

**SUNNI AND SHI'I SECTARIAN VIOLENCE IN IRAQ DURING THE
RECONSTRUCTION PERIOD (2003- 2005): IMPLICATIONS
FOR DEMOCRACY AND DIALOGUE**

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ABSTRACT

This dissertation analyzes the Iraqi reconstruction period, including two pivotal moments in 2005, the ratification of the new constitution and the democratic elections, to examine issues of identity and sectarianism in Iraq. The following analysis will assist in the demystification of Iraqi sectarianism, understood to be the manifestation of an identity struggle between Sunni and Shi'a groups within Iraq, and connect this phenomenon to issues of hegemony and democracy. The discussion of Sunni and Shi'i relations in Iraq as it relates to the Iraqi reconstruction period involves numerous areas of discipline including politics surrounding the invasion and occupation, the history of Iraq, democratic principles, secularization, democracy, and its role Islam, and of course sectarianism to name a few. These topics are supported by King's theory of postcolonialism, aspects of Geertz's understanding of nationalism, and Weber's connection of power and status. The impact of the 2003 invasion of Iraq will be understood in reference to Mark Juergensmeyer's theory of cosmic war which he offers arises when symbols become deadly and the struggle for identity becomes so intense the thought of losing this conflict is unimaginable, therefore manifesting in a conflict that cannot be solved by Western political means. Furthermore, this dissertation addresses the role secularism plays in drafting of the 2005 Iraqi constitution and the following elections. Religious violence is nothing new, and in fact it often has little to do with religion itself; rather it's a question of political and identity representation and identifies religious violence as a tool to gain power; it is through this lens that this dissertation positions sectarianism. This dissertation provides the groundwork for future projects

which highlights the truth of American bias and identity issues while using sectarianism in Iraq as a case study for debunking the myth that religious conflict is prevalent in Islam due to the backward nature of the religion and suggests how dialogue might be useful in this instance.

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CHAPTER 1

Introduction, Literature Review, and Methodology

Introduction

This dissertation will analyze the Iraqi reconstruction period, including two pivotal moments in 2005, the ratification of the new constitution and the democratic elections, to examine issues of identity and sectarianism in Iraq. This analysis will assist in the demystification of Iraqi sectarianism, understood to be the manifestation of an identity struggle between Sunni and Shi'a groups within Iraq, and connect this phenomenon to issues of hegemony and democracy. Many scholars, including Khalil Osman, suggest the definition of sectarianism is a contested issue, for the purpose of this dissertation sectarianism is understood to be as the separation of a religious group from the larger religious group on the basis of doctrinal disagreement, it is through this deviation the faction group is viewed.¹ The discussion of Sunni and Shi'i relations in Iraq as it relates to the Iraqi reconstruction period involves numerous areas of discipline including politics surrounding the invasion and occupation, the history of Iraq, democratic principles, secularization, democracy, and its role Islam, and of course sectarianism to name a few. These topics are supported by King's theory of postcolonialism, aspects of Geertz's understanding of nationalism, and Weber's connection of power and status. A considerable amount of research on Iraqi politics and sectarianism focuses on the violent nature of political relations there and the religious or political undertones of those relations; this dissertation aims to explore beyond these themes and understand the events leading up to the increased hostilities between Sunni

¹ Khalil F. Osman, *Sectarianism in Iraq: The Making of a State and Nation Since 1920*, New York: Routledge, 2014. P. 39

and Shi'i groups and how these connections can be better supported. Juergensmeyer concludes religious violence is nothing new, and in fact it often has little to do with religion itself; rather it's a question of political and identity representation and identifies religious violence as a tool to gain power; it is through this lens that this dissertation positions sectarianism.² There are a multiplicity of aspects regarding Sunni and Shi'i relationships in Iraq that concern democracy, and this work focuses on sectarianism including decades under British rule and Saddam Hussein's regime, and the building of New Iraq through the aftermath of the 2005 elections. For the sake of brevity this dissertation will only adumbrate complex history between Iraq and the West during the centuries following the Ottoman Empire and will not analyze Sunni and Shi'i relations and the impact following the first democratic elections.

The motivation for this dissertation is to learn what factors contribute to sectarianism in Iraq and how these components can be mitigated. The issue of sectarianism in Iraq is often seen by Americans as a Muslim issue happening "over there" in Iraq and a reason why Muslim nations are not fit for democracy or modernity. This thinking was prevalent during the early aughts and persists today due to media perception and continued stereotyping. I find old and young individuals, within the U.S. and abroad, who face similar challenges with sectarianism, such as confrontation of identity, issues of agency, and marginalization, who also believe the biased narratives they hear in the media and act based on these opinions as fact. In my current work as a Program Director for an interfaith and intercultural nonprofit I create global and national programs and curriculum to combat these views and facilitate dialogue and critical thinking when my

² Mark Juergensmeyer, *Terror in the Mind of God: The Global Rise of Religious Violence*, University of California Press, 2003.

participants are confronted with difference. It should be noted that part of these programs involve working with the Department of State, specifically the Bureau of Educational and Cultural affairs who have the agenda of strengthen political relations between the U.S. and countries abroad and sharing a U.S. understanding of democracy and culture; it is through this lens which my perception has been colored. The understanding of sectarianism in Iraq is one example of an ongoing global challenge that needs to be addressed on a public and governmental level and this dissertation is laying the foundation for such an endeavor.

Literature Review

Sectarianism in Iraq is an interdisciplinary matter, involving political science, history, religious studies, and anthropology, lending itself to an overwhelming amount of scholarship related to sectarianism in Iraq. As such, this literature review is a brief analysis of the prominent academics focused on sectarianism, specifically in Iraq, and focused on democracy and its relationship to Islam. This work pulls from a plethora of scholarship, of which the following is an overview of the preeminent conversations across the various fields; several of these sources cross into various fields and address more than one of the themes outlined below. Furthermore, this thesis examines governmental procedures, policies, and reports from U.S. and Iraqi officials. My analysis largely involves works written and translated into English; some Arabic documents, such as campaign materials, statements, government documents, and social media posts were utilized during the production of this dissertation but were limited in use. The following literature review includes relevant scholars and government officials who had significant involvement in the Iraqi reconstruction process.

Scholars such as Hunt, Dawisha, Faust, Al-Musawi, and Isakhan provide an overview of Iraqi history which scrutinizes the relationship between Iraqis and their figureheads, the Ottoman Empire, Saddam Hussein, and the U.S., and scrutinize the role this history plays in modern Iraq and Iraqi identity. These works underscore the struggle to create and maintain Iraqi identity and the Iraqi people's lack of agency as unifying themes throughout their scholarship. Courtney Hunt tells the history of Iraq from its Mesopotamian beginning through the building of the new democratic Iraq and through this account Hunt states religious identity is a main sector of Iraqi life.³ There has always been fierce hegemonic competition for control over Iraq and resources, and Hunt identifies imperialism as an issue the nation continues to struggle against; an obstacle which Dawisha, Al-Musawi, and Dodge conclude to be important as well. Hunt's work establishes the cyclical problem Iraq has faced with intervention, nation building, and exploitation over the centuries that appears to have no end. Adeed Dawisha's scholarship also recounts the colonial experience in Iraq and the lack of agency given to Iraqis for decades; this history in Iraq and their tumultuous experience with the British establishing a monarchy in the 1920's left concerns regarding the helpfulness of the U.S.' recreation of an Iraqi government.⁴ His research gives account to the political struggles of Sunni and Shi'i groups under British hegemonic control, in which the Shi'i were kept at a distance and not fully included in the state. Dawisha notes this Sunni and Shi'i conflict is unique in that it is Muslim Arab vs Muslim Arab.⁵

³ Courtney Hunt, *The History of Iraq*, London: Greenwood Press, 2005. P. 5

⁴ Adeed Dawisha, *Iraq: A Political History*, Princeton: Princeton University Press, 2009.

⁵ Ibid.

Over thirty years after the British mandate ended in 1932, Iraq experienced a coup in 1968 led by the Ba'athist party which evolved into the notorious regime of Saddam Hussain: Aaron Faust examines the culture of fear and control established in Iraq during this period.⁶ Faust's discernment allows us to determine how marginalization occurred in Iraq and the effect it had on the relationships between groups in the nation; he reports the heightening of Ba'ath identity as central to life in Iraq and the challenges non Sunnis faced under the regime. His scholarship surrounding the banality of the Ba'ath party and the need to belong to it then survive or prosper in Iraq sheds light on just how destructive of a process the Deba'athification movement under the coalition was. From this it is plausible to determine how the cycle of fear and violence spilled into the post Ba'th Iraq as it was incredibly pervasive in Iraqi society for decades; this dissertation addresses these nuances as many scholars, specifically of military background, do not engage with how this old system continues to infiltrate into current life in Iraq. The scholarship on early Iraqi relations is the starting point for issues of identity and agency that will be common themes throughout much of the research in this field and is pinnacle in this dissertation's research on sectarianism.

Iraq's history exhibits continuity even in the modern day as colonialist tropes still prevail. Benjamin Isakhan's research regarding democracy and religion in the Middle East discusses the tropes of colonialism and the tactics the West used to support the war efforts in Iraq. Isakhan explicitly names Western media as a promoter of for the Iraq war, drumming up global support for a colonial enterprise by perpetuating stereotypes and false narratives; he deduces this messaging allowed for the invasion,` as people saw Iraq

⁶ Aaron Faust, *The Ba'athification of Iraq: Saddam Hussein's Totalitarianism*, Austin: University of Texas Press, 2015.

as a problematic nation inhabited by primitive people who needed Western intervention to succeed.⁷ The act of dehumanizing Iraqis in the media allowed for decades of similar messaging that is still prevalent today, as such, the role of Western media is another pervasive theme that transverses this dissertation. The media is notorious for inflaming tensions and relaying biased information but has the potential to be a useful tool of dialogue and the spread of important information.

Isakhan's work differs from the larger sectarian focus involved in Mandeville and Wehrey's work as it focuses on the role media has in the perpetuation of bias in Iraq; what these scholars fail to address is how the media might rectify the false narratives they perpetuate. Similarly, Isakhan's discussion of colonialism in Iraq appears limited in scope as he refers to Iraqi postcolonialism which, I will argue, has yet to exist. Leela Gandhi asserts postcolonialism will transpire when a nation, or group, is able to make a distinct departure from its history of colonization, which is a lofty aim in the hegemonic period of globalization, and lends itself to a level of cultural trauma.⁸ Iraq was occupied for centuries and the nation was built on top of Iraqis, Al-Musawi proclaims, and discusses the impact the British and U.S. occupation had on Iraqi identity and religion. While Hunt, Dodge, and Dawisha discuss the various occupations in Iraq, Al-Musawi focuses on the way this lack of power translated to a strong religious and ethnic identity as unifying factors for Iraqis.⁹ Furthermore, Al-Musawi explores the manner in which culture is formed in the face of repression by the British, Saddam Hussein's regime, and the U.S.

⁷ Benjamin Isakhan, *Democracy in Iraq: History, Politics and Discourse*, Routledge, 2012.

⁸ Leela Gandhi, *Postcolonial Theory: A Critical Introduction (1st ed.)*, London: Routledge, 1998. P. 6

⁹ Muhsin J. Al-Musawi, *Reading Iraq: Culture and Power in Conflict*, London: I.B.Tauris, 2006.

occupation; his notion of culture from repression becomes a major thread of the critique of sectarian offered in this dissertation.

An analysis of Saddam's regime and Iraq's history of colonization leads to the 2003 U.S. invasion and subsequent colonization of Iraq. Bernard Trainor and Michael Gordon describe the planning and execution of the Iraq War in two works from a military perspective.¹⁰ During the planning of the Iraq invasion George W. Bush stressed the sentiment behind the Iraq invasion was liberation rather than occupation, their work goes on to give a military account of what occurred during the planning and execution of the invasion in Iraq.¹¹ U.S. government messages such as this is an idea this dissertation continues to push against, as the invasion of Iraq was in fact an occupation from its planning to its execution. This work provides the basics of information surrounding the invasion of Iraq and the supporting reasons for such an event. Trainor was a former Marine Corp lieutenant general as well as journalist and Gordon was a military and national security correspondent which gives their work a unique perspective of military knowledge coupled with the vigor of investigative journalism. From their accounts, though they did not explicitly make this statement, one can conclude the U.S. caused anarchy, rather than organization in Iraq. Their perspective is necessary to include as it provides a glimpse of the dilemmas and obstacles that occurred on a bureaucratic level within the Bush administration. Conversely, Thomas Ricks, a journalist on matters of national security, approaches the events of the Iraq invasion from a contentious perspective. Ricks recounts the numerous areas of fault on the U.S. military and

¹⁰ Endgame: The Inside Story of the Struggle for Iraq, from George W. Bush and Barack Obama and Cobra II: The Inside Story of the Invasion and Occupation of Iraq

¹¹ Bernard E. Trainor and Michael R. Gordon, *Cobra II: The Inside Story of the Invasion and Occupation of Iraq*, Pantheon, 2006. P. 56

government taking issue with the intelligence, National Security Council, Congress, military, and politicians and exposes the true reasons behind the 2003 invasion, including the false accusations levied against Saddam Hussein to create leverage for an attack and highlighting the problematic discrepancies within the Bush administration's war preparation.¹² This chronicle criticizes the lack of planning by the U.S. which is a position supported by Ali Allawi as well; both of these accounts highlight the rocky relationship the U.S. had with Iraq from the start of the invasion throughout the reconstruction period and the desire to recreate Iraq in the U.S.' image. Incorporating scholars, journalists, advisors, generals, and bureaucrats provides a wholistic understanding to the situation.

The history of Iraq including the 2003 invasion and subsequent nation building is supported by the work of Toby Dodge; his scholarship focuses on the details of Iraqi statehood through the decades and Iraqi self-determination that arose from these experiences.¹³ Dodge notes that occupiers, such as the Ottomans, British, and the U.S., believed Iraqis to be too weak and unorganized to rebel against their authority and actively emphasized the national divisions to foster a need for assistance. He names Iraq's leading problems as state led organized violence, corruption, misuse of oil revenue, and divisive narratives and identifies Saddam not as the cause of Iraq's problems but the symptom of them. This position is in stark contrast with individuals such as Paul Bremer,

¹² Thomas Ricks, *Fiasco: The American Military Adventure in Iraq, 2003- 2005*, Penguin Books, 2007.

¹³Toby Dodge, *Inventing Iraq: The Failure of Nation-building and a History Denied*, Columbia University Press, 2005.

head of the Coalition Provisional Authority in Iraq, who felt it was Saddam who was the main cause of modern Iraqi obstacles.¹⁴

Ali Allawi's scholarship sets the stage for the 2003 invasion of Iraq by highlighting the governmental changes occurring in Iraq from the British Empire, then focusing on Saddam's rule, and how Iraq was transformed once the U.S. coalition was on the ground.¹⁵ Allawi scrutinizes the exclusionary policies in the nation starting with the division of land based on ethnic lines under the Ottoman Empire to more recent issues of Ba'athification and pan Arabism; all in the pursuit to unify Iraqis of varying ethnicities and religious denominations with the largely arbitrary constraints of nation drawing. He highlights the "Saddam Problem", which plagued the U.S. government for decades until it ultimately culminated in the removal of the former dictator; through this process Allawi demonstrates the compound conspiring by U.S. officials to remove Saddam at almost any cost.¹⁶ His scholarship also elaborates on the George W. Bush administration's attempt to create an ideal Arab democracy and ally, though Allawi does not discuss the smaller, more gory, details of how the Bush administration's statements, policies, and plans were heavily critiqued from within and subsequently those individuals who remained opposed to the invasion were silenced. These ignored critiques had an enormous impact on the success of the operation and ultimately, the reconstruction of Iraq as Bernard and Trainor illuminate in their work. Modern, or "New Iraq", as it is called is demarcated by the U.S. invasion and reconstruction period. James Dobbins, a diplomat and former head of International and Security policy at RAND wrote from the American government's

¹⁴ Paul Bremer and Malcom McConnell, *My Year in Iraq: The Struggle to Build a Future of Hope*, New York, Threshold Editions, 2006.

¹⁵ Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, Yale University Press, 2007.

¹⁶ Ibid.

perspective about the conflict between U.S. troops and Iraqis as Iraqis realized the coalition would not allow civilians to lead the reconstruction process.¹⁷ The Deba'athification process, looting, and lack of services plagued Iraq years into the occupation; this series of events was pivotal, leading to further Iraqi mistrust of U.S. troops.¹⁸ Though Dobbins has an inside understanding of the political aspects shaping the invasion, occupation, and reconstruction, he does not have the full intra-military perspective provided by Bernard and Trainor's accounts. This does not limit the importance of Dobbins' accounts as he provides a unique insight into public policy work via his position with the RAND corporation. The framework provided by the above scholars explains the environment and conditions under which the invasion of Iraq occurred and the mindset accompanying the reconstruction process.

The reconstruction period involved the controversial debate of if, or how, Iraq would be a secular democracy, which is a contentious topic in the fields of religious studies and political science. Regarding the relationship between Islam and democracy, scholars such as Hallaq, Roy, and Dabashi lead the field. Dabashi surmised the conversation surrounding Islam and the West, and like binaries, unnecessarily put Islam in conflict with the West, secularism, and scholarship.¹⁹ He identified the trend of Islam being discussed as a problem in the years following the September 11th attacks in the U.S. and the way such discourse negatively impacts Islam's image as well as Muslims around the world. Dabashi affirms Islamophobia, often a topic of Western scholarship, is

¹⁷ James Dobbins, "Who Lost Iraq: Lessons from the Debacle", *Foreign Affairs*, 86:5 (2007): 61-74.

¹⁸ James Dobbins, *Occupying Iraq: A History of the Coalition Provisional Authority*, RAND Corporation, 2009.

¹⁹ Hamid Dabashi, *Being a Muslim in the World*, Basingstoke: Palgram Macmillan, 2013.

not in fact a phobia, rather, he states, it is a carefully curated hatred of Muslims.²⁰ Like Wehrey and Roy, Dabashi discusses the bias of Western media and the need for media reform and for the West to stop sensationalizing Islamophobia and Islamic violence. Unlike Wehery, who discusses online as a space for violent engagement and the spread of misinformation but on the role of the user rather than an entity manufacturing a story, Dabashi believes it is Muslims who should correct the false portrayal of themselves in the media; this is not a stance supported by this dissertation as Western media utilizes the information to their benefit and I assert it is their obligation to tell the truth and correct inaccuracies.

Western assumptions are a pervasive issue in Iraq. Oliver Roy is a political scientist who, through writing several works on Islam and globalization, realized that government is not a one size fits all system and suggests it is a Western assumption that Islam needs to be reformed to participate in modernity and poses a challenge for democracy.²¹ From Roy, one can understand the problem behind mapping democracy onto other nations. Roy discusses the rise in Islamic neo-fundamentalism in Muslim political parties and the lack of Western support these parties receive as they work to center the privatization of their faith, culture, and communities.²² Moreover, Roy associates this neo-fundamentalist political movement with the violence associated with westernization and the desire to claim an identity and contextualize themselves in the face of a rapid cultural shift.²³ Roy also recognizes the struggles Islam has with its

²⁰ Ibid.

²¹ Olivier Roy, *The Failure of Political Islam*, Harvard University Press, 1998.

²² Olivier Roy, *Globalized Islam: The Search for a New Ummah*, New York; Paris: Columbia University Press, 2004.

²³ Ibid.

perception and false dichotomy created by the West; his focus on this binary differs from Murden and Dabashi in that Roy notes the West's problem with Islam is that it is not secular enough and struggles with how to integrate Muslims into their societies. Furthermore, Roy suggested there may be inherent Christianity behind secularization which allows Western nations to be more secular and perhaps less possible in Muslim nations.²⁴ Hallaq supports this notion, arguing nations with an overt moral capacity will have a more difficult time adopting full secularism. Secularism is not a black and white issue, most democratic, and self-proclaimed, secular nations still have aspects of religion in their public discourse and culture. Secularism, as it pertains to this dissertation, is a Western concept in which there is an absence of religion from a public sphere.²⁵ Moreover, Hashemi suggests secularism is a balance between religion and politics that a nation needs to strike within itself.²⁶

Political scientists and religious theorists often implore alternative governmental structures for Muslim majority nations. Wael Hallaq is a scholar of Fiqh, Islamic law, and examines the use of law from government and public perspectives. Muslim nations often inherit a governmental system from their occupying powers leaving them to reconcile post colonialism and new power dynamics; revealing this is why the Muslim nations do not completely fit within the modern nation state. This does not imply Islamic, read Muslim, majority nations cannot exist, in fact; Hallaq notes Muslims have been governing themselves for decades. Hallaq suggests modernity is a Western invention and

²⁴ Olivier Roy, *Secularism Confronts Islam*, New York: Columbia University Press, 2007.

²⁵ Nader Hashemi, *Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies*, New York: Oxford University Press, 2009. P. 136

²⁶ Nader Hashemi, *Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies*, New York: Oxford University Press, 2009. P. 2

like Hashemi, understands modernization to be a traumatic process. This position is situated within Feldman and Sayyid who state Islam is already modern, rather; Hallaq's concern is that the modern state places morality as a secondary concern to government. He describes the properties of a modern state and suggests in order for a Muslim state to be successful it must be organized enough to penetrate culture and society completely.²⁷ Though modernity necessitates the adaptation to changing elements, the language of contradiction Hallaq utilizes allows one to deduce that Islam is not fully modern or ready for modernity, which is not the truth of the matter.²⁸ Nader Hashemi concurs with Roy, stating despite the common misconception, it is not impossible for Islam and Democracy to coexist. While Murden asserts the privatization of Islam poses significant challenges to a democratic Muslim majority nation, Hashemi believes rather than bending Islam to fit democracy, democracy can fit Islamic needs and adapt to the variable that is religion.²⁹ Hashemi does affirm Murden's belief that democracy requires a degree of secularization but Hashemi states not only are most Islamic concepts like politics, culture, and education not theological in nature and therefore compatible with democracy, but these distinctions between religion and secularism are not natural and occur from the top down and imposition rather than a natural occurrence.³⁰ Through this understanding one can view the struggle to secularize or remove religion from a nation to be both arbitrary and harmful to a democracy; a democracy needs to be built by the people and support their needs which is contradictory to forced secularization and to any use of force. This

²⁷ Hallaq Wael, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*, New York: Columbia University Press, 2012.

²⁸ Ibid.

²⁹ Nader Hashemi, *Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies*, New York: Oxford University Press, 2009.

³⁰ Ibid.

discussion becomes an important conversation when analyzing the Iraqi and U.S. conflict surrounding Iraqi secularization. It is also worth noting that scholars can theorize about national structure and its plausibility, but it is the state itself that needs to decide on their own ruling.

The analysis of Islam and democracy divulges notions of secularism, its place in democratic states, and specifically the role of secularism in a Muslim majority democracy; as such, secularism in Islam is another leading theme of this dissertation which incorporates the work of Jabar, Hashemi, Roy, and Mandaville. Peter Mandaville's scholarship reveals issues of Western hegemony and its effect on Islam. Mandaville stresses the need for a broader understanding of politics and cultural identity outside of religious studies and expanding into the fields of anthropology, postcolonial and cultural studies.³¹ He also writes on the "otherness" of Islam, the level of agency given to Muslim citizens abroad, and the way Islam is seen to be disruptive through a limited Western lens. Moreover, Mandaville addresses the one dimensionality often assigned to Muslims by the West, unlike Dabashi, Mandaville does not place the onus of dispelling this notion on Muslims, but rather on Western scholars. This one-dimensional aspect, often supported by media portrayals, aids in the dehumanization of Iraqis and allows the stereotypes to perpetuate, which is an issue of concern within this dissertation. One of the most salient points Mandaville made was the suggestion scholars stop having a "correct", or presumed, answer in mind while asking a question; this is a caution carried through the research of this dissertation and the analysis of the scholarship in the field. Mandaville's work underpins the difficulty of Muslim majority nations transitioning into a secular

³¹ Peter Mandaville, *Transnational Muslim Politics: Reimagining the Umma*, New York; London: Routledge, 2004.

society as Islam is both a religion and culture lending itself to layers of religiosity across sectors. Similarly, Faleh Jabar, an Iraqi sociologist, discusses matters of religion and nationalism in Iraq and the difficulty in separating Islam out of everyday life; though Jabar takes religiosity a step further and equates the contemporary notion of fundamentalism to that of nationalism. Jabar dissects the struggle over the place of Islam in the Iraqi constitution and government, describing the unnatural process of Iraqis separating religion and politics and living under a secular state and replacing religion with identity; though this book was written prior to the 2003 the invasion of Iraq, with a forward added in May of 2003, I apply his analysis of nationalism to the Iraqi invasion.³² Additionally, Jabar evaluates issues of sectarianism in his work, specifically as it affects the Shi'i and, like with Roy, concerns issues of Islamic fundamentalism. He details the loss of power Islamic clerics face from secularization and the transformation society must undergo to shift issues of law, education, family, and economics from clerics to municipal leadership and how this shift in dynamic manifests through factions and political conflict.³³

As previously mentioned, large portion of this dissertation concerns sectarianism, in which scholars such as Wehrey, Rayburn, and Haddad are imperative as they focus on Sunni and Shi'i sectarian relations in Iraq over the last few decades. Through his numerous works, Frederick Wehrey addresses the current obsession academics, politicians, and analysts have with sectarianism and, similar to Mandaville, notices the push individuals are experiencing to define themselves in opposition to the other.³⁴

³² Faleh A. Jabar, *The Shi'ite Movement in Iraq*, Saqi, 2003. P. 216

³³ Ibid.

³⁴ Frederick M. Wehrey, *Sectarian Politics in the Gulf: From the Iraq War to the Arab Uprisings*, New York: Columbia University Press, 2014.

Wehrey supports the multifaceted understanding of sectarianism present in Haddad's work which identifies its cause from internal and external factors and notes that sectarianism becomes more prominent during times of stress with groups who have been denied political, economic, and cultural agency.³⁵ He concludes sectarianism is one lens through which to view a situation; just as Dodge determines Saddam is a symptom of Iraq's problem rather than the cause, so too can sectarianism be understood by this logic. Wehrey's work highlights the role of media in the sectarian struggle, noting it is easier to spread, plan, consume, and initiate violence and for those views to be amplified online. What Wehrey does not mention is the accountability academics, politicians, and analysts have for portraying these images to the public via Western media.³⁶ Unlike other scholars, Wehrey asks the West to step in and reprimand states engaging in sectarianism, suggesting sanctions, to keep states in line and curb this behavior.³⁷ Though the West should follow through in nations it causes conflict in, sanctions are ultimately not an adequate solution as sanctions notoriously cause dire problems for citizens while leaving the regimes relatively unaffected. Cockburn's research details the problematic nature of sanctions in Iraq in the 1990's when it was reported by the World Health Organization, WHO, that many Iraqis were experiencing starvation, resulting in around six thousand children dying every month per a 1996 WHO report.³⁸

National myth is one identifiable factor behind sectarianism; Fanar Haddad's work addresses the competing national myths in Iraq which have lent itself to issues of

³⁵ Ibid.

³⁶ Fredrick M. Wehrey, *Beyond Sunni and Shi'i : The Roots of Sectarianism in a changing Middle East*, New York: Oxford University Press, 2017.

³⁷ Ibid.

³⁸ Patrick Cockburn, *The Occupation: War and Resistance in Iraq*, Verso, 2007.

sectarianism and asserts over the decades national turbulence has shifted power dynamics, which has caused both individual and national identity crises. Like Cole, Haddad does not see sectarianism as a foregone conclusion but rather an element manipulated by authority figures for their own gain.³⁹ Haddad dives deeper into the Sunni and Shi'i division and finds that these identities are also constructed by agents of power and do not account for the fluidity of identity. He also understands sectarianism to be a mix of internal and external factors supported by the internal cultural majority who define national identity, culture, and history. Haddad posits citizens need to see themselves reflected in the state for them to support the state and the nation to be successful. This dissertation will demonstrate the challenge this is for Iraqis as previously Iraqi citizens did not define their government or collective identity but faced harsh divisions along identity politics imposed by both American forces and Western media.

Like Dabashi, Simon Murden also reports on the liberalism of the West and the constant polarization of Muslims and the West. Unlike Dabashi, however, Murden understands Muslims to live separate lives away from liberalism and rather merge on common issues such as refugees, immigration, terrorism, and oil.⁴⁰ This appears to be a binary perception of Islam and liberalism as Murden goes on to question how Muslim countries can advance without democratic and capitalist qualities and describes their progress as "slow moving". Furthermore, his work identifies religion as a tool to disrupt Western liberalism and recenter one's identity.⁴¹ Murden regards Islamic revival to be a response to the social failure in Muslim society stemming from both political and

³⁹ Fanar Haddad, *Sectarianism in Iraq: Antagonistic Visions of Unity*, London: Hurst, 2011.

⁴⁰ Simon Murden, *Islam, the Middle East, and the New Global Hegemony*. Boulder: Lynne Rienner Publishers, 2002.

⁴¹ Ibid.

economic failure; this is a challenge to Bobby Sayyid's belief that Islam is not in need of revitalization.⁴² Part of the conversation on Islamic revival is the Islamic political parties that sprung up between 2003 and 2005 and the quest for consistency, control, and moralization in a time of chaos. Joel Rayburn's work encompasses the formation of Sunni and Shi'i political factions in Iraq as a product of the U.S invasion. Joel Rayburn alludes to the role of these factions in the 2005 elections as well as the events of al- Maliki's rise to power as Iraq's prime minister, the proceedings of his tenure in office, and the strife resulting from his exclusionary policies.⁴³ Rayburn's scholarship details the series of violent and antagonizing events between Sunni and Shi'i groups during the Iraqi reconstruction process and the development of sectarian identity where there previously had been none. His work discusses the conditions and oppression that allowed Daesh to take hold of Iraq, like Gerges and Cockburn and concludes that this terrorist group resulted from a lack of governance.

There are numerous theories claiming where sectarianism in Iraq stems from; David Ghanim's work offers an Iraqi perspective on the democratic nation building and reveals the identity politics created by New Iraq being built on the rivalry of Saddam's Iraq.⁴⁴ He identifies the deep sense of victimization in Iraq but unlike Rayburn, Haddad, and Cockburn, Ghanim explains the manner in which each group was victimized under Saddam's regime and what elements from this trauma led to the dysfunctional relationships between factions. Ghanim relays the tensions between victim and victimizer and the violence and responsibility that creates a barrier between groups that is not easily

⁴² Ibid.

⁴³ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014.

⁴⁴ David Ghanim, *Iraq's Dysfunctional Democracy*, Santa Barbara: Praeger, 2011.

overcome; this was an element the U.S. found themselves utterly unprepared to encounter and manage. Many scholars address the preferential treatment of Sunnis under Saddam, an aspect that is often over emphasized, and the Shi'i under the coalition but what is not fully explored is how the victimization and dysfunction, coupled with preferential treatment, led to the sectarian problems in New Iraq. Often these scholars impart the importance of resilience in the face of sectarianism and while that is important, that is ultimately a not productive analysis of sectarianism. Instead, it would help to understand the factors involved in sectarianism and how to counteract these issues as they happen and identify tools to evade sectarianism in the future. Moreover, there is no profound discussion regarding the West's, or the U.S.', role in combating Iraq's sectarianism even when it is proven that colonialism is a root cause of this epidemic.

Iraq's colonialism and imposed descent into democracy had a significant impact on its leadership, constitution, and election process. The discussion on nation building in Iraq only constitutes part of the discussion surrounding the reconstruction and constitutional process in the nation. Moreover, the use of the term nation building needs to be addressed as the situation in Iraq goes beyond nation building, suggests Arato, as the venture in Iraq was intended to benefit the occupier, rather than the occupied.⁴⁵ This dissertation looks further into the specific challenges both Shi'i and Sunni communities face during this new democratic process. Juan Cole writes extensively about the Shi'i community, their history, struggles, and relationships to other groups including the Sunnis.⁴⁶ Cole asserts sectarianism was not inevitable in Iraq and that, like Dabashi

⁴⁵ Anthony Arato, *Constitution Making under Occupation: The Politics of Imposed Revolution in Iraq*, Columbia University Press, 2009. P. 2

⁴⁶ Juan R.I. Cole, *The Ayatollahs and Democracy in Iraq*, Leiden: Amsterdam University Press, 2006.

suggests, this tension is a response to a threat, Haddad further concludes that making a claim about the inevitability of sectarianism is both alarmist and reductionist. Hagan et al. affirms the popular belief that sectarianism was not a question of if, but when, in Iraq due to the plethora of internal and regional factors.⁴⁷ This dissertation follows Cole's belief that sectarianism was a manufactured product in Iraq and suggests this occurred largely at the hands of the U.S., though there are certainly other factors in this conflict. Cole recounts the struggles of destabilization and agency Iraqis faced following the U.S. invasion and specifically the movements and parties of Shi'i Iraqis as they attempted to collaborate with the U.S. coalition.⁴⁸ Alternatively Patrick Cockburn reports on the Sunni struggles in Iraq and how they materialized to form terrorist groups such as al-Qaeda in Iraq and ISIS.^{49, 50} Cockburn narrates the challenges Sunnis face between searching for government and coalition assistance and finding the need to gain protection, resources, and support from neighboring countries. Scholar Fawaz Gerges gives a more in depth understanding of the ISIS movement and its role in responding to Shi'i aggression and lack of U.S. support in Iraq.⁵¹ Additionally, Cockburn's work covers the trials and tribulations of Iraqis leading up to and during the 2003 invasion, including Saddam Hussein's rise to power and ultimate demise.⁵²

⁴⁷ John Hagan, Joshua Kaiser, Anna Hanson, and Patricia Parker, "Neighborhood Sectarian Displacement and the Battle for Baghdad: A Self-Fulfilling Prophecy of Fear and Crimes Against Humanity in Iraq", *Sociological Forum*, 30:3 (2015): 675-97.

⁴⁸ Juan R.I. Cole, *The Ayatollahs and Democracy in Iraq*, Leiden: Amsterdam University Press, 2006.

⁴⁹ ISIS, the Islamic State of Iraq and Syria is better known by its Arabic acronym Daesh, or Dā'ish, in Iraq and will be referred to as such throughout this dissertation.

⁵⁰ Patrick Cockburn, *The Rise of the Islamic State: ISIS and the New Sunni Revolution*, London: Verso, 2015.

⁵¹ Fawaz A. Gerges, *ISIS: A History*, Princeton University Press, 2016.

⁵² Patrick Cockburn, *The Occupation: War and Resistance in Iraq*, Verso, 2007.

Noah Feldman defies the notion that Islam is not compatible with modernity, he suggested instead that Islam is modern simply because it exists in modernity.⁵³ He also observes some Muslims are constrained by a law they did not create and was out of their control, this is certainly the case in Iraq where citizens have experienced decades of colonialism and authoritarianism. Through this idea we can understand the occupation and nation building in Iraq; the Iraqis did not have control of the overthrow of their former leader Saddam Hussein, and they had little to no control over how the Iraqi government was rebuilt. This lack of control can be seen during the reconstruction process, specifically through the constitutional drafting process. Bobby S. Sayyid concurs with Feldman's stance regarding Islam being modern; Sayyid states that it is popular belief that Muslims are "out of time" and are in need of revitalization; however, he notes, Muslims never left, there is no need to have a comeback because they were never gone.⁵⁴ Sayyid goes further and questions why the West is the standard of modernity, this question of why and how the West is the standard of comparison is a substantial question woven through this dissertation. The Western standard, and Sayyid's question, becomes relevant when analyzing the 2005 constitution drafting and elections in Iraq; these events were centered around American notions of democracy, secularization, and identity that did not fit Iraqi ideals but were superimposed on the nation, nonetheless.

Research gaps. A small portion of current scholarship addresses the notion that sectarianism is not the problem of Islam and highlights the colonial nature at the root of sectarianism but still these accounts name religious or political struggles as the reasons

⁵³ Noah Feldman, *The Fall and Rise of the Islamic State*, Princeton University Press, 2008.

⁵⁴ Bobby S. Sayyid, *A Fundamental Fear: Eurocentrism and the Emergence of Islamism*, London: Zed Books, 2004.

behind the conflict. These are vastly oversimplified stereotypes and simply inaccurate when we evaluate the actions and events behind Iraqi sectarianism, we can understand sectarianism as a product of identity. This dissertation analyzes the ongoing identity crisis in Iraq and how centuries of colonialism, authoritarianism, and hegemonic statehood have impacted Iraqi identity, culminating in violence during the forced democratization in Iraq. Another portion of scholarship realizes that Iraq is not the image for democracy; what is not clearly stated is the reason behind this truth. There is contention and conversation surrounding the compatibility of Islam and democracy, in some instances utilizing Iraq and its sectarian problem as a reason why it cannot work; however, there is little exploration into how a forced restructuring of the Iraqi government into a democracy was supposed to yield democratic results. Democracy is by the people, for the people, and in Iraq it was neither by, nor for, the Iraqi citizens. This very issue is a key factor in the ignition of sectarianism in Iraq during the reconstruction period. Islam is not the problem, Muslim nations are not the problem, colonialism is the issue.

Regarding colonialism, oftentimes scholars refer to Iraq after British occupation as “postcolonial” Iraq, but that is far from the truth; the U.S. occupation was also a colonial venture and Iraq has yet to experience postcolonialism. This observation is reflected in Richard King’s theory of postcolonialism, suggesting post colonialism challenges the foundation erected by colonialism.⁵⁵ The desire to label Iraq as postcolonial shifts blame from colonizers to the citizens themselves but as the scholarship demonstrates, Iraq continues to be plagued by remnants of colonialism from the Ottomans, British, and Americans. Though the above scholarship understands the U.S.

⁵⁵ Leela Gandhi, *Postcolonial Theory: A Critical Introduction (1st ed.)*, London: Routledge, 1998.

invasion to be hegemonic, there is little discussion on what a forced democratization, understanding this concept for the oxymoron that it is, means for democracy, pluralism, and citizen relationships. New Iraq was intended to be the model democratic state providing Western allyship but that cannot occur when a nation is occupied, and democracy becomes compulsory.

Another gap in recent scholarship includes how we, as a Western society, respond to these instances of violence created from Western hegemony.⁵⁶ There is plenty of research on media bias and negative portrayal of the Middle East, specifically Iraqis as it pertains to the Iraq war, but this work does not suggest how to move forward to correct these portrayals ingrained in the public's perception. Scholars such as Visser, suggest methods of media reform but these still do not infiltrate the paranoia and distaste that the media has already spread concerning Iraq and its citizens.⁵⁷ Changing this perception is necessary as these narratives lead to political violence, sectarianism, harmful and racist policies, and in the most extreme cases, invasions. Western media and the American government go on to blame instances of sectarianism on religion and politics, stating it is the nature of Islam to be combative, to fight one another for power, and to have negative views of America and the West.

Over the course of my education, it became acceptable to criticize this event and even call it what it was, an occupation. At the start of my academic career these kinds of analysis were frowned upon and seen as too radical or supporting terrorism. I write this

⁵⁶ Hegemony here being understood as the dominance and power wielding of one group over another.

⁵⁷ Reidar Visser, "Writing the Modern History of Iraq." Essay. In *Writing the Modern History of Iraq: Historiographical and Political Challenges* edited by Jordi Tejel, Peter Sluglett, Riccardo Bocco, and Hamit Bozarslan, New Jersey: World Scientific Publishing, 2015.

dissertation in part to continue the discussion on foreign occupation and its outcomes. I also want to bring this discussion to public spaces like the classroom and communities so that others can understand the ramifications of U.S. actions overseas and the profound effects acting on assumptions can have. The goal of this dissertation is to bridge the gap between academic understanding of sectarianism in Iraq and dispel the common misconceptions in a manner which the public can understand. I facilitate the reality that Islam does not equate to violence and chaos; to do this I link the policy concerns regarding hegemony and Western media to the increase of identity mapping on Sunni and Shi'i Iraqis and the identity crisis this process creates. I also identify the relationship between the influence of modern colonialism and the forced democracy in Iraq.

Furthermore, this dissertation explores the possible relationship between the ratification of the 2005 Iraqi constitution and the increased sectarian violence in Iraq as there has yet to be research linking the creation and language of the 2005 Iraqi constitution to the eruption of sectarian violence in the country. This work utilizes multiple perspectives such as religious studies, political science, and anthropology and blends the disciplines to produce a work that encompasses a more robust understanding of the problem. Lastly, this dissertation responds to the persistent questions in the U.S, "why does Iraq not want our [U.S.] help" and dispel the notion of incompetent, antiquated Muslims combating the West, specifically the U.S., because they are unwilling to modernize. This dissertation is not intended to be fully comprehensive of all Iraqi groups; rather, I will concentrate on the Sunni Shi'i divide. I do not discuss issues of violence between groups such as the Kurds, Christians, and Yazidis who were also involved in sectarian violence following the ratification of the 2005 Iraqi constitution. For the scope of this dissertation, only Sunni

and Shi'i relations will be explored. Additionally, this dissertation will address the current state of Iraqi sectarianism, however, I will focus on the year 2003 after the US invasion leading up to the creation of the new 2005 constitution and following through the aftermath of the first series of democratic elections.

Methodology

Theory. This dissertation relies on the methodology and theory of the following scholars: Richard King, Mark Juergensmeyer, Clifford Geertz, Leela Gandhi, and Max Weber. Their scholarship drew my focus to issues of inclusion, and more importantly exclusion, when assessing works as well as ensuring I am contextualizing the issues in Iraq within its national context, rather than simply from a Western perspective. Richard King recognizes religion as part of a larger picture which includes economics, history, law, family, and culture that cannot be simply parsed out.⁵⁸ King approaches religion through a cultural studies perspective rather than from a theological standpoint which supports the framing of religion in this dissertation as well, his discernment of religion aids in the assessment of the secularist demands the U.S. imposed on Iraq and balances his theory with Hallaq which suggests this dichotomy is contradictory. King urges scholars to recognize the nationalist discourse, the history of which I will focus on in my research and writing of my dissertation. In the same regard, I also utilize Geertz's system of nationalism and successful statehood to assess the events during Iraq's U.S. occupation and reconstruction. Geertz's four phases of nationalism assert the pattern through which new states ascend and attempt to relate and stabilize themselves to surrounding nations as well as their own citizens; this process further lends itself to regionalism, which is also

⁵⁸ Richard King, *Orientalism and Religion: Postcolonial Theory, India and "The Mystic East"* 'London: Routledge, 1999.

evident in Iraq, as loyalties and identities are formed.⁵⁹ In response to the postcolonial lens of King, I also utilize Leela Gandhi's poststructural approach to understand not just the people and actions, but the systems that produced these structures.⁶⁰

Utilizing King's theory, I critically examine the method in which the U.S. coalition misunderstood the existing power dynamics in Iraq and the impact the occupation would have on the population. This impact will be understood in reference to Mark Juergensmeyer's theory of cosmic war which he offers arises when symbols become deadly and the struggle for identity becomes so intense the thought of losing this conflict is unimaginable, therefore manifesting in a conflict that cannot be solved by Western political means.⁶¹ Prior to the 2003 invasion of Iraq, the United States was in conversation with Iraqi exiles to formulate an invasion and intervention plan. These exiles were individuals who faced religious and political persecution in Iraq and as a result, had not been living in Iraq for decades. This caused U.S. officials to have an unrealistic idea of what Iraqi citizens needed in the wake of religious and political genocide and dictatorship as Iraqi citizens were largely left out of discussion. One instance of this misunderstanding is the deBa'athification process and distribution of power to Americans without much input from the Iraqis; I argue this reconstruction process set the stage for violence. We can also understand this perpetuation of violence through Geertz's notion of new statehood; Geertz offers new nations striving for

⁵⁹ Clifford Geertz, *The Interpretation of Cultures*, Basic Books, 1973.

⁶⁰ Leela Gandhi, *Postcolonial Theory: A Critical Introduction (1st ed.)*, London: Routledge, 1998.

⁶¹ Mark Juergensmeyer, *Terror in the Mind of God: The Global Rise of Religious Violence*, Berkley: University of California Press, 2000.

coherence and community through collective identity and this is one reason why colonist imposition creates such harsh interpersonal dynamics in a newly forming state.⁶²

Furthermore, this dissertation addresses the role secularism plays in drafting of the 2005 Iraqi constitution and the following elections. The process of creating a secular government is an inherently Western problem which lends itself to King's theory. During the drafting of the 2005 Iraqi constitution there was concern regarding how Islam would come to be incorporated in the nation's laws. While the U.S. imagined a secular Iraq that would be heavily modeled on the U.S. and Britain; most Iraqis wanted Islam to provide a moral framework for the nation. Despite not being able to fully separate religion from government, the belief persists that religion can be separated out from politics, economics, and culture, and thus a state can be secular. King claims this ideology to be a reduction of religion and limits one's full scope of knowledge of a culture. The same can be said for the U.S.' secularization of Iraq; religion is not the opposite of secular, and the removal of religion does not equate to better governance. Most scholarly discussion regarding Islam and democracy debates the possibility of such a government, rather than its practicality. Iraq's 2005 constitution has implemented democracy while also featuring Islamic law, shifting the conversation to questions of the role Islam does play in a democracy. One such issue scholars affirm is the phrasing of the constitution as the largest indicator of the discontinuity among policymakers during the drafting process. There was no agreement on how much the state should rely on Islam to govern and what that would mean for non- Muslims, or even secular Muslims, residing in Iraq. This dissertation will focus on the ambiguity the constitution ultimately contained because of

⁶² Clifford Geertz, *The Interpretation of Cultures*, Basic Books, 1973.

the attempt to meet all party needs while meeting the ratification deadline the Americans were set on. The ambiguity caused a weak government and allowed for the formation of faction groups which would attempt to fill the void of the state; Long before, Geertz had noted that elsewhere such ethnic blocs create direct confrontation between political and individual identity in emerging states, causing violence.⁶³

Methodology. The primary methodologies employed for this dissertation include textual analysis, historiography, and archival research. I will use textual analysis to analyze the 2005 Iraqi constitution in both Arabic and English to investigate the link between increased sectarian violence in Iraq and the ratification of the 2005 Iraqi constitution; this will be completed through translation to incorporate Arabic primary sources necessary for this project such as the Iraqi constitution, reports from Iraqi officials, and Arabic media sources. These sources will be assessed with the following factors King highlights in mind; misrepresentation, literary bias, nationalism, secularism, and eurocentrism.⁶⁴ Additionally, I will utilize the U.S. Department of State official documentation on the 2003 invasion of Iraq and Iraqi reconstruction period including planning documents, public records, court documents and personal reflections in order to draw from various points of view. This research will include Iraqi official documents as well to ensure all viewpoints are being considered in the narrative. Furthermore, my archival research will consist of news media sources reporting on the 2003 invasion of Iraq, the Iraqi reconstruction period, the drafting and ratification of the 2005 Iraqi constitution, and coverage of sectarian violence in Iraq from both American and Iraqi

⁶³ Ibid.

⁶⁴ Richard King, *Religion, Theory, Critique: Classic and Contemporary Approaches and Methodologies*, Columbia University Press; 2017.

perspectives. These media sources will supplement the textual analysis and archival work to add additional perspective and dimension to my findings. My scholarship encompasses U.S. law, Iraqi law, Islam, Islamic law, culture, and history to push beyond superficial power relations and encompass the interworking of the complex history behind the Sunni and Shi'i sects in Iraq. King warns against reducing struggles to simply power dynamics, which is often the case in sectarian scholarship. This dissertation links the power struggle to the underlying issues of identity which fuel the tensions in the region.

Western scholarship largely perceives culture as primarily homogeneous and resembling its own values. The west identifies religion as what stands out and what can be seen, without a deeper analysis of what is more difficult to perceive. Furthermore, Western scholars distinguish religion through their own lens, this is clear from the U.S. actions in Iraq and from a multiplicity of scholarship on the subject; this attempt to negate other ideologies in favor of Western values is a part of the process of colonialism.⁶⁵ Richard King demonstrates the need to situate cultures in their own context, outside of their conversation with the West; as such, this dissertation goes beyond what is obvious from a Western lens and aims to identify the nuances of Islam and its role in Iraqi reconstruction.

King's notion that power is nothing without culture leads me to delve into the cultural and religious factors that ignited Iraq's sectarian violence. I frame my dissertation using King's model of religion and secularism and classificatory violence while heeding Geertz's caution against creating a universal notion of a culture which

⁶⁵ Leela Gandhi, *Postcolonial Theory: A Critical Introduction (1st ed)*, London: Routledge, 1998.

hinders one's ability to truly analyze and understand that culture.⁶⁶ While the actions studied for this dissertation; including the 2003 invasion of Iraq, drafting of the 2005 Iraqi constitution, and the U.S. led Iraqi reconstruction period, are inherently colonial, I will utilize King's post-colonial theory to discern the impact of these events. King's ideas augment Paul Rabinow's notion to "anthropologize the west", suggesting scholars dive deeper into the culture, politics, economics, and history to establish their inner workings.

King posits the question; do we really know a group of people, or do we think we know them? Only through engaging, studying, and talking can we really know another person or group's desires or interests.⁶⁷ We exhibit classificatory violence when we lock people, or groups, into categories without further considering their nuances. It is through this lens that I will view the invasion of Iraq, creation of the 2005 Iraqi constitution, elections, treatment of Sunni and Shi'i groups and media representation during these events. I aspire to illuminate the role U.S. authorities played in worsening Sunni and Shi'i violence in Iraq by allowing assumptions to stand in for ideas of Iraqi citizens. I will use King's modality to assess which groups were, and were not present, during the drafting of laws, the constitution, and the election process and identify whose voices were silenced and investigate the impact of these decisions on majority and minority relations in Iraq.

This dissertation incorporates King's observation which suggests highlighting and uplift marginalized often write our own scholarship in as their voice. Highlighting, not overriding, voices is of serious concern to my scholarship and for this reason I will be consulting Iraqi media print, archives, and interviews in the original Arabic, along with

⁶⁶ Clifford Geertz, *The Interpretation of Cultures*, Basic Books, 1973.

⁶⁷ Richard King, *Orientalism and Religion: Postcolonial Theory, India and "The Mystic East"*, London: Routledge, 1999.

materials available in English. By incorporating Iraqi news media, public interviews, and Iraqi public records, I am including an additional perspective the CPA initially left out, Iraqi voices. Geertz suggests, it is not possible to generalize mankind but it is possible to understand a culture and to do so one must expose their normalness rather than merely their differences or peculiarities.⁶⁸ I aim to do just that, highlight cultural and religious aspects in a manner which amplifies the context rather than ostracizes it and depict how the U.S. occupation impacted a post dictatorship society emerging from genocide, evaluating sectarian relations and their striving towards democracy. Furthermore, I analyze the bias and media scrutiny utilizing Juergensmeyer's framework with Geertz's reminder that the frenzied approach often taken by the West does not lend itself to reason.⁶⁹

My work also embodies the theoretical framework of Max Weber's link between status and class and one's access to power.⁷⁰ I aim to analyze notions of religious violence and their ties to the political power struggle brought on by the ratification of the 2005 Iraqi constitution. In this instance, I will be utilizing his framework in the background of linking the status and power associated with minority and majority relations as outlined in the government documents, the 2005 Iraqi constitution, and the degree to which the newly privileged Shi'i and the marginalized Sunnis, responded to those power relations. I am utilizing Weber's desire to find linkages and sequences in a society, rather than creating general overarching rules. This research seeks to explore the link between sectarian violence and a disruption in the political atmosphere of a former dictatorship as

⁶⁸ Clifford Geertz, *The Interpretation of Cultures*, Basic Books, 1973.

⁶⁹ Ibid.

⁷⁰ Max Weber, *The Sociology of Religion*, Beacon Press, 1993.

well as demonstrate that sectarianism is not simply a religious response, nor is it an inevitable one.

Conclusion

Current scholarship explores topics of sectarian violence in Iraq, the Iraqi Civil War, and the 2003 invasion of Iraq; however, few scholars consider the relationship between the increased sectarian violence in 2005 and the ratification of the 2005 Iraqi constitution. My dissertation will use scholarly and archival research to reveal a link between the language and nature of the modern Iraqi constitution and the violence that erupted within the nation. This dissertation explores the relationship between Sunni and Shi'i relationships in Iraq considering the Iraqi reconstruction period and goes one step further to understand the impact the Sunni- Shi'i relationship has on democracy in the nation. This work evaluates scholarly materials in the fields of Sunni and Shi'i relations in Iraq, the development of the Iraqi constitution, modern Iraq, and Islam in Iraq. The available literature centered on sectarianism in Iraq following the 2003 U.S. invasion of Iraq reveals several themes; the most prevalent of the themes were the role of democracy in Islam, secularization, identity, and colonization. The overview of current scholarship in the fields related to my dissertation demonstrates the need for more research regarding the identity conflict behind sectarianism and its ties to colonialism and the culpability of Western entities, such as the media, in the perpetuation of sectarianism in Iraq. My research employs textual analysis and archival research along with translation work to extend my sources beyond the American understanding of events relating to sectarian violence in Iraq. I will use Weber's framing of power dynamics to situate minority-majority relations between the Sunni and Shi'i groups in Iraq. Additionally, this

dissertation will be framed using King's methodology of looking beyond preconceived groups and categories to obtain further knowledge than previously assumed knowledge. Both King and Geertz allude to colonization being ingrained in the population; decades after the colonizers have departed the hegemonic concepts are still internalized leading themselves to identity crises that manifest through nationalism and sectarianism, as we see in Iraq. Even with the nuances of post-colonial and post-structural methods and theory, this dissertation is still written in a Western academic setting, which may impact this study and limit its scope.

To discuss the topic of sectarian violence in Iraq I first acknowledge the impact of the U.S. invasion and occupation of Iraq and thus, the second chapter of the dissertation will summarize the U.S. 2003 invasion of Iraq and argue the event's significance on the creation of the new Iraqi constitution and first democratic elections. Chapter 2 will provide an overview of the Sunni and Shi'i relationship in Iraq, focusing on Saddam's regime through the U.S. occupation but will touch on their interrelation stemming from the Ottoman Empire and British mandate. This chapter describes the nature of sectarianism and its role in Iraq as it relates to nationalism, politics, and religious difference. Chapter 3 presents a comprehensive synopsis of the 2003 U.S invasion of Iraq from the planning of the attack, through reconstruction, and ending with the creation of a transitional government. The U.S. invasion is understood as one episode of colonialism experienced in Iraq and the impact of these occurrences affects community and government relationships and alters notions of identity within the nation. This chapter will establish the problematic nature of the occupation and transitional government process as the U.S. coalition worked largely without the guidance or support of the Iraqi

people. Afterwards, I will then explain the conditions under which the Iraqi constitution was constructed and aim to identify the impact this document had on Iraqi citizens in Chapter 4. This analysis alludes to the problematic nature of hegemony and the incompatibility of mapping one nation's systems and values onto another, exemplified through the 2005 Iraqi constitution. Next, I will briefly describe the nature of sectarian violence in Iraq during the 2005 elections and draw conclusions as to the impact the reconstruction period had on democracy and sectarianism in the nation. Iraqi political parties, terrorist organizations, and municipal positions were all afflicted by sectarianism in 2004 and 2005 and this chapter will demonstrate the ways in which this took place. Lastly, the conclusion will summarize the impact the invasion and reconstruction of Iraq had on sectarian relations in the nation and allude to any influence from the U.S. occupation or 2005 constitution. The last section will connect the U.S. debacle in Iraq to the demonization of Islam, Iraqis, and sectarianism as perceived by the West. I necessitate the understanding of the full picture of a situation, such as Iraqi sectarianism, before jumping to conclusions.

In my recent work I facilitate dialogue and pluralism training with international university students, predominantly from the Middle East, concerning matters of democracy, religion, culture, and dialogue. I employ critical thinking and leadership workshops with my students who are eager to engage differences of identity, religion, opinion, and so on. This dissertation acknowledges the importance of upholding groups different from our own and being willing to incorporate alternative values and concepts into our ideologies as well as challenge information we get from sources such as media and opposition groups in order to illustrate the dangers of hegemony and its impact. The

sectarian condition in Iraq demonstrates the imperative of social cohesion and critical thinking surrounding difference on both an individual and governmental level. I hope this work can demonstrate inaccurate narratives that are possible, in order to combat and provoke others to think about educating themselves before acting. These are the lessons I teach, and continue to hone, as I work with youth from Iraq, and other nations, that struggle with sectarianism and perception of identity in their communities. Youth are expressing interest in learning about sectarianism, identity, and its consequences as well as discussing how to combat these issues but are not sure where and how to start addressing these concerns; this dissertation is one way to start the conversation and bridge the gap between political issues and public perception.

CHAPTER 2

Sunni and Shi'i Historical Context

Introduction

The focus of this dissertation is on Sunni and Shi'i relations following the 2003 invasion of Iraq; therefore, the investigation of their relationship, spanning the centuries, in it will primarily address the nature of their relationship beginning after the removal of former Iraqi President, Saddam Hussein. But for background purposes, in this chapter aims to define the nature of the relationship between the Sunni and Shi'i Muslim sects historically in Iraq both before and after the 2003 regime change. The relationship between Sunni and Shi'i Muslims in Iraq has been studied extensively and will be revisited to situate oneself in the narrative of sectarianism in Iraq. It is widely assumed that Sunni and Shi'i cannot coexist without any animosity, especially in Iraq where the two sects have been pitted against each other; however, these sects managed to live in the same region without an outbreak of sectarianism of the magnitude seen in the 2000's for centuries. Sectarianism in Iraq has been a topic of discussion since the Iranian Revolution; however, the prevalence and imperviousness of sectarianism did not reach deep within Iraq until the 2000's and the overthrow of Saddam Hussein's regime.⁷¹

The media depicts an omnipresent and inherent struggle between Sunni and Shi'i leading to the perception that these two groups cannot be harmonious with each other or handle the religious diversity in Iraq. A brief look into the history of Islam in Iraq disproves such a notion. Sunni and Shi'i have lived together without, what we now call, sectarianism. Sectarianism is a broad term and as the Oxford dictionary states it is an

⁷¹ F. Haddad. *Sectarianism in Iraq: Antagonistic Visions of Unity*. New York: Columbia University Press, 2011. p. 2.

“excessive attachment to a particular sect or party, especially in religion”. However, for the purpose of this discussion, we can use Fanar Haddad’s definition which defines sectarianism as, “a multiplicity of sects” and can also mean “discrimination, hate or tension’ based on differences between sects.”⁷² This chapter will demonstrate the complex relationship between the two sects and why trying to define it solely as sectarianism is reductionist.

Prior to the U.S. invasion in Iraq, there was not such a clear distinction between Sunni and Shi‘i Iraqis; in fact, many households were composed of both Sunni and Shi‘i members. It was not until U.S troops were asking children if they were Sunni and Shi‘i that Iraqi youth began to notice a formal distinction between the two sects. The Western media aided in assigning negative connotation to the term, therefore causing the discussion of such divisions along sect lines to become sharper, though this is not the only reason for such a change. The power vacuum created by the overthrow of the Ba‘th regime is responsible for a large amount of the animosity within Iraq.

There are many factors causing strain on the Sunni - Shi‘i relationship in Iraq and to discuss those factors it is important to comprehend the history of the relationship. The split in Islam between Sunni and Shi‘i occurred when there was no clear successor to the Prophet Muhammed following his death in 632 CE. Shi‘i Muslims believed the Prophet’s successor should be a blood relative and therefore supported his cousin and son-in-law Ali. Sunni Muslims believed the successor should be someone more familiar with the Prophet's teachings and favored the prophet’s father-in-law Abu Bakr. While Ali and his supporters recognized the first three successors to the Prophet or caliphs, at the murder of

⁷² Ibid, 31

the third caliph ‘Uthman in 656 CE, a permanent split developed between supporters of Ali and supporters of ‘Uthman, which later morphed into the Sunni-Shi‘i division. Today, Sunni and Shi‘i are two of the main sects in Islam with approximately 90% of Muslims being Sunni and 9% being Shi‘i.⁷³

Both Sunni and Shi‘i Muslims believe the same core beliefs such as abiding by the Qur’an and the five pillars of Islam, agree Prophet Muhammed is the final messenger in Islam, and believe there will be a day of judgement.⁷⁴ Their differences, beyond the Prophet’s successor include the manner in which they perform *Wudu*⁷⁵, *Salat*⁷⁶, and *Sawm*⁷⁷ as well as the way in which they interpret the Qur’an and Hadith.⁷⁸ Within each sect there are numerous branches that further differ on interpretation; for the Shi‘is those include Twelver, Isma‘ili, and Zaydi, while for the Sunnis there are the Hanafi, Maliki, Shafi‘i, and Hanbali schools.⁷⁹ While these groups have attributes that make them unique, the boundaries between each sect and branch is not as clear cut as modern analyses of sectarianism would claim to discern.⁸⁰ Their differences are not exclusively based on prayer methods or Qur’anic interpretations, but on the identity and culture built within their respective communities. These attributes are what contribute to power, politics, and agency outside of their local communities. It is

⁷³ Zaki Chehab, Sam Alexanderoni, and Lucy Knight. “Sunni v Shi‘i : All You Need to Know.” *New Statesman*. 136, 4831 (2007): 12-15. p. 14

⁷⁴ S.R. Ameli and H. Molaei. “Interculturally between Shi‘i & Sunni Muslims in Iran”. *International Journal of Intercultural Relations*. 36 (2012): 31–40. p. 32

⁷⁵ Purification before prayer

⁷⁶ Prayer

⁷⁷ Fasting

⁷⁸ S.R. Ameli and H. Molaei. “Interculturally between Shi‘i & Sunni Muslims in Iran”. *International Journal of Intercultural Relations*. 36 (2012): 31–40. p. 32

⁷⁹ *Ibid*, 34

⁸⁰ Haddad, F. *Sectarianism in Iraq: Antagonistic Visions of Unity*. New York: Columbia University Press, 2011. p. 145

important to decipher whether these religious differences cause a political rift in Iraq or if politics is being mapped on to non-political actions. This chapter will address the relationship of Sunni and Shi'i groups in Iraq which will allow for a more comprehensive approach to understanding sectarianism in Iraq in a later chapter.

There are many causes which support the rise of sectarianism that occurred in Iraq during the 2000's and 2010's. Iraq has been colonized since the Ottoman Empire and the nation was built without the voices of Iraqis in mind; furthermore, centuries and decades of social, political, and economic stress caused Iraqis to have narrow vision and shape their identities away from the public sphere due to continuous repression.⁸¹ These circumstances cause mistrust amongst groups competing for survival in a nation. Before further addressing sectarianism in Iraq and its associated causes it is first imperative to understand the history of Sunni and Shi'i groups in Iraq which is a problem between these two groups of Iraqi Arabs.⁸²

Religion in Iraq has been mixed with history, politics, national interests, and foreign occupation to encompass many issues and blur the lines between divine belief and national discourse. This brings a new level of judgment and privilege to Iraqi citizens from both internal and external factors. Those who have the power and authority to speak on behalf of a group, in this instance Sunni or Shi'i, are in a role to direct the narrative by playing to religious history and lending legitimacy to their claims, which later becomes expressed through political parties. The desire for legitimacy has been ongoing and under Saddam's regime the Shi'i struggled for power; however, following Saddam's removal it was the Sunnis who needed to assert their legitimacy. It is this power struggle that blurs

⁸¹ Muhsin J. Al-Musawi, *Reading Iraq: Culture and Power in Conflict*, London: I.B.Tauris, 2006. p. 59.

⁸² Dawisha Adeed Dawisha. *Iraq: A Political History*. Princeton: Princeton University Press, 2009. p. 184

the line between religion and politics, beliefs and sectarianism, and Sunni and Shi'i.

Authority and legitimacy have a large impact on collective memory and the connection of groups from past to present in their communities.⁸³ Legitimacy impacts the way Shi'i groups relate in comparison, or opposition, to Sunni groups through civic engagement, community action, protests or resistance movements, and municipality decisions.⁸⁴

Groups vying for authority put emphasis on identity, often where one group defines themselves in opposition to another group. As such, religion and ethnicity are methods to create and understand identity. However, the categorization of Sunni and Shi'i sects is not clear cut and does not account for the elasticity between the groups. The discussion of these groups as separate was not part of an international discourse until after the Iranian Revolution when it became politically expedient to discuss Iraqis in terms of Sunni or Shi'i groups.⁸⁵

Sectarianism

Tensions have existed between Sunni and Shi'i groups since the death of Prophet Muhammad, and while it is important to understand this division, this initial schism is not the focus of this dissertation. However, a brief discussion of the divide and these sects is relevant to the discussion of Iraqi sectarianism. Sectarianism is a form of othering that is a byproduct of nationalization. Nation building did not exist in the modern sense in Europe until about the sixteenth century and then began dividing up land, and people, in a relatively arbitrary way depended on who was drawing the national lines and what they

⁸³, Muhsin J Al-Musawi, *Reading Iraq: Culture and Power in Conflict*, London: I.B.Tauris, 2006. p. 12

⁸⁴ Ibid, 16.

⁸⁵ F. Haddad, *Sectarianism in Iraq: Antagonistic Visions of Unity*. New York: Columbia University Press, 2011. p. 145

were drawn around, trade for example.⁸⁶ In order to create cohesion and community, nations needed to believe in a shared narrative with a history and symbolism. Meaning must be created and attributed to this new land boundary in order to foster loyalty inside the state rather than on externally linking factors that may group people regionally like ethnicity and religion alone. This type of development of nationalism scarcely began in the non-European world before the end of the 19th century.

The divisiveness in Iraq following the 2003 U.S. invasion of Iraq was not a new phenomenon. Political tensions across religious and ethnic lines have existed since the Ottoman Empire, been carried through to the British colonization of Iraq and persisted to present day. What has changed in this politically charged environment is the way the term sectarianism is used to both explain and dismiss problems in Iraq. Sectarian issues became synonymous with an Islamic problem, and violence, political instability, and conflict become equated with Islam. Group tensions were documented when the Ottoman Empire divided Iraq into three provinces, which allowed for the consolidation of Kurdish, Sunni, and Shi'i ethnic groups based on the geographical barriers, which became Mosul, Baghdad, and Basra; however, these lines did not coordinate with the groups exactly and internal shifts and migrations occurred through the centuries.⁸⁷ Iraq has been home to numerous empires and ethnic, political, and national boundaries have shifted over the years which contributed to the shifting pluralistic and political relationships of Iraq. Furthermore, the struggle for identity has been present in Iraq since the end of World War II when the British directed the creation of a national identity in Iraq through Arab

⁸⁶ Clifford Geertz, *The Interpretation of Cultures*, New York: Basic Books, 1973. p. 248

⁸⁷ Zaid, Al-Ali, *The Struggle for Iraq's Future: How Corruption, Incompetence, and Sectarianism have Undermine Democracy*, London: Yale University Press, 2014. p.18.

Nationalism which allowed for the exclusions of Shi'i Iraqis who had similarities and ties to the Persians of Iran.⁸⁸ The Iraqi nation has been molded to the agenda of the various occupying forces: an ethnic center, the heart of civilization, a thriving protectorate, and the first Arab democracy. These efforts put aside the needs of the groups who inhabit Iraq and caused further turmoil. Throughout the decades anxiety and trauma increased the volatile response to identity through instances of exclusion, notes Khalil Osman.⁸⁹ The pursuit of one national narrative that does not represent other national groups results in a contestation of agency at the concern of being excited from the narrative.

History of Shi'i

The Shi'i support Ali, the Prophet's cousin and son-in-law, as the rightful successor upon the Prophet's death. It is widely believed by Muslims that Prophet Muhammed did not name a successor; however, the Shi'is usually claim the Prophet did name Ali his successor after his last pilgrimage on March 10th, 632 CE, leading Shi'i Muslims to believe that Ali should have been the Prophet's direct successor as imam or leader.⁹⁰ Shi'i observe a more rigid leadership, compared to Sunni Muslims, which requires spiritual leadership from Imams rather than political leadership from a Caliph.⁹¹

Another important aspect of Shiism is the celebration of the martyrdom of Imam Hussain, one of twelve venerated Imams, which occurred on October 10th 680 CE, through processions with self-flagellation, storytelling, and a pilgrimage to Hussain's shrine which remediates for their sins. Imams provide intercession to the Prophet

⁸⁸ Ibid, 271

⁸⁹ Khalil F. Osman, *Sectarianism in Iraq: The Making of a State and Nation Since 1920*, New York: Routledge, 2014. P. 267

⁹⁰ James Moore, "The Sunni and Shi'i Schism: Religion, Islamic Politics, and Why Americans Need to Know the Differences", *The Social Studies*. 106: 5, (2015): 226-235. p. 229

⁹¹ E. Hawley, "ISIS Crimes Against the Shi'i : The Islamic State's Genocide Against Shi'i Muslims", *Genocide Studies International*.11:2 (2017), 160-181 p. 160

Muhammed and that this role is necessary to achieve salvation.⁹² There are a few other differences between the Shi'i and Sunni sects which include the Shi'a practice of mut'a, a temporary marriage, and taqiyya, which allows one to deny their beliefs in the face of persecution.⁹³ While most Muslims in the world identify as Sunnis, the Shi'is are the majority Muslim group in Iraq. Due to centuries of colonial and authoritarian rule, the Shi'i in Iraq began to form close knit groups in order to advocate for themselves and accommodate their own needs.

While most Iraqis are Shi'i this was not their primary affiliation, instead aligning first with their tribe.⁹⁴ Over the course of the nation-state of Iraq since 1921, the focus was on being Arab rather than being Muslim, a period which lasted from King Faysal through Saddam Hussein: this helped the Shi'i affirm their nationality even when they were the religious minority.⁹⁵ The Arab focus did not stop the Shi'i from being excluded from political and cultural spheres.⁹⁶ The Ottomans tolerated the Shi'i and left them to themselves as long as they stayed peaceful, followed the laws, and paid their taxes.⁹⁷ This allowed the Shi'i to form their own communities, schools, and tribes which set precedents for the centuries to come. Furthermore, under Saddam's Iraq, the Shi'i were victimized through his violent policies which created a new polarization between the Sunni and Shi'i. These policies further polarized the two sects into victims and perpetrators which was a sentiment which carried through the regime change.⁹⁸ Being

⁹² James Moore, "The Sunni and Shi'i Schism: Religion, Islamic Politics, and Why Americans Need to Know the Differences James", *The Social Studies*. 106: 5, (2015): 226-235. p. 230

⁹³ Ibid, 230

⁹⁴ Faleh A Jabar, *The Shi'ite Movement in Iraq*, Saqi, 2003. p. 34

⁹⁵ Ibid, 68.

⁹⁶ Aaron Faust, *The Ba'athification of Iraq: Saddam Hussein's Totalitarianism*, Austin: University of Texas Press, 2015.

⁹⁷ Adeed Dawisha Dawisha, *Iraq: A Political History*, Princeton: Princeton University Press, 2009. p. 31

⁹⁸ David Ghamin, *Iraq's Dysfunctional Democracy*, Santa Barbara: Praeger, 2011.

marginalized from state influence had its benefits for the Shi'i like their ability to create autonomy and to operate below the radar of the ruling party; sanctions and external support in the region also strengthened the Shi'i ability to rally power and be ready for when Saddam was overthrown.⁹⁹ This was a problem for Sunnis and Saddam's regime, given the level of political influence Shi'i Imams had in neighboring Iran and in turn in Iraq.¹⁰⁰ Shi'i were constructing movements in tandem with Communist, Ba'ath, and secular ideologies and as a result Shi'i clerics were confronted and their families harmed as a result of their influence.¹⁰¹

Being a demographic majority in Iraq did little to help Shi'i advocate for their own group. When politicians raise a seemingly Shi'i issue it is often viewed as a sectarian act, working against not only Iraqi unity but Arab unity as well.¹⁰² The few Shi'i bureaucrats faced the burden of representing all Shi'i constituents and simultaneously faced the problem of being labeled sectarian if their actions were in their own group's best interests rather than in alignment with the Sunni ideologies.¹⁰³ Shi'i were accused of having allegiance to Iran, with whom they had more in common religiously and politically, rather than to Iraq and the pan Arab cause; this became more frequent after the Iran- Iraq war where Sunnis did not trust the Shi'a to be loyal to Iraq. These political disagreements caused over 100,000 Shi'i to flee Iraq for refuge in Iran during the 1980's and 1990's.¹⁰⁴ Shi'i activism began to be branded as sectarianism and Iranian activism at

⁹⁹ Fredrick M. Wehrey, *Beyond Sunni and Shi'i : The Roots of Sectarianism in a Changing Middle East*, Oxford University Press, 2017.

¹⁰⁰ Linda Blaydes, *State of Oppression: Iraq under Saddam Hussein*, Princeton University Press, 2018. p. 92

¹⁰¹ Juan R.I. Cole, *The Ayatollahs and Democracy in Iraq*, Leiden: Amsterdam University Press, 2006. p.8

¹⁰² Fanar Haddad, *Sectarianism in Iraq: Antagonistic Visions of Unity*, London: Hurst, 2011. p. 44

¹⁰³ Fawaz A. Gerges, *ISIS: A History*, Princeton University Press, 2016. P. 56

¹⁰⁴ Ronen A. Cohen, "Iran's Shortsighted Policies in Iraq: Between Inflaming and Containing of Radical Sunni Islam: 2003–2015", *Digest of the Middle East*. 27:1 (2018): 34-52 p. 43

this time. Shi'i citizens were accepted into the military, bureaucracy, and politics at a much lower rate than their Sunni counterparts as they were believed to favor Iran and their interests over Iraq's.¹⁰⁵

After the 2003 U.S. invasion of Iraq the Shi'i were able to play a larger role in Iraq as the nation's demographic majority and they were able to assist American forces shape Iraqi politics to a further extent than Sunni Iraqis. The restructuring of the Iraqi government afforded the previously marginalized Shi'i positions of power; they used their authority to declare sect and ethnicity as the primary means of political organization so that the governing body can be truly reflective of the people it serves. Over the decades Shiism developed a political agenda which involved the Islamization of Iraqi society with the ambition to purify the national consciousness.¹⁰⁶ Shi'i transnationalism, which extended their reach beyond the Iraqi border into Lebanon, Iran, and the larger Gulf region, is one such instance of the politicization of the Shi'i sect. Shi'i transnationalism allowed the Shi'i to assemble and advocate for their own rights; Sunnis understood this movement as further proof that the Shi'i were not loyal to the national cause.¹⁰⁷ Iraq's reconstruction became Shi'i -centric at the expense of the Sunni citizens which led to further mistrust and suspicion amongst the two sects and as a result a conflict over national loyalty was further aggravated by the American presence and transition in Iraq. Sunnis were concerned there would be retribution and punishment from

¹⁰⁵ Jacob Eriksson and Amed Khaleel, *Iraq After ISIS: The Challenge of the Post War Recovery*, Palgrave, 2019. p 19

¹⁰⁶ David Ghamin, *Iraq's Dysfunctional Democracy*, Santa Barbara: Praeger, 2011.

¹⁰⁷ Frederick M. Wehrey, *Sectarian Politics in the Gulf: From the Iraq War to the Arab Uprisings*, New York: Columbia University Press, 2014. p. 55

the Shi'i victimhood that emerged from the Saddam era while Shi'i were concerned about maintaining agency and seeking justice for years of oppression.¹⁰⁸

The 2005 election cycle was especially baleful for sectarian tensions in the nation and was a culmination of years of tension between Iraqi sects. The Shi'i majority in government began to fracture in the time between the removal of Saddam Hussein in 2003 and the election of Nouri al- Maliki as the first prime minister in December of 2005.¹⁰⁹ Iraq experienced several Shi'i militant movements that emerged in response to their subjugation; the Shi'i community is not in agreement on social and ideological issues, causing competition within the sect. The divide only increased as the election drew near, as varying Shi'i factions had differing ideas on who should be Iraq's new leader.¹¹⁰ Many Sunni parties chose to boycott the elections as they did the drafting of the Iraqi constitution.¹¹¹ Regardless of his lack of overall political support, al-Maliki was backed by the vast majority of Iraqi politicians and the U.S. and ultimately won the position.¹¹² Al-Maliki's exile under Saddam meant he posed little threat to the plans of the Iraqi or U.S. politicians looking to revamp the country.¹¹³ This first election cycle foreshadowed how dangerous elections would be in the following years; what followed was literal and structural violence as the population balanced emerging from a dictatorship to a new power structure. The transfer of power in Iraq to the Shi'i majority did not happen without opposition and the Shi'i faced violence not only from Sunnis but

¹⁰⁸ Ibid.

¹⁰⁹ Benjamin Isakhan, *Democracy in Iraq: History, Politics and Discourse*, Ashgate: Burlington, 2012. P. 69

¹¹⁰ Ibid, 69

¹¹¹ Fanar Haddad, *Sectarianism in Iraq: Antagonistic Visions of Unity*, London: Hurst, 2011. p. 81

¹¹² Benjamin Isakhan, *Democracy in Iraq: History, Politics and Discourse*, Ashgate: Burlington, 2012. p.

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¹¹³ Ibid, 70

from competing Shi'i factions as well.¹¹⁴ Shi'i groups wanted to hold Sunnis accountable for their actions under Saddam Hussein's reign; those who had been exiled under the former regime returned to Iraq with a desire for vengeance and wanted retribution.¹¹⁵ These groups wanted reparations and to purge the nation and bureaucracy of the Sunnis who had run a 30-year anti-Shi'i campaign in their view.

In Iraq, the Ayatollahs¹¹⁶ worked on behalf of the Iraqi people to provide their needs and wants even during the U.S. occupation.¹¹⁷ The Ayatollahs leaned on the United Nations for a marker of legitimacy and fought for free and fair elections in Iraq.¹¹⁸ For example, Ayatollah Sistani announced that voting was not just a national duty but a religious one as well; he wanted Iraqis to vote for cultural cohesion and the removal of state violence.¹¹⁹ The Ayatollahs also worked to improve conditions of the Iraqi occupation such as lack of municipal services and tried to warn the U.S. leadership that it was dangerous to leave Iraqis in squalor and with little agency. Shi'i Iraqis voted and attempted to voice their wants and concerns but after minimal success in being heard realized they would not be fully supported by the coalition.

History of Sunni

Most Muslims identify as Sunni; however, they are in the minority in Iraq. As previously stated, the Sunni Muslims have had different ideological views from the Shi'i stemming since their split in the 7th century. Those who align with the Sunni Muslim

¹¹⁴ Patrick Cockburn, *The Occupation: War and Resistance in Iraq*, London: Verso, 2007.

¹¹⁵ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. P. 99

¹¹⁶ The Shi'i sect is hierarchical with the Ayatollah being the highest rank of religious leader and able to issue fatwas and make decisions.

¹¹⁷ Juan R.I. Cole, *The Ayatollahs and Democracy in Iraq*, Leiden: Amsterdam University Press, 2006.

¹¹⁸ Ibid, 19

¹¹⁹ Ibid, 24

tradition believe Abu Bakr, the Prophet's father-in-law and close companion, was the rightful successor to the Prophet after his death; they also believe that the first four Caliphs were legitimate successors to the Prophet.¹²⁰ Sunni Muslims follow the traditional teachings and sayings of the Prophet which is known as the Sunnah; unlike the Shi'i, Sunnis are not hierarchical and rely on fiqh¹²¹ to create laws and moral order in society.¹²² The Sunni community relies more on tribal connections even in larger cities in Iraq.¹²³

Since the Ottoman Empire, the Sunnis have been embraced over the Shi'i by the rulers, a situation which continued under former President of Iraq, Saddam Hussein, as well.¹²⁴ Throughout Hussein's rule, he leaned on divisiveness and fear to maintain control which allowed the Sunnis a level of privilege which included access to better jobs, schools, and positions within the bureaucracy.¹²⁵ Hussein's push of Pan Arabism was an attempt to get Iraqis to remain loyal to their state and was a largely Sunni effort which stressed an Iraq-first mentality.¹²⁶ The call for national unity under Saddam paved the way for Arab unity and an attempt to create a homogeneous identity shying away from sectarian identities. While this was the goal, Saddam's policies favored Sunni groups and the call for Arab unity marginalized the Kurdish Iraqis.¹²⁷ Once Iraq was under U.S.

¹²⁰ E. Hawley, "ISIS Crimes Against the Shi'i: The Islamic State's Genocide Against Shi'i Muslims", *Genocide Studies International*. 11:2 (2017): 160-181. p. 160

¹²¹ Islamic Jurisprudence

¹²² James Moore, "The Sunni and Shi'i Schism: Religion, Islamic Politics, and Why Americans Need to Know the Differences James", *The Social Studies*. 106: 5, (2015): 226-235. p. 229

¹²³ Jacob Eriksson and Amed Khaleel, *Iraq After ISIS: The Challenge of the Post War Recovery*, Palgrave, 2019. p. 173

¹²⁴ Ibid.

¹²⁵ Ibid, 15

¹²⁶ Aaded Dawisha Dawisha, *Iraq: A Political History*, Princeton: Princeton University Press, 2009. p. 104

¹²⁷ Linda Blaydes, *State of Oppression: Iraq under Saddam Hussein*, Princeton University Press, 2018. p. 70

transitional control the power shifted from the Sunnis to the Shi'i, whom the American forces attempted to embrace. This power imbalance happened rapidly and caused great concern to the Sunni Arab community who were not accustomed to being treated as the minority demographic.

American-issued policies during the Iraqi reconstruction period further complicated life for Sunnis. One such issue was the de-ba'athification ordinance which removed anyone who was part of the Ba'ath party from being able to hold a civil service position. De-ba'athification targeted mainly Sunnis because to work in the public sector, even as a nurse or a teacher, under Saddam Hussein's regime one needed to be a registered Ba'athist and most of those bureaucratic positions were held by Sunni citizens.¹²⁸ The majority of the Sunni bureaucracy was now banned from participating in government which caused a rise in tensions which will be discussed in depth in a later chapter.

The new Iraqi government, along with American forces, began limiting Sunni Arab access to broadcast on radio and television media.¹²⁹ The U.S. controlled Iraqi news and radio stations allotted most, and at times all, airtime to Shi'i devotion services, news, speeches and calls to prayer.¹³⁰ This led to increased governmental divisions through media, attacks, segregation and displacements coupled with favored groups throughout the reconstruction process caused sects to further cling to their own groups and perpetuate intolerance

¹²⁸ Aaron Faust, *The Ba'athification of Iraq: Saddam Hussein's Totalitarianism*, Austin: University of Texas Press, 2015. p. 70

¹²⁹ Ahmed K. Al- Rawi, "The U.S. Influence in Shaping Iraqi Sectarian Media." *International Communication Gazette*, 2013.75: (4) 374-391. p. 382

¹³⁰ *Ibid.* 385

Under Ba'athism the party became the center of nationality, morality, and, after the 80's, religiosity. In the 1980's Saddam led an Islamic faith campaign to tie the Ba'athist regime together with Islam amidst rumors he was not religious in response to the Iranian Revolution; this resulted in Saddam adding "God is great" on the national flag and sponsoring Imams, linking together Sunni Islam and Ba'athism, highlighting sectarian identities.¹³¹ Ba'athism took the unifying aspect of Pan-Arabism a step further and made any tribal or clan affiliation illegal in an attempt to remove divisions between Iraqis; this led to the development of a new cultural symbol and national identity that supported the Ba'athist ideology.¹³² After this buildup of the one party, pan-Arabism, and oppression of any non Ba'ath, Sunni ideas, there came the Deba'athification process following the U.S. invasion of Iraq. Sunni Arabs faced discrimination, oppression, and backlash from their former elite status. Furthermore, Sunni Arabs faced collective punishment under the American Coalition Provisional Authority and the new Iraqi state.

Most Sunni Arabs certainly did not welcome or approve of the American invasion, but they were interested to find out what their new role would be under the American occupation; it wasn't until the transitional councils had far more Shi'i than Sunni members that Sunnis began to rebel and form their own coalitions.¹³³ The December 2005 election demonstrated to the Sunnis that they would not obtain the power and status they wanted through democracy or negotiation with Americans, Shi'a, and

¹³¹ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. p. 128

¹³² Aaron, Faust, *The Ba'athification of Iraq: Saddam Hussein's Totalitarianism*, Austin: University of Texas Press, 2015. p. 128

¹³³ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. p. 132

Kurds. Sunni Arab groups then created Islamic political parties which became backed by Syria, al- Qaeda, and the Association of Muslim Scholars.

The Sunnis felt that the U.S. had handed Iraq over to the Shi'i, who they did not feel had the capacity to successfully lead Iraq.¹³⁴ Moreover, Sunnis did not agree with the Shi'i victim narrative and did not think they were able, willing, or ready to share power with the Sunnis or Kurds in Iraq.¹³⁵ Unlike the Shi'i, Sunnis did not plan and organize for a post-Saddam, or post-Ba'ath, phase to the same extent.¹³⁶ Sunnis went back to their tribal cities following the deba'thification ordinance and worked with their smaller communities, rather than as a large Sunni block.¹³⁷ The lack of planning and cohesion is one reason why the Sunnis had less success than the Shi'i when fighting for their authority. The marginalization is also what helped lead to the Sunni formation of the Islamic State, Daesh. This is another example of the problematic nature of the division between the Sunni and Shi'i sects being political rather than religious. Once the Shi'i were governing, they began denying Sunnis' access to resources and positions and transformed Baghdad into a predominantly Shi'i city.¹³⁸ As a result, Sunnis resorted to violence to coerce the Shi'i back into capitulation.¹³⁹

One such outcome of this power shift was the Iraqi Sunnis protesting the vote on the 2005 Iraqi constitution. Sunnis released a statement requesting intervention from the United Nations and Arab League when their objections to the constitution were

¹³⁴ Caroleen Marji Sayej, *Patriotic Ayatollahs: Nationalism in Post-Saddam Iraq*, Ithaca: Cornell University Press, 2018. p. 2

¹³⁵ *Ibid*, 3

¹³⁶ Jacob Eriksson and Amed Khaleel, *Iraq After ISIS: The Challenge of the Post War Recovery*, Palgrave, 2019. p. 52

¹³⁷ *Ibid*, 43

¹³⁸ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014.

¹³⁹ *Ibid*, 99

ignored.¹⁴⁰ When the constitution passed it did so without much of the Sunni vote and mainly having Shi'i, Kurdish, and American support. Sunni objection to the New Iraq continues to plague the nation and has lent itself to an increase in violence. Once the constitution was in effect it was the concrete truth of the Shi'i majority holding substantial political weight in a relatively unprecedented legal sense.¹⁴¹ This was an idea Sunnis had to conform to and adjust accordingly as a group over the coming years and was yet another political rift between the two groups.

Religion or Politics?

As Mohammed Sabbar noted, we are living in a media age in which media reports influences the public perception and actions.¹⁴² Overall, media literacy is a skill on the rise but not all parties have the capability to think critically about what they are consuming or to include various perspectives into the conversation.¹⁴³ While debating the cause of sectarianism we cannot neglect the role the media has in its portrayal as an often inevitable, religious problem plaguing Muslim majority nations. Western scholars, politicians, and media have discussed at length whether the Sunni-Shi'i tensions in Iraq stem from religion or politics. Some scholars, and the media, portray the Sunni- Shi'i relationship as one of turmoil and hatred from the very beginning, but in instances of conflict there is a cause and effect that goes beyond religious beliefs. The decades following the Iranian Revolution have seen conflicts between Sunni and Shi'i becoming

¹⁴⁰ Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. p. 403.

¹⁴¹ F. Haddad, "A sectarian awakening: Reinventing Sunni identity in Iraq after 2003", *Current Trends in Islamist Ideology*. 17 (2014): 70- 101. p. 76

¹⁴² Mohammed Rashid Sabbar, "Toward the Arabic Media Approach to Confrontation the Sectarianism", *Journal of International Studies*, 63 (2015): 289-310. P. 289

¹⁴³ *Ibid*, 292

increasingly more militarized.¹⁴⁴ There are intra-sect conflicts that are more striking than the Sunni and Shi‘i divide but that is not what is commonly portrayed. There are many elements involved in these conflicts outside of religion such as geographical borders, tribal affiliation, ethnicity and so on. That is to say nothing from the outside political intervention plaguing Iraq for decades, which helps to intensify and militarize this situation. This ongoing conflict between the Sunni and Shi‘i became understood as a sectarian problem, largely attributed to religious differences. While ethnic and religious affiliations rose in the 1990’s; it wasn’t until after the 2003 invasion the term sectarianism became so widely used.¹⁴⁵

Western media harps on the notion that Islamic religious groups are utilizing the Qur’an and religion to provide a moral and religious rationale for their violence. Often, this is a media imposition on the situation, but in the instance of terrorist groups such as Daesh, or ISIS,¹⁴⁶ as the group is called in the West, the group leaders utilized the Western agenda and did in fact use religion as a front for their own political gain. Daesh does not have a real connection to the religious reasons behind their actions; these religious connections allow group participants to take on tasks they normally would not be due to moral reasons.¹⁴⁷ Examples of this theory includes suicide bombings or the murder of civilians. The leaders of these groups are manipulating religious doctrine to their own ends in order to motivate followers into doing the work they deem necessary, not the work Islam calls for. This kind of motivation and manipulation typically

¹⁴⁴ Svensson Krause D and I, Larsson G, “Why Is There So Little Shi‘i –Sunni Dialogue? Understanding the Deficit of Intra-Muslim Dialogue and Interreligious Peacemaking”, *Religion*, 10:10 (2019): 567.

¹⁴⁵ Fredrick M Wehrey, *Beyond Sunni and Shi‘i : The Roots of Sectarianism in a changing Middle East*, Oxford University Press, 2017. p. 12

¹⁴⁶ The Islamic State of Iraq and Syria

¹⁴⁷ Maya Van Nuys and Brittnee Carter, “Framing Violence: Rhetoric and Goal Structures of Shi‘i and Salafi Terrorist Organizations”, *Politics, Religion & Ideology*, 22:2 (2021): 209-230, p. 211

necessitates a charismatic leader who can utilize this smoke and mirrors technique. For these reasons, the line between politics and religion have been blurred in Iraq. It is difficult to tell at first glance what is a religious motivation and what is politics disguised as religion. It is also imperative to note the term religion is often used by the West in a negative manner.

Daesh

Daesh¹⁴⁸ materialized after the removal of Saddam Hussein's regime and the failure of the interim American government to adequately provide for the Iraqi citizens following the destruction of municipal services and decades of sanctions.¹⁴⁹ The U.S.'s narrow scope in Iraq caused the Shi'i and Kurds to be elevated at the expense, and to the exclusion, of the Sunnis, causing Daesh to step in and fill the void for the Sunni community.¹⁵⁰ Al- Baghdadi emerged as the leader of Daesh and claimed to be capable of filling the gap of the government and able to succeed where they have failed.¹⁵¹ Daesh would fill an institutional void after the fall of Saddam, unifying the nation under religion and a national cause of purifying Iraq. The Sunnis formed this militia to protect their communities after the deba'athification process, and Shi'i dominated the American reconstruction process which resulted in punishing Sunnis via deba'athification and removal from important positions and decisions. In this instance, Sunnis are not coalescing with other Sunnis due to religious beliefs, but in response to a power imbalance. Daesh sprang up due to Sunni marginalization and systemic changes in Iraq

¹⁴⁸ Daesh is just one example of politics masquerading as religion in Iraq. This group will be discussed at length in a later chapter for their sectarian understanding and utilization of Islam, but for now it is necessary to understand how Daesh groups fit into the religious landscape in Iraq.

¹⁴⁹ Jacob Eriksson and Amed Khaleel, *Iraq After ISIS: The Challenge of the Post War Recovery*, Palgrave, 2019. p. 25

¹⁵⁰ Juan R.I. Cole, *The Ayatollahs and Democracy in Iraq*, Leiden: Amsterdam University Press, 2006.

¹⁵¹ Fawaz A. Gerges, *ISIS: A History*, Princeton University Press, 2016. p. 99

along with corruption and abuse of power, conditions which also allow for terrorism to take root.¹⁵² While Daesh was a political solution to a political problem utilizing a religious name, the appearance of Daesh in Iraq raises further religious questions concerning Sunni counterterrorism. Sunni members of Daesh who acted out against Shi'i were accused of terrorism and held indefinitely in prisons without due process and, at times, tortured along with their families.¹⁵³ These steps caused tensions to surge between groups in Iraq and furthered the perception that this was a cleavage along religious lines.

Al- Baghdadi drew on average Iraqi citizens from rural and tribal affiliations, rather than social elites, to join his organization; these individuals felt victimized and were searching for justice.¹⁵⁴ State uncertainty allowed for the rise of non-state actors with a totalitarian militant agenda. Al- Baghdadi, and other Daesh leaders, create moments that can be sensationalized and allow for the perpetuation of the theme of religious violence in Western media.¹⁵⁵ While the media conflate the terrorist organization with Islam, being Muslim has little to do with the group's core beliefs. Daesh is not a religious organization as they do not use any scholars or theorists; additionally, Daesh leaders use social media to appeal to troubled Sunni youth who are facing identity issues. Daesh intends to remove sources of idolatry, degrade secularism and pluralism, and refute Western ideology, throughout Iraq.¹⁵⁶

As previously mentioned, one way to explain the contention between Iraqi Sunni and Shi'i groups is through a religious lens. There were times where the groups worked

¹⁵² Ibid, 102

¹⁵³ Ibid, 126

¹⁵⁴ Ibid, 153

¹⁵⁵ Helga Turku, *The Destruction of Cultural Property as a Weapon of War: ISIS in Syria and Iraq*, Palgrave Macmillan, 2018. p. 68

¹⁵⁶ Fawaz A. Gerges, *ISIS: A History*, Princeton University Press, 2016. P. 244

together to further their own interests, suggesting the issue is not centered on an irreconcilable religious divide. Both groups share the rich Islamic history of the region as well as the culture that produced the roots of civilization in Mesopotamia. Recently, the groups have protested side by side for political reform in 2022, 2013, and again in 2019.

Da'wa

Another political movement utilizing religious support is the Da'wa party; the Da'wa movement, meaning "the call" in Arabic, was conceived by Shi'i Iraqis under the Pan-Islamic movement with the goal of bringing everyday Iraqi citizens back to their Islamic traditions.¹⁵⁷ Initially the group organized in 1957 with the goal of improving the nation rather than with the aim of holding power, but this was a goal that the party did not see through. The party hoped that, by bringing Islam back to the Iraqi people in full form, it would then be able to establish an Islamic government for the nation. Following the Iranian Revolution, the Da'wa party began to transform into a group seeking political power over religious purity and began to take on aggressive techniques utilized by the Ba'athist regime.¹⁵⁸ The Da'wa party developed alongside the Ba'ath and Iraqi Communist party; however, under the Ba'athist regime the Da'wa party was removed from the public sphere and public Shi'i events were banned in order to remove any chance of a Shi'i uprising.¹⁵⁹ The Da'wa party was able to regain public support during the American occupation. Nouri Al-Maliki emerged from the Da'wa party as a contending leader of Iraq and eventually went on to become the President of Iraq from 2006 until 2014. During his time in power, he turned inward to his cabinet for all

¹⁵⁷ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. p. 32

¹⁵⁸ Ibid, 42

¹⁵⁹ Ibid, 124

decisions and isolated the public and other groups while making decisions.¹⁶⁰ The role of the Da‘wa party has become increasingly problematic over the years and their agenda remains politically routed rather than religiously motivated.

Sadrists

The Sadrists movement is another illustration of politics fronting as religion. Originally derived from a religious movement in the 1990’s, the Sadrists gained support in response to Daesh when Shi‘i cleric, Muqtada al- Sadr, urged the Mahdi militia to mobilize against Daesh.¹⁶¹ Muqtada al-Sadr was a member of a family of Shi‘i clerics and began his movement with the mission of serving the underprivileged.¹⁶² In the mid 2000’s the Sadrists party shaped themselves in the image of Hezbollah in order to militarize and gain influence.¹⁶³ The party was able to control public services making themselves necessary to Iraq and attempting to follow through on their mission of public good; however, Sadrists continued to attack those whom the group found to not be in accordance with Islam. Like the Da‘wa party, during the U.S. occupation, as the Sadrists group grew, they began to want power and attempted to control Najaf.¹⁶⁴ Some Iraqis joined the group to protect themselves from Daesh’s ruthless actions and others joined to fulfill their dream of Shi‘i taking full control of Iraq.¹⁶⁵ The Sadrists began to irritate other Shi‘i groups and eventually their militants became violent and participated in the

¹⁶⁰ Ibid, 116

¹⁶¹ I Levy, “Shi‘i Militias and Exclusionary Politics in Iraq”, *Middle East Policy*. 26:3 (2019): 123–133. p. 123

¹⁶² Juan R.I. Cole, *The Ayatollahs and Democracy in Iraq*, Leiden: Amsterdam University Press, 2006. p. 43

¹⁶³ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. p. 33

¹⁶⁴ Ibid, 207

¹⁶⁵ I Levy, “Shi‘i Militias and Exclusionary Politics in Iraq”, *Middle East Policy*. 26:3 (2019): 123–133. p. 128

Iraqi Civil war; in one such instance Sadrists gunned down Shi'i at the shrine of Imam Hussein.¹⁶⁶ Unlike the Da'wa party, the Sadrists were largely against the American forces in Iraq as they felt the U.S. was trying to remove Islam from the nation as part of their colonization strategy.

A look at the various Sunni and Shi'i political parties demonstrates that even intra Muslim sects were at odds with one another over control of major cities and positions of power, further implying the core issue in this Sunni- Shi'i conflict goes beyond religious difference. Furthermore, during national protests in 2011 and again in 2013, Sunni and Shi'i groups worked together to convey their point to the government proving they are able to come together over issues and their divide is not irreparable nor does their religion dissuade them from being civil to one another.¹⁶⁷ Religion provides communal functions, identity, belief systems, cultural attachments and narratives to a group of people which helps them navigate their environment. It is one way to understand oneself in comparison to others. Religion is not an inherently binary system that removes cooperation or integration of other aspects into its system.

In the instance of the Sunni and Shi'i division in Iraq this tension began over a discrepancy in leadership and was able to develop into a civil war because of underlying political tensions, ongoing power disputes, marginalization, and censorship which led to eventual rebellion. The power struggle between Sunnis and Shi'i which had existed since the Ottoman Empire increased during the 1950's when Shi'i became more educated and thus sought positions in municipalities in a formerly Sunni dominant sphere.¹⁶⁸ Sunnis

¹⁶⁶ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. p. 50

¹⁶⁷ Ibid, 252

¹⁶⁸ Yitzhak Nakash, *The Shi'i of Iraq*, Princeton University Press, 2003. p. 90

were concerned that Shi'i would dominate with their agenda and opinions as Shi'i were the majority population in Iraq. When Shi'i were not able to obtain prestigious or government positions they turned to their own devices and formed their own groups in which they could affect their communities. This led to the Shi'i being prepared for government control upon the removal of Saddam Hussein and an increase in hostility between the Sunni and Shi'i. Local clergy attempted to provide better circumstances for their communities and became corrupted by power. Religion exists inside a political struggle of power and has to stand the pressure of history, philosophy, and culture; while it is not possible to separate religion from other categories, it is possible to understand that religion itself is not the cause for such a violent and arduous tension between sects.¹⁶⁹ The political and economic climate in Iraq contributed to the hostility of the U.S. invasion and transitional government allowing Iraqis to act on tensions, hatred, rivalries and harm others for revenge or political gain.¹⁷⁰

Civil War

After the 2003 U.S occupation, Sunnis were concerned about separatism, Shi'i Islamism, and foreign occupation which made them fearful of change in the New Iraq. Sunnis began to form their identity around state opposition, which was also seen as Shi'i opposition. Shi'i, conversely, were attempting to reverse the binary with or against us attitude of the Saddam era but over time adopted much of the same attitude when the Shi'i groups began to militarize and seek exclusive power. The Iraqi civil war is another instance showing that the Sunni and Shi'i divisions go beyond religion and are a political

¹⁶⁹ Michel Foucault, *Religion and Culture*. Trans. Jeremy R. Carrette, Manchester: Manchester Free Press, 1995.

¹⁷⁰ Mark Kukis, *Voices from Iraq: A People's History. 2003- 2009*, Columbia University Press, 2003.

rivalry. The Iraqi Civil War has been a topic of media scrutiny and scholarly discussion for almost two decades. Aspects like who is to blame, when did it start, and did it end? are contested in the field. One can ascertain the Iraqi Civil War emerged from power imbalances and lack of pluralism in the national narrative, both during times of dictatorship and American occupation.

With the hostility and bloodshed that surrounded Shock and Awe and what was named the Iraqi liberation, there was already an air of violence and distrust that carried through in the following decade. Life largely controlled by the state up until the U.S. invasion and identifying allies was necessary for survival, the lack of political stability the occupation brought caused groups to seek safety and power within their own religious and ethnic groups, further solidifying the outsider idea that sectarianism was an intrinsic quality in the nation. Prior to 2003, the youth didn't know who they were and had to ask parents and thought Sunni was from the north and Shi'i was just being from the south.¹⁷¹ Sectarian was a novel term was a novel term regarding Iraq until 2003 when the media started to utilize it.

The Iraqi reconstruction period did not begin as a sectarian venture but Prime Minister Nouri al- Maliki utilized sectarian elements, similar to Saddam Hussein, in order to build his cabinet, close circles, and establish loyalty. The Americans and Iraqi leaders scrambled to create a suitable government as quickly as possible; formerly marginalized groups, like the Shi'i and Kurds, brought their agenda forward while Sunnis also lobbied for their agenda to ensure they would not suffer under the new government.¹⁷² A select

¹⁷¹ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. p. 159

¹⁷² Ibid.

few voices were included during the reconstruction process, most of those being Shi'i since they were the democratic majority and comprised most of the exiled Iraqis the American government were working with while planning this initiative. The almost exclusive inclusion of Shi'is caused communities to conflict with one another over representation. This conflict was larger than a religious debate, it was one over representation, authority, and oppression all while these citizens were heavily armed, lacking resources and leadership.

Causes of Tensions

If religion is not the cause of the conflict between Sunni and Shi'i, turning into a Civil War, then the next step is to ask, what was? One such contribution is the series of regional shocks through the decades that include the Iranian Revolution, the Iran-Iraq war, the Iraq war, the Lebanese Civil war, and the Arab uprisings.¹⁷³ Furthermore, once the U.S. forces were in Iraq there was blatant favoritism during the occupation and reconstruction period, favoring the Kurds and Shi'i which did not help to ease tensions amongst the groups vying for agency and authority. Throughout the course of the nation, politics in Iraq has been weaponized and government policy defined by who was considered an outsider.¹⁷⁴ Furthermore, issues of primordialism, ethnotarianism, and instrumentalism are all factors of the tensions in Iraq.¹⁷⁵ Understanding the Sunni - Shi'i conflict, or ongoing tensions in Iraq, as sectarian is just one way to describe a complex

¹⁷³ Frederick M. Wehrey, *Sectarian Politics in the Gulf: From the Iraq War to the Arab Uprisings*, New York: Columbia University Press, 2014. p. 4

¹⁷⁴ David Ghamin, *Iraq's Dysfunctional Democracy*, Santa Barbara: Praeger, 2011. p. 28

¹⁷⁵ Wherey - primordialism - biological explanation such as kinship for conflict, Ethnonationalism- conflicts are deeply rooted in cultures, Instrumentalism- conflict is the result of manipulation of the political elite or the "evil dictator" p. 12

issue with political undertones.¹⁷⁶ Ethnic and religious affiliations rose in the 1990's; however, it wasn't until after the 2003 invasion that the term sectarianism became so widely used.¹⁷⁷ The Sunni- Shi'i tensions were ignited under the U.S. occupation, where an internal conflict gained foreign support and became a global talking point.

The Western media has played a large role in the recent relationship between Sunni and Shi'i groups in Iraq. The media focuses heavily on the intra-sectarian conflicts and decides which narratives will be included and from which perspective the reader will hear. The external commentary on this conflict transforms the issue because groups are being told who they are and what their group stands for.¹⁷⁸ Sectarianism is being imposed on Iraqi groups and the repetition of these narratives allows for an air of truth to form over the situation. Words are intentionally chosen to pique interest and draw in readers, and to do that journalists are choosing their syntax to be more sensationalized than truthful in some instances.¹⁷⁹ Furthermore, the mention of sectarianism is a media sound bite that triggers a particular reaction of fear and hostility but it does not clarify the nature of this complex issue; rather, it oversimplifies the conflict by blaming it on a religious difference.¹⁸⁰ While an explanation like this can be easier to sensationalize and understand, it does not adequately depict the problem nor does it aid in rectifying the situation.

¹⁷⁶ Fredrick M. Wehrey, *Beyond Sunni and Shi'i : The Roots of Sectarianism in a changing Middle East*, Oxford University Press, 2017.

¹⁷⁷ Ibid, p. 12

¹⁷⁸ Reidar Visser, "The Western Imposition of Sectarianism on Iraqi Politics", *Arab Studies Journal* 15/16: 2 (2009): 83-99 p. 86

¹⁷⁹ Ibid, 85

¹⁸⁰ Fredrick M. Wehrey, *Beyond Sunni and Shi'i : The Roots of Sectarianism in a changing Middle East*, Oxford University Press, 2017.

Conclusion

Iraqi history is often inaccurately reduced to “sectarian” dynamics and some scholars argue the increased sectarian violence after the U.S. invasion of Iraq was a self-fulfilling prophecy. There is extensive work regarding the destruction the U.S. has caused Iraq in multiple facets from the private and public sector, and economically; however, current scholarship does not extend its exploration to the role the national constitution played in deepening and intensifying the sectarian divide in Iraq. I plan to uncover the instances of Sunni and Shi‘i sectarian violence and investigate their connection to the laws afforded in the 2005 Iraqi Constitution. New states go through growing pains including waves of nationalism, minimal leadership, and uncertainty, all of which occur in a highly fragile environment.¹⁸¹ The same is true for the environment in Iraq post 2003. As the new Iraq decides who they are and what they stand for, the nation is also facing foreign occupation and intense media and political scrutiny. During the occupation, transitional phase, and reconstruction, Sunnis went from being in control of the state to becoming marginalized by the now-dominant, and U.S.-backed, Shi‘i. This state conflict is reported on as being largely religious in nature; however, political parties like the Da’wa, and Sadrists, and organizations like Daesh, demonstrate that while on the surface these issues may appear to be religious, the root of the cause is politics due to marginalization.

The next chapter will provide an overview of the 2003 U.S. invasion of Iraq and the implications this event had on sectarianism in Iraq. The case of religious sectarianism in Iraq is also a case of religious misrepresentation. The idea that sectarianism in Iraq is

¹⁸¹ Clifford Geertz, *The Interpretation of Cultures*, New York: Basic Books, 1973. p. 231

inevitable is untrue based on the relationship Sunnis and Shi'i have had for centuries and only the recent escalation in their relationship indicates there is more behind the conflict than a centuries-old religious dispute. Discerning the circumstances whilst sectarian tensions were rising will shed light on the nature of the conflict.

CHAPTER 3

2003 U.S. Invasion of Iraq

Introduction

Iraq has been the subject of colonization and foreign rule for centuries by the Ottomans, British, and most recently the United States. Iraq, as its boundaries lay today, was born from the British after World War 1; the borders of Iraq have not been defined by its own people for centuries.¹⁸² This background of colonialism had a profound impact on how Iraq emerged from a kingdom to a dictatorship and the struggles of the new democratic Iraq. The West, specifically the United States, had a profound impact on what would become the New Iraq. This chapter will provide an overview for the events surrounding the 2003 U.S. invasion of Iraq and an analysis of the invasion itself. Later, this chapter will discuss the transitional and reconstruction period of Iraq and its impact on democracy in Iraq in the following decades. During this discussion of democracy in Iraq this dissertation employs Hamid Alkifaey's description of democracy which involves citizens freely being able to choose their representatives through a transparent process, I would add that in ideal democracy citizens would have representatives who represent the true interests of the citizens as well.¹⁸³

Before the invasion Iraq was under Western surveillance and under sanctions which weakened the nation due to fear expressed by the United States of Iraq allegedly having "weapons of mass destruction," referred to as WMD from here on. More

¹⁸² Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. P. 21

¹⁸³ Hamid Alkifaey, *The Failure of Democracy in Iraq: Religion, Ideology and Sectarianism (1st ed.)*, Routledge, 2019. P. 5

generally, the U. S. invasion of Iraq was an extension of U.S. imperialism in search of control of the Middle East and oil.¹⁸⁴ The U.S. had an interest in Iraq long before the 2003 invasion and before the September 11th attacks in 2001 that the Bush administration claimed prompted the conflict. The U.S. was looking for an ally in the Middle East and claimed to want to help establish the first successful democracy in the Middle East that would later become their ally. The U.S. also did not want other countries to colonize Iraq in their stead and gain an oil-rich ally in the Middle East. Because they were Muslim-majority nations, the U. S. government and policy elites saw the Middle East posed an obstacle for Western values. Islam and its compatibility with democracy was not discussed much before the 9/11 attacks in the U.S. After that, there was an immense peak in discussion around Islam's ability to adapt to multiculturalism, pluralism, human rights, and other current issues in the liberal West.¹⁸⁵ Bringing democracy to Iraq was thought to be an expedient way to create an ally in the Middle East and begin the process of democratization in the region. Thus, American policy makers began the process of invasion and then mapping American democratic processes and values onto Iraq without the understanding that American democracy was tailor fit for America and democracy is far from a one-size-fits-all process. Western ideas do not, and should not, be imposed on other nations. Islam is not incompatible with democracy, and its degree of compatibility changes based on the environment.

Once in Iraq, the U.S. military created the Coalition Provisional Authority (CPA), which helped institute the Transitional Administrative Law (TAL) which would govern

¹⁸⁴ The Research Unit for Political Economy. *[Behind the Invasion of Iraq]* Vol 1st ed. Monthly Review Press, 2003 P. 13

¹⁸⁵ Nader Hashemi, *Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies*, New York: Oxford University Press, 2009. P. 16

Iraq from 2003 until 2005 when Iraq held its first democratic elections. This transitional period was intended to aid Iraqis in becoming familiar with democratic principles and processes for them to implement on their own. The American government claimed to want a smooth and quick transition over to the Iraqis, though the sincerity sounding this idea is dubious; however, their actions led to a long and arduous process. U.S. troops were shocked to find how ingrained Ba'athism was in Iraqi society and that in some cases Iraqis registered as a Ba'athist member for the purpose of employment and others for power and influence, rather than because they supported Hussein's ideal Iraq.¹⁸⁶ This invasion demonstrated the crucial role that nationalism, common history, and ethnicity play into the role of nation building.¹⁸⁷ The premise of democracy is that it is by the people for the people and those who govern the nation do so through the interests, and by appointment of, the citizens. Installing democracy and creating laws and governing bodies following an invasion is counterintuitive of the democratic process; it goes against the very nature of democracy. There are centuries of Iraqi history, but this chapter will pick up with the start of Saddam Hussein's presidency since that became a compelling reason for the U.S. to invade Iraq later.

For a democracy to exist a country needs the following freedoms: freedom to form organizations, freedom of expression, the right to vote for all, ability for anyone to run for office, political competition, access to media for all, free and fair elections, and a government for the people.¹⁸⁸ All freedoms need to be outlined and supported by a national constitution. Modernization suggests that only adopting Western characteristics

¹⁸⁶ Muhsin J. Al-Musawi, *Reading Iraq: Culture and Power in Conflict*, London: I.B.Tauris, 2006. P. 69

¹⁸⁷ Ibid, 9

¹⁸⁸ Nader Hashemi, Nader, *Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies*, New York: Oxford University Press, 2009. P. 124

is progression and traditional societies are stagnant, and secularism is one of those modern Western ideas.¹⁸⁹ Societies that are forced to modernize rapidly often have a rise in radical religion to resist social upheaval; Iraq is no exception to this.¹⁹⁰ Iraq has had to transition from being subjects of an empire and a colony, to citizens, then subjects of a dictatorship, and once again under colonization after 2003.

During the reign of the Ottoman Empire Iraqis experienced a feudal system in which they cultivated the land and produced natural resources for the Ottomans.¹⁹¹ Following the end of WWI the British divided up the Ottoman territory and took control of Iraq, and it became a protectorate of Britain.¹⁹² The British also divided up Iraq into zones of natural resources and enforced this regional, tribal, and feudal system already in place.¹⁹³ Much later, under the Ba'athist regime the Iraqi people were once again dependent on the government for income, housing, and food; this sustained a weakened Iraqi population who mostly were unprepared for a shift in government. Furthermore, once in power in 1979 Saddam removed all political opposition and any perceived enemies while installing a police state to ensure ultimate power and control.¹⁹⁴ Saddam came to power through a series of Ba'athist coups became president 1979.¹⁹⁵ Over time the Ba'athist agenda became less of a political party and more of a cult of Saddam Hussein; this dictatorship was another reason the U.S used to justify the need to invade

¹⁸⁹ Ibid.

¹⁹⁰ Ibid, 16

¹⁹¹ Anwar Anaid, *Iraqi Kurdistan's Statehood Aspirations: A Political Economy Approach*, Palgrave, 2019. P. 15

¹⁹² Courtney Hunt, *The History of Iraq*, London: Greenwood Press, 2005. P. 77

¹⁹³ Anwar Anaid, *Iraqi Kurdistan's Statehood Aspirations: A Political Economy Approach*, Palgrave, 2019. P. 15

¹⁹⁴ Courtney Hunt, *The History of Iraq*, London: Greenwood Press, 2005P. 90

¹⁹⁵ Zaid. Al-Ali, *The Struggle for Iraq's Future: How Corruption, Incompetence and Sectarianism Have Undermined Democracy*, London: Yale University Press, 2014. P. 28

Iraq. During the 1990s there was an increase in neo-conservatives that encouraged the U.S. to change the Iraqi regime and go to war.¹⁹⁶ Under Saddam there was an attempt to unite the ethnically and religiously diverse population of Iraq under a banner that emphasized Arab nationalism, as that seemed to be the factor that could possibly include the greatest number of Iraqis.¹⁹⁷

After 9/11 the U.S. upheld the dichotomies of the Middle East vs the West and Islam vs democracy. This invasion was not an existential battle between good vs evil or human rights vs genocide, but about the profitable influence and resources of the Middle East the U.S. coveted.¹⁹⁸ This invasion was not about liberation or public opinion and officials were not concerned with this issue, except as window dressing. Made to seem like this was a fight for values against tyranny and genocide, it really was a front for imperialism and nation building.¹⁹⁹ The invasion of Iraq was colonization under the disguise of regime change. Much like the issue of sectarianism, the topic of regime change is surrounded by buzz words the West has created to justify their actions. These actions need to be dissected and analyzed to further understand how sectarianism and democracy became hot issues and main concerns in Iraq. Sectarianism is simply one way to look at Iraq after the 2003 invasion, but it is not the most accurate and is instead an oversimplified understanding of what is occurring on the ground.²⁰⁰ Simplifying a complex problem makes the situation easier to digest but it does not accurately portray

¹⁹⁶ Ibid, 37

¹⁹⁷ Fredrick M. Wehrey, *Beyond Sunni and Shi'i : The Roots of Sectarianism in a changing Middle East*, New York: Oxford University Press, 2017. P. 129

¹⁹⁸ The Research Unit for Political Economy, *Behind the Invasion of Iraq*, vol 1st ed. Monthly Review Press, 2003 P. 74

¹⁹⁹ C. Stempel, "Televised Sports, Masculinist Moral Capital, and Support for the U.S. Invasion of Iraq". *Journal of Sport and Social Issues*, 30:1 (2006): 79–106. P. 80

²⁰⁰ Fredrick M. Wehrey, *Beyond Sunni and Shi'i : The Roots of Sectarianism in a changing Middle East*, New York: Oxford University Press, 2017. P. 15

the events nor does it do justice to its subject as others take a moral stance based on inconclusive information.²⁰¹ This is how Iraq has been invaded under false pretenses. The U.S. and Bush administration attempted to create a “new world order” in which Iraq, and other nations, follow U.S. policies, economics, and systems of government at the direction of the U.S.²⁰² As Hinnenbush summarizes, “what went wrong from a realist point of view was that ‘extremists’ managed to capture US foreign policy and set it on a path at odds with the national interest”.²⁰³ The intention was to implement democracy in Iraq, hand the country back to its people, and leave the nation as soon as possible; however, due to the unforeseen issues outlined above, brevity would not be the nature of this occupation.

Preparations

There are numerous presumed reasons behind the U.S.’ decision to invade Iraq; oil, hegemony, imperialism, liberation, global security, links to Al- Qaeda, etc. From the beginning of George W. Bush’s administration, those inside his circle noted, Iraq was the number one priority of the administration. Former National Security Council employees state Saddam Hussein was convicted of being a threat and a person who needed to be removed.²⁰⁴ At this time, other heads of state in Europe and abroad saw the sanctions in Iraq as a human rights crisis rather than a preventative measure; these sentiments were mirrored with the public both domestically and globally.²⁰⁵ By 1996 the World Health

²⁰¹ Ibid.

²⁰² Stephen Zunes, “The US Invasion of Iraq: The Military Side of Globalization”, *Globalizations*, 6:1(2009) 99-105, p. 101

²⁰³ Raymond Hinnenbusch, “The US Invasion of Iraq: Explanations and Implications”, *Critique: Critical Middle Eastern Studies*, 16:3 (2007)209-228. P 210

²⁰⁴ Ali A Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. P. 88

²⁰⁵ Ibid, 64

Organization noted that the majority of Iraq was experiencing starvation and around six to seven thousand children per month were dying due to the economic sanctions placed on the nation.²⁰⁶ Another public opinion suggests the 2003 invasion of Iraq is a consequence of the 1991 Gulf War since Iraq was largely left intact and the U.S. wanted to finish what they started.²⁰⁷

Some view 9/11 as the impetus of the invasion of Iraq but the U.S. had been keeping a close watch on Iraq for decades and waiting to overthrow Saddam Hussein's regime. When Bill Clinton was first in office in 1993 he harped on the former Bush administration's inability to address the "Saddam Problem" following Iraq's invasion of Kuwait in 1991.²⁰⁸ The Clinton administration was focused on preserving US hegemony and using military intervention where it was necessary, aiming to be a protector rather than a dictator of freedom.²⁰⁹ In 1996 there was a new plan for dealing with Iraq titled, 'A Clean Break – A New Strategy for Securing the Realm' which supported the removal of Saddam Hussein in an effort to support Israel in the region.²¹⁰ The late 90's and early 00's saw numerous think tanks, such as the American Enterprise Institute (AEI) and the Washington Institute for Near Eastern Policy, working to drum up support for Israeli alliances in the Middle East. These think tanks began to produce reports and plans that policy makers wanted to institute that strengthened U.S. military and democratic presence abroad, provided more robust security measures against those in opposition to U.S.

²⁰⁶ Rob Kennedy, "Sanctioned Genocide: Was 'the price' of Disarming Iraq Worth It?", *Deutsche Presse Agentur*. June 10, 2003.

²⁰⁷ Thomas E Ricks, *Fiasco: The American Military Adventure in Iraq*, New York: Penguin Press, 2006. P. 154

²⁰⁸ Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. P. 64

²⁰⁹ Ali Tariq, *Bush in Babylon*, London: Verso, 2004. P. 153

²¹⁰ Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. P. 65

ideals, and supported Israel in its quest for peace and international safety.²¹¹ The use of think tanks as policy makers circumnavigated traditional foreign policy making processes like going through the CIA, and the Department of State, senior officials, and governmental agencies. In 1998 senior officials such as Donald Rumsfeld and Paul Wolfowitz wrote to President Bill Clinton stating they disagreed with Clinton's passive foreign policy methods in Iraq and that the only effective long term strategy would be to remove Saddam Hussein from power and implement a democratic state.²¹² The Iraq liberation act in 1999 outlined America's relationship with Iraq as well as Iraq as the more immediate problem in the middle east and the need to provide repeated weapons inspections, instill sanctions, protect the Kurds (Operation Provide Comfort II) and support Ba'athist opposition in the country.²¹³ Furthermore, this act assigned funding to Ba'athist oppositional forces in Iraq whose mission was to apply democracy in Iraq; these forces included; the INA, the KDP, the PUK, SCIRI, the Islamic Movement of Kurdistan and the Constitutional Monarchy Movement.²¹⁴ Following the Iraq Liberation Act was the Iraqi National Assembly in October of 1999 which noted the U.S. lack of security and support for the Ba'athist oppositional forces inside Iraq.²¹⁵ U.S. think tanks and policy makers continued to speculate on how to best reform Iraq through implementing democratic, human rights, federalist, and secularist sentiments in the country.

The Bush administration honed their focus on Iraq as the main foreign policy issue the administration needed to address and the plan was to make Iraq the first

²¹¹ Ibid, 65

²¹² Ibid, 79

²¹³ Ibid, 64

²¹⁴ Ibid, 67

²¹⁵ Ibid, 69

successful Middle Eastern democracy as Paul Wolfowitz so stated. The government was divided between those who wanted a more realistic solution in Iraq and those who wanted a more aggressive approach. On the ground, the U.S. military increased its air campaigning with no-fly zones. By 2001 other global leaders were no longer adhering to sanctions on Iraq, and Dick Cheney worked to rally support for Saddam's removal.²¹⁶ To some American officials, this was an opportune time to overthrow Saddam Hussein because Iraq had just gone through a war, making the state weaker and the people less happy with the state.²¹⁷ Other military officials were concerned the U.S was choosing the wrong target since al-Qaeda needed to be addressed and was a much larger issue.²¹⁸ Those wanting to invade Iraq were going to need an irresistible plan to rally support and then on September 11th, 2001 they had their reason for war. Even after the 9/11 attacks were linked to al-Qaeda, the Bush administration named Iraq as the main priority. The administration's announced plan was to bring Iraq up to speed with the Western world including their notions of statehood, secularization, and human rights.²¹⁹ Douglas Feith, working for the Secretary of Defense, stated the administration was focused on Iraq because they thought they could link WMD, terrorist organizations, and state sponsors to the nation each of these links were essential to dismantle in the Middle East; these issues were listed as strategic goals of H. W. Bush's defense planning guidance in 1992.²²⁰

²¹⁶ Ibid, 80

²¹⁷ Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq*, New York: Penguin Press, 2006. P. 36

²¹⁸ Ibid, 40

²¹⁹ Toby Dodge, *Inventing Iraq: The Failure of Nation-building and a History Denied*, New York: Columbia University Press, 2003. P. 59

²²⁰ Ibid, XVI

After September 11th, 2001, the Bush administration had largely decided to address the Iraq problem through military and a new tactic called the war on terror.²²¹ The U.S government agencies worked quickly to obtain intelligence that supported the narrative about Saddam's crimes and would lead to Iraqi disarmament and his removal.²²² Think tanks, government agencies, U.S. and Iraqi informants, along with the Democratic Principles Group²²³ put together a "Transition to Democracy" report edited by Salem Chalabi and Kenan Makiya that outlined what, supposedly, some Iraqis thought a liberal and Western future in Iraq would resemble. This was an unproductive venture though because the Iraqi informants involved had been living outside of Iraq for decades and some of the agencies had no communication with current Iraqi citizens to know what was needed on the ground. This report was a supposition based on what the U.S. wanted to do in Iraq and was supported by individuals with an agenda to gain power in Iraq.

The United States formally claimed Iraq was creating and harboring WMD on February 5th, 2003, when Secretary of State Colin Powell addressed the United Nations Security Council.²²⁴ While former President George W. Bush stated the 2003 Invasion of Iraq was to first to remove any WMD in Iraq and second to liberate Iraqis from dictator Saddam Hussein, the truths behind these motives have been continuously cross examined. Western media often ascertains a correlation between the September 11th, 2001, terrorist attacks and Operation Iraqi Freedom, as the event came to be named, but

²²¹ Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. P. 5

²²² Ibid, 158

²²³ The Democratic Principles Group was a group of civil society members that was created by the CPA to uphold democratic ideas during Iraq's transition into a democracy. This group had various members at different points which supported human rights and other sectors.

²²⁴ Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. P. 192

the planning for the removal of Saddam Hussein and democratization of Iraq had been discussed long before. In fact, it is rumored that the removal of Saddam Hussein had been outlined since Hussein's alleged assassination attempt on George H. W. Bush in 1993; during H. W. Bush's visit to Kuwait to celebrate the ending of the Kuwait - Iraq War, Bush was almost subjected to a car bomb explosion which was said to link back to the Iraqi government.²²⁵ The legitimacy of these assertions are questioned due to inaccurate intelligence but what is important to note from this report is the continued desire to support the reason for invading Iraq

There was another plan in November of 2001 called the Future of Iraq plan, which outlined how the U.S. could reform Iraq's legal system.²²⁶ There was an attempt before the invasion occurred to rally Iraqis to decide what changes they would like to see in Iraq once the Americans forced Saddam Hussein out of office; this project involved 240 Iraqis who had been oppressed and exiled under Saddam's regime.²²⁷ Some of the individuals involved in this project had not been in Iraq for decades, making the information provided largely useless; the current Iraqi citizens or agencies were not consulted during the U.S.' planning phase. If this were a true liberation attempt, as the Bush Administration claimed the Iraqi invasion to be, there would have been some incorporation of Iraqi organizations and communities at this level.

While there are many potential issues surrounding the logistics of the Future of Iraq Project, these issues did not matter because once the invasion took place these

²²⁵ Patrick Cockburn, "Saddam sent hit team to kill Bush in Kuwait" *Independent*, May 9, 1993.

²²⁶ D. Glazier, "Ignorance is Not Bliss: The Law of Belligerent Occupation and the U.S. Invasion of Iraq", *Rutgers Law Review*, 58:1 (2005), 121-194. P. 184

²²⁷ *Ibid*, 165

suggestions were disregarded and forgotten.²²⁸ At the point of planning the invasion, the U.S.'s intelligence in Iraq was five years behind and policymakers continued to pursue outdated information through the use of exiled Iraqi informants.²²⁹ The underlying narrative of this operation was to address Saddam's crimes and human rights violations rather than his weapons cache; however, it became a quest for global democracy and a moral obligation of the U.S. as a global superpower and watchdog to replace a tyrant according to the supposed will of its oppressed people.²³⁰ Unfortunately, this imperialist quest negated the intention behind the democratic process and later became an issue in Iraq as the nation attempted to recover its sovereignty.

In Iraq before the invasion there were several indications that Saddam's regime no longer had the support it once did. In the 1990s and 2000s the Ba'ath party struggled to keep soldier morale as people had more stock in their tribal, personal, or familial commitments.²³¹ Ba'athism attempted to remove all structure and affiliations outside of itself through propaganda, negative reinforcement, torture, and politics. While it was clear to American policy makers the regime wasn't as strong as it looked, they did not realize just how much the Ba'ath party had infiltrated the daily life and governance of municipalities; this would become a problem during the deBa'athification part of the invasion. During the period of sanctions and embargoes levied on Iraq, even citizens applying for rations needed to be affiliated, and in good standing, with the Ba'ath party and submit civil and security information to receive aid.²³² In addition, due to the limited

²²⁸ Ibid,

²²⁹ David Charles-Philippe, "How Not to do Post-invasion: Lessons Learned from US Decision-making in Iraq (2002–2008)", *Defence & Security Analysis*, 26:1 (2010) 31-63, p. 50.

²³⁰ Fredrick M. Wehrey, *Beyond Sunni and Shi'i : The Roots of Sectarianism in a changing Middle East*, New York: Oxford University Press, 2017. P. 43

²³¹ Muhsin J. Al-Musawi, *Reading Iraq: Culture and Power in Conflict*, London: I.B.Tauris, 2006.

²³² Al-Musawi, Muhsin J. [*Reading Iraq: Culture and Power in Conflict*], London: I.B.Tauris, 2006.

resources and poor economic status of the country, most people relied solely on government aid at the time of the U.S. invasion.²³³ Even worse than not receiving state aid, Iraqis who did not abide by the regime were publicly disfigured and tied to treason.²³⁴ Hussein's regime still controlled all aspects of life even in the 90's and 00's when the regime was no longer as strong as it once was and resisting the government was not in the best interest of survival.

Saddam launched a series of chemical attacks on the Kurds, beginning in March of 1984 and attacked seven different times throughout 1987, and five times throughout 1988 hitting various towns including Sargalu, Yakhsamar, Guezilla, Dolli Jafayti, , Halabja, Qzlar, Sangar, and Mawlaka among others.²³⁵ The most notable of these attacks being on Halabja on March 16, 1988 which was followed by the Anfal Campaign that systematically killed over 182,000 Kurds over a period of eight months in 1988.²³⁶ After these attacks Iraq was subjected to regular weapons inspections by the United Nations as the UN security council passed Resolution 687 in 1991 which stated Iraq needed to discard all chemical, biological, and nuclear weapons.²³⁷ Iraq would be subject to monitoring and inspection without any advance notice by UN Weapons Inspectors. These inspections were conducted routinely at first and weapons were destroyed until Iraq refused to comply with the U.N. weapons inspectors in October of 1998.²³⁸ This is one of the building blocks that allowed the U.S. to claim Iraq was harboring WMDs. During this time Iraq was also subjected to no-fly zones and sanctions which, in conjunction with

²³³Ibid.

²³⁴ Makiya, Kanan. [*Republic of Fear: The Politics of Modern Iraq*], Berkeley: University of California Press, 1989. P. X

²³⁵ Human Rights Watch, 'Genocide in Iraq - The Anfal Campaign Against the Kurds.', 1993

²³⁶ Ibid

²³⁷ Council on Foreign Relations, "IRAQ: Weapons Inspections from 1991- 1998, February 3rd, 2005.

²³⁸ Ibid.

regular weapons inspections were methods to disarm and subdue Iraq.²³⁹ Iraq was not allowed to obtain anything to produce, store, or obtain WMD because Saddam Hussein was considered dangerous and unpredictable; this further led to Iraq's isolation from outside influence and support as well. During this time, Hussein ramped up his propaganda after the Gulf war in the 1990's; it was at this time that sanctions were placed on Iraq and citizens became heavily dependent on the state for aid and survival.²⁴⁰ This combination meant the Ba'athist party was even more at the center of Iraqi households and essential to their daily life. While the U.S. thought these horrible conditions would be the reason Iraqis would welcome U.S. troops and subsequent liberation, it was part of the reason why Iraqis were so in sync with Ba'athist ideology. U.S officials did not plan to redo all Iraqi governing factors including municipal issues such as food, water, education, but not only did this need to be done but each city needed to be reconnected back to Baghdad rather than existing on its own.²⁴¹

As sanctions were levied the UN continued to insist on weapons inspections within Iraq. The former Vice President of Iraq, Tariq Aziz, stated he was certain his role to allow weapons inspectors into the country was in vain.²⁴² This was true as in 2002 the UN passed Security Council Resolution 1441 which required UN weapons inspectors be allowed on site to search, seize, and interview as they saw fit and the subsequent inspections resulted in no WMDs.²⁴³ After the 9/11 attack Aziz also noted that he and

²³⁹ The Research Unit for Political Economy, *Behind the Invasion of Iraq*, Vol 1st ed. Monthly Review Press, 2003. P. 47

²⁴⁰ Toby Dodge, *Inventing Iraq: The Failure of Nation-building and a History Denied*, New York: Columbia University Press, 2003. P. 160

²⁴¹ Ibid.

²⁴² Chulov, Martin. "Interview Tariq Aziz: 'Britain and the U.S. Killed Iraq. I Wish I Was Martyred'". *The Guardian*. (August 5th, 2010)

²⁴³ Ibid.

Saddam were shocked by the attacks and wrote to the U.S. to condemn the attacks even though Iraq and the U.S. were far from amicable at that time.²⁴⁴ Even so, it became clear after a time (to Tariq Aziz and Saddam Hussein) that U.S. rhetoric and propaganda was leading to a potential invasion in Iraq.²⁴⁵ Aziz anticipated that the U.S. was looking to do more than just invade Iraq and remove WMD, they wanted a region change rather than a regime change.²⁴⁶ As Tariq Aziz and Saddam Hussein predicted, after the 9/11 attacks the Bush administration decided WMD was the main reason behind the need to invade Iraq. While they were attempting to uncover WMD policy makers were torn over the justification of the war knowing that even if Iraq had WMD, which was unlikely, it was not likely that they had access to new and powerful materials and it was widely known that Iraq posed little threat to the U.S. directly.²⁴⁷ The Bush administration was entering into this conflict with the goal of removing a regime they did not agree with, relying on the military to do the work of foreign affairs rather than the politicians and NGO organizations. After 9/11 the Bush administration was able to utilize this act of terrorism to propel their premeditated attack on Iraq. Claims of WMD stockpiles and links to al-Qaeda are what gained support for the invasion, while those who were against this plan were denounced as against the U.S., freedom, and standing up for democracy.²⁴⁸

Tensions between groups existed in Iraq before the removal of Saddam Hussein and before the U.S. invasion; both the British and Saddam embraced the Sunni over the

²⁴⁴ Martin Chulov, "Interview Tariq Aziz: 'Britain and the U.S. Killed Iraq. I Wish I Was Martyred'" *The Guardian*. (August 5th, 2010)

²⁴⁵ Ibid.

²⁴⁶ The Research Unit for Political Economy. [*Behind the Invasion of Iraq*] Vol 1st ed. Monthly Review Press, 2003 P. 59

²⁴⁷ Raymond Hinnebusch, "The US Invasion of Iraq: Explanations and Implications", *Critique: Critical Middle Eastern Studies*, 16:3 (2007) 209-228. P 209

²⁴⁸ C. Stempel, "Televised Sports, Masculinist Moral Capital, and Support for the U.S. Invasion of Iraq." *Journal of Sport and Social Issues*, 30:1 (2006) 79–106. P. 80

Shi'i .²⁴⁹ Even with Ba'athification linking Iraqis together, Shi'i Iraqis were not abundantly welcomed in the military or other bureaucratic positions, even schools were limited for Shi'i ; due to this segregation, Shi'i Iraqis didn't feel that they were truly part of the state and lacked that same sense of community and nationalism.²⁵⁰ Saddam's regime used Arab and Iraqi unity to solidify his base but also highlighted differences to maintain power and control amongst his nation. Those who supported Hussein were rewarded and those who opposed were tortured or even murdered, and because he was in complete control of the country, he was able to carry out these orders as he pleased. ²⁵¹ Despite the pan Arab and Ba'ath movements attempting to create a focal point for Iraqis, citizens turned to their tribes who provided support and security.²⁵² In 2002 the Ba'thist party contained almost four million Iraqis which was about 16% of the national population.²⁵³ People knew about the secret police, the violence, and the ambivalence of the regime but chose to enlist regardless. By the late 90s the Ba'ath regime had to pay their top members to attend ceremonies and events, but this lack of support did not translate to a lack of violence and obedience to the regime. ²⁵⁴ It was the violence, and reward for violence, of the regime that allowed it to be so successful; it generated fear, power, compliance, and suspicion in the totalitarian regime.²⁵⁵ As Faust so stated, under this state everyone had something to lose and something to gain by complying with the

²⁴⁹ Jacob Eriksson and Amed Khaleel, *Iraq After ISIS The Challenge of the Post War Recovery*, Palgrave, 2019. P. 15

²⁵⁰ Ibid, 15

²⁵¹ Ibid, 19

²⁵² Ibid,43

²⁵³ Aaron,Faust, *The Ba'athification of Iraq: Saddam Hussein's Totalitarianism*, Austin: University of Texas Press, 2015. P. 4

²⁵⁴ Ibid, 5

²⁵⁵ Ibid, 52

regime.²⁵⁶ Under Ba'athist rule it was illegal to identify as anything other than Ba'athist; tribal or other political affiliations were banned in an effort to remove diverse social markers.²⁵⁷ This tactic assisted in setting Hussein as the central image of Iraq and amplifying the notion that Ba'athism was more than a political party but rather a lifestyle.²⁵⁸

The U.S. consulted a group of Iraqis who were exiled for various reasons under Saddam Hussein's regime, hoping to get insider knowledge on what Iraqis needed and what the conditions were like on the ground. Instead, these individuals didn't have insider information since they had been out of the country for decades. In some cases, like those of Insan Saeed al-Haideri and Ahmed Chalabi, these individuals had their own agenda and goals and were looking to gain power in the New Iraq.²⁵⁹ In addition, there was information these former Iraqi exiles were not able to provide regarding citizen needs in the wake of religious and political oppression and dictatorship. These sources would provide incorrect information and no concrete evidence to support their claims.²⁶⁰ Ahmed Chalabi went on to become the main consultant for the 2003 Iraq invasion even after his weapons advice to the United States Department of Defense had been shown to be fabricated.²⁶¹ The Bush administration was not interested in facts, double checking sources, or taking their time to formulate a plan, rather, the administration wanted evidence to support their agenda. Rationale was the important piece for this

²⁵⁶ Ibid, 186

²⁵⁷ Faust, Aaron. [*The Ba'athification of Iraq: Saddam Hussein's Totalitarianism*] Austin: University of Texas Press, 2015. P. 27

²⁵⁸ Ibid, 28

²⁵⁹ David Ghamin, *Iraq's Dysfunctional Democracy*, Santa Barbara: Praeger, 2011. P. 199

²⁶⁰ Andrew Killgore, "The Mysteries of Iraq's "Weapons of Mass Destruction"" *Washington Report on Middle Eastern Affairs* 23: 3(2004) p 19.

²⁶¹ Thomas E. Ricks, *Fiasco: The American Military Adventure in Iraq*, New York: Penguin Press, 2006. P. 56.

administration, not evidence. Furthermore, America did not invade Iraq with a reconstruction plan nor an exit strategy.²⁶² The National Security Council were not given regular reports or updates and did not oversee the Iraq mission like it was intended to.²⁶³

Freedom was not something that could be handed over; there needed to be directives in place for how citizens would obtain jobs and services in the New Iraq. During Saddam Hussein's regime, Saddam became the national rhetoric of Iraq; he was the public watchdog, he was the mentor for the youth, he was the media and the heart of the nation, and these sentiments needed to be dealt with alongside the governmental overthrow as well.²⁶⁴ Even Iraqi education and culture was centered on Saddam Hussein; their books, media, statues, posters, education all upheld Hussein as the national savior.²⁶⁵ This sentiment continued for the entirety of his rule, and those who did not honor this narrative would be targeted by the police state he created to ensure compliance. This means people were not simply following the motions of his regime, but that people were institutionalized with this behavior and narrative that Saddam was the highest authority and the national story. The degree to which his narrative permeated Iraq was not truly addressed by the U.S. forces pre-occupation. There were no current democratic, pluralist, or liberal sentiments present in Iraq on which to build a solid foundation, each of these themes the U.S. wanted to solidify in Iraq needed to be built and introduced from the bottom up.

²⁶² David Charles-Philippe, "How Not to do Post-invasion: Lessons Learned from US Decision-making in Iraq (2002–2008)", *Defence & Security Analysis*, 26:1 (2010), 31-63, p. 52

²⁶³ Ibid.

²⁶⁴ Kanan Makiya, *Republic of Fear: The Politics of Modern Iraq*, Berkeley: University of California Press, 1989. P. 77

²⁶⁵ Adeer Dawisha Dawisha, *Iraq: A Political History* Princeton: Princeton University Press, 2009. P. 159

While planning the Iraqi liberation venture there were a few aspects the DoD wanted to ensure, such as Iraq as a secular democratic nation that would utilize the U.S. as a theoretical model. The secularization of Iraq was a big concern for officials from the beginning. The DoD initially planned to allow Iraqis to run municipal services on their own without realizing there was no money to employ these individuals let alone any infrastructure left for the Iraqis to uphold.²⁶⁶ The DoD did not realize how many Iraqis would be barred from public service after their deBa'athification movement which was another hurdle for U.S. forces. Once the U.S. removed Ba'athist members from municipal and political positions the political exiles were appointed to these public roles even though they were underqualified for the intricate positions they were filling; this led to animosity and incompetency which would continue for decades.²⁶⁷ While preparing for the Iraqi invasion U.S. forces thought it would be removing and combating a regime; they did not anticipate having to fight Iraqi citizens as well.

Vice president Dick Cheney claimed to be certain Iraq had WMD and did not want to wait around until it was too late to find more proof, while Paul Wolfowitz, Deputy Secretary of Defense, stated the entire Middle East would be safer and it would be a direct benefit to America if America took charge of Iraq and sooner rather than later. It wasn't just senior government officials pushing to invade Iraq, Iraqi exile Ahmad Chalabi also suggested an invasion was the right move, because he had many powerful allies and knew many other Iraqi defectors; this appeared to be some solid support in

²⁶⁶ D. Glazier, "Ignorance is Not Bliss: The Law of Belligerent Occupation and the U.S. Invasion of Iraq", *Rutgers Law Review*, 58: 1 (2005) 121-194. P. 185

²⁶⁷ Zaid Al-Ali, *The struggle for Iraq's Future: How Corruption, Incompetence, and Sectarianism have Undermine Democracy*, London: Yale University Press, 2014. P. 65

favor of the invasion.²⁶⁸ The final pieces were in motion on March 16th, 2003, when George W. Bush ordered Saddam Hussein to disarm and step down as Iraq's president.²⁶⁹ The National Security Council detailed how many troops would be needed to secure Iraq, around 139,000, and warned of the likelihood of an insurrection after the overthrow of Saddam Hussein.²⁷⁰ They were warned at every step that this would not be the venture they hoped it would be.²⁷¹ Those who spoke out and suggested not invading or alternate plans were fired on the spot and replaced with individuals who would agree and comply with the overall agenda of the invasion mission.²⁷² Instead of planning for the realistic outcome outlined for them, policy makers overestimated their understanding of Iraq and the needs of Iraqi citizens coupled with having an oversimplified idea of Saddam's regime and life in Iraq.²⁷³ The information that did not fit their goals were disregarded and they selected certain pieces of information to uphold while encouraging others to believe in this method as well.²⁷⁴ Nobody expressed doubts to the President. He surrounded himself with advisors who told him what he wanted to hear and didn't take feedback. There was no plan for peace after the forced removal of Saddam. The U.S. attempted to stand behind the perception that this invasion was a neutral quest for good and world peace that was the U.S.' job to undertake when this is an imperialist

²⁶⁸ Aaron Faust, *The Ba'athification of Iraq: Saddam Hussein's Totalitarianism*, Austin: University of Texas Press, 2015.

²⁶⁹ R. Burbach, and J. Tarbell, *Imperial Overstretch George W Bush and the Hubris of Empire*, London: Zed Books, 2004. P. 10

²⁷⁰ David Charles-Philippe, "How Not to do Post-invasion: Lessons Learned from US Decision-making in Iraq (2002–2008)", *Defence & Security Analysis*, 26:1 (2010), 31-63, p.33

²⁷¹ Ibid. 34

²⁷² Michael R. Gordon, and Bernard E. Trainor, *Cobra II: The Inside Story of the Invasion and Occupation of Iraq*, New York : Pantheon Books, 2006.

²⁷³ David Charles-Philippe, "How Not to do Post-invasion: Lessons Learned from US Decision-making in Iraq (2002–2008)", *Defence & Security Analysis*, 26:1 (2010), 31-63. P. 44

²⁷⁴ Ibid, 44

undertaking. With all this preparation and years of planning there was no planning past removing Saddam Hussein.

The Occupation

The U.S forces went into the so-called liberation of Iraq with the belief that American morality was superior, and that democracy was the best for every country and the idea that the public must pay the cost of this quest for freedom, both American and Iraqi public. The stated goal of the U.S. invasion of Iraq was to institute power sharing amongst political parties and the system of checks and balances that is characteristic of American democracy.²⁷⁵ Though the Bush administration and media attempted to use liberation and democratic language to surround this invasion, the lack of planning and involvement with Iraqi citizens and organizations demonstrate this venture was not about liberation. After the intensity of the attempts to get Saddam to step down, Baghdad was almost reduced entirely to rubble getting the Americans' and Iraqis' relationship off to a rough start. The U.S. military used four times the amount of ammunition used in Desert Storm during the Iraq Shock and Awe campaign.²⁷⁶ This aerial assault was intended to stun Saddam Hussein, his military, and all of Baghdad into submission and collapse the Ba'athist regime in one effort.²⁷⁷ This military assault was a calculated plan to target important regime structures but ended up decimating key municipal infrastructure like power plants, watersheds, and hospitals, which left Iraq in critical condition after the operation. The devastation would plague Iraq for years to come and make the

²⁷⁵ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. p. 279

²⁷⁶ Axel Heck, "Democratic Distinctiveness, Responsibility, and the Politics of Ethics in Justifications of War", *Critical Studies on Security*, 7:3 (2019) 243-257. P. 253

²⁷⁷ *Ibid*, 255

reconstruction process more difficult in terms of money, morale, and cooperation. The captured Iraqi military members were executed or detained during this initial attack, causing the numbers of Saddam's military to dwindle and thus to change their tactics at the beginning of the invasion.²⁷⁸ Shock and Awe helped the Iraqi army fold much earlier than the U.S. anticipated and caused chaos in the nation with no sense of authority and order at this time. There were not enough American troops in Iraq at the time to control the looting that occurred after shock and awe which was the beginning of the spiral into chaos for Iraq; things went downhill quickly after Saddam's fall on April 19th, 2003.²⁷⁹ This showed Iraqis that the Americans weren't truly in control of the nation and there would not be repercussions. The Office of Reconstruction and Humanitarian Relief planned to be in Iraq in March 2003, have the country handed over, and be out of Iraq by September 2003 leaving just 25,000 U.S. troops behind to maintain order during the transition.²⁸⁰ The invasion was intended to be quick, minimal, and cheap, the opposite of what the actual outcome of this operation.

Once on the ground in Iraq, U.S. officials received a rude awakening to the reality of the situation they were in. Some Iraqis were excited to remove Saddam Hussein, while others were skeptical of what was to come. The bureaucracy was packed with Hussein loyalists and all decisions were under the wing of Saddam Hussein himself.²⁸¹ Hussein ensured he was the sole authority in the country and was the judge, jury, and executioner for the nation starting as early as 1979.²⁸² Ba'athism and Hussein's regime had been the

²⁷⁸ Ibid, 256

²⁷⁹ D. Glazier, "Ignorance is Not Bliss: The Law of Belligerent Occupation and the U.S. invasion of Iraq", *Rutgers Law Review*, 58:1 (2005), 121-194. P 186

²⁸⁰ M. Shareef, *The United States, Iraq and the Kurds: Shock, Awe and Aftermath* (1st ed.), Routledge, 2014. P. 103

²⁸¹ Adee Dawisha Dawisha, *Iraq: A Political History*, Princeton: Princeton University Press, 2009. P. 156

²⁸² Ibid, 158

law of Iraq for four decades making this a tough break for some. The removal of Saddam Hussein caused a power vacuum to open where marginalized groups, such as the Shi'i and Kurds, began to fight for power in this new environment. This chaos was further perpetuated by the Iraqi Governing Council stating that political organization would be based on sect and ethnicity.²⁸³ The Ba'athist regime created its own identity and national story which separated Iraq from the rest of the Middle East as well as making national unity preferred to tribal and familial unity, which is how Iraq was divided in the past.²⁸⁴ Following the destruction of shock and awe, the U.S. troops were not seen as the liberators they anticipated. In March and April 2003, it quickly became apparent that the Coalition force structure was inadequate to simultaneously combat Iraqi military forces, maintain order, and protect the country's infrastructure.²⁸⁵ The main priority was to secure the oil ministry as it was the most valuable resource in the nation.²⁸⁶ The American policy makers in Iraq anticipated Iraqis would have enough of a system in place after Saddam Hussein's removal that they wouldn't need much support; when it became clear this was not the case policy makers thought Iraqis would go along with what the U.S. planned for the nation and this was once again not the case. Operation Iraqi Freedom did not begin on a successful note, and it only went downhill from there.

Once the occupation began, American forces mostly stayed behind the safe and walled Green Zone, Saddam's palace grounds in central Baghdad, which the Iraqi

²⁸³ Jacob Eriksson and Amed Khaleel, *Iraq After ISIS The Challenge of the Post War Recovery*, Palgrave, 2019. P. 20

²⁸⁴ Adeed Dawisha Dawisha, *Iraq: A Political History*]. Princeton: Princeton University Press, 2009. P. 146

²⁸⁵ D. Glazier, "Ignorance is Not Bliss: The Law of Belligerent Occupation and the U.S. invasion of Iraq", *Rutgers Law Review*, 58:1 (2005), 121-194. P. 185

²⁸⁶ *Ibid*, 186

resistance could not penetrate.²⁸⁷ This caused mistrust among the Iraqis and demonstrated that the occupation wasn't truly about the Iraqis like the Americans had promised. During the first few weeks of the invasion, it became clear implementing democracy, and creating a model ally in the Middle East, was the most important objective in Iraq and while municipal tasks were slowly addressed, they were not accomplished with the practicality of the Iraqi citizens in mind. Theoretically, the U.S. troops were meant to work together with Iraqis to create policies, bridge any logistical and municipal gaps, and create new laws and structure within Iraq, however, the Iraqis had little involvement in the reconstruction process of Iraq. Outside of the Green Zone, Iraqis were dealing with the loss of state services like healthcare, job security, schools, and death of their family members due to overall poor conditions and violence. Iraqis were able to file grievance claims with the American forces for hardship but to do so they needed to compile a long list of data that was near impossible for average citizens to access; this list included medical notes, death certificates, witness statements, proof of neglect, written estimates of damages, identity, and personal documentation along with agency agreements.²⁸⁸ Once all required documentation was compiled and brought to the CPA within thirty days of the offense it was still unlikely that a claim would be approved.²⁸⁹ The grievance claim process was another indication that American troops were not going to hold themselves accountable for their actions nor were they going to help Iraqis out of their dire situations. There was also an Office of Human Rights and Transitional Justice Bureau where Iraqis

²⁸⁷ E. Stover, H. Megally, and H. Mufti, "Bremer's 'Gordian Knot': Transitional justice and the US Occupation of Iraq", *Human Rights Quarterly*, 27:3: 08 (2005) 830- 857. P 856

²⁸⁸ Dahr Jamail, *Beyond the Green Zone: Dispatches from an Unembedded Journalist in Occupied Iraq*, Chicago: Haymarket Books, 2008. P. 87

²⁸⁹ *Ibid*, 88

could file human rights violations but only for offenses that occurred under the Ba'athist regime ending in April 2003.²⁹⁰ These processes further drew a line between Iraqis and Americans and eventually led to the Iraqi insurgency.

Once the Coalition Provisional Authority, CPA, began the deba'athification process and distributing power to Americans without much input from the Iraqis the citizens of Iraq began to resort to violence to have their voices heard.²⁹¹ Deba'athification was a project of Douglas Feith and the Department of Defense in order to ensure there were no Saddam sympathizers that would have any level of public power.²⁹² This was executed out of fear of any remaining Saddam supporters who would come forward and halt the reconstruction efforts. In order to obtain any state or public job, one was required to register as a member of the Ba'ath party which meant many labeled "Ba'athist" had no real allegiance to the regime and its antics. The U.S. Department of State was working with Iraqi exiles and officials who did not have inside information about the Hussein regime, and U.S. policy makers were not aware how prevalent Ba'ath registration was and how their ideology worked its way down the echelons of Iraqi life. Whether this was an accident via ignorance on the part of the Americans or intentionally overlooked to weed out any sympathizers the process of Deba'athification caused a more dramatic impact than the coalition anticipated. Deba'athification left over two million Iraqis without a job, uncompensated and unable to be employed by the state in the future.²⁹³ Furthermore, the Iraqi military had been well provided for under Hussein's regime, which

²⁹⁰ Ibid, 89

²⁹¹ Rajiv Chandrasekaran, "Who Killed Iraq?" *Foreign Policy*, no. 156 (2006): 36-43., 40.

²⁹² Michael R. Gordon and Bernard E. Trainor, *Cobra II: The Inside Story of the Invasion and Occupation of Iraq*, New York: Pantheon Books, 2006. P. 176

²⁹³ E. Stover, H. Megally, and H. Mufti, "Bremer's 'Gordian Knot': Transitional justice and the US Occupation of Iraq", *Human Rights Quarterly*, 27:3: 08 (2005) 830- 857.

became a problem during the military disbanding led by the American forces. Under Saddam, Iraqi military members had enjoyed competitive salaries, preferential treatment, and access to the commodities they wanted.²⁹⁴ This was insurance the troops would be loyal to Saddam and Iraq, which also had lasting effects into the American occupation. Not only were some of the militaries upset by the government overthrow, but they were also not treated as the important people they once were and were given a meager fifty USD severance once the Iraqi army was broken up. The dismissal of registered Ba'athists from their positions was also done haphazardly; police and military members were dismissed with their equipment and weapons, and remaining weapons and ammunition were not secured by American forces.²⁹⁵ The Sunnis, in particular, suffered discrimination, abuse, and arbitrary arrest under de-Ba'athification and article IV of the anti-terrorism law.²⁹⁶ This became a problem for Iraqis and the Americans attempting to rebuild Iraq, creating yet another rift between the two nations; laws were made out of fear which had lasting negative effects in Iraq.

The removal of Saddam from power meant a total reconstruction of Iraq; state and local policies, the economy, infrastructure, and laws needed an overhaul to accommodate the new Iraq. The U.S. developed and deployed numerous authoritative groups that began to shape Iraq from the moment of their arrival from 2003 until 2005. This process was complicated, political, and suffered serious objection. The intention of the occupation, as stated by U.S. general Tommy Franks, was that the U.S. troops were to be a liberating

²⁹⁴ Aaded Dawisha Dawisha, *Iraq: A Political History*, Princeton: Princeton University Press, 2009. P. 155

²⁹⁵ Glazier, D. "Ignorance is Not Bliss: The Law of Belligerent Occupation and the U.S. invasion of Iraq". *Rutgers Law Review*, 58:1 (2005), 121-194. P. 187

²⁹⁶ Jacob Eriksson and Amed Khaleel, *Iraq After ISIS The Challenge of the Post War Recovery*, Palgrave, 2019. P 50

force rather than an occupying one; however, there was no liberation law, just occupation law, and an occupation is what this mission was.²⁹⁷ One of the blunders of the U.S. occupation was handing the country over to the Shi‘i and upholding the victimhood narrative they embraced.²⁹⁸ The backing of Shi‘i groups helped form a political divide between the Sunni and Shi‘i groups labeling the Sunnis as a group who had failed properly to run and protect Iraq during Saddam Hussein’s regime.

American forces attempted to create a governmental bridge between Iraqis and Americans called the Iraqi American Governing Council. This council was an interim government created to appoint local municipal leaders throughout Iraq rather than executing numerous local elections from June 2003- July 2003; most of the appointments came from Paul Bremer directly.²⁹⁹ The transitional process was hardly a transition in that the coalition appointed representatives rather than allowing Iraqi citizens to represent themselves or decide on their own council; this also violates the nature of a democracy. The Iraqi American Governing Council consisted of twenty-five members, including thirteen Shi‘i and five Sunnis which further affirmed to the Sunnis that the nation was being handed over to the Shi‘i.³⁰⁰ Each of these members were chosen by the U.S. coalition. At this time, the Sunnis did not think they could trust Americans to protect their interests or the Shi‘i to be fair after their oppression and victimhood ideology, so they started to rebel and even turned to tribal affiliations along with allowing al -Qaeda to

²⁹⁷ D. Glazier, “Ignorance is Not Bliss: The Law of Belligerent Occupation and the U.S. invasion of Iraq”, *Rutgers Law Review*, 58:1 (2005), 121-194. P. 189

²⁹⁸ Caroleen Marji Sayej, *Patriotic Ayatollahs: Nationalism in Post-Saddam Iraq*, Ithaca: Cornell University Press, 2018. P. 25

²⁹⁹ Iraqi Governing Council. *Global Security*. <https://www.globalsecurity.org/military/world/iraq/igc.htm>

³⁰⁰ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. P. 132

enter into their villages for protection.³⁰¹ The Sunnis saw al-Qaeda as an ally as they both hated the American occupation and wanted to remove their influence from the country; Sunni groups saw al-Qaeda as reinforcements who had resources, such as money, that the Iraqi Sunnis did not.³⁰² This was the opposite of what American troops anticipated would occur after the liberation despite being warned by several government officials there would be an insurrection. After 2003 there was an increase in resistance, sectarianism, and power struggles throughout the nation, not only between American troops and policy makers and Iraqis but between Iraqi groups as well.

According to Paul Bremer, American policy makers were hesitant to hand over the reins to Iraqis right away and claimed releasing power a little but at a time would be the most effective and least problematic way to transfer power.³⁰³ This was not likely the least problematic way to transfer power but the preferred way for the coalition in that it was still able to largely control the development of Iraq to their liking. The CPA claimed due to how pervasive the Ba'athist and totalitarian ideology was in Iraq, Americans claimed they needed to create democratic allies in Iraq, teach Iraqis about free market economy, create a foreign policy plan, and train the police, judges, courts, and municipalities about American democracy and how to properly implement it.³⁰⁴ To truly execute these tasks this process would necessitate collaboration with Iraqis and require a process tailored to Iraqi needs, which was not the outcome of this transitional period. While training Iraqi professionals to take police, judicial, and bureaucratic positions,

³⁰¹ Ibid, 132

³⁰² Ibid, 143

³⁰³ Paul Bremer and Malcom McConnell, *My Year in Iraq: The Struggle to Build a Future of Hope*, New York, Threshold Editions, 2006.

³⁰⁴ Paul Bremer and Malcom McConnell, *My Year in Iraq: The Struggle to Build a Future of Hope*, New York, Threshold Editions, 2006.

Americans appointed individuals they felt would best do the job to their standards and without little improvisation or personal agenda added.³⁰⁵ Most of these individuals were Shi'i and many were not fully investigated prior to their appointment which led to fraud and resentment amongst Iraqis.³⁰⁶ This was going to take some serious time and while these skills needed to be taught, American troops also had to deal with rebellion from Sunni groups, sectarian conflicts, and now al-Qaeda entering Iraq. This was not turning out to be the Middle Eastern ally the U.S. had hoped for. The stated purpose of this occupation was to create a strong and prosperous democratic Iraq; however, but by mid 2003, the situation was a far cry from the goal, and it became clearer this was a colonial venture.

Those who were exiled or oppressed under Hussein's regime had several grievances with the regime and brought a jaded motivation to their governing.³⁰⁷ Some returning Iraqis from the Badr Corps and the Supreme Council for the Islamic Revolution in Iraq were returning to the country with decades of pent up anger that they wanted to vent by taking revenge.³⁰⁸ Since these formerly marginalized individuals were mostly Shi'i and the Shi'i had most government control at this time, it turned into a sectarian cleansing and redistribution of Iraq, and Baghdad in particular. Some Shi'i groups wanted to relocate Sunni families in Baghdad and take their housing using police and force to do so; these actions did not help national healing or ease tensions during

³⁰⁵ Stephen Zunes, "The US Invasion of Iraq: The Military Side of Globalization", *Globalizations*, 6:1 (2009) 99-105, p. 102

³⁰⁶ David Charles-Philippe, "How Not to do Post-invasion: Lessons Learned from US Decision-making in Iraq (2002–2008)", *Defence & Security Analysis*, 26:1 (2010):31-63. p 41

³⁰⁷ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014.

³⁰⁸ *Ibid*, 99

reconstruction and occupation.³⁰⁹ Occupying forces in Iraq have always continuously failed to gain local support with their agenda and incorporate their culture and structure into a new regime, and this occupation was no exception. Before the 2003 invasion there was almost no political party mobilization in Iraq. Sunni groups needed outside support because unlike the Shi'i, Sunni Iraqis did not already have an organized oppositional force; instead they went back to their homes and tribes in order to rally support and allies.³¹⁰ This was difficult because Sunni groups were not used to acting as an organized unit and typically relied on their individual religious, cultural, and tribal affiliations rather than as a large community.³¹¹ In many instances it was a tough choice for Sunnis to decide if they should participate in government or elections and accept this new Iraq or if they should instead resist these changes and go in another direction. Resisting could mean more power for Sunnis via insurgency, but it did not mean more representation or power in government.

New Iraq quickly mimicked Saddam's Iraq in that identity politics became a focal point. The use of former exiles meant they were pursuing their own agendas along party lines, using bribes and nepotism to create a government. Iraqis were creating alliances based on religion and federalism which deepened the political divide between groups.³¹² Shi'i wanted religion to be central to Iraq because it was central to their communities and fought to enforce Islamic values and Islamization of Iraq, differentiating their agenda from that of the Sunnis or Kurds.³¹³ Additionally, the lack of collaboration between the

³⁰⁹ Ibid, 112

³¹⁰ Jacob Eriksson and Amed Khaleel, *Iraq After ISIS The Challenge of the Post War Recovery*, Palgrave, 2019. P. 43

³¹¹ Ibid, 42

³¹² David Ghanim, *Iraq's Dysfunctional Democracy*, Santa Barbara: Praeger, 2011. P. 169

³¹³ Jacob Eriksson and Amed Khaleel, *Iraq After ISIS The Challenge of the Post War Recovery*, Palgrave, 2019. P. 116

American forces and the Iraqis led to mounting tensions not only between the Iraqis and the Americans, but amongst the Iraqis themselves. Problems arose when Shi'i and Kurds appeared to be favored more than the Sunnis by American forces. Each group would have to contest for their own representation within the government and assure their own group's needs be established during the reconstruction.

The chaotic conditions and minimal involvement in Iraq led to the creation of an insurgency movement which pulled together various groups in Iraq to counter U.S military efforts in the nation. The insurgents were former police, military personnel, criminals, al-Qaeda members, political figures, and mercenaries that at times collaborated and pooled their resources and money and more often created smaller Sunni or Shi'i faction groups operating throughout the nation.³¹⁴ The eclectic nature of the insurgency caused many fractures in the organization, competing agendas, and overall discontinuity but provided coverage all over the nation. Each group had their own rationale for joining the insurgency; some wanted power they lost in the transition, nationalists wanted freedom from tyranny and occupation, Kurds wanted autonomy, and Islamists wanted an Islamic political state to name a few.³¹⁵ The larger insurgency carried out violent attacks and worked in smaller cells which allowed their movements to be unanticipated and numerous leaving American troops no clear way to trace their actions or predict next steps.

While American forces were tackling the insurgency, they were also making the situation worse by outsourcing municipal services to outside contractors, rather than

³¹⁴ Chad Serena, *It Takes More Than a Network: The Iraqi Insurgency and Organizational Adaptation*, Redwood City: Stanford University Press, 2014. P. 11

³¹⁵ Elizabeth Palmer, "Covering the Iraqi Insurgency", *International Journal* 61, no. 1 (March 2006): 135–145. P. 141

giving these positions to Iraqi companies. This led to foreign control and ownership within Iraq which was a drain on Iraq's already limited resources, rather than building the nation up during the reconstruction process.³¹⁶ Americans also removed import tariffs which caused outside goods to overtake Iraqi markets rather than Iraqi goods and services causing Iraqi businesses to continue to suffer after years of sanctions and leading to even more unemployment in the country.³¹⁷ These U.S. policies, along with the governing of the CPA led to municipal destruction and contributed to the poor conditions in Iraq, which became worse than those under Saddam's regime. Americans created these economic laws for Iraqis and then required a supermajority to overturn them which caused Iraqis to have little control over their situation despite the removal of their dictator.

CPA/TAL

Following the 2003 United States Invasion of Iraq, the United States established a Central Provisional Authority, CPA, to establish order in Iraq once Saddam Hussein was removed from power.³¹⁸ This organization was led by Paul Bremer III and consisted of members of the United States military who were working to rebuild Iraq and gradually transition power over to the Iraqis, initially by June of 2004.³¹⁹ In order to create a democratic Iraq, Iraq needed to be introduced to democratic principles and a state of law and order which had not yet fully existed in Iraq previously. American diplomats created organizations such as the CPA and the Transitional Administrative Law, TAL, to help

³¹⁶ Stephen Zunes, "The US Invasion of Iraq: The Military Side of Globalization", *Globalizations*, 6:1(2009) 99-105, p. 102

³¹⁷ Ibid.

³¹⁸ Toby Dodge, "How Iraq Was Lost", *Survival*. 48:40 (2006) 148- 172. P. 158

³¹⁹ Noah Feldman, *The Fall and Rise of the Islamic State*, Princeton University Press, 2008. P. 79

transition Iraq into a democracy. The CPA and TAL were intended to be tools for Iraqis to become familiar with democracy and be able to implement their own procedures in the nation. These ventures quickly became some of the most contested pieces of governance as they set the precedent for Americans dictating the Iraqi democratic process. The CPA did not end up working as collaboratively as planned with Iraqi counterparts, and instead there was a lack of coordination between the CPA and American troops and between American troops and Iraqi citizens. The CPA did not work with Iraqi policy makers, nor did they work with American agencies or experienced personnel; Bremer worked directly with President George W. Bush and Defense Secretary Donald Rumsfeld, shutting out collaborative possibilities and reconstruction.³²⁰ Instead, the CPA created most laws and even drafted the constitution largely without Iraqi support. This led to increasing hostilities between Iraqis and American forces which manifested as violence during the occupation which continues to the present day.

American forces once again attempted to collaborate with Iraqis through the creation of an Iraqi tribal council. Iraq has eighteen provinces and is divided up by tribal affiliation; while the United States was setting up its Coalition Provisional Authority and beginning reconstruction efforts in Iraq, members from each province and tribe were supposed to be consulted.³²¹ This tribal council was intended to weigh in on the decisions of the CPA, and ensure the new policies would be appropriate for the Iraqis; unfortunately, this was never put into full practice. The CPA was able to acquire eleven tribal affiliates but did not utilize them to the full extent; rather than include Iraqis in the

³²⁰ David Charles-Philippe, "How Not to do Post-invasion: Lessons Learned from US Decision-making in Iraq (2002–2008)", *Defence & Security Analysis*, 26:1 (2010), 31-63, p 49.

³²¹ Michael R. Gordon and Bernard E. Trainor, *Cobra II: The Inside Story of the Invasion and Occupation of Iraq*, New York: Pantheon Books, 2006. P. 181

decision-making process and understand what the Iraqis needed from their own nation, the American CPA were the executives.³²² The CPA ended up creating a political institution based on ethnic and religious affiliation which further segregated Iraqis and encouraged strong religious affiliations and loyalties to gain and maintain power. While various tribal groups were vying for representation, the CPA was pushing secularization which was not the overwhelming desire for Iraqis. Secularization, and even more so, forced secularization causes a power shift within a nation. As is the case in Iraq, religious leaders such as Imams and Ayatollahs, oversaw law making, education, familial and societal structure; however, when the government turns secular these religious leaders no longer have the same level of authority and it is the state who sets these regulations. This made the formation of the Iraqi Tribal Council even more important for Iraqis to share their ideas with the CPA and more problematic that the council was not fully integrated into the political sphere. Ayatollahs were in support of the democratic elections and allowing the people to choose their own representatives, rather than operate under an appointed government.³²³ This increased degree of choice had the potential to challenge the authority and legitimacy of religious leaders and decentralized their power; yet they were in favor of Iraqi choice over that of the coalition.³²⁴

Sergio Vieira de Mello, United Nations representative in Baghdad, suggested there needed to be a leadership group of Iraqis, and he and Paul Bremer created the Iraqi Governing Council, IGC, which was formed in 2003.³²⁵ The Iraqi Governing Council had

³²² Ibid.

³²³ Juan R.I. Cole, *The Ayatollahs and Democracy in Iraq*, Leiden: Amsterdam University Press, 2006. P. 11

³²⁴ Ibid, 23

³²⁵ K. Sakai and P. Marfleet, *Iraq Since the Invasion: People and Politics in a State of Conflict*, 1st ed, Routledge, 2020. P. 29

twenty five seats that were divided up into thirteen Shi'i and the remaining twelve seats belonged to Sunni, Kurdish, Assyrian, and Turkish minority members.³²⁶ These members were selected by Paul Bremer as head of the CPA and Bremer received input from Sergio Vieira de Mello and some of these individuals included Iraqi exiles who were already part of the informant process. The intention was to make it appear Iraqis had a say in policies, laws, political appointments, and the reconstruction process directly but since these individuals were chosen by American diplomats it was rather a moot point. The IGC was guided by the decisions of Paul Bremer who only took consideration from the U.S. military so there was no real role or strategy for this council.³²⁷ The United States assembled an Iraqi Tribal Council to gain agency from all sectors of Iraq regarding their opinions in the drafting process of the constitution. At the time, Iraq had eighteen provinces and was divided up by tribal affiliation. While the United States was brainstorming ideas and laws for the constitution, members from each province and tribe were supposed to be consulted.³²⁸ This tribal council was supposed to weigh in on the decisions of the CPA and ensure the new policies that would be appropriate for the Iraqis. Unfortunately, this was never put into full practice. The CPA was able to acquire eleven tribal affiliates but did not utilize them to the full extent.³²⁹ The IGC further divided Iraq after the invasion and heavily contributed to the sectarianism in Iraq.³³⁰ Democracy has the opportunity to cause a large divide between the nation's groups and is

³²⁶ Ibid, 30

³²⁷ David Charles-Philippe, "How Not to do Post-invasion: Lessons Learned from US Decision-making in Iraq (2002–2008)", *Defence & Security Analysis*, 26:1 (2010), 31-63. p. 36

³²⁸ Michael R. Gordon and Bernard E. Trainor, *Cobra II: The Inside Story of the Invasion and Occupation of Iraq*, New York: Pantheon Books, 2006. P. 181

³²⁹ Ibid.

³³⁰ K. Sakai and P. Marfleet, *Iraq Since the Invasion: People and Politics in a State of Conflict*, 1st ed, Routledge, 2020. P. 30

one of the problems that arose in Iraq as a result of the governmental change.³³¹ This is due to the majority being in control and the minority typically is subjected to minority desires, preferences and subsequently, laws.

The CPA enacted policies to attempt to control violence such as the prohibition on the perpetuation of violence in the Iraqi media beginning in 2003.³³² This law stated that any media material which condones, spreads, or causes violence towards any person or persons would not be tolerated.³³³ This seems like a first step from the U.S. to take control of safety issues in Iraq; however, this policy only applied to individuals who published negatively against the CPA.³³⁴ The CPA was in charge of the media as well as the reconstruction which means they were the ones deciding what stories would make news and which would be ignored.³³⁵ Rather than choosing to monitor all sources of media or none at all, the CPA created a system of violence which was allowed to replicate and reproduce anger, fear and terror as long as it left the United State' name out of it. Actions such as this did not help to moderate sectarian violence that ignited during the invasion and after the implementation of the 2005 constitution. This suppression of any U.S. hostility also became a hegemonic technique the CPA used to silence Iraqis. This led to tensions and outrage among groups that felt victimized and led to further hostility throughout the occupation leading until today to long lasting repercussions.

³³¹ Jan Erk and Lawrence Anderson, "The Paradox of Federalism: Does Self- Rule Accommodate or Exacerbate Ethnic Divisions", *Regional and Federal Studies*, 19:2 (2009) 191- 202 p. 192.

³³² Ahmed K. Al- Raqi, "The US Influence in Shaping Iraq's Sectarian Media", *International Communications Gazette*, 75: 4 (2013) 374 - 391 P. 375

³³³ Ibid.

³³⁴ Ibid.

³³⁵ Ibid.

Some Iraqis spoke against the CPA and American troops overseeing the law writing process, such as Ayatollah Sistani.³³⁶ Sistani wanted Iraqis to be able to create their own democratic environment which included their own councils, laws, and constitution and was skeptical about the Americans' ability to put Iraqi interests before their own. Sistani even issued a fatwa to support the democratic notion of one person one vote to encourage Iraqis to take part in the democratic process and vote.³³⁷ Sistani was an important figure in Iraq and the American coalition did not want to lose his support or go against him in fear of the retaliation it would bring to the process, which is why the CPA worked to create the IGC and give Iraqis more input, at least on the surface.³³⁸ There were several oppositions to the Iraqi governors the CPA appointed and it was difficult to find a candidate Iraqis could agree on; this led to Iraqis being leery of U.S. appointments and wanting to hold local elections to choose national candidates.³³⁹ In an attempt to create a balanced government the TAL outlined a three level presidency which would include a Kurdish, Sunni Arab, and Shi'i Arab member to serve together and ensure equality.³⁴⁰ This was more idealistic than practical as this would lead to future struggles between the groups, as no one group would acquiesce to the desires of the other and it was difficult to make decisions as a divided office. Seeing these struggles, the coalition, felt this was the confirmation that Islam is just not compatible with democracy. The idea was that there is too much theology and rigidity of laws to allow for democratic principles and choice in the same manner as the United States for example. This;

³³⁶ Juan R.I. Cole, *The Ayatollahs and Democracy in Iraq*, Leiden: Amsterdam University Press, 2006. P. 11

³³⁷ Ibid, 24

³³⁸ Ibid

³³⁹ Juan R.I. Cole, *The Ayatollahs and Democracy in Iraq*, Leiden: Amsterdam University Press, 2006. P. 25

³⁴⁰ Caroleen Marji Sayej, *Patriotic Ayatollahs: Nationalism in Post-Saddam Iraq*, Ithaca: Cornell University Press, 2018. P. 54

however, is simply not true; Islam is not incompatible with democracy. The notion of secular and democratic versus religious values is constructed and perpetuated by the West. Secularism can take many forms, including Islam; in most cases liberal democracy and religious politics develop alongside one another.³⁴¹ Democracy, liberalism, and secularization don't require the rejection and refuting of religion, and furthermore, secularism cannot, and should not, be imposed on a nation. Instead, secularism and liberalism separate religious ideas from the foundations of rights and authority.

Religious, political, and democratic changes were stressful and difficult for most Iraqis to experience. Their lives were drastically changing, and quickly, at the hands of a foreign power occupying their nation after overthrowing their ruler of thirty years. New values and environments were being created while conditions rapidly worsened for Iraqis as it the nation fell into colonialism. As a result, Iraqis began to push back and cling to Islamic values and in some cases want to return to a time of Islamic purity, away from Western influence which eventually led to a rise in Islamic centered political parties in Iraq.³⁴² Iraqis used Islam as a platform to gain political influence by creating political parties that ran on reforming Iraq back to the purity of Islam and asking citizens to be active in the attempt to correct this grievance.³⁴³

Iraq is not alone in its struggle to reconcile itself with Western democratic values; in fact, many states find themselves in a precarious position after they are subjects of colonization and have to piece together social and political policies handed down to them

³⁴¹ Nader Hashemi, *Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies*, New York: Oxford University Press, 2009. P. 128

³⁴² Faleh A. Jabar, *The Shi'ite Movement in Iraq*, Saqi Books, 2003. P. 41

³⁴³ Nader Hashemi, *Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies*, New York: Oxford University Press, 2009. P. 143

and fit with their own needs, cultures, and values while attempting to tie different cultural, linguistic, ethnic, and religious groups together based on colonial cartography.³⁴⁴ The west created this liberal democracy it is attempting to mold the rest of the world into and this is creating conflicts in more than just Iraq. These concepts work so well in the West because it is created in the West for Western states and then mapped onto different nations like a one size fits all method; this is not practical.³⁴⁵

The formation of a foreign coalition to draft laws and a constitution was not a new experience for Iraqis; this was the same process by which their 1925 constitution was drafted by the British.³⁴⁶ As such, the Iraqis did not want an American created government and in response the CPA curated a temporary constitution, the TAL, that would be used as a template or outline for the actual Iraqi constitution as an offered compromise.³⁴⁷ Drafting the temporary constitution was an arduous process; the TAL was written by American academics and two Iraqi exiles.³⁴⁸ When it came to Iraqi representation, only two Kurdish