable.

The Shia supported a political system with 70 percent majoritarian traits, and the unexpected variable on which a greater number of the Shia supported a consensual

approach to decentralisation and federalism. The Sunni supported a political system with 60 percent consensual features, however, unexpectedly, a majority favoured majoritarianism for the constitution. The Kurds rather predictably supported a system with 90 percent consensual traits.

Section 6 examined the findings across different groups and it was shown that although overall there is majority support for the consensual model, on specifics each model has the support of the majority on five different variables. The greater number supported majoritarian institutional arrangements in the concentration of power, electoral systems, the legislative, the constitution and the legislation. On the five other variables, the greater number supported consensual institutional arrangements for the executive-legislative relationship, party system, interest groups, federal government type, and the central bank.

It was also argued that some institutions are more important than others. The findings showed that the two most important institutions were federalism and the constitution. The overall support for each by the political elite varied. The greater number supported a consensual approach to decentralisation and federalism. On the constitution, the greater number supported majoritarianism within a flexible constitution that could be amended with a simple majority.

Those two variables are of great importance. Iraq's federalism is yet to be finalised and put into practice, and the constitution is yet to be amended. These two institutions could determine the future of Iraq's political system, consequently the views of political elites concerning those two institutions are highly significant. This thesis has allocated the next two chapters to a separate examination of these views and preferences.

## CHAPTER 7:

### Federalism through Divergent Perspectives

#### 7.1 Introduction

While the previous chapter confirmed that all of the key Iraqi groups prefer federalism, what is not as clear is whether they share the same interpretation of that term. The empirical data from interviews and surveys presented in this chapter is an innovative contribution to the investigation of the views of political elites concerning federalism and offers an assessment of the support for the concept and type of federalism among different Iraqi groups.

There are two highly controversial issues linked to Iraq's federalism. The first is whether the structure and the type of federalism should be based on the administrative units of 18 governorates or on three regions correlating to Shia, Sunni, and Kurd dominance. The second revolves around power distribution and the relative balance of authority between the federal, central, authority, and the constituent, more localised, units. This chapter investigates the views of the political elite on these two themes.

As the support of the political elite for two different types of federalism, consensual and plural, are examined,<sup>111</sup> it is essential to have an operational definition for each type. Consensual federalism,<sup>112</sup> operationally, can be defined as a federal political order that has the three features of federal decentralised government, a bicameral legislature, and devolved segmental autonomy. Among the Iraqi political elite, this type of federal

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<sup>111</sup> In order to examine the political elite's support for those two types of federal systems three areas are considered: the support for the type of legislation whether bicameral or unicameral, the support for the establishment of the federation council, and last but not the least support for segmental autonomy (i.e. a federal state of three main parts). In addition to the survey, I incorporate responses from in depth elite interviews, from a single question about Iraq's federalism; 'On what bases Iraq's federalism should be based, sect, ethnicity, or geography?'

<sup>112</sup> In my conceptualisation of a consensual federalism, I combine Lijphart's older works with his more recent ones, in particular *Consociational Democracy* (1969) and *Patterns of Democracy* (1999). One of the defining characteristics of a consensus system is a federal and decentralised government, and another is the concentration of legislative power between two equally strong but differently constituted houses (Lijphart 1999: 1-8). I employ a principle of consociational democracy as well (Lijphart 1969), one that relates to the idea of federalism, namely segmental autonomy.

structure is known as ethnic federalism (*al-fidraliya al-taefiya*), that is federal regions with borders coinciding with the ethnic boundaries of the three main groups.

A pluralist type of federal political order, operationally, can be defined as a system that has a centralised federal authority, a unicameral legislature, and negates segmental autonomy. In Iraq, this type of federal system is known as ‘administrative federalism’ (*al-fidraliya al-idariya*) referring to the geographical boundaries, or the areas of territorial administration, of the 18 governorates. This type of federal system devolves certain administrative powers to the governorates but maintains a strong centralised authority in Baghdad, a political order called a ‘centralised federalism’ (Singh and Verney 2003).

Federalism, both in theory and practice, involves issues of power distribution and power concentration between the central government and other administrative units (Watts 1998; Føllesdal 2003; Norman 1994; 2006). Consequently, elite views on whether Iraq can be governed more successfully, in terms of the maintenance of stability, and in staving off secession, are explored (Simeon 1998, Linz 1997, Simeon and Conway 2001). In parallel, the issue of whether federalism keeps Iraq united or entrenches division within Iraq is also assessed. A further issue related to federalism, and relevant to the Iraqi context, is the politics of recognition, which in turn is connected to identity politics, when different ethno-religious groups strive to exist politically based on their identity (Gutman 1994; Kymlicka and Norman 2000; Carens 2000).

The chapter begins by discussing the type of federalism that the Iraqi constitution allows, and then investigates the support for each type of federalism within the three main groups. Current debates on federalism in Iraq are highlighted and the position of this thesis located within them. The views of the Iraqi political elite are set out showing what elite members of different groups means by federalism, and what type of federalism they prefer.

## 7.2 Federalism in Iraq

### Federalism in the Iraqi Constitution and in Practice

Much of the scholarly work in the current literature uses the terms ‘federal political order’, ‘federalism’, ‘federation’ and ‘confederation’ (William and Riker 1964; Friedrich 1968; Earle 1968; Elazar 1968; 1986; 1993; King 1982; Watts 1998; 1999 Føllesdal 2003; Filippov, Ordeshook, and Shvetsova 2004). A federal political order can be best understood as an organisation which has the main attributes of self-rule and shared rule between the central government and other constituent parts (Watts 1998: 120). Federalism is the notion that final authority is divided between member units and the common institutions (Føllesdal 2003). In illustrating Iraq’s federal system, this research refers to the Iraqi constitution, Article 1 of which states that Iraq is a federal parliamentary democracy, and the constitution itself is the guarantor of its unity.<sup>113</sup> There are three types of federal powers identified in the constitution. Those powers that can be exercised only by the federal authority are covered in Articles 109 to Article 113. Those powers that are devolved to the authority of the regions are found in Articles 116 to Article 121, while those powers that are shared between the central authority and the regions and governorates that are not incorporated in a region are in Article 114.

A federal system is distinguished by the characteristics of power-sharing and self-rule. The Iraqi constitution, however, has given its federal system a third characteristic. In five Articles,<sup>114</sup> the constitution gives the central authority means to exercise power over the constituent units of regions and governorates. The constitution, nonetheless, aims to balance this with a rather paradoxical attempt to restrict the powers of the central authority with regards to the powers shared between the federal government and the regional governments, by giving priority to the law of the regions, and governorates not organised in a region, in case of dispute (Article 115).

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<sup>113</sup> This matter is dealt with in greater depth in Chapter 8.

<sup>114</sup> Article 109, preserving the unity and sovereignty; Article 110, executive authorities in foreign policy and diplomatic representations, formulating and executing national security policy, formulating fiscal and customs policy; issuing currency, regulating commercial policy across regional and governorate boundaries in Iraq, drawing up the national budget of the State, formulating monetary policy, and establishing and administering a central bank. Article 111 and Article 112, in oil and gas; and Article 113, antiquities, archaeological sites, cultural buildings, manuscripts, and coins shall be considered national.



The other two terms often used are federation and confederation. Federation here refers to a territorial division of power between constituent units which, in the Iraqi constitution, are referred to as ‘regions’, ‘governorates’, and ‘local administrations’, and a common government, in the Iraqi constitution designated as the federal government, or the central authority. Confederation refers to a political system with a weaker centre compared to the former. Central authority is less powerful than in a federation where the central authority depends on its composite parts (federal regions) (Watts1998: 21). Iraq, at present, both in constitution and in reality, is closer to a federation than a confederation.

Federations and confederations are categorised based on the degree of powers that their member units enjoy. A symmetric federation is one in which the member units enjoy equal powers, whereas an asymmetric system implies one in which power is not equally distributed (Føllesdal 2003). Iraq’s federal system, as the constitution spells out, envisions a symmetrical federation with regions or member units having equal powers. Articles 117, 118, 119 and 120 all make this point clear.<sup>115</sup> The Iraqi constitution allows the formation of new regions from the governorates that are not formed into a region yet (Article 117, and 118) and the circumstances under which this can be done is stated in Article 119. This provides the opportunity for one or more governorates to organise into a region based on a request to be voted on in a referendum.<sup>116</sup>

A federal system is also categorised by the way in which it is formed and established. Two processes have been identified, coming-together and holding-together (Stepan 1999). A coming-together federal system constrains the powers of the central authority with different former states joining together to form a federation. A holding-together

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<sup>115</sup> Article 117: First: This Constitution, upon coming into force, shall recognise the region of Kurdistan, along with its existing authorities, as a federal region.

Second: This Constitution shall affirm new regions established in accordance with its provisions.

Article 119: One or more governorates shall have the right to organise into a region based on a request to be voted on in a referendum submitted in one of the following two methods:

First: A request by one-third of the council members of each governorate intending to form a region.

Second: A request by one-tenth of the voters in each of the governorates intending to form a region.

Article 120: Each region shall adopt a constitution of its own that defines the structure of powers of the region, its authorities, and the mechanisms for exercising such authorities, provided that it does not contradict this Constitution.

<sup>116</sup> The referendum to be submitted in one of the following two methods: First: A request by one-third of the council members of each governorate intending to form a region. Second: A request by one-tenth of the voters in each of the governorates intending to form a region.

federal system evolves within a unitary state, and the central authority shares its powers with the newly formed members so that a central government assigns its authority to territorially clustered groups (Friedrich 1968; Buchanan 1995). The constitution of Iraq lays out a blue print for a coming-together symmetrical federalism, while the reality in Iraq is rather more of a holding-together asymmetrical federalism. Based on the constitution, such potentially organised regions would enjoy constitutional symmetry, or more exactly, symmetry in their formation, with each region adopting its own constitution that defines its structure of powers, its authority, and the mechanisms for exercising that authority (Article 120).<sup>117</sup> This, together with Article 115, makes the Iraqi federal system a coming-together federation, one in which the central authority depends on its regions once they are formed.

Article 116 of the constitution states that the federal system consists of a ‘decentralised capital,’ regions, and governorates, as well as local administrations. Article 48 asserts that the federal legislative power consists of ‘two differently constituted houses,’ the House of Representatives and the Federation Council. Although Article 65 promises the establishment of an upper legislative council, to be called the Federation Council, to represent members from the regions and the governorates that are not organised in a region,<sup>118</sup> it has not yet been formed. In the constitution, decentralised central authority and a bicameral legislature are two of the consensual elements of Iraq’s federalism. Eminent scholars maintain that despite the primary meaning of federalism as division of powers between the federal and local governments, a further fundamental characteristic is the existence of bicameralism (Wheare 1946; Friedrich 1950; Elzar 1968; Duchacek 1970). The Iraqi constitution indicates a symmetric federation with a bicameral legislature, but in practice, so far, Iraq’s federalism is asymmetric and unicameral. For example, the Kurdistan region enjoys greater powers compared with other governorates, and the House of Representatives is the only legislative body.

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<sup>117</sup> That with the condition that the regional constitutions do not contradict the Iraqi federal constitution, bearing in mind, on defining the powers of the regions and the powers that are shared between the federal constitution and the regions, priority goes to the regions. That is to say, the constitutions of the regions must not contradict the powers exclusive to the federal government.

<sup>118</sup> Article 65: A legislative council shall be established, named the “Federation Council,” to include representatives from the regions and the governorates that are not organised in a region. A law, enacted by a two-thirds majority of the members of the Council of Representatives, shall regulate the formation of the Federation Council, its membership conditions, its competencies, and all that is connected with it.

## Current Debates on Iraq's Federalism

Current debates on federalism in Iraq revolve around questions of what type of federalism could help democracy building in Iraq. These include whether a symmetrical or asymmetrical federal system, and whether a coming-together or a holding-together approach, is more likely to lead to democratisation in Iraq. The central issue comes down to whether the central government should enjoy more power or should that authority be constrained and limited by the federal regions.

This debate concerning the balance of power between central and local governments has been extensively explored in recent literature (Al Rubaie 2004; Brancati 2004; Smith 2005; Salamey and Pearson 2005; Anderson and Stansfield 2005; Galbraith 2006; O'Leary, McGarry, and Salih 2006; Anderson 2007; Visser and Stansfield 2007; Alkadiri 2010; Natali 2011; Hiltermann, Kane, and Alkadiri, 2012; Danilovich 2014). However, the constitution itself is vague on this matter, giving considerable powers to both the central government and the regional administrative units in Article 115. In times of dispute over 'powers shared' between the federal and the regional governments, priority appears to be given by the constitution to the law of the regions and governorates not organised in a region, but the wording is indecisive and vague. Article 114 outlines all the shared powers between the central government and local administrative units. The first and seventh points ends with; 'this shall be regulated by a law.' This phrase is repeated in Article 112 and 113 with reference to the executive powers of the federal government. Such lack of clarity in the Articles has left room for debate, both among political elites and academics, as to what is better for the feasibility of successfully embedding democracy in Iraq; giving more powers to the central government or to the local governments and administrative units?

There are two main propositions concerning Iraq's federalism and the issue of devolution or centralisation of power. One proposition is that Iraq needs a strong central administrative state. Without a strong central state, formal federal structures in deeply divided societies will fail and federalism can, thus, provide scope for 'regionalism, sectarianism and secession' (Smith 2005: 133-141). Others argue that the only way to safeguard Iraq's territorial unity from division and fragmentation is through federal institutions, with the House of Representatives and the judiciary needing to be

strengthened (Salamey and Pearson 2005: 206). In Natali's words, 'paradoxically, a devolved Iraqi polity may require a moderately strong centre' (Natali 2011: 7).

An alternative proposition is that Iraq's federal government must be designed to give regional governments extensive political and financial autonomy (Brancati 2004: 20). Similarly, it has been argued that the only way to keep Iraq together is to fully implement a federal model that gives Sunnis, Shia, and Kurds each the authority to run their own regional affairs, a notion known as soft partition. That is to say, rather than pursuing the principle of symmetrical federalism, Iraq should instead pursue a deliberately asymmetrical federal model, because 'an examination of the recent history of devolution in Iraq suggests that a holding-together asymmetrical model may better promote stability by serving the interests of all parties' (Hiltermann, Kane, and Alkadiri, 2012). Scholars on all sides do agree on one single point; that Iraq's federal political order can only succeed with modifications.

The debate on federalism in Iraq is fundamentally prescriptive, and different arrangements have also been proposed. Three serious alternative recommendations for Iraq's federal system put forward by academics and policy makers range from theoretical to operational. One suggests an 18 governorate federalism, another based on one region plus 15 administrative units, and, lastly, a five region model is also proposed.

The idea of federalism based on the 18 provincial boundaries of territorial governorates is inspired, in theory, by Horowitz (1989) where he argues for administrative units to cut across existing ethnic and religious communities. He saw this as a solution for societies that are deeply divided, enabling them to assimilate such groups into smaller national sub-units. Horowitz's idea for Iraq's federalism was endorsed by the Baker and Hamilton report (2006). They suggest a national reconciliation covering areas of security and governance; in essence recommendations to strengthen the central authority in Iraq as a means of helping Iraqis help themselves (Baker and Hamilton 2006: 62-70). They urged the Iraqi government to send a clear signal to Sunnis 'that there is a place for them in national life ... to give a signal of hope' (ibid: 64).

In theory, then prime minister, Maliki, had worked closely in consultation with the US and had put forward milestones in key areas of national reconciliation, security and governance. In practice, however, from 2007-2014, he effectively used the government apparatus to send *a signal of no-hope* to the Sunnis. The national reconciliation which was intended to eliminate, or at least reduce, further violence and maintain the unity of Iraq, was never realised. Centralisation and the establishment of a strong central authority undermined national reconciliation. Throughout the 8 years of his premiership, Maliki targeted the Sunni political elite, systematically marginalised them, and deliberately reduced their influence within the apparatus of rule (Butters 2005; 2010; Dodge 2013). The milestones put forward by Maliki, in reality, brought about national sectarian violence; sectarian based Iraqi security forces with a sectarian attitude to governance geared towards exclusion of Sunnis and Kurds.

Horowitz's theory about the objectives of the sub-division of communities being to create 'lower layer conflict laden issues' by drawing new territories that are not overly populated by members of a single group is also inappropriate and not achievable in the context of Iraq. The three main groups are geographically clustered in different areas over which they make historical claims, all seeing the land as part of their identity. Moreover, for the last decade, despite their political differences on 'lower layer conflict laden issues' within their groups, the Shia, Kurds, and the Sunni have formed intra-group coalitions in the Iraqi House of Representatives. Consequently, the political map in Iraq corresponds to the three regions formed by the three main groups (see Chapter 1).

The second possible arrangement is to base federalism on one region, Iraqi Kurdistan, plus fifteen other administrative units for other Sunni and Shia governorates (Hiltermann, Kane, and Alkadiri 2012; Danilovich 2014). This type of federalism has the attributes of asymmetrical federalism as far as Kurdistan is concerned but symmetrical for the other governorates, a holding-together<sup>119</sup> form of federal structure.

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<sup>119</sup> Although Danilovich (2014) argues that the issue of a holding-together and coming-together structure for the Iraqi federal system depends on how one views the status of the Iraqi Kurdistan, if one regards the Kurdistan region before 2003 invasion as a separate polity from Iraq, it implies a coming-together federalism. If it is seen as a part of Iraq, then this would indicate a holding-together federalism.

The 'one plus fifteen' is conformist. It simply mirrors the current federal structure in Iraq, something that all groups aim to change, as the findings of this research confirm.

The third proposition is called 'democratic regionalism', a view initially put forward by Muafaq al Rubae, the national security adviser for Iraq. He calls for the establishment of five regions; a Kurdistan region, a Sunni region, two Shia regions, and Baghdad as the capital.<sup>120</sup> Rubae's idea is further developed in a study that applied the 2005 Iraqi election results to this model (Anderson and Stansfield 2005). This approach advocates federalism based on democratic regionalism, referring to the population, 4-5 million in each of the four regions and 7 million in Baghdad. It further suggests constitutional symmetry for the five regions to avoid preferential treatment for any group (Anderson and Stansfield 2005). A five region model relies entirely on intra-sect division, something that is not acceptable to the Shia. The totality of the assumption is based on dividing the Shia, both politically and territorially. Shia leaders, however, at interview and through survey have indicated that they believe their strength lies in their unity and intra-sect political coalitions. For them, giving that up would be political suicide as their majority comes from one Shia constituency. Dividing them makes them into two minority groups coexisting with other minority groups.

### 7.3 The Shia Perspective

#### Distribution of Power

When addressing Iraq's federal system through a Shia perspective, a crucial point needs to be made, and one that was repeatedly shared through the process of collecting information at the time when the constitution was being drafted; the Shia political elite favour decentralisation of the central authority. As one participant put it, 'we wanted to make sure that the central authority's powers are restrained and limited'. The Shia, at that point, were not sure about the future of Iraq as it was too early to know which groups the new democratic Iraq benefited. Therefore, they aimed at preventing a Ba'ath like regime that might concentrate power to their disadvantage. The reason that the Iraqi

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<sup>120</sup> The five-region model envisages the creation of the following regions: Basra province (to include Basra, Nasariyyah, and Amara), Kufa province (to include Karbala, Najaf, Kufa, and Hilla), Greater Baghdad (to include Ba'quba), and Mosul province (to include Mosul, Tikrit, Fallujah, and Ramadi). Combined with the established Kurdish region in the north, these five regions would form the basis of Iraq's new federal system (e.g. see. Anderson and Stansfield 2005).

constitution allows a federal system is the fact that at those early stages the Shia supported federalism and, together with Kurds, set a federal structure through the Iraqi constitution. The Sunnis joined the process of constitution drafting at a later stage having boycotted the political process prior to 2005.

It was only later, as Homam Hamoodi confirmed at interview, after the Iraqi 2010 elections that the Shia, 'realised that we are forming the majority in the political system'. In this way, the Shia fear of a Sunni return to power proved to have only restrained Shia power when they arranged the government cabinet and had a majority in the House of Representatives. There has been a shift in the Shia attitude to federalism from the time of the drafting of the constitution to the post 2010 election period. Federalism as a constraint and, indeed the concept of power sharing itself, has become far less attractive among the Shia political elite.

The former Shia Prime Minister, Ja'afari, regards himself as devoted to the aspiration of democratic justice, to the acceptance of a federal political order and to the support for the principle of federalism. Such a support, however, can be interpreted and put into practice in different ways. In fact, currently the idea of limited federalism gives all the sovereign powers to the central authority and devolves only administrative tasks to the governorates. The data shows that the majority of the Shia prefer a plural as opposed to a consensual type of federalism. This is consistent with the Shia stance in relation to their conceptualisation of democracy as majority rule, and their support of formal institutional arrangements.

The Shia support an administratively decentralisation arrangement for the governorates but within a centralised federalism and a strong authority in Baghdad. Nevertheless, among the rationales put forward by participants at interview for their support of a limited type of plural federal system in Iraq, two are particularly relevant to core area of research of this thesis. The first proposition was put forward by the Minister of State, Dr Sahib Qahraman, and Minister of State for Non-Governmental organisations, Dahkhil Qasm Hassun, who supported a territorially based federal system to avoid ethnic and sectarian conflict. The second argument, made by the Minister of State, Dr Daa Najm al-Asadi, and Minister of Planning, Dr Ali Yusuf Abdul Nabi al- Shukri, a

professor of public law, was that a federal system based on territory could create an atmosphere for pluralism and stability. Moreover, the Minister of State for Tribal Affairs, al-Shaikh Jamal al-Batigh, and Human Rights Minister, Muhammad Shiya al-Sudani, both argued that federalism should be put into effect based on administrative decentralisation.

It can be deduced from these responses that the Shia have two main goals in relation to federalism; to achieve pluralism and stability and to prevent ethnic conflict with the Kurds and sectarian conflict with the Sunni. Apart from two of those interviewed from the Sadrist movement, who said that they did not support any form of federalism,<sup>121</sup> all other respondents preferred a type of territorially federalism based on the current governorates.<sup>122</sup>

### Consensual or Plural

The wider Shia responses contained in the survey on federalism and their support for a consensual federal system in Iraq are now considered. A simple framework, based on two themes, is used to clarify the analysis and interpret the findings. Support for federalism is calculated by giving participants the option to choose between a federal system and a unitary system and to indicate whether federalism unites or divides Iraq.<sup>123</sup> Support for consensual federalism is determined by asking participants to choose between two plural and consensual forms of federalism. This is arrived at by gauging support for the establishment of a council of federation, bicameral legislature, a decentralised government and segmental autonomy.<sup>124</sup> Support for federalism does not necessarily mean support for consensual federal system; this is a crucial point since it underpins the testing of the hypothesis.

The data shows that when the Shia are given the option to choose between unitary and federal political orders, the support for a unitary system is a clear winner with a majority

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<sup>121</sup> Baha al-A'araji is spokesman for the United Iraqi Alliance and head of the bloc that is affiliated with the Sadrist Movement. The other one was from the Islamic Virtue Party, Bushra Hussein Saleh. They are the nationalist among the Shia and support a unitary Iraq.

<sup>122</sup> I lay a heavy emphasis on this point, as I have repeated more than once, because federalism based on geography is a contested phrase and it is interpreted differently by the Shia, the Sunni, and the Kurds. In the later sections, I will make it clear how each groups defines geography.

<sup>123</sup> See Appendix \*, Questions 1 and 6.

<sup>124</sup> Appendix \*, Questions 2 – 5.



of 69 percent opposing federalism. Similarly, on whether federalism brings Iraq together or leads to secession, almost 60 percent believed that federalism divides Iraq. It could be said that federalism among the Shia has become a pejorative term associated with division and secession. The data also shows that the majority of the Shia are in favour of a centralised system, confirmed by a 75 percent support for a unitary state, and a belief that Iraq could be less oppressive as a centralised state. For a group to hold such a view, considering that it has been a victim of a centralised authority for the past century, is, perhaps, ironic, although also perhaps not surprising. In present day Iraq, the Shia are in control of the majority of the power structures, including the judiciary, the legislative and the executive. 75 percent support for a unitary state, together with a 70 percent opposition to federalism, reflects the fact of Shia dominance in the apparatus of rule in Iraq. Many Shia believe that a strong centralised government could consolidate their hold on power while the establishment of any type of federalism, let alone a consensual type, might undermine their authority.

When the participants were asked to choose between plural and consensual forms of federalism, the opposition to a support for a consensual federal system was even more pronounced. On segmental or territorially based systems, almost 77 percent favoured a territorially system based on involving administrative decentralisation for the 18 governorates. Similarly, on whether a unicameral or bicameral legislative system was preferred, 67 percent supported a unicameral legislature, that is the current House of Representatives, and 63 percent were opposed to the establishment of the Federation Council.

The data provides vital insights into the present reality in relation to the Iraqi federal system. Among many other reasons, the support for a plural federal system and rejection of a consensual federal structure could be due to the fact that the constitution recognises Iraq as a single federal parliamentary democratic republic. The Shia now are the majority in that parliament. Given these two facts, it seems inevitable that the Shia would prefer to maintain a centralised parliamentary federalism since that is the source of their strength in the political structure. Having a majority in the legislative house, they are in a position to enact laws favourable to themselves or reject any bills that they perceive to be disadvantageous.

It is in Shia political interests to maintain a unicameral legislature. In parallel, it is clear that the overwhelming opposition to the establishment of the Federation Council, and hence to a bicameral system, is based on their determination not to weaken their hold on power, exercised through the House, as would happen if a second legislative body came into being. Article 65 states that a law enacted by a two-thirds majority of the members of the Council of Representatives shall initiate, 'the formation of the Federation Council, its membership conditions, its competencies, and all that is connected with it.' Since the drafting of the constitution nearly ten years ago, this law has been left dormant. The Shia majority has prevented that law coming into force and it is unlikely, given present day realities in Iraq, that it will be enacted any time soon.

### Conclusion

Based on the findings, the Shia majority could be seen as an obstacle to the establishment of a fully-fledged consensus system in Iraq. Among the Shia there is a majority who oppose any consensual arrangement of federalism, as well as a lack of support for a federalism of any kind, opposition to a bicameral legislature, and no enthusiasm for political segmental autonomy based on sect and ethnicity. From a Shia perspective, if any federal system at all is to be established in Iraq, it must have the attributes of a symmetrical system giving equal powers to geographical territories based on governorates and a single holding-together federal polity with the central authority devolving only administrative powers to governorates. These attributes can best be characterised as administrative decentralisation with a strong federal centre.<sup>125</sup>

## 7.4 The Sunni Perspective:

### Distribution of Power

The Sunnis joined the constitution drafting process late and supported a unitary system. The reason for this support is tied to the history of modern Iraq and the position of Sunnis within it. Iraqi nationalism has been embraced by Sunni Arabs, whether secular or religious.

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<sup>125</sup> This should not be confused with the qualitative findings in the interview material with the Shia, when I argued they do not support federalism. The Shia do not support a consensual form of federalism while they prefer a sort of federalism that is combined with a strong central government –administrative decentralisation for the 18 provinces of Iraq.

The power shift after regime collapse came as a shock to the Sunnis who had, hitherto, regarded themselves as the founders and even the owners of the country. They could not accept the changes and resorted to violence and a boycott of the political process from 2003 to late 2005. Even when, as late as 2005, they decided to participate in the political process, the legacy of almost 100 years of centralised rule over Iraq manifested itself in their stances. That could be seen clearly in their attitude towards the structure of the Iraqi state, both in their support for a centralised unitary state and in their apprehension of, if not downright opposition to, a decentralised federal state.

The Sunni, on the contrary, during the drafting stage of constitution were against a decentralised federal system for Iraq. It took the Sunni's several years, including the implementation of the de-ba'athification order, to realise that in this particular game they had lost. During the premiership of Shia Prime Minister Maliki, 2006 - 2014, the Shia had concentrated power with control over the House. Punitive measures were taken against the Sunnis, marginalising them both politically, and by refusing their demands for a Sunni region. At the military level, Maliki refused to incorporate the Sahwa movement into the army (Section 2.5).

It was now clear to Sunnis that the political map of Iraq had been transformed and the parliamentary system was dominated by the Shia majority, giving them effective control of the country. This was confirmed in the aftermath of the 2010 elections, when the victorious Sunni list, -al Iraqyya, was not given the opportunity to form the government.<sup>126</sup> At the time of this study, 2011-2015, the Sunnis had mixed views on federalism with the data supporting the contention that there are still some among them who favour a centralised Iraq, but the majority now support a federal system.

The Sunnis lack a unified political discourse for a federal system and are pulled in two different, if not diametrically opposed, directions, at least at the operational level. This is one of the main factors that has not restricted their power to press the central government hard on the issue of the establishment of a Sunni region of their own. The Sunni nationalists, who some call idealists, support a single Iraq with administrative

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<sup>126</sup> For a more detailed discussion, see Chapter 8.

decentralisation and strive to be real partners in shaping Iraq's politics. The majority of Sunnis, however, are those that are more accurately defined as the pragmatists. They are also Iraqi nationalists but have realised and accepted the bitter realities of Iraq, and aim at running their own affairs with the least interference possible from the central authority.

### Plural or Consensual

The discussion in this section follows a similar framework to that of the previous section. It begins with the interviews to highlight the underlying factors. Then, with reference to responses from a border range of participants, the data is analysed, based on the two themes of support for federalism and support for consensual federal arrangements.

The Iraqi vice president, Tariq al Hashimi, was the only one among the Sunni interviewees to support administrative federalism, and he also acknowledged his opposition to the idea of dividing Iraq along ethno-sectarian lines. The underlying reasons for his preferences, it must be assumed, are different from the reasons behind the Shia preferences, as his discourse is a different one. Hashimi believes the Sunni could form a majority in Iraq as he regards the Sunnis as the Arabs, the Kurds, and the Turkmen combined. From the perspective of some Sunni leaders, an ethno-sectarian divide is not a desirable option as it cuts off the Kurds from the Iraqi Sunni community, while division along sectarian lines cuts off the other Shia Arab nationalists with whom Hashimi hoped to develop an Iraqi national front.<sup>127</sup>

Related to that issue, attention must be drawn to a significant point of distinction, using the term 'geography' as the base reference for a federal system. The Sunnis give an entirely partisan connotation to the type of federal structure based on territorial geography. Those who chose geography as the foundation for federalism argued that it had to be implemented in a way that guarantees the unity of Iraq while preserving its diversity. That view was shared by Salman al-Jumaily, spokesman for the al-Iraqia list,

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<sup>127</sup> Here, I specifically refer to two points: first, Hashimi himself believed that the Sunni nationalists could join forces with the Shia nationalists to govern Iraq; second, also stemming from his vision, Hashimi led the *al-Iraqyya* list. It was a Sunni majority list but could bring other Shia secular nationalists under its umbrella (and in the 2010 elections, the list was the winner).

Culture Minister, Dr Saadun al-Dleimi, and Education Minister, Mohammed al-Tamimi, who also added that geography is ‘the best option for people to be where they feel they belong to’, referring to the governorates. Ayad al-Sammarai’s, a former Speaker of the Iraqi parliament, also believed that geography should be the foundation for establishing federalism because, in his words that ‘would reduce conflict among peoples of different sects and ethnicities’.

By geography, the Sunnis, like the Shia, refer to the territorial boundaries of the current 18 governorates. However, unlike the Shias, the Sunni preference for federalism based on geography is to give greater powers and autonomy to the governorates. Their support is for a mechanism that constrains the powers of the central authority. The main rationale for this Sunni support is that they form the majority in four governorates (Nainawa, Diyala, Saladin, Anbar) and are the second largest group in Baghdad.

Sunnis wish to wield power in the governorates in which they form the majority and also share the rule in Baghdad with the Shia. The idea of a federal Iraq dividing Iraq along ethnic and sectarian lines, in a coming-together style, is rejected by some Sunni elite for more than simply nationalistic motives. A divided Iraq may well serve Kurds and Shia alike, since majority Kurdish and Shia regions are oil rich. The Sunnis’ concern is federalism might lead to secession at some point in the future and that would disadvantage the Sunni region in terms of wealth and revenue as it is considerably poorer in resources than the other two. Consequently, the Sunni political elite support a single federal Iraq, with the twofold motivation of supporting a united Iraq, and opposing secession.

The data shows 75 percent support for federalism among the wider sample of the Sunni political elite. When they were given the choice between a federal system and a unitary system, there was strong support for a federal system and 82 percent believed that a federal system would be less oppressive. Nevertheless, the data highlighted Sunni concerns and uncertainty about the operationalization of such a federal system, as only 57 percent believed that it would maintain unity – leaving a sizeable minority who had grave concerns. The majority of Sunnis prefer a single federal system to a centralised unitary system, but there is a very real fear among them that this might lead to secession

and alienation from a system from which they have already been systematically marginalised for the past decade.

The data on support among the Sunnis for a consensual arrangement of federalism paints an entirely different picture. 60 percent preferred ethno-religious bases and only 40 percent favoured a federal system based on the territoriality of 18 governorates. The Sunnis support segmental political autonomy within Iraq and, since 2013, have demanded a region of their own similar to the Kurdish region in the north. The data shows an 85 percent support for a bicameral legislature, and this is confirmed by a 92 percent support for the establishment of the Federation Council. This, on its own, indicates that Sunnis believe the establishment of a federal system that has two differently constituted houses would give them more political leverage and influence on Iraq's political structure.

## Conclusion

From a Sunni perspective, the federal political order in Iraq should be one that involves power sharing with the central authority devolving power to avoid unrest and prevent secession by the Kurds. They would prefer that all constituent units, the Shia, the Sunni, and the Kurds, enjoy equal powers in a system of symmetrical federalism. Sunnis see federalism as shared rule, and this reflects the political reality for Sunnis in Iraq, as they are the second largest group in the capital of the federal republic. Sunnis believe that federalism must be seen as a mechanism to enable shared rule, and to foster the unity of Iraq. Based on what has been discussed so far, the findings confirm the assumption of the main hypothesis that, from a Sunni perspective, it is more likely for a consensus system to be put in place, because there is a greater level of support for it. However, such support is based to a significant extent on the assumption that it ensures segmental autonomy.

## 7.5 The Kurdish Perspective

### Distribution of Power

The Kurdish political elite introduced the idea of federalism both before and after the invasion of Iraq. A month after the Kurdish uprising in March 1991, coalition forces

announced the creation of a 'safe haven'.<sup>128</sup> The Kurds had already prior to this opened negotiations with Saddam Hussein on autonomy for Iraqi Kurdistan. Subsequently, in May 1992, parliamentary elections were held and a government was established. In October, the parliament of Kurdistan adopted a law calling for a federal system for Iraq. Consistent with that position, in June 2002, the Kurds took part in joint discussions with other Iraqi groups to coordinate the US-led military campaign against Iraq, and at that time Iraqi opposition accepted a federal system for Iraq. After the invasion, Kurdish leaders propounded the idea of federalism in the hope of sustaining their autonomous region.

During the period when the constitution was being drafted, Kurds joined forces with the Shia, who initially supported a federal Iraq, to constitutionalise their claim to the Kurdish areas that were not under the control of the Kurdistan regional government. Article 140 promises that the executive authority would undertake the necessary steps to complete the implementation of the requirements of all the subparagraphs of Article 58 of the Transitional Administrative Law. In Article 58 of the TAL and Article 140 of the permanent Iraqi constitution, these territorial claims were recognised. The Kurds demanded that the disputed areas, which they called the Kurdistan areas outside the borders of the Kurdistan region, must be annexed to the Kurdistan region. The disputed areas in question include the city of Kirkuk, in addition to areas in the Mosul and Diyala governorates. The Kurds accepted the terms of Article 140 which states that as part of the process of normalisation those Kurds who were forced from their homes by the former regime would be returned. A referendum in Kirkuk and other disputed territories would be held to determine the will of their citizens. That is, after normalisation people in those areas would decide whether or not to become part of the Kurdistan region.

Although it is a view strongly held by the Kurdish political elite that federalism ensures and protects the unity of Iraq, as well as bolstering its sovereignty, at times Kurds have demanded more powers for their federal region. Throughout 2011-13, tensions escalated between the Kurdistan region and the central government. In particular, the

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<sup>128</sup> The 1991 *Raparin* (Kurdish mass uprising) provided the safe haven, no fly zone area, and this led to the formation of a self-rule region in the three provinces of Duhok, Hawler and Slemani in the north of Iraq, which subsequently gave birth to the Kurdistan Region. It is an autonomous region of Iraq. The regional capital is Arbil (Kurdish *Hewlêr*). The region is officially governed by the Kurdistan Regional Government.

reluctance of the central government to implement Article 140 caused disquiet. Other issues of dispute involved territorial claims, budget and oil production, the way in which Iraq was ruled, and power sharing.

Since the war against Daesh in 2014, begun with the northern Iraq offensive, the Kurds have seized most of the disputed areas including the city of Kirkuk and its environs. This has led the president of Iraqi Kurdistan, Masoud Barzani, to announce that ‘now Article 140 is implemented.’ Nechirvan Barzani, the prime minister of Iraqi Kurdistan, in practical terms, has taken more powers for the Kurdistan region, and at interview ventured the opinion that ‘a pragmatic solution to Iraq is to divide powers between the Kurdistan region and the Federal Government.’

#### Plural or Consensual

From a Kurdish perspective, federalism is not only a pre-condition for democracy, but also the guarantor of Iraq’s unity. Jalal Talabani, when still in office as president, at interview stated that ‘federalism in Iraq should be based on geography’ because this would ‘include all the citizens of Kurdistan region and would guarantee their rights and would strengthen the optional unity of Iraq’. One point of immense significance from the two previous sections that should be emphasised is that both Shia and Sunni political elite, while applying it differently, referred to geography as the territory of the current 18 governorates in Iraq. Among the Kurdish political elite, geography means something else entirely; they call it ‘historical geography’, or ‘historical realities’.<sup>129</sup> The president of the Kurdistan region, Masoud Barzani, argued that ‘the Iraqi constitution permits the establishment of federations on the basis of geographical history’. He further explained that on that basis, ‘Iraq consists of three geographic regions where the inhabitants historically share culture, belief and customs, language and race.’

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<sup>129</sup> The Law of Administration for the State of Iraq in March 2004, stated in Article 4. The system of government in Iraq shall be republican, federal, democratic, and pluralistic, and powers shall be shared between the federal government and the regional governments, governorates, municipalities, and local administrations. The federal system shall be based upon *geographic and historical realities* and the separation of powers, and not upon origin, race, ethnicity, nationality, or confession. This was later replaced with two other articles in the 2005 ratified constitution; Article 1: The Republic of Iraq is a *single federal*, independent and fully sovereign state in which the system of government is republican, representative, parliamentary, and democratic, and this Constitution is a guarantor of the unity of Iraq. Article 3: Iraq is a country of multiple nationalities, religions, and sects. Italics added for emphasis.



From a Kurdish perspective, as the qualitative data indicates, Iraq is inherently a composition of three different regions: the north, with Kurds and other ethnic and religious minorities; the south and the central Euphrates, a geographic area with a historically majority Shia Arab population, sharing customs and traditions of religious faith that differentiates it from other areas; and the west, a region that includes an Arab Sunni population with a shared faith and tradition. Barzani concluded that it is possible for Iraq to have ‘three federations on the basis of geographical history’, and further believed that as supplementary factors, the three region principle also involves other aspects such as religious beliefs, customs and traditions.

Therefore, the Kurdish political elite made more precise references to geography as a foundation for a federal system by restricting them to history, ethnicity or sect. Barham Salih, previously deputy prime minister of Iraq, and the former prime minister of the Kurdistan region, believed in a mixture of ethnic-geographic bases for Kurdistan and perhaps administrative ones for some other parts. Displacement and Migration Minister, Dindar Najman Shafiq, Trade Minister, Khairalla Hasan Babakir, and Kamal Kirkuki all supported ethno-geographic foundations. Nawshirwan Mustafa, founder of the Change movement, however, preferred a mixture of ethnicity and sect as a basis for a federal structure.

Other Kurdish elite, likewise, frequently claimed that the central government does not respect the principle of power-sharing; hence they counsel division of power. That became even clearer in subsequent discussions on oil and gas revenues. Initially, the Kurdistan region produced its own oil. During Barzani’s premiership, oil was exported, despite the objections of the federal authorities.<sup>130</sup> That was an overtly political act aimed at achieving economic independence. As Nechirvan Barzani put it, ‘with every economic dependency comes political dependency, we yield our revenue and make our political decisions, and this is our right of self-determination within a federal state - *our constitutional right*’.

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<sup>130</sup> The matter of oil is linked to fiscal federalism. The Kurdistan region was not receiving its 17 percent share of the national budget from the central government. The Kurdish elite claimed that have been receiving only 13 percent of the national budget. KRG demanded more finances and Baghdad refused. In response, the KRG started searching for oil, made new oil wells and connected new pipelines to the Kirkuk-Ceyhan pipeline. By the end of 2015, the KRG was exporting an estimate of 600,000 bpd to Turkey.

Support for federalism among the wider participants in the study from the Kurdish political elite was overwhelming. Those elites who are not in favour of a federal Iraq, are in favour of secession and a declaration of independence (although this aspiration is more common at the grass roots level). This was also confirmed by the totally unanimous view expressed that Iraq could be less oppressive as a federal state comprising three main regions. Kurds are, of course, viewing Iraq through their own experiences, and taking into account the atrocities they have suffered at the hands of centralised systems in Iraq. As such, there can be no surprise that there is absolutely no support for a unitary centralised Iraq. As to whether federalism could bring Iraq together or divide it, 66 percent of the Kurdish political elite believed that federalism keeps Iraq united, or it might be more correctly phrased as not yet being convinced about secession. The demand of the Kurds centre on the adoption of a system that respects the principle of power sharing and is based on historical realities. For them, this means recognising the legitimacy of Kurdish claims to areas they believe to be historically part of Kurdistan. Only in this way can their Kurdish identity be secured.

The data shows a high level of Kurdish support for a consensual arrangement of federalism. Indeed, such a system is the only type of federal structure that is acceptable to them. However, support for the ethno-religious divide, or a federal system or a mixture of ethnicity and sect has only 55 percent support. This could be due to the unresolved issue of the disputed areas and the continuing fear that the central authority will not take into account 'historical realities'. If those fears were realised then that would mean, perhaps, the permanent loss of 'the Kurdistan areas outside the borders of the Kurdistan region' to a neighbouring Sunni Arab region. Nevertheless, there was 100 percent support for a bicameral legislature, and 94 percent were in favour of establishing the Federation Council. Data shows that the Kurdish political elite is in favour of a consensual federal system, with a bicameral decentralised structure that gives the regions extended powers, and the establishment of segmental political autonomy. Kurds demand greater powers for their own region with sufficient devolved authority and autonomy to run their own affairs.

## Conclusion

The findings in this section support the main assumption put forward in this chapter; if a consensus system is to be established, there must be enormous support for such an arrangement. From a Kurdish perspective, the absence of a consensual federal system that ensures segmental autonomy means that it is less likely that Iraq's democracy can be nourished and sustained. Consequently, Kurds would be unwilling to remain within the system. For many of the Kurdish political elite, remaining part of Iraq as a purely optional matter is a point of view that coincides better with a holding-together, rather than a coming-together, federal system. The findings indicate that Kurds prefer a symmetrical structure, a three region federal system with equal powers, and a central federal authority with limited and constrained powers.

## 7.6 Conclusion

The chapter began with a discussion on federalism, as detailed in the Iraqi constitution, and put into practice in Iraq so far. It was shown that the constitution sees Iraq as federal polity, with division of powers between the federal and the local governments. The constitution lays out a blue print for a coming-together symmetrical federalism, while in the reality Iraq is rather more of a holding-together asymmetrical federalism. Furthermore, the Iraqi constitution promises a decentralised federal system with a bicameral legislative house, while in practice, although decentralised as far as Iraqi Kurdistan is concerned, the country as a whole remains a centralised federated state with a unicameral legislative.

This misfit between the constitution and the political reality in Iraq necessitated a fundamental examination of the views and preferences of the elites of different groups. The empirical data focused on the three main issues of; distribution of power, the type of federalism, and the impact of federalism in relation to the likelihood of secession.

The chapter also demonstrated that the current debates on Iraq's federalism have focused on the issues of power distribution between central and local government. The debate has been prescriptive and propositions do not take into account the views and preferences of those key elites. The focus on these views in this chapter marks a

departure from established approaches and, as such, makes a new contribution to the literature on federalism in Iraq.

The data shows that the Shia support a federal structure that is conducive to administrative decentralisation with a strong central federal authority. In terms of power distribution, they prefer more powers for the federal government. That is, symmetrical holding-together. Moreover, they reject the idea of federalism based on three ethno-religious regions. The Sunni also support a symmetrical type of federalism, in the sense that the central authority should devolve power to its constituent units. They further support a type of federalism that recognises ethno-religious differences but prevents partition, symmetrical holding-together federalism. The Kurds support a symmetrical coming-together federalism. As such, among the three groups, the views of the Kurds most closely match the constitution. This may be due to the fact that the Kurds introduced the idea and they want to maintain the system they originally envisaged.

Any operationalization of federalism in Iraq is bound up with the Iraqi constitution. Shia and Sunni approaches on federalism would require a constitutional amendment, in effect moving the country's federalism from a coming-together to a holding-together model. That, in turn, would affect the distribution of power between the federal government and its consistent parts. After analysing the various groups' conceptions of federalism, the next fundamental issue is that of how each group views the constitution and whether a constitutional amendment or institutional implementation of any change is feasible in Iraq.

## CHAPTER 8:

### The Iraqi Constitution

#### 8.1 Introduction

In this chapter the views of those who drafted the Iraqi constitution are examined. In the process of drafting in 2005, the members of the Constitution Drafting Committee were allocated based on ethnic background; 36 Shia Arab, 15 Kurds and 15 Sunni Arab, one Christian, one Turkmen, and one communist. Despite deeply rooted differences, the committee was able to draft a constitution that recognised different identities, shared political power accordingly, and guaranteed unity of the state. In October 15, 2005, the Iraqi constitution was ratified following a national referendum in which 78% voted in favour. Scholars tend to agree on the most controversial issues in the constitution; the role of Islam, federalism and oil and gas revenues<sup>131</sup> (Benomar 2004; Brown 2005a; 2005b; on Morrow 2005; Jawad 2013).

This chapter also examines inter and intra group views and the compatibility of Islam with democracy. The second article of the Iraqi constitution states that no law that contradicts the established provisions of Islam may be enacted and no law that contradicts the principles of democracy may be established. These two statements are analysed since not all provisions of Islam are democratic. The issue is whether adherence to the first principle could make building a democracy challenging. This is elaborated on through an investigation of elite views on the extent to which the Iraqi constitution is democratic. A related point is whether or not democracy, as interpreted in the constitution, complies with generally accepted international norms or whether there are features that are unique to Iraq.

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<sup>131</sup> Although its significance is immense to Iraq's democracy, I rule out the discussion on oil and gas revenues for it falls beyond the grasp of this thesis. Additionally, there is an extensive literature on theorizing constitutional design and also constitutional design in divided societies (e.g. Lutz 2006; Choudhry 2007; Choudhry 2008), moreover, scholarly attempts have been made to examine the relationship between constitutional design and democratic performance (e.g. Fowleraker and Landman 2002) this chapter examines the views of the Iraqi political elite, as members of a deeply divided society. Hence, it does not involve theoretical discussion on constitutional design.

The constitution makes provision for amendments to be made and the opportunity was taken to explore through interview and survey whether those responsible for drafting it still felt that it was entirely appropriate in its current form or whether political circumstances had changed their views. A further question was what, if any, amendments they would now like to see given those changed circumstances. The questions were framed in such a way as to elicit answers that did not contain caveats on what may or not be achievable in the current situation. The issue of what amendments would lead to the most intense controversy was, however, pursued. A final consideration was whether the constitution creates any obstacles to the establishment of federalism in Iraq. Article 117 affirms the establishment of new regions, and Articles 119-120 gives one or more governorates the right to seek to organise into a region.

To summarise, interviews and qualitative data are analysed as they relate to the process of drafting the position of Islam in the constitution and the prospects of constitutional amendment. All the data is analysed along four inter-complementary themes: the drafting of the constitution, democratic ideas and group interests, compatibility of Islam with democratic principles, and the allocation of power between the central and regional governments. Each group is dealt with in a separate section, with the initial one contextualising the interviews. In each section, the first issue examined with members of the Constitution Drafting Committee is whether the democratic ideas in the Iraqi constitution were proposed by an outside agency, for example, the United States or whether they were the result of consensual agreement between various political groups. The second issue addressed was that of the relationship between democratic ideas and groups interests. Linked to this matter was an attempt to determine, on an individual basis, whether their major priority was the establishment of democratic principles in the constitution or the protection of their own group's interests. The answers provided insights into why, how, and for what objectives, different groups were motivated during the process of Iraq's constitutional design, issues generally neglected within the current debates on Iraq's constitution.

## 8.2 The Iraqi Constitution

The Iraqi constitution has aspects of power sharing arrangements. Article 49 states that the legislative shall uphold the representation 'of all components of the people,' and representation in the Council of Representatives is set at a ratio of one seat per 100,000 Iraqis. Nevertheless, the detail of anything related to the elections has to be regulated by a law. The actual outcome of that, however, has been the adoption of a system of proportional representation aimed at maximising proportionality, an idea both recommended and preferred by Lijphart for deeply divided societies.

The Iraqi constitution maintains that Iraq is a single federal state and its system of government is parliamentary, establishing the two traits of segmental autonomy and a parliamentary system as prescribed in Article 1 and Articles 116-121. Lijphart favours federalism as the most appropriate way to accommodate different territorially concentrated groups and prefers parliamentary to presidential systems in these societies. The Iraqi constitution, in Article 70, gives the Council of Representatives power to choose the Head of the Republic provided there is a two thirds majority. The term in office is limited to four years and the Head of State's powers are extremely limited and essentially ceremonial. The Prime Minister, however, holds the prime executive authority and is responsible for the general policy of the state as well as being the commander-in-chief of the armed forces (Article 78). This is also one of Lijphart's propositions, that the Prime Minister should have extensive powers, while a Head of State is restricted to symbolic and ceremonial powers.

In the Iraqi constitution there is no mention of politicising ethnicity or sect, or to institutionalising ethnic or other differences. In reality, however, the constitution has been implemented using a variety of less-formal power sharing practices particular to Iraq that recognise its diversity. The federal executive operates power sharing among three main groups with the division of the major posts of President, Prime Minister and Head of the Council being given to a Kurd, a Shia and a Sunni, respectively. This division of power based on ethno-sectarian differences is a political reality in Iraq. There is a consensus among the politically significant community groups that such an arrangement guarantees political stability and, more importantly, it is what the Iraqi political elite regard as the only practical resolution.

Iraq's federal executive power is shared in a broad or grand coalition. In the aftermath of the elections in 2005, 2010, and 2014, the political elite from different groups negotiated to reach various agreements including a distribution of power through power sharing. The constitution in effect allows for a de facto power of veto. In relation to constitutional amendments for a referendum to be deemed successful in approving a change, the majority of voters must vote for it but, crucially, it must also not be rejected, 'by two-thirds of the voters in three or more governorates' (Article 142). This clause, with the stipulation of 'three or more governorates', was introduced by Kurds, as at that time in those three governorates they had an absolute majority. The inescapable conclusion is that the constitution implicitly gives the power of veto to community groups concentrated in a geographic area.

Whether implicit or explicit in the constitution, or whether in formal institutions or informal practices, the context of Iraq manifests a consociational power-sharing system with proportional representation accompanied by grand coalition, segmental autonomy and veto. Further consensual traits are explicit in the constitution including: a federal and decentralised government, multiparty system, bicameral legislature, and a flexible constitution that can be amended by a simple majority. This analysis of Iraq's context and constitution demonstrates that Lijphart's recommendations for constitutional design in divided societies, in fact, coincides with resolutions that the political elite in Iraq have reached through a process based on an understanding on what could work for Iraq.

### 8.3 The Shia Perspective

#### Drafting the Constitution: Process or Proposal

The Shia regarded designing the Iraqi constitution as a process rather than a set of proposals. They view the current constitution as the outcome of consensus between different groups. Although the interviewees<sup>132</sup> referred to the presence of American advisers in some sessions, they stated that they did not direct but rather brought

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<sup>132</sup> The Shia members of the Constitution Drafting Committee who were interviewed here are: Human Hamoudi, Baha al Araj, Khalid Abazar Attyi, Abbas al-Bayati and Sami Askari.



differing views together on issues such as federalism, oil and identity, to help reach an outcome that would satisfy all parties. The design of the constitution relied on Transitional Administrative Law (TAL) which the Iraqi Governing Council (IGC) had established. It was intended to be ‘the source’ for drafting the constitution, but the Shia clergy refused any source for the constitution other than the Iraqi people themselves.

Humam Hamoudi, chairman of the drafting committee, at interview stated that the TAL was ‘only a point of reference,’ and further explained that what was important for the American’s during drafting stage was the chapter on freedoms and rights. They did not express direct views on any other issues.<sup>133</sup> This stance was confirmed by the President of the United States during his visit to Iraq in 2005. Hamoudi said, ‘I told him that the constitution should be written by the Iraqis and the United States should not impose it,’ to which the President replied, ‘I have nothing on the constitution other than rights and freedoms.’

The Shia viewed the United States proposal for designing and drafting the Iraqi constitution as a means of imposing democracy. Paul Bremer proposed the project and the idea that in each province the key figures, elite, tribesmen, and politicians should come together to elect those who would write the constitution (see, Bremer and McConnell 2006).<sup>134</sup> Ayatollah al-Sistani opposed the proposal, issued a fatwa and demanded elections and the formation of a founding council for electing those who would write the constitution. Eventually Sistani’s fatwa superseded Bremer’s proposal.

It is a view strongly shared by Shia members of the committee that Iraq is an example of an imposed democracy. Nevertheless, it can be argued that it is not completely imposed,<sup>135</sup> particularly on the issue of the drafting of the constitution. Hamoudi asserted that, despite American objections, the members had embraced Islam, and in reference to the constitution itself commented that, ‘we discussed it word by word.’<sup>43</sup>

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<sup>133</sup> A meeting that the chairman of the committee had arranged, the US ambassador had attended together with the Sunni representative, Adnan al-Janabi, and Kurdish representative Fuad Masoum (Iraq’s current president) and the Shia representative, Humam Hamoudi (the chairman).

<sup>134</sup> By this I mean the liberal ones, and also some scholars and teachers of universities and academics to write the constitution.

<sup>135</sup> The constitution was not imposed like the Japanese model where the constitution was written by Americans and then translated and imposed on Japan.

percent of the Shia membership of the drafting committee believed that members of that committee had the most influence on the process and the outcome of the final draft of the constitution. In contrast, only 18 percent believed that the US authorities had the greatest influence over the process.

#### Democratic Ideas versus Group Interests

Related to the design and drafting of the constitution is the issue of priority. During constitutional design in a divided society, priority is given either to the interests of community groups or to the principle of democracy. It was a view shared by all of the interviewees that the groups who participated in drafting the constitution had as their priority the protection of the interests of the groups that they represented. Democratic principles were not taken into account unless they served to protect these same interests.

This was confirmed by the wider response of the Shia members, 62 percent of whom believed that during constitution drafting sessions the interests of different groups was prioritised and only 6 percent believed that any priority was given to democratic principles. The data shows, from a Shia perspective, that the constitution is a genuine expression of the will of those Iraqi groups who participated in the process and was not imposed on a reluctant membership. While it is not mutually exclusive for the interests of community groups to be maintained while enshrining the principles of democracy within a constitution, it is evident that it was those interests that the committee members were determined to protect. As Atteya put it, the resolution of the conflict of interests between different groups is only one of the issues for which democracy has to find peaceful solutions.

#### Islam and Democracy

Another controversial issue, both during the drafting of the constitution and ever since, is the relationship between Islam and democracy. In Iraq's constitutional design process, the members of the committee came up with a formula to constitutionally reconcile the established provisions of Islam and principles of democracy. As al Arajji put it, it was the compromise between two worldviews held by the members of the committee, one secular and the other Islamic. From a Shia perspective, Islam and democracy are not irreconcilable, although both the established provisions of Islam and

democratic principles seem to have some elements that might be difficult to reconcile. They consider the order in which the clauses in the relevant constitutional article appear to be significant. 'Islamic provisions' proceeds 'principles of democracy', therefore, they argue, the article explicitly has precedence over democracy which comes second. In Bayati's words, 'the established provisions of Islam such as halal and haram cannot be subject to laws.' In this way, Islam becomes part of the identity of the state, as the official religion.

The Shia perceive democracy within the context of the Iraqi constitution, which equates either to a mechanism for elections and consultations akin to Shura in Islamic rule. Democracy is strictly applied in the context of the second chapter of the constitution where it addresses personal rights and freedoms. Hamoudi, nonetheless, elaborated further on this issue and argued that the second article 'does not force Islamic law, but rather protects it,' in matters of personal freedoms. For instance, legislation cannot be passed to instruct women to take off their headscarves and veils, similarly legislation cannot be passed which obliges women to wear a headscarf or a veil. Even if such a law was promulgated, it would be successfully repealed under the personal freedoms and rights sections of chapter two. The Shia believe that there is a wide degree of commonality between Islamic Sharia law and democratic principles that could enhance one another.

Having said that, almost all the Shia interviewees regarded the Iraqi constitution as democratic, and believed that it could institutionalise democracy. The Shia members of the committee participated in the drafting process with parliamentary democracy in mind and so supported extended powers to the legislature, the House of Representatives. They also stressed the need to give many of the executive tasks to the House, such as appointing ministers, ambassadors, military officials, and the judiciary. A distinguishing characteristic of many parliamentary systems is a balance between executive and legislative powers. For example, the legislature can often pass a vote of no confidence in the cabinet while the executive, in certain circumstances, can dissolve parliament. Shia support for a parliamentary system in the constitution was far reaching, as Hamoudi said, 'we have taken away this power from the council of ministers, they cannot dissolve the parliament, and the legislature has hegemony over the executive.'

In their reference to the democratic attributes of the constitution, other than those personal rights and freedoms possibly initiated by the Americans, the Shia refer to periodic peaceful alteration of power. Hamoudi specifically highlighted the independent commissions such as the Human Rights Commission, the High Electoral Commission, as well as the formation of the national media. According to the constitution, none of these are subject to either the executive or the legislature. This is a new experience in the Arab world, an example that both Libya and Tunis have followed. It is Bayati's view that Iraq's democracy is an Iraqi interpretation of a liberal version. 87 percent of members of the committee believed that democracy and Islam are compatible. For the Shia, in Attieyia words, 'one of the duties of the Iraqi project is to work on the common grounds between Sharia and democracy to bring them closer.' The following section on amendments on the Iraqi constitution makes it clear what type of democracy the Shia have in mind for Iraq, and whether that equates to some sort of consensual system or not.

#### Constitutional Amendment and Concluding Remarks

To the Shia, the current constitution was written during a critical political period in which they found themselves under a dual pressure, both of past experiences and uncertainties about the future due to their anger at Sunni dominated centralised rule in the past and their fear of a Sunni return to power in the future. Although while drafting the constitution the Shia comprised the majority of the committee, with 28 out of 55 initially, their fears determined many of their preferences for the political structure. They established a federal government with limited power, supported a parliamentary system with extended powers, and embedded the role of Islam in the constitution.

Nevertheless, their take on many aspects of the constitution has been affected by the way politics in Iraq has developed over the recent years. After almost a decade living by a mainly Shia influenced constitution, there is a strong view that the constitution is in need of revision and amendment. Accordingly, a constitutional revision committee has been established chaired by Humam Hamoudi. The Shia has not changed in relation to Islam. However, on the political system, the federal structure, and oil revenues, there seems to be a change in attitudes. They demand that the constitution allows for the

Prime Minister to be elected directly by the people, the government to be formed based on the majority, more powers to be given to the central government, and the type of electoral system to be stated in the constitution as one of disproportional representation. In addition, the Shia members of the committee wanted to see federalism as only an administrative tool.

Their interpretation of the constitution's power sharing provisions between the central government and the regions and provinces is strictly applied to administrative bases and issues. For instance, Hamoudi believes that Article 140, on which the Kurds refuse any sort of amendment, is 'politically written not legally'. He stressed that the article is vague and has no clear mechanism for implementing it, arguing that provincial boundaries are fixed. Thus, a view also shared by al Araj, Bayati and Attia is, if the constitution was to be amended on these issues, the wordings must be clear and explicit. The Shia insist that the constitution needs to be very precise, specifically in defining the majority, the powers of the federal government, and also the electoral system.

Among the Shia, the preferences by a wider group of respondents in the committee showed 62 percent in favour of constitutional amendment and, if the opportunity arose to amend the constitution, 88 percent preferred that more powers should be given to the central government. Only 12 percent demanded more powers to the provincial administrative units. If the Iraqi constitution was to be amended it is inevitable that the Shia would support a more centralised government, government based on the majority, a disproportional electoral system, and administrative federalism. Hence, the findings indicate that the Shia are not in favour of a consensual application of the constitution and without that support such a consensual application, a consensual democracy, cannot be achieved.

## 8.4 The Sunni perspective

### Constitution Drafting: Process versus Proposal

The Sunni initially boycotted the constitutional committee and had no input into it other than through one token member. By the time their membership increased to fifteen,<sup>136</sup> the process of drafting was well underway and the Shia and the Kurds were a month into the process of drafting. The subcommittees had dealt with many of their tasks. Unsurprisingly, Sunni perceptions of the final document, as indicated by their many comments on its content was, and remains, highly sceptical.

When it came to the ratification of the draft, Sunnis were divided on the matter; Salih al Mutlaq, one of the chief Sunni negotiators, urged the Sunni community to vote against the constitution, while Tariq al Hashimi supported the document after Article 142 was added as a guarantee that the constitution would be amended to take Sunni views into account.<sup>137</sup> That lack of a unified discourse among the Sunnis, perhaps more than any other factor, has undermined their influence in post 2003 Iraq. The Sunnis were persuaded, mainly by the American's who were in a rush to meet the August 15 deadline for the draft, to accept and vote in favour of a document that they had not thoroughly discussed. That is Jaburi's view; the United States was directing the process closely and most aspects of the constitution 'were not even discussed or addressed during the debates' by the Sunnis.

The Sunni accept that the Iraqi constitution was the outcome of an ill-conceived consensus among different groups, reached only on the condition that it would be amended no more than four months later. The Sunni, however, unlike the Shia, emphasise the presence of the United States as being a major influence on the constitutional committee. However, whether they see this influence as over the Sunnis,

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<sup>136</sup> The Sunni were not part of the national association but got elected based on a conference that represented the notable figures of the Sunnis who were then elected based on merit, expertise and also their representation of the provinces and political views. Four were from the Islamic party (ayyad, salim, salman al jumaliy and ala sadun) mahmood mash hadani, salih mutlag, faxir a qaisi, izadin dolla, and also two assassinated during drafting the constitution.

<sup>137</sup> Article 142, First: The Council of Representatives shall form a committee from its members representing the principal components of the Iraqi society with the mission of presenting to the Council of Representatives, within a period not to exceed four months, a report that contains recommendations of the necessary amendments that could be made to the Constitution. The committee shall be dissolved after a decision is made regarding its proposals.

as opposed to the elements included in the constitution, is not entirely clear. During drafting, the Sunni bought into American assurances and believed that many of the suggestions made by American advisors could help build democracy in Iraq. That was most obvious in the Sunni re-engagement in the political process, their vote in support of the constitution and participation in the Iraqi apparatus of rule since mid-2005. Samarai believed it was unfortunate that most of the positive suggestions put forward by American advisers, even on technical points, on how different parties could overcome their disagreements, were not taken up. 63 percent of the wider Sunni group on the committee believed that the United States had a major influence through pressure on the Sunnis to accept a constitution of some kind. Given their weakened political situation, and American attitudes, it can be argued that the Sunnis had no other option than to accept a constitution.

#### Democratic Ideas versus Group Interests

Whether for the Sunni elite, during the drafting of the constitution, the principles of democracy were a priority or the demands of different groups took precedence, most Sunnis canvassed had no doubt that the interests of different groups were the priorities. Samarai pointed out that the Americans insisted on personal freedoms and rights and left the rest of the political system for the members to sort out. Iraq's identity was one of the main concerns for the Sunnis. Their aim was to establish in the constitution the proposition that Iraq was a part of the Arab nation. The Kurds refused to accept this and instead proposed the wording; 'the Arabs of Iraq are part of the Arab nation.'<sup>138</sup> The view of 87 per cent of the wider Sunni membership of the committee was unequivocal; during drafting, priority was to be given to the interests of different groups, over the principle of democracy.

#### Islam and Democracy

The Sunni are, in the main, nationalist, secular, and not as overtly deeply religious and sectarian as the Shia. Most, whether secular or Islamic, think that the religion of Islam is one of tolerance and openness to novel interpretations of some aspects of Islam that

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<sup>138</sup> The Kurds had also added to that; 'and the Kurds of Iraq are part of the Kurdish nation'. In the final constitution, however, this was solved in Article 3. Iraq is a country of multiple nationalities, religions, and sects. It is a founding and active member in the Arab League and is committed to its charter, and it is part of the Islamic world.

can be compatible with democratic rule while retaining key Islamic principles. Therefore, almost all the Sunni interviewees<sup>139</sup> expressed the belief that, fundamentally, there is no inherent clash between Islamic provisions and democratic principles and any possible contention was not their prime concern. However, Jaburi referred to the second article as ‘incoherent text that reflected a problem which was overcome by the committee’ and as a sign of mistrust and fear between the Islamic and secular members on the committee. The former included the first part of the article to protect Islamic *sharia*, and the latter put the second half of the article in to protect individual freedoms.

The Sunni interviewees, in their reference to the session on the position of Islam during the constitutional drafting, often referred to the stance taken by the Shia on the wording of the second article. During the session there were other suggestions, for instance, to state ‘no law shall contradict the principles of Islam’ (Arabic: *la tata arath ma’a mabade al islam*) but the Shia demanded the exact wording of ‘established provisions of Islam’ (Arabic: *thawbit ahkam al islam*). Samarai voiced his concern that ‘the Shia might have some hidden intentions’ with their insistence on the exact wording, refusing to accept anything else. The Shia, in all probability, took the phrase ‘established provision of Islam’ from the Shia clergy in Iraq, but at the moment this remains mere speculation, though a reasonable hypothesis. Unlike the Shia, the Sunni tend to avoid theorising about the relationship between Islam and democracy. They tend to be more pragmatic in their outlook, taking Islam as the religion of Muslims in Iraq and democracy as a system by which these Muslims willingly choose to govern their affairs. For them, therefore, there is no clash (and there should not be) between the two; 88 percent of the Sunni membership of the committee believed that Islam and democracy are compatible.

On the level of democracy within the Iraqi constitution, and whether it could facilitate a genuine democratic state, the Sunni maintained that the constitution is more democratic than the constitutions of the neighbouring regimes, especially in the areas of individual freedoms and rights. At the time of drafting the constitution, the Sunni, by and large, were in favour of a centralised and unitary Iraq. The Sunni Islamic party,

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<sup>139</sup> The Sunni interviewees on the Iraqi constitution include, Ayyad Samarai, previously the Speaker of the Iraqi House of Representatives and Salim al Jaburi, the current head of the Iraqi House of Representatives. A few others refused to share their names for security reasons.



which had four representatives on the committee, had proposed the formation of fifteen regions to coexist with the Kurdistan region, but this was rejected by a majority of Sunnis for, as Jaburi stated, at that point, ‘Sunnis were refusing federalism fundamentally.’ It was only later, through the way Iraq’s politics developed that the Sunni realised that a centralised government was not in their best interests. The interviewees, therefore, have now come to the other end of the spectrum; from favouring a centralised option, they have jumped over the decentralised option and gone straight to a demand for a region similar to the Kurdistan region in terms of powers and structure. This demand has been rejected by the Shia federal government.

The Sunni members of the committee maintained that the constitution should give the power to the majority but with reference to their right to form a region and protect the rights of the minorities. Although they accept that the text of the constitution was democratic, they claim that chapter two on human rights has been put aside ever since the constitution was ratified. Jaburi, then the head of the Human Rights Committee, stated that there have been explicit violations of the constitution and the human rights of Sunnis. Samarai made a similar point, that it is not so much the text that is at issue but its interpretation. One of the weaknesses of the constitution, it is argued, is that it has many open ended clauses that are unclear and as yet not clarified. Therefore, from the Sunni perspective, the Iraqi constitution needs to be more precise with more respect for, and adherence to, democratic principles. Most of the complaints from the Sunni related to the neglect of Article 142 that had promised an amendment, a promise that formed the basis of Sunni endorsement of the constitution. A decade has passed and the promise has still not been kept. Consequently, many of the Sunni elite demand the complete re-writing of the current Iraqi constitution.

#### Constitutional Amendment and Concluding Remarks

Sunnis made choices during the drafting process which they later regretted. The Sunni boycott of the political process, prior to 2005, made them overestimate their position and underestimate the Shia. They lacked experience in post 2003 politics, and in the constitutional committee in which the Sunni had limited influence, they used it to propose a centralised state and oppose federalism. That centralised government took

very hard measures against them. As a Sunni interviewee put it, the sectarian politics have strengthened their faith in the idea of decentralisation.

Over the past decade living by the constitution, and the way it has been implemented, the Sunnis have come to realise that they have become a minority in Iraq. Consequently, on almost all the aspects of constitution their stance has been reversed from its initial position. Currently the Sunni support power dividing mechanisms and, if an opportunity arose to adjust the constitution, they would hope to establish such mechanisms much more definitively. The findings show that Sunnis are in favour of a constitutional amendment, what they refer to as re-writing the constitution, and the issues requiring change, on which there is a total agreement among the Sunnis, are the structure of federalism in Iraq, the powers of the provinces, and the formation of regions, including disputed areas. Samarai argued that the constitution allows for the idea of federalism, but it is now necessary to articulate exactly how that is to be brought about.

On the disputed areas, the Sunnis want a clear definition of 'areas', whether they are villages, towns or provinces, and it seems very unlikely that they would accept either Shia or Kurdish interpretations on what constitutes a 'disputed area'. A frequent refrain is, 'Who has the right to say it is disputed over?' If the constitution was to be amended, the Sunni would support a federal system. They would demand more clarity on power sharing mechanisms, as well as on the structure of federalism, and they would insist on mechanisms being defined clearly in Articles. They would also hope to identify in an article which provinces form regions and put an appeal mechanism in place in the event of a dispute with, or violation by, the federal government that would include sanctions against the government for any breaches. A decade of sectarian rule has made it difficult for the Sunnis to accept their current subordination to a centralised authority, and many believe a Sunni region is inevitable, even if the necessary constitutional amendment is hard to achieve. Among the wider respondents, 62 percent support a constitutional amendment and more than 90 percent prefer that more powers are given to the regions. In short, the Sunnis demand a consensual application of the Iraqi constitution and hence support the establishment of a consensus system in Iraq.

## 8.5 The Kurdish Perspective

### Constitution Drafting: Process or Proposal

The drafting of the constitution was a historic opportunity for the Kurds for which they were well prepared. They were more organised than either the Sunnis or the Shias and knew precisely what they wanted in a post-Saddam Iraq. Their prime objective was the preservation of their autonomy. The Kurdish autonomous region was a safe haven for the would-be leaders of post invasion Iraq<sup>140</sup> and this gave the Kurds a greater leverage, both in re-making Iraq and also in designing its constitution. The Kurdish members of the committee pushed that the TAL should be ‘the source,’ and was the base upon which a consensus on Kurdish demands in a future Iraq had been reached.

Although the Shia refused to accept any source for the Iraqi constitution other than the constitutional committee members, where they comprised the majority, the Kurds were successful in bringing their demands to the table and ensuring that many of the ideas that the TAL had addressed were included. For example, Article 142 in the constitution had previously been Article 58 of the TAL. This was achieved through intense Kurdish-Shia bargaining. The Shia had exploited the opportunity created by the Sunni’s initial boycott to imprint their majoritarian mark on their constitution and to satisfy some Kurdish demands. Therefore, it is Mahmoud Osman’s view that the constitution was an Iraqi product; it was an outcome of consensus reached by the members of the constitutional committee over which the United States had little influence. The Kurdish interviewees seldom made any reference to the Americans, arguing that they did not participate in the drafting process, although they were in contact and at times attended some meetings. Crucially, however, only Iraqis themselves ever attended full sessions.

### Democratic Ideas versus Group Interests

The Kurds, like the Shia and the Sunni, all stressed that during drafting priority was given to the demands of the different ethno-sectarian groups. Although Kurds made up only 15 out of the 55 initial members of the committee, their influence was far reaching. Thanks to their unity in Baghdad, Kurds had their demands for shared rule and federalism in the constitution met, and achieved both the offices of the presidencies of

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<sup>140</sup> Many of the opposition leaders of the former regime, both from the Sunni Arabs and the Shia Arabs, have been living for some period of time in Iraqi Kurdistan.

Iraq and the federal region of Iraqi Kurdistan. However, it was Faraydoun Abdul Qadir's view that much of the Iraqi constitution is a result of two competing sets of ideas, religious and secular, in which the religious had precedence and introduced a sectarian element into the draft. A majority of 75 percent of Kurdish members confirmed that priority was given to ethno-sectarian group interests, rather than democratic principles.

### Islam and Democracy

The majority of Kurds are Sunnis, but the Kurdish question in Iraq is not a sectarian one. They are ethnically different from the rest of Iraq, hence their drive is to secure ethnic identity. The data shows that Kurds do not see any incongruity in a majority Muslim community and the establishment of a western style liberal democracy. Kurds are secular in their outlook and they have tried to maintain a distance from Iraq's sectarian divide. Nonetheless, the position of Islam in the Iraqi constitution has concerned them as Iraq was already characterised by sectarian tension. Kurds' fear was not of Islam but rather of a certain sect's interpretation of Islam that might contradict or be at odds with the type of democracy Kurds wanted for Iraq. That fear manifested itself during the constitutional session on the relation of Islam and legislation. Osman at interview intimated that the Kurds proposed a clause for Article Two, which maintained 'the established provisions of Islam that are agreed upon by Muslim scholars,' knowing that actually there are numerous issues within Islam, including political and legislative ones, that do not have universally agreed interpretations shared by all Islamic scholars. That proposition was rejected by the Shia. As an alternative, the Kurds put forward the proposal that, at the very least, there must be a law to state that 'no legislation should be established that goes against the principle of democracy.'<sup>141</sup>

There is a similar problem with the Iraqi federal court which has still not yet been established. The Shia demand that religious scholars should have a veto on the laws that are deemed as anti-Islamic but Kurds have opposed this, perceiving in it an implicit threat. Osman stated, 'it is a threat, not only Islamic, but also they want to force sectarian ideas.' Ahmad Said Abdulwahab argued that with the implementation of such

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<sup>141</sup> Osman further explained that there was a proposition by the Shia to put into a different article, but the Kurds, along with other secular members of other groups, insisted that both clauses should be within the same article to give both equal significance and relevance.

views, the Shia aim 'to build a state similar to Iran's *Velayate Fatqih*, which is a theocracy.' As to the wider respondents among the Kurdish members of the committee, 50 percent were undecided as to whether Islam and democracy are incompatible, 30 percent were convinced that Islam is compatible with democracy, while only 12 percent believed that Islam and democracy are irreconcilable, referring to a sectarian interpretation of Islam in Iraq.

The Kurdish constitutional committee members see the constitution as democratic, and almost all the interviewees regarded it as a 'good constitution' and believe that if implemented correctly through power sharing, could pave the way for a true democracy. They made frequent references to themselves as the 'democratic group' on the committee and although they had comments on the final draft of the constitution, their objective then was to build a consensus which required accepting paradoxical views. In Dindar Doski's words, 'democracy in the constitution is characterised by Iraq's particularities.' The data shows that for Kurds the most important democratic elements that are specific to Iraq are the consensual un-written laws and the informal practices, which they called the political customs, which supplement the democratic traits of the constitution. Faraydon Abdulqadir, the head of the committee for the final revision and associated rules, stated that the current Iraqi constitution was the best possible democratic constitution that could be achieved taking into account the circumstances under which it was written.

#### Constitutional Amendment and Concluding Remarks

The Kurds, during the drafting process, had made political bargains at a time when they enjoyed some leverage on power. The data shows that revision of the constitution is not attractive to Kurds and it is not surprising that they are not in favour of an amendment. What they established in the constitution was partly due to the lack of experience of other groups at the time, now no longer the case, and in part due to the specific circumstances that led to sectarian violence in the country reaching its peak. An amendment could deprive them of their already established constitutional rights. Another reason that Kurds are not enthusiastic about adjusting the constitution is because much of what they had established in the agreed draft in 2005 has never been implemented, for example Article 140 on disputed areas such as Kirkuk.

Instead of an amendment, Kurdish interviewees are more inclined towards activating the federal court. That is because, unlike the Sunni and the Shia, Kurds have their own federal region. Over the past decade, there have been disputes between their region and the federal government over revenues and oil, delegated powers of region, and security forces. Kurds are of the opinion that such matters should have been handled by the federal court as the body that should be most qualified to provide binding interpretations of the constitution. Osman argued that so far, on many disputes, the Iraqi federal government has refused to undertake the legal procedures provided for. The Kurds believe that the mechanism in the constitution for amendment is problematic and cannot easily be determined unless a political agreement is reached by different parties. It was intended from the very outset of drafting that such agreement would be reached but this, also, has so far not materialised.

Kurds have not shifted their stance on the content of the constitution in relation to the political system. The issues that almost all interviewees agreed should be re-considered were federalism, individual freedoms, and federal revenues. The Kurds are the pioneers of a federal Iraq, they supported a federal Iraq at the time of drafting and they support it now. They demand more powers to the regions and favour a decentralised government. They see federalism in fiscal terms, and demand more autonomy in dealing with natural resources and a fairer distribution of national wealth between the federal government and the region. In terms of individual freedoms, they feel that Article 41, where the sect has authority over family relations, should be amended. The view of the wider respondents re-affirmed the major findings, with a majority of 50 percent not in favour of amendment while 30 percent preferred review of some articles. 75 percent were of the view that more powers should be given to the regions and only 25 percent preferred maintaining a balance between the powers of the region and the federal government. Hence, as long as federalism and the implementation of Article 140 are concerned, in Doski's words, 'the possibility of its implementation depends on the integrity of the government's intentions.'

In summary, the findings show that Kurds strongly support a consensual application of the constitution, with more powers to the region and more autonomy. They see the only

guarantor to Iraq's unity as being an approach that respects the principle of power sharing and shared rule, which could lead to the establishment of a consensual system in Iraq. In the absence of such an application of the constitution, Kurds might not wish to stay part of Iraq and secession is always an option.

## 8.6 The Constitution: Persistent Challenges

The Iraqi constitution is characterised by two distinctive features: it was written by political elites, and it is a politically driven document. Amendment requires a consensus among the Iraqi political elite, involving intra-group consent. Any amendment, therefore, will inevitably be a long drawn out process. Humam Hamoudi, the chair of the Constitutional Amendment Committee, stated 'when we formed the committee the amendment was supposed to take only 4 months and it has taken more than 4 years and we have not reached any conclusive results.'

An amendment is divided into three revisionist sections; first, re-wording; second, addition of articles and details (to date 80 non-controversial articles have been added with little disagreement); and third, revision in the area of sensitive political issues involving the structure of the political system and issues that lack agreement (federalism, powers of the regions, oil and federal revenue all remain contentious). The committee could find mechanisms to deal with these matters but almost all interviewees stated that there is a disagreement on how to actually start. The vagueness of the articles in the constitution, coupled with political unwillingness, seems to be almost insurmountable obstacles that make a constitutional amendment hard to achieve.

The lack of clarity has encouraged mistrust among the political elite, and even for the members of the committee who wrote it, the mechanisms for implementation are not clear. In their responses to the question of whether the constitution provides mechanisms for implementation, a majority of 45 percent believed that the mechanisms are vague, and 34 percent believed that the constitution lacks any mechanism by which it could implement its articles.

In the constitution, Article 76 states that, 'The President of the Republic shall charge the nominee of the largest Council of Representatives bloc with the formation of the

Council of Ministers'. This was the subject of much controversy after the 2010 national elections, as the mainly Sunni Iraqyya list was the winner with 91 seats. The Shia objected, and took the matter to the federal government. Meanwhile, the two largest Shia lists joined together in the parliament and formed a bloc of 156 seats. As a result, the federal court tasked the Shia with forming the government. Many believed that the article was not clear on this matter, as it referred to the largest electoral bloc in the elections, not the largest bloc after coalitions, within the parliament. The view of the majority of the members of the constitutional committee,<sup>142</sup> 74 percent, was that the formation of the 2010 cabinet was not in accordance with the constitution.

Although the Shia were in the majority, they could not form a majority cabinet and started negotiations with other groups and formed a broad coalition cabinet. This, again, suggests that Iraq is run with consensus among its main group. As far as the constitution is concerned, an assumption universally shared by the members of the committee was the importance of the role and influence of the political elite in implementing the constitution. Many of them also argued that the future of Iraq rests on the decisions that the political elite make concerning the most controversial issues in the constitution.

The qualitative data shows that the democratic ideas in the constitution originate from the consensus that the political elite of the Iraqi opposition groups reached in 1992 in Vienna and Saladin, as an alternative to the Ba'ath regime.<sup>142</sup> In the aftermath of the regime collapse, that consensus continued and the Iraqi Governing Council, comprising 25 members of the political elite, representing different ethno-religious groups, was initially appointed to govern the country. Together with input from American advisors, they wrote the TAL which was an expression of many views held by opposition leaders concerning a future Iraq. The intra-group findings show that the majority of the members within each group were of the view that in drafting the constitution in 2005, the interests of different ethno-religious groups were the priority. This was confirmed by 70 percent of the overall members of the drafting committee. That indicates a democratic Iraq can only be conceived as a consociational model, one that constitutionally accommodates the interests of different groups.

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<sup>142</sup> This analysis was shared by many other interviewees, among them Mahmood Osman and Hamid Majid Musa, who were members of the Constitution Drafting Committee and who also had participated in the 1992 meetings.



While designing the constitution, again with the exception of chapter two, which was directly, and some say strictly, supervised by the United States, on most other essential issues on which there was disagreement among the groups, the article was deliberately left open ended and denoted with the clause ‘this will be regulated by a law.’ That, understood within the context of Iraq, is really a method of ensuring a majoritarian implementation of the constitution. The Shia are the majority and since the ratification of the constitution they have manipulated those ‘regularity laws’ to further tighten their hold on power. Hence, they have deprived the other groups of their constitutional rights, not implementing Article 142 in the case of Sunni, and disregarding Article 140 in the case of the Kurds. The Iraqi constitution, therefore, implicitly is biased towards majority rule as Iraq’s political system is parliamentary and there are few restrictions on the powers of the majority in the parliament.

That political consensus, present during the drafting of the constitution phase, has evaporated due to the hesitation in applying it on a consensual basis after its ratification in October 2005. Since the formation of the first representative government, the interpretation of the constitution has consistently been in line with the interests of the Shia majority. The principles on which it was drafted have been violated and its role as the safeguard of the interests of all groups in Iraq eroded. The main problem in the constitution is in its implementation. Certain issues might require a constitutional amendment, such as federalism. However, in the absence of political agreement, achieving any constitutional amendment remains a challenge.

## 8.7 Conclusion

This chapter began with an examination of the Iraqi constitution in relation to power distribution, and the system of polity that it envisions. It was clear the four principles of a consociational political system are blocked by the constitution. However, because the Shia have a majority, they have become an obstacle to a consensual implementation of the constitution. One of the main reasons that has led to a majoritarian implementation of the Iraqi constitution is its many opened clauses and articles, the interpretation of which have been manipulated by the Shia majority in the House of

Representatives. This has been regarded by the elites of the other groups as a clear violation of the power sharing principles on which the constitution was initially drafted.

The findings in this chapter demonstrated that the constitution was the outcome of a process of negotiation and political agreements among the elites of different groups. The Shia had refused any alternative proposals, with the exception of the chapter on individual rights and freedoms. They would not accept the TAL as ‘the reference of’ the permanent constitution, they accepted it only as ‘a point of reference’ along with many other sources, including the constitutions of other democracies with divided societies. Many democratic ideas and practices that were recommended for post invasion Iraq by the US authorities and the UN did not find their way to the final permanent document.

The findings highlight one further intriguing point; the greater number of elites from all groups confirmed that the group interests were prioritised during the process of drafting the constitution. Therefore, it could be deduced that the feasibility of ‘democracy’, or any other stable political system, in the future will depend primarily on maintaining a delicate balance between the interests of different groups and, conversely, not maintaining such a balance will threaten progress towards, not only democracy, but also the very stability of Iraq.

The findings confirmed that the majority of the elite from all groups believed that Islam and democracy are not mutually exclusive. However, the Shia views about the two clauses in Article 2 raises some concern. The Shia as a majority believe that the sequence of the two clauses in the article, with the first clause about Islamic provisions followed by the second clause on democratic principle, gives priority to Islamic provisions over democratic principles. This could indicate that as long as the interpretation and the implementation of the constitution is concerned, the future possible outcomes are going to be more ‘Islamic’ than ‘democratic’, based on a more Shia version of Islam.

Concerning future possible amendments, the findings showed, in terms of power distribution, the Shia were of the view that more powers should be given to the central

authority, with administrative decentralisation. The Sunni, who during drafting were not supportive of federalism or a de-concentration of power, now support both federalism and decentralisation. Kurdish views are that more powers should be devolved to the local governments and that there should be more constraints on the central authority.

The whole process of amendment has also been constrained by the expectations of different groups and their divergent, if not opposing, interests. As federalism has been one of the corner stones for the feasibility of democracy in Iraq, and with the Shia elite's antipathy to federalism, in terms of dividing powers among different groups, it can be argued that the future is less promising for group rights. The issues of federalism and the Iraqi constitution remain points of conflict between different groups, and the distribution of power as envisioned in the constitution has remained the single point of hope. That, however, as the findings of this study have shown, is subject first and foremost to a political agreement among the political elite and is a precondition for stability. The study has been, to an extent, circuitous and returned to its starting point; the political elites are the key to the stability of the polity, and the feasibility of democracy is subject to the decisions that they make. The initial hypothetical assumption, now based on the findings and the evidence presented throughout this thesis, is confirmed and it is established that, in the context of Iraq, the political process and future prospects for democracy largely depend on the decisions and attitudes of those elites.

## CHAPTER 9: Conclusion

### 9.1 Introduction

The previous chapters examined how political elites view democracy and political institutions. The empirical evidence indicates that the three main groups have different perceptions of what democracy means and they also support different institutional arrangements. This proved also to be the case for their understanding of federalism, and their proposals for constitutional amendment and power redistribution. This final chapter will now analyse what these findings mean for the future feasibility of democracy in Iraq.<sup>143</sup> The main findings of the research relate primarily to the idea of democracy, institutional arrangements, federalism and the constitution. The limitations of this thesis will be acknowledged and suggestions will be made as to future areas of research in this field.

At a time when the political body's avowed intention was to create and embed democracy in the country, the solutions were inevitably going to be complex. In Iraq's case, everything has hinged on the power sharing agreements negotiated by the key personnel from each ethnic or sectarian section of society. The agreements, and the approach of this thesis, were based on both conceptual and contextual premises.

The first premise was that democracy is government *by* and *for* the people. The focus has been on the political sense of the term and its application to governmental institutions, as articulated by members of the elites. The second major premise was contextual; in a deeply divided society the type of democracy introduced is crucial. This thesis has explored at length the type of democracy, and the institutional arrangements that follow that preference, that is supported by the majority of key political figures who actually make the decisions.

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<sup>143</sup> As has been argued, this thesis is concerned with democracy in divided societies and locates itself within the established literature in this regard. Therefore, it is argued that the findings regarding democratic development in Iraq (see section 9.4) may have implications for societies that have similar contexts to Iraq, (i.e. multi-ethnic, Muslim majority and divided societies, e.g. Syria).

Iraq's political history and current situation is characterised by the role of the political elite as the representatives of divergent ethno-religious groups. Structure and agency in Iraq are not polar opposites, they are congruent. Political elites represent their groups' causes and, in Iraq, it is unthinkable to divorce a group from its cause. Therefore, the emphasis on the political elite in the context of Iraq does not mean that the socio-cultural differences within the country are ignored, quite the reverse. Political elites have different conceptions *of* and expectations *from* democratic ideals but they do mirror the views of their constituents. The groups' conceptions of democratic ideals as either majoritarian or consensus are derived from not only their size but other factors, such as historical legacies, the values the group wants to serve, and the specific goals that they wish to achieve. Shia religious beliefs, Sunni Iraqi nationalism and Kurdish ethno-nationalism all play key roles in determining how each group defines the idea of democracy.

In this chapter I will first describe the contributions of my thesis, which are both theoretical and empirical. Then I will pay attention to some limitations of my research. Finally, I will discuss some of the key implications of my findings for the potential of democratic developments in Iraq.

## 9.2 The Contributions of my Thesis

As chapter 2 showed, there has been a gap in the literature on the issue of institutional design for building democracy in countries that are culturally and ethnically divided. Some scholars recommend power sharing institutions,<sup>144</sup> while others advocate majoritarian institutions.<sup>145</sup> Although both, to varying degrees, emphasise the role of leadership, they neglect the views of the political elite in determining institutional arrangements and constitutional design. My thesis takes the views of the political elites on institutional arrangements as representative of the views of their groups.

The gaps in the literature on 'democracy' in Iraq are twofold. The first concerns the general approach to the likelihood of a democratic system in Iraq becoming embedded.

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<sup>144</sup> For example, Lewis 1965; Lijphart 1984; and Reynolds 1999.

<sup>145</sup> Horowitz 1991; Sartori 1997; and Reilly 1997.

The second covers particular issues connected to Iraq's democracy, such as federalism, the constitution, and the role of Islam. The general approach in the literature on democracy in Iraq examines the structural factors of transition and how attempts to build democracy should be structured.<sup>146</sup> Unsurprisingly, therefore, the literature addresses the structural factors, social, economic and cultural, as challenges to democracy. Some scholars argue that these structures are not supportive to democracy.<sup>147</sup> Others argue that Iraq has specific factors, such as oil revenues and an educated and secular population that could create and facilitate the conditions for the country to become 'a successful model' of democracy for the Middle East.<sup>148</sup> By addressing the issues of feasibility, the existing literature has shifted the focus away from the role of agencies, such as political elites. This thesis has a markedly different approach and takes into account the significance of structure, in particular, the ethno-religious divide in Iraq, and focuses on the role of the agency. The aim was not only to address the likelihood of democracy successfully flourishing in Iraq but also to inspect and dissect the support for different types of democracy among members of the political elite.

As chapter 7 showed, a deficit in relevant literature on federalism in Iraq is another particular concern. The literature is characterised by a debate about power in relation to central and local governments.<sup>149</sup> Once again, the view of political leadership in Iraq seems to have been ignored. The ultimate conclusion of this research is that a consensual federalism has to be established since that meets most nearly the three requirements for a federal decentralised government, a bicameral legislature, and segmental autonomy which any analysis of the situation suggests is the best way forward for Iraq.

The literature on the Iraqi constitution has a structural focus on the role of Islam, federalism and the matter of oil and gas revenues.<sup>150</sup> This thesis addresses the

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<sup>146</sup> See Lawson 2003; Byman 2003a; Anderson & Stanfield 2004; Dawisha 2005; Nader 2003; Diamond 2005; Gupta 2007; Visser & Stanfield 2007; and Moon 2009.

<sup>147</sup> Moon 2009; Mokhtari 2008; Diamond 2005.

<sup>148</sup> Alterman 2003: 158; Byman 2003b: 72; Baracati 2004: 158; Ryan 2010: 65.

<sup>149</sup> Brancati 2004; Smith 2005; Salamey and Pearson 2005; Anderson and Stansfield 2005; Galbraith 2006; Anderson 2007; Visser and Stansfield 2007; Alkadiri 2010; Natali 2011; Hiltermann, Kane, and Alkadiri 2012; Danilovich 2014.

<sup>150</sup> Brown 2005a; 2005b; Morrow 2005; Jawad 2013.

controversial issues in the Iraqi constitution through discussions with members of the Constitution Drafting Committee. Those involved in drafting prioritised their own group interests. Discussions, however, did reveal the extent to which individual members regarded the finished document as democratic. Those participants were also forthcoming about what amendments they now favoured, if any, in the light of experience and changed circumstances.

Iraq, of course, is a Muslim majority country and Islam has become a part of the constitution. However, that linkage has the potential to restrict the scope of the legislature. The literature on Islam and democracy<sup>151</sup> is highly relevant to this thesis and this research fills a gap in this area, specifically on the compatibility of Islam and democracy. The existing literature covers the involvement of Islamic movements in the democratisation processes,<sup>152</sup> but there is a twofold gap in the literature relating to the conception of different democratic ideals with regard to different religious sects and ethnicities. Secondly, there is little on what type of democratic ideal Muslims in a Muslim majority country want, and what type works best in terms of institutional arrangements. The empirical chapters filled this particular gap in the context of Iraq by demonstrating that Muslims engage in politics differently and, hence, construct different identities that, in turn, make them support one form of democracy over another.

The main contribution is the analysis of opinions and responses from major political figures in Iraq, on key issues, during a turbulent period of political change and evolution. Single-country studies are of great importance and the field of comparative politics has benefited greatly from such research.<sup>153</sup> This case study, with its in-depth empirical data, is an important contribution to the study of the feasibility of democracy in deeply divided countries. Both the in-depth qualitative semi-structured interviews and the Large-N quantitative surveys, are a major contribution to knowledge on the post 2003 Iraq. Hence, the main contributions of this thesis are the following.

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<sup>151</sup> See, for example, Fanjari 1973; Enayat 1982; Sisk 1992; Esposito 1996; Brumberg 2003; Abou El Fadel 2004.

<sup>152</sup> Bayat 2007; Clark 2004; Henfer 2011.

<sup>153</sup> See, in particular, Tocqueville 1888; Dahl 1961; Lijphart 1968; O'Donnell 1973; Scott 1976; Popkin 1979; Tilly 1986; Tarrow 1989; Putnam 1993; Varshney 2002.

Chapter 3, in particular, makes an important contribution to the literature on democratic transitions, elite paradigm, and elite theory of democracy as well as the survival of democracy.<sup>154</sup> The key concept, continually re-enforced throughout a number of chapters, was the pivotal role of the political elite in Iraq's transition. This conclusion was based on the theoretical justifications for the role of political elites in relation to the survival of democracy.<sup>155</sup> Similar to the core assertion of 'elite paradigm', this study clearly showed that Iraq's transition towards either democracy or autocracy depends heavily on the 'consensual unity' of national elites. The elite paradigm argues that where consensually united structural integration and value consensus are extensive 'there is an underlying *consensus about the worth of existing political institutions*' (Higley and Burton 2006: 14 emphasis added). This study, however, argued that beyond an underlying consensus about the worth of existing political institutions, an extra element is required, a *support or consent among the greater number of elite for a consensual system*, as potentially the single most significant factor in the establishment and maintenance of a democratic system in a culturally and ethnically divided country.

The elite theory of democracy, in principle, concerns established democracies with complex societies. The application of elite theory to emerging democracies in a country culturally and ethnically divided can be regarded as a contribution to the elite theory of democracy. The theoretical framework developed for this thesis involved a model based on Dahl's conception of democracy as ideal and actual (1998). This thesis contributed to Dahl's work, by incorporating Lijphart's work (1999), specifically to address which institutions and what conditions favour democracy. While other works have discussed the role of political elite and institutions in building democracy,<sup>156</sup> this thesis differs from by studying the interrelation of political elites and the two forms of democratic ideals, majoritarian and consensus systems, in two interrelated steps. First, it examined the political elite's conceptions of democracy as an ideal (what values and goals they wish to achieve and serve with their appeals to democracy). Second, it examined preferences for what elites believed democracy needed in reality, in terms of what

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<sup>154</sup> During 1980s, scholars focused on the role of political elites in democratic transitions and this research adds to that body of knowledge (O'Donnell, Schmitter, and Whitehead 1986; Malloy and Seligson 1987; Baloyra 1987; Needler 1987; Karl and Schmitter 1991).

<sup>155</sup> This is proposed by a number of scholars, including; Hagley and Burton 1989; Field, Higley and Burton 1990; Dye and Zeigler 1996; Etzioni-Halevy 1997; Higley and Burton 2006.

<sup>156</sup> For example, Fukuyama 1995 and Diamond 2005.



institutional arrangement they supported (Chapter 6), and what conditions they thought such arrangements would necessitate (Chapters 7 and 8).

Chapter 5 focused on political elites' values and goals and their conceptions of democracy, connected to a relevant but different aspect of literature, that of Islam and democracy.<sup>157</sup> Iraq, as a Muslim majority country, necessitated an examination of the extent to which Islam plays a role in elites' conceptions of democracy. The findings illustrated that among the three main groups, only the Shia idea of democracy is limited by their interpretation of Islam. This thesis, therefore, extends the literature on the compatibility of Islam and democracy, and also that on democracy in Muslim majority countries. The real question does not lie in whether Islam is compatible with democracy, but rather what do Muslims really want. In a Muslim majority country, this chapter argued, the real focus should be on what type of institutional arrangement accommodates the different groups, and not to what extent democratic principles are compatible with Islamic values.

Chapter 5 also examined the different definitions of democracy supported by different groups, in relation to consensual and majoritarian ideals. The Shia conceived it as majority rule, and Sunni and Kurds as consensus. It was argued that the political elite's conceptions of democracy matter, and how elites conceive the idea of democracy could either build trust or destroy it. This thesis argued that the conception of democracy as majority rule in Iraq has undermined trust among members of different ethno-religious groups.

Chapter 6 contributed to the debate on institutional engineering in culturally and ethnically divided countries. There are different views on political intuitions and their feasibility and function in deeply divided societies. Some scholars recommend power sharing institutions,<sup>158</sup> while others suggest majoritarian institutions.<sup>159</sup> In general, the approach of this thesis contributed information from both perspectives in terms of the preferences of political elites for institutional arrangements. While acknowledging both

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<sup>157</sup> Fanjari 1973; Enayat 1982; Sisk 1992; Esposito 1996; Brumberg 2003; Abou El Fadel 2004.

<sup>158</sup> e.g. Lewis 1965; Lijphart 1984; Reynolds 1999.

<sup>159</sup> e.g. Horowitz 1991; Sartori 1997; Reilly 1997.

points of view, the conclusion of this thesis supports the arguments advanced by those supporting power sharing arrangements.

Preferences of the political elite from divergent perspectives on all institutional arrangements were explored, adding to the debate on institutional design in divided countries. This debate is centred around electoral engineering such as ‘alternative vote’<sup>160</sup> and objections to it.<sup>161</sup> One finding that is of particular interest was that proportional representation, a consensual trait, had the support of 90 percent of the political elite across different ethno-religious groups. This particular institution, in the context of Iraq, favours the Shia majority, and allows a monopoly of legislative power in a unicameral legislature. It can result in undemocratic outcomes, unless the House is constrained by other consensual institutions, for instance, a supplementary consensual bicameral legislature. It was argued that consensual institutions require supplementary power sharing or consociational informal practices, with federalism combined with devolved segmental autonomy and a constitution which allowed for power sharing and a grand coalition.

Considerable power is given to the parliament in Iraq by the constitution. This research specifically examined two areas in which the Shia majority act as a bloc and prevent the establishment of consensual elements within the power structure. Bearing in mind that a large number of the participants in interviews and surveys were members of the House, their views on this issue are especially pertinent. The Shia have concentrated the legislative power in the House of Representatives. They oppose the establishment of a second legislative unit, the Federal Council, as called for in the constitution. They have proved reluctant to implement the constitution consensually, examples of which are those articles concerning the Kurds (Article 140) on disputed areas, and the Sunni (Article 142) on amending the Iraqi constitution.

The idea of power sharing and the distribution of powers between the central government and other administrative units was explored in Chapter 7, as was the belief that federalism can be a source of political stability, and reduce the likelihood of

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<sup>160</sup> e.g. Brian 1975; Horowitz 1991: 188-203; Horowitz 2003: 122-23.

<sup>161</sup> See, Lijphart 1991: 9-101 and Lijphart 1995: 863-4.

secession. An issue dealt with because of its relationship to federalism, and relevance to the case of Iraq, is the politics of recognition, which in turn is interconnected to identity politics, when different ethno-religious groups strive to exist, politically, based on their identity.<sup>162</sup> This thesis examined the preferences of political elites, both intra-group and inter-group and contributed to the existing literature from the perspective of the political elite, their support for different forms of federalisms and federal structures in Iraq. Members of the Shia supported a form of federalism that could equate to administrative decentralisation while the majority of Sunni and Kurds believed that government would be less oppressive in a federal state comprising three different regions. The conclusion reached was that the best type of federal system for Iraq is 'symmetrical holding-together,' that is, all three regions having equal powers and the central government having devolved significant elements of its power to the constituent units to preserve the unity of the county.

Chapter 8 contributes to the relevant literature on the Iraqi constitution, which currently concentrates on the role of Islam and its relationship to federalism.<sup>163</sup> The findings of the research extended the empirical data on these issues, from the perspectives of the members of the Constitution Drafting Committee. There has been much controversy and speculation regarding the level of democracy inherent in the constitution because of the second article. The views of the members of the committee were certainly diverse, but the majority agreed that the two clauses in the second article are not contradictory. The first clause protects the established provisions of Islam as the identity of the state, and the second clause protects the 'principles of democracy.'

There has been a majoritarian implementation of Iraq's consensual constitution, which has violated the principle of power sharing among Iraq's main groups with the majority interpreting the open ended clauses and articles in a partisan manner. Iraq's democracy requires a consensual implementation of the constitution. Issues that are controversial in terms of amendment are the relative powers of the regions and the federal government, and the issue of federalism in general. Group perceptions of the constitution have changed since drafting and the task of amending it will not be an easy

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<sup>162</sup> Key studies in this area include Gutman 1994, Kymlicka and Norman 2000, and Carens 2000.

<sup>163</sup> See; Brown 2005a; 2005b; Morrow 2005; Jawad 2013.

one. The Shia demand more powers for the federal government, while the Kurds and the Sunni argue for more powers for the regions and local administrations. The two subjects of federalism and the amendment of the constitution continue to put Iraq's democracy to the test.

The constitution itself is characterised by two distinctive features; it is written by political elites, and it is written as an essentially political, not a legal, document. It has not been amended because any amendment requires a consensual intra-group consent by the political elites. Any movement on these matters depends on consensual unity but, if achieved, it, in turn, could lead to the establishment of a consensual federalism in Iraq. The fate of Iraq's political system depends very much on the decisions that the political elite make.

The allocation of time given for the design of the constitution was not insufficient. The haste with which it was processed left it with a number of important open-ended clauses within articles that themselves were often far from clear. This has caused numerous problems. Intra-group findings showed that the majority of the members within each group were of the view that in drafting the Iraqi constitution, the interests of different ethno-religious groups were prioritised over the establishment of democratic principles. Paradoxically, however, the vast majority of members of the committee regarded the constitution to be 'democratic'. This implies that the level of democracy of the constitution lies in its ability to accommodate different group demands and interests.

The Iraqi constitution is the guarantor of Iraq's unity. Each group has established its position in the constitution and these community demands have become their constitutional rights. That has two implications; the first of which is that a fully democratic Iraq can only be realised through a consensual model. The second is that the constitution has to be implemented consensually to preserve the constitutional rights of different groups, while safeguarding the unity of the country. The findings showed the issues in the constitution that are controversial are specifically related to Article 140 and Article 142 and require a consensual application if they are to have any legitimacy. However, these are the very issues on which a consensus seems a long way off and they continue to constitute major obstacles to democracy building in the country.

### 9.3 Limitation of my Thesis and Suggestions for Future Research

The first potential restriction to any academic work is the way in which the research issue is framed. This limits both the scope and the issues related to the particular case under investigation. However, narrowing the focus to concentrate on a manageable area for exploration is an absolute necessity if any in-depth research is to be undertaken. This research has consciously avoided the potential trap of investigating too much, at too shallow a level, and concentrated, instead, on the key role of the elites in the political process in Iraq.

To examine the potential of democracy in Iraq, through a focus on the political elite, implies an inside-out approach which excluded many internal and external actors, factors, and forces. Concerning the internal actors, this thesis narrowed its focus to the political elite and formal institutions as key to the governance of the country. It does not include other issues related to democracy in Iraq, such as socio-economic conditions, security and political violence, oil as a political commodity, and the role of political parties in the democratisation process. The role of external actors, including the role of neighbouring countries hostile to democracy, such as Iran and Saudi Arabia, and their role in democratic erosion and authoritarian promotion within Iraq as newly emerging democracy, were dealt with only tangentially.

In terms of theory, this thesis is limited by its minimalist conception of democracy as applying only to institutions of the government, though the institutions themselves are, of course, wide ranging. This choice can be justified by the fact that Iraq is a case in transition and its present conditions do not allow a broader conception of democracy. Research into a more embedded and consolidated democracy would require a different theoretical approach. The focus of this thesis was on elites and institutions, not on the structural factors within society. Limiting the findings to the views and preferences of the political elite could be seen as another limitation. This choice, however, can be justified through an acknowledgement that in the theoretical framework, both institutions and the political elite matter. Institutions remain significant explanatory

factors for either democratic erosion or consolidation. It is true that institutions of themselves cannot explain the entire process of democracy building, but as long as modern democracies are representative and institutions are the only mechanisms to facilitate the democratic will, then political institutions remain central to any study of democracies, whether established or emerging, complex or in deeply divided societies. In turn, when studying the arrangement of political institutions, the role of the political elite inevitably becomes central.

Limitation in methodology includes research methods and case study and design. As a single-country case study, there are limitations in terms of drawing generalised conclusions from such a prescribed sample, especially since the country in question has so many unique aspects. This, however, does not undermine either the significance or the integrity of the findings as a means of reaching a better understanding about the specific country in question. The research design is compatible with the theoretical framework and is based on a pragmatic philosophical worldview and qualitative and quantitative research methods. This thesis used concurrent triangulation design and concurrent embedded design as a framework through which data was analysed to satisfactorily answer the main research question.

New questions have arisen in the course of the study, in particular, the issue of elite preferences for majoritarian or consensual traits, which were dealt with in individual chapters. Other traits, the executive-party dimension (the concentration of executive power), and electoral systems, could provide a base for future research. There is majority inter-group support for the concentration of executive power in a single party majority. There is also majority inter-group support for a majoritarian disproportional electoral system. Iraq's cabinets have, so far, been based on broad multi-party coalitions, and its electoral system is one of proportional representation. Nevertheless, it is essential to examine those two traits in detail to ascertain whether such support implies that Iraq's consensual democracy could lead to the formation of a majoritarian democracy. At the moment, even the achievement of a consensual democracy is hard. Further research could involve the study of the political elite's role in mobilising their groups to participate in building democracy, and their role in building social capital through an actively engaged citizenry.

The inter-play of oil and the political elite, and its effect on the process of democracy building and Iraq's federalism in Iraq, could also be a fertile area for an independent study. Similarly, the Kurdish question and its impact on democracy building in the context of Iraq, with a focus on the role of political parties, could also prove to be an enlightening subject of inquiry. The role of Islam as an external factor on Iraq's democracy is an area that is likely to grow in significance in the light of the rise and the fall of Daesh, and the Shia monopoly of state apparatus. The Sunni, who are the minority in Iraq, in fact make up the overwhelming majority in the Islamic world. The Shia, who are the majority in Iraq, are very much the minority. This particular area is crucial when taking into account the role of other Muslim majority countries. Iraq is located in a critical position between two Muslim majority countries hostile to a liberal form of democracy, the Islamic Republic of Iran and Saudi Arabia. It is vital that Iran's influence on the Iraqi Shia political elite and Saudi Arabia's impact on the Sunni political elite, and their respective effect on the future on Iraq's political system and the future of its form of 'democracy', are considered and understood.

The role of outsiders is a further relevant issue to the role the Iraqi political elite in building democracy. On the subject of efforts aimed at democratisation and assistance in achieving democracy, it is crucial to know what sort of impact international state players have on the political elite. It is also important to examine the position of those players on institutional arrangements, especially what type of democracy they deem fit for Iraq and what help they can provide to help the Iraqi political elite to build their institutions appropriately. Similarly, the role and effectiveness of international non-state actors in relation to the political elite and institutional arrangement in Iraq could be an interesting subject of inquiry. As far as the Iraqi political elite and their preferences for democratic institutional arrangements are concerned, this research has been one among many. The case of Iraq remains crucial for democracy as a political ideal. Iraq is an oil rich country, it is a Muslim majority country at the heart of the Muslim World and in the middle of two extremes in terms of sects, as represented by Iran and Saudi Arabia. It is a culturally, ethnically, and religiously divided country, and it is an example of a country where democracy has been imposed. Iraq, as a case study,

will, in consequence, remain relevant for many years ahead and provide numerous opportunities for significant research.

## 9.4 Implications for Democratic Development in Iraq

The research findings in this thesis make suggestions on two distinctive points; which political system is more likely to emerge in Iraq and which prospects for developing a political system are more likely to ensure political stability. Taking into account the political reality in Iraq, where the Shia are the majority and, consequently, have the monopoly over the three branches of power, and the fact that the greater number of Shia political elite support a majoritarian system, it is not unreasonable to predict that Iraq is heading towards a majoritarian political system and a move away from the principle of power sharing. This is problematic as it has caused instability and political disagreement in Iraq.

The evidence outlined in Chapter 6 showed that on five variables the support of the greater number of the political elite was for majoritarian traits. However, this support has to be understood properly in the context of Iraq. That number included an absolute majority of the Shia, together with the minorities within the Sunni and the Kurds who supported the Shia stance. That is problematic because the outcome, in reality, has translated into a political system that does not have consent of the majority of the two latter key groups. The findings of this thesis suggest that the political system that would mostly likely work in Iraq and would have the consent of a majority of the minorities is a political system that respects the principle of power sharing.

Post 2003 Iraq was based on the consent of the three main groups in Iraq and the four principles of power sharing established in the constitution. A consensus democratic system, which stands alone as the only possible outcome that will be successful in the long term, requires two preconditions; consensual federalism and consensual implementation of the constitution. However, members of the majority define democracy in terms of majority rule, meaning their own majority Shia group. This is, in effect, the tyranny of the majority and is against the values of most advanced democracies where accommodation of the minority groups within its society is the hallmark of a sophisticated political system. It was demonstrated that conceiving



democracy as majority rule has been at the root of the mistrust that has emerged among the Iraqi political elite. It was argued that a majoritarian idea of democracy as the rule by 'the majority,' in Iraq's context, translates to rule by *a specific majority* and this could cause conflict rather than resolve it. Institutionalisation of power sharing principles requires a consensual form of institutional arrangements, in particular, through a federalism based on the segmental autonomy of the three main groups (Chapter 7), and the consensual implementation of the constitution in relation to Article 140 and Article 142.

A key conclusion confirmed by several chapters was that majority rule and majoritarian institutional arrangements are not suitable for Iraq. However, since the idea of democracy, on a small or large scale, includes both majoritarian and consensual ideals, this thesis examined both. Although the greater number of elites among the minorities supported a consensual form of democracy, the greater number of the majority supported a majoritarian system. The model for Iraq, therefore, depends mainly on the compromises and the political agreements reached between the different groups. The type of democracy, or any other political system that will work in Iraq, will be the outcome of those compromises and agreements, and will not necessarily follow either a purely majoritarian or consensual approach.

Any prognosis about the feasibility of democracy in Iraq cannot be more definitively arrived at than through an understanding of its political elite, how they define democracy, what they see as democratic, and what their preferences are. As a deeply divided society, this is even more the case in the context of Iraq. This study calls for an inclusive approach, one that takes into account the interests of the three main groups, and also maintains a balance between them in the apparatus of rule, establishing and sustaining power sharing in such a way it is not open to the criticism that minority groups, while nominally partners in government, are not genuine partners in power.

The findings of this research have demonstrated that state institutions cannot be natural; they are either democratic or non-democratic. Institution building in any given context either facilitates conditions for the emergence of a democratic regime or, conversely, hinders such progress. Therefore, state building efforts, as far as the institutions are

concerned, need to take into account the idea of democracy. Democracy in Iraq requires a gradual, rather than sequential, approach. This thesis puts great stress on the significance of institutions and this proved to be in line with the expressed views of the political elite as a whole. They believed that democracy building requires institution building first; that is, the idea of democracy necessarily preceding those institutions.

The fact that Iraq is a deeply divided country has been highlighted consistently throughout this thesis because it is the key to any understanding of what might keep the country intact. The different ethno-religious groups are located in separate geographically concentrated areas. These groups are characterised by strong feelings of belonging, and a feeling of “otherness” by which they distinguish themselves from other groups. These ethno-religious groups are not flexible but rigid. Therefore, any type of democracy in Iraq, from its foundation up, has to accommodate all these groups in the apparatus of rule, represent them, give them the power to influence political decisions, in proportion to their numerical strength, and provide for the opportunity to run their own internal affairs.

The type of federalism that the Iraqi constitution outlined requires the devolution of the country into three regions; Shia, Sunni and Kurd. Each of these regions is to have their own legislature and adopt their own constitution, with each having their executive and judicial powers based on the principle of devolution. The federal government, however, would retain overall policy for national defence, financial regulation and development of the economy. The regions are themselves expected to adopt administrative decentralisation based on the governorates that make up each region. The findings of this study confirm that administrative decentralisation is highly probable in intra-group provinces but not as a principle to govern inter-group provinces. In Iraq, with clear cut ethno-religious divides along three separate areas, a federation of three regions is the only practical way to sustain political stability while maintaining the territorial integrity of the state. The adoption of such a federal structure is a necessary, if not sufficient, condition for the feasibility of any form of democracy in the future. The main findings show there is a lack of majority consent for a consensual arrangement of federalism, a three region federation that respects the principle of power sharing, acknowledgement of political segmental autonomy, the establishment of a bicameral legislature, or a

decentralised federal executive. Federalism, however, remains a challenge because the different groups have different ideas about it, and support different types of application of the constitutional arrangements.

The three main groups obviously have very different views. Although there is a lack of support for a federal political order among the Shia, they understand federalism as administrative decentralisation with a strong federal government. Sunnis and Kurds understand federalism as the division of real power between central and local governments and administrative units. Their conceptions equate to a form of consensual federalism, a political order that meets the three requirements of federal decentralised government, a bicameral legislature, and segmental autonomy. However, their motivation is different; Sunnis support a united Iraq and oppose division. Kurds support a consensual federal system that ensures extended powers to their regional government.

Findings throughout this thesis confirm that Sunnis and Shias in Iraq, in particular, favour two entirely different, and mutually exclusive, modes of governance, world views, and different political cultures. In societies such as Iraq, with a clear cut ethno-religious divide, a federation is the only way to sustain consensual democracy while maintaining the territorial integrity of the state. Federalism, of itself, however, cannot stop violence if it lacks the underlying political consent of the three main groups. The main findings suggest such consent on a consensual arrangement of federalism, a three region federation, that respects the principle of power sharing, acknowledges political segmental autonomy, establishes a bicameral legislature, and institutes a decentralised federal executive, are necessary for a consensual democracy and in turn could help facilitate its success in Iraq. Any other alternative would not accommodate Iraq's diversity, fail to address the political will of the three main groups and, instead, simply embed the tyranny of the majority, in this case the Shia.

Finally, three major conclusions stem from this research; first, concerning the views of the Iraqi political elite identified in this thesis. These are, of course, not the only views that elites have concerning democracy in Iraq (for example views on oil as a resource over a curse, a sense of national identity, the nation state itself and the role of the international community in national politics). While subsequent future research may

look to include and expand on some, or all of these areas, this thesis differs from other potential explanations by very consciously focusing on the role of the political elite only, and the initial decision to restrict the scope of the research has been more than justified by the depth of the responses from key political leaders.

The second conclusion reached is that various challenges faced by the elites and, just as significantly, the reasons why the role taken by them in addressing them is important, are not all wholly independent of one another. Indeed, the rationale for emphasising the importance of the political elite can be explained, in part, by the international dimension. Although a lack of a sense of belonging to the same state among ordinary people in society might be advanced as an explanation of why the feasibility of democracy in Iraq is problematic, an account that focuses instead on the views of the elite cannot be divorced from consideration of ethno-sectarian differences and provides a more accurate picture of what confronts the country. In particular, the role elites play in heightening or conversely reducing divisions and conflict in society, and in influencing the people from their communities, cannot be underrated. The third conclusion is that while the choice of formal institutions and the agreements reached on them do matter, so do informal institutions, which can exert their own influence on the way formal institutions operate in practice. This thesis showed that in the Iraqi context informal institutions have, so far, played a positive role in helping prevent damage to the process democracy building.

The main findings reached by this thesis is that the political elites' importance to addressing the three core political challenges of building democracy in Iraq resides in their ability to put aside ethno-sectarian differences by institutionalising a combination of consensual formal political institutions and consolidating informal institutions by recognising different ethnicities, sects and religion. Although that entails making significant changes to the existing constitution, it will enable federalism to be operationalised more smoothly in practice. As always the real barriers to progress lies in the entrenched views of those wielding power and their inability to grasp the nettle of compromise to provide long term security and fairness for all members of a country. In Iraq, progress is possible but it will require statesmanship of the highest order, by all

vested interests, to reach the compromises that are so necessary for the future of the country.

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## Appendix A: List of Interviewees

### **A) List of interviewees on democracy and federalism, mainly members of the executive, leaders of different political parties.**

Jalal Talabani, The President of the Republic of Iraq (2005-2014), The Presidential Palace, The Green Zone, Baghdad, Iraq, September 10, 2012

Fuad Masum, The President of the Republic of Iraq (2014-Present), The Iraqi Parliament, Green Zone, Baghdad Iraq, September 5, 2015.

Masoud Barzani, The President of Kurdistan Region, Pirmam, Erbil, Iraq, December 30, 2013.

Tariq Al-Hashimi, The Vice President of the Republic of Iraq, Istanbul, Turkey, April 26, 2013.

Ibrahim Al-Ja'afari, The former Prime Minister of the Republic of Iraq, The Headquarters of the Dawa Party, Baghdad Iraq, September 16, 2012.

Salim Al-Jaburi, The Current Speaker of the Iraqi House of Representatives, the Iraqi Parliament, October 2012.

Ammar Al-Hakim, The Leader of the Islamic Supreme Council in Iraq, Erbil, Erbil Governorate, February 27, 2015.

Ayyad Al-Samaraiy, The Secretary General of Islamic Party, the former Speaker of the Iraqi House of Representatives, September 15, 2012.

Mohsen Abdel Hamid, President of the Interim Iraq Governing Council (February 2004), Erbil, His Office, February 5, 2014.

Barham Salih, Prime Minister of the Kurdistan Regional Government (2009-2012), The KRG Council of Ministers, Erbil, October 17, 2012.

Nechirvan Barzani, Prime Minister of the Kurdistan Regional Government (2012-Present), The Office of the Prime Minister, Erbil, March 16, 2015.

Mohammed Al-Tamimi, Education Minister, Iraqi Council of Ministers, Baghdad, Iraq, September 11, 2012.

Khairulah Hassan Babakir, Trade Minister, Iraqi Council of Ministers, Baghdad, Iraq, September 18, 2012.

Did Najm Al-Asadi, Minister of State, Iraqi Council of Ministers, Baghdad, Iraq, September 12, 2012.

Sadun Al-Dulaimi, Culture Minister, Iraqi Council of Ministers, Baghdad, Iraq, September 11, 2012.

Mohammdd Shiya Al-Sudani, Human Rights Minister, Iraqi Council of Ministers, Baghdad, Iraq, September 14, 2012.

Ali Al-Shkry, Planning Minister, Iraqi Council of Ministers, Baghdad, Iraq, September 20, 2012.

Khalil Qasim Hasoon, Minister of State for Non-Governmental Organisations, Iraqi Council of Ministers, Baghdad, September 27, 2012.

Dindar Najman Shafiq, Displacement and Migration Minister, Iraqi Council of Ministers, Baghdad, September 25, 2012,

Sheikh Jamal Al-Batigh, Minister of State for Tribal Affairs, Iraqi Council of Ministers, Baghdad, September 23, 2012,

Sahib Qahraman, Minister of State, Iraqi Council of Ministers, Baghdad, September 19, 2012,

Bushra Husein Saleh, Minister of State, Iraqi Council of Ministers, Baghdad, September 26, 2012,

Meer Tahir Al-Kinani, Head of the Legal Committee in the Iraqi Parliament, the building of the Iraqi Parliament, Baghdad, October 5, 2012.

Unamdim Usif Kana (Christian), Member of the Iraqi House of Representatives, the main building of the Iraqi Parliament, Baghdad,

Abbas Al-Bayati (Turkmen), Member of the Iraqi House of Representatives, the main building of the Iraqi Parliament, Baghdad,

Nawshirawan Mustafa, General Coordinator of the Change Movement in Iraqi Kurdistan, Sulaimani, Iraq, October 28, 2012.

Saladin Mohammed Bahadin, Leader of Islamic Union of Kurdistan, the Headquarters of the IUK, Erbil, Iraq 6 August 2013

Ali Bapir, Leader of the Islamic Komal of Kurdistan, the Headquarters of the IKK, Erbil, Iraq, May 5, 2013.

Lisa C. McLean, Country Director of the National Democratic Institute, the Headquarters of NDI, Ankawa district, Erbil, July 8, 2010.

**B) List of Interviewee for the Iraqi Constitution, all respondents were members of the Iraqi Constitution Drafting Committee, from the three main groups, Shia, Sunni and Kurd.**

Humam Hamoudi, (Shia) The Chairman of the Constitution Drafting Committee, The Iraqi Parliament Building, September 25, 2012.

Mahmood Usman, (Kurd) Member of the Constitution Drafting Committee, Baghdad, the main building of the Iraqi Parliament, September 14, 2012.

Hamid Majeed Musa, (Secular Shia) Member of the Constitution Drafting Committee, The headquarters of the Communist Party, Baghdad, September 15, 2012.

Adnan Al-Janabi, (Sunni) Member of the Constitution Drafting Committee, the main building of the Iraqi Parliament, Baghdad, September 16, 2012.

Salim Al-Jaburi, (Sunni) Member of the Constitution Drafting Committee, the main building of the Iraqi Parliament, Baghdad, September 18, 2012.

Khalid Aba Dar Atyya, (Shia) Member of the Constitution Drafting Committee, the main building of the Iraqi Parliament, Baghdad, September 18, 2012.

Abbas Al Bayati, (Turkmen Shia) Member of the Constitution Drafting Committee, the main building of the Iraqi Parliament, Baghdad, September 13, 2012.

Sami Al-Askari, (Shia) Member of the Constitution Drafting Committee, the main building of the Iraqi Parliament, Baghdad, September 19, 2012.

Alla' Al-Makki, (Sunni) Member of the Constitution Drafting Committee, Erbil Governorate, Erbil, October 12, 2012.

Faraydun Abdulqadir, (Kurd) Member of the Constitution Drafting Committee, Sulaimania, Iraq, December 27, 2013.

Ahmad Abdulwahab, (Kurd Islamic) Member of the Constitution Drafting Committee, His office, Erbil, Iraq, December 25, 2013.

## Elaboration on the list of interviewees (A and B)

The above interviewees, include members of the all segments of Iraq, Shia Arab, Sunni Arab, Kurd, Christian, and Turkmen, with religious and secular backgrounds. In addition to the formal positions of those participants, most of them are members of all politically significant political parties from the three main groups in Iraq, Shia, Sunni and Kurd, the following elaborates some political parties -the wider range of interviewees, of course, includes members of a wider range of political parties.

The members of politically significant Shia political parties and factions include, Ibrahim Ja'afary, spokesman of the Islamic Dawa Party, also known as Islamic Call Party (ICP); Baha' al-A'araji the Spokesman of the Sadrist Movement, for the Islamic Virtue Party (IVP); Ammar al Hakim, the leader of Islamic Supreme Council of Iraq (ISCI).

The members of politically significant Sunni party and faction include, Tariq al Hashimi, secretary general of the Iraqi Islamic Party (IIP) (until 2009) - largest Sunni Islamist political party in Iraq. Ayad al-Samarrai, the secretary general of IIP, since 2011. Also Salim al Jabuir, a member of IIP and was a member of the Iraqi Accord Frond (the largest Sunni political coalition in the Iraqi parliament), Jaburi was also the Head of the parliament's legal committee.

The members of the politicaly significant Kurdish political parites include, the Secretary General of the five major Kurdish parties, Jala Talabani, secretary general of Patriotic Union of Kurdistan (PUK), Masoud Barzani secretary general of Kurdistan Democratic Party (KDP), Nawshirwan Mustafa the general coordinator of Goran Movement, Saladin Mohammed Bahdin leader of Islamic Union of Kurdistan (IUK), and Ali Bapir leader of Islamic Komal of Kurdistan (IKK).

## Appendix B: Interview Questions on Democracy and Federalism



Q1 How do you define Iraq's Democracy?

Q2 On what bases Iraq's Federalism should be based; sect, ethnicity or geography?  
And why?

Q3 How the Iraqi Government should be formed, in broad multiparty coalitions or in single-party majority cabinets? And why?

Q4 What type of electoral system is suitable for Iraq, proportional representation or disproportional electoral systems? Why?

Q5 What are the factors that could develop the performance of the Iraqi government and which of such factors should take priority?

Q6 What are the challenges of democracy building in Iraq?

Name and Position:

Signature

سؤال الاول: كيف تصف الديمقراطية العراقية ؟

سؤال الثاني: ماهو الأساس الذي تراه مناسباً لقيام الفدراليات في العراق : الجغرافي، الطائفي، القومي؟ ولماذا؟

سؤال الثالث: ماهو الأساس المناسب لتشكيل الحكومة في العراق: التوافقي أم الأغلبية؟

سؤال الرابع: ماهو النظام الانتخابي المناسب للعراق؟ هل هو نظام القائمة أو التمثيل النسبي؟ ولماذا؟

سؤال الخامس: هناك من يرى أن تحسين أداء الحكومة يبدأ من:  
بناء العمل المؤسسي، والبعض يرى أنه يبدأ بأعداد كوادر تكنوكرات واسناد المسؤولية اليهم، أو من بناء دولة  
القانون، ما رأي حضرتك في ذلك؟

سؤال السادس: ما هي العوائق التي تعترض المسيرة الديمقراطية في العراق؟

الاسم: .....

المنصب: .....



## Appendix C: Interview Questions on the Iraqi Constitution



Q1 Was the wiring up process on some guidelines by the US, in other words, were the democratic ideas in the constitution suggested by the US or were they introduced by the committee members -the outcome of a consensus? in your view, during writing the constitution, which of the following was the priority: a) establishing democratic principles in the constitution b) protecting the interests of sect/ethnic group. And why?

Q2 (Article 2.) A. No law that contradicts the established provisions of Islam may be established. B. No law that contradicts the principles of democracy may be established. Not all established provisions of Islam are necessarily democratic, Do not you think that this is a challenge to democracy building in Iraq, if not, why?

Q3 The implementation of Articles 113., 114, 115, On forming regions and provincial administrations, the borders of Kurdistan region cuts across the neighbouring provinces (this is the case between Sunni/Shia areas) cant this be an obstacle to establishing federalism, in building a democratic Iraq?

Q4 can the Iraqi constitution establish a democratic system, are there mechanism in the constitution to fulfilling the promise that it makes? This is to say, whether your 'take' on other aspects of the constitution has been affected by the way you have seen politics in Iraq develop over the recent years.

Q5 if an opportunity to amend or adjust the constitution arose in the coming years then what features, if any, of the constitution would you most like to see changed? And what feature(s) do you think would be most likely to be changed, or would occasion the most intense discussion even if consensus on new wording or new features in the constitution proved hard to reach?

Q6 to what extent do you see the Iraqi constitution as very democratic and why, that is to say, what is your idea of democracy here? does this equate to some international standard or model of democracy, or are you saying there are some democratic elements that are specific to Iraq, that is to say an Iraqi version of democracy?

Q7 has the current government formed according to the Iraqi constitution, and how you would explain the responsibility of the winner to form the government?

سؤال الاول: هل كتب الدستور العراقي في ضوء التوجيهات الامريكية أم كان نتاج توافق تثبيت مبادئ الديمقراطية او حفظ العراقيين وعصارة أفكارهم الذاتية؟ وأيها كان له الأولوية المصالح الأطراف: المتعددة، ولماذا؟

سؤال الثاني: الا يسبب المادة الثانية نوعا من الإشكال والتضارب ثوابت الشريعة ومبادئ الديمقراطية؟ فان كان الجواب منفيًا، كيف؟  
سؤال الثالث: تطبيق المواد الخاصة بالحدود الجغرافية للإقليم والمحافظات وكذلك وجود نفس الحالة بين المحافظات الاكثرية الشيعية والاكثرية السنية، الا يشكل هذا عقبة في طريق الفدرالية وبناء الديمقراطية في العراق؟

سؤال الرابع: إذا منحت الفرصة لمراجعة او تعديل الدستور، ماهي المواد والفقرات التي هي بحاجة الى المراجعة التعديل ولماذا؟

سؤال الخامس: الى اي مدى يعتبر الدستور العراقي دستوراً ديمقراطياً ولماذا؟ وكيف تُعرّف الديمقراطية، وهل هي مبنية على اسس دولية ام فيها جوانب خاصة لها طابع عراقي مميز، بمعنى الديمقراطية العراقية وليست الديمقراطية الليبرالية؟

سؤال السادس: هل توجد آليات التنفيذ في الدستور العراقي لتحقيق الوعود التي يتضمنها؟ وهل تغيرت نظرتكم تجاه الدستور منذ كتابته، ماهي تلك الجوانب التي تغيرت فيها نظرتكم ولماذا؟

سؤال السابع: هل شكلت الحكومة الحالية في العراق وفق الدستور ام مخالف له، وكيف تفسر قانونياً تكليف القائمة الفائزة لتشكيل الحكومة؟

## Appendix D: Survey on Support for Democratic Institutions

**RESEARCH QUESTIONNAIRE.**  
Political Elite Support for Consensus and Majoritarian  
Elements of Democratic Systems.  
The Iraqi House of Representatives,  
The Green Zone, Baghdad.

THE UNIVERSITY OF  
**WARWICK**

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Gender:

- ☐ Male ☐ Female

Ethnicity

- ☐ Arab ☐ Kurd ☐ Turkman ☐ Other: specify please

Religion

- ☐ Muslim-Shiite ☐ Muslim-Sunni ☐ Christian ☐ Other
- 

The first option in each question is an element of majoritarian democracy  
The second option in each question is an element of consensus democracy

Please tick the preferred option for each question, choose ONLY one

Q1. Concentration of power

- ☐ Concentration of executive power in single-party majority cabinets  
☐ Executive power sharing in broad multiparty coalitions

Q2. Executive-legislative relationship

- ☐ Executive-legislative relationships in which the executive is dominant  
☐ Executive-legislative balance of power

Q3. Party system

- ☐ Two party systems  
☐ Multiparty Systems

Q4. Electoral Systems

- ☐ Majoritarian and disproportional electoral systems  
☐ Proportional representation

Q5. Interest Groups

- ☐ Pluralist interest group systems with free for all competition among groups  
☐ Coordinated and corporatist interest group systems aimed at compromise and concentration

Q6. The Government Type

- ☐ Unitary and centralized government
- ☐ Federal and decentralized governments

Q7. The legislative:

- ☐ Concentration of legislative power in a unicameral legislature
- ☐ Division of legislative power between two equally strong but differently constituted house

Q8. The constitution

- ☐ Flexible constitutions that can be amended by simple majorities
- ☐ Rigid constitutions that can be changed only by extraordinary majorities

Q9. The legislation

- ☐ Systems in which legislature have the final word on the constitutionality of their own legislation
- ☐ Review of their constitutionality by supreme or constitutional courts

Q10. Central Banks

- ☐ Central banks that are dependent on the executive
- ☐ Independent central banks

الجنس:

☐ الذكر

☐ الأنثى

القومية:

☐ أخرى .....

☐ تركمان

☐ كورد

☐ عرب

الديانة:

☐ أخرى .....

☐ مسيحي

☐ مسلم شيعي

☐ مسلم سني

يرجى وضع علامة ■ في الخيار المفضل لكل سؤال، اختر واحدا فقط:  
الخيار الاول لكل سؤال أساس لحكم الأغلبية.  
الخيار الثاني لكل سؤال أساس لحكم التوافقي.

1- تشكيل الحكومة:

☐ تشكيل الحكومة من الاغلبية السياسية

☐ تشكيل الحكومة على التوافق السياسي

2- علاقة السلطتين التشريعية والتنفيذية:

☐ أن تكون السلطة التنفيذية هي المهيمنة

☐ أن تكونا متوازيتين

3- ما هو النظام الحزبي المفضل:

☐ نظام حزبين رئيسيين

☐ نظام التعددية الحزبية

4- ما هو التمثيل المفضل في النظام الانتخابي:

☐ نظام تمثيل الأغلبية

☐ نظام تمثيل النسبي

5- نظام جماعات الضغط:

☐ إعطائها الحرية الكاملة

☐ تحديد المجال لجماعات الضغط كي تتعاون فيما بينها

6- نوع الحكومة:

- ☐ أن تكون حكومة اتحادية مركزية
- ☐ أن تكون حكومة فدرالية لامركزية

7- المجلس التشريعي:

- ☐ إقتصار السلطة التشريعية في المجلس النواب
- ☐ توزيع السلطة التشريعية بين مركزين مختلفين ومتساويين في السلطة

8- نوع الدستور:

- ☐ المرونة في الدستور بحيث يجرى فيه التعديل من قبل الأكثرية الاعتيادية
- ☐ دستور جامد بحيث لا يمكن إجراء التغير فيه إلا بالأغلبية الساحقة

9- التشريع:

- ☐ أن يكون نظاماً تكون فيه الكلمة النهائية للسلطة التشريعية
- ☐ أن يكون نظاماً تكون فيه الكلمة النهائية للمحكمة الدستورية العليا

10- البنوك المركزية:

- ☐ أن تعتمد على السلطة التنفيذية
- ☐ أن تكون مستقلة

## Appendix E: Survey on Federalism in Iraq

### RESEARCH QUESTIONNAIRE

Preferences of the Iraqi Political Elite on  
Federalism in Iraq  
Iraqi House of Representatives  
The Green Zone, Baghdad  
September-October 2017

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Gender:

- ☐ Male ☐ Female

Ethnicity

- ☐ Arab ☐ Kurd ☐ Turkman ☐ Other: specify please

Religion

- ☐ Muslim-Shiite ☐ Muslim-Sunni ☐ Christian ☐ Other

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Please choose ONLY ONE option of the following questions

Q1 Federalism in Iraq:

- ☐ In favour of Federalism  
☐ Not in favour of Federalism

Q2 The Federation Council:

- ☐ support the establishment of Federation Council  
☐ oppose the establishment of Federation Council

Q3 Type of Federalism

- ☐ Based on ethnoreligious divide  
☐ Based on territoriality of 18 Governorates

Q4 Iraq can be governed less oppressively

- ☐ As a federal state of three main parts  
☐ As a Unitary Centralized State

Q5 Type of Legislation

- ☐ Bicameral Legislation  
☐ Unicameral

Q6 Type of Government

- ☐ Based on Consensus  
☐ Based on Majority (largest block in the HR)

Q7 Division and Unity

- ☐ Federalism Keeps Iraq united  
☐ Federalism leads to the Division of Iraq

الجنس:

☐ الأنثى ☐ الذكر

القومية:

☐ عرب ☐ كورد ☐ تركمان ☐ أخرى .....

الديانة:

☐ مسلم سني ☐ مسلم شيعي ☐ مسيحي ☐ أخرى .....

يرجى وضع علامة ■ في الخيار المفضل لكل سؤال، اختر واحدا فقط:

سؤال الاول: الفدرالية في العراق؛

☐ ادعم الفدرالية  
☐ اتعارض الفدرالية

سؤال الثاني: المجلس الاتحادي؛

☐ ادعم إقامة المجلس الاتحادي  
☐ اعارض إقامة المجلس الاتحادي

سؤال الثالث: نوع الفدرالية؛

☐ قيام على أساس الطائفي، القومي  
☐ قيام على أساس الجغرافي (فيدرالية المحافظات)

سؤال الرابع: يمكن ان يحكم العراق اقل استبدادا؛

☐ كدولة فدرالية مكونه من ثلاثة أقاليم  
☐ كدولة مركزية وموحدة

سؤال الخامس: نوع التشريع؛

☐ مجلسين التشريعي (مجلس النواب ومجلس الاتحادي)  
☐ مجلس واحد (مجلس النواب فقط)

سؤال السادس: نوع الحكومة؛

☐ التوافقي  
☐ الأغلبية

سؤال السابع: الانقسام والوحدة؛

☐ الفدرالية تحافظ على وحدة العراق  
☐ الفدرالية تؤدي الى تقسيم العراق



## Appendix F: Survey on the Iraqi Constitution

### RESEARCH QUESTIONNAIRE

The preferences of the Members of the Iraqi  
Constitution Drafting Committee  
Iraq: Baghdad and Erbil  
September-October 2012



Ethnicity:  
Religion/Sect:  
Gender:

Please Choose ONLY ONE option of the following questions.

Q1 Designing the Constitution: who of the following had the major influence in designing the Iraqi constitution:

- ☐ The US authorities
- ☐ The Iraqi Political Elite
- ☐ A consent of both

Q2 Drafting the constitution: during drafting the constitution which of the following was prioritised:

- ☐ Democratic principles
- ☐ Interests of different groups (Shia, Sunni and Kurds)
- ☐ A balance of both

Q3 The official religion of the state: Islam is a fundamental source of legislation; the established provisions of Islam are:

- ☐ Compatible with democratic principles
- ☐ Incompatible with democratic principles
- ☐ Undecided

Q4 Amendment of the Constitution: if there is a chance to amend the constitution, you would be:

- ☐ In favour of constitutional amendment
- ☐ Not in favour of constitutional amendment
- ☐ Undecided

Q5 Power and the constitution: in case of constitutional amendment, you would be in favour of:

- ☐ Giving more power to the central government
- ☐ Giving more power to the regions
- ☐ Making a balance between Centre and Regions

Q6 How does the Iraqi constitution allocate mechanisms of implementation:

- ☐ Mechanisms are clearly stated
- ☐ Mechanisms are vague
- ☐ Lack of mechanisms

Q7 Forming the 2010 Government was:

- ☐ According to the constitution
- ☐ Not according to the constitution
- ☐ Undecided

القومية: .....  
الديانة (المذهب): .....  
الجنس: .....

يرجى وضع علامة ■ في الخيار المفضل لكل سؤال، اختر واحدا فقط:

سؤال الاول – تصميم الدستور: عما يلي، من كان له تأثير كبير في تصميم الدستور،  
☐ السلطات الامريكية  
☐ النخبة السياسية العراقية  
☐ كلاهما

سؤال الثاني – صياغة الدستور: اثنا صياغة الدستور أعطيت الاولوية الى؛  
☐ المبادئ الديموقراطية  
☐ مصالح الجماعات المختلفة (الشعبة، السنة، الكرد)  
☐ توازن بين المبادئ الديموقراطية ومصالح الجماعات

سؤال الثالث – الدين الرسمي للدولة: الإسلام هو مصدر الأساسي للتشريع، لذا ثابته احكام الإسلام؛  
☐ متوافق مع مبادئ الديموقراطية  
☐ يتعارض مع مبادئ الديموقراطية  
☐ غير محدد

سؤال الرابع – تعديل الدستور: إذا كان هناك فرصة لتعديل الدستور، هل انت؛  
☐ مؤيد لتعديل الدستور  
☐ غير مؤيد لتعديل الدستور  
☐ غير محدد

سؤال الخامس – السلطة والدستور: في حالة التعديل الدستوري، هل انت مع؛  
☐ اعطا مزيد من السلطة لحكومة مركزية  
☐ اعطا مزيد من السلطة للأقاليم  
☐ الاحتفاظ بتوازن بين لحكومة مركزية والأقاليم

سؤال السادس – كيف يخصص الدستور العراقي الاليات التنفيذ؛  
☐ الاليات واضحة  
☐ الاليات غامضة  
☐ الاليات غير موجودة

سؤال السابع – تشكيل الحكومة لعام ٢٠١٠ كان؛  
☐ ووفقا للدستور  
☐ ليس وفقا للدستور  
☐ غير محدد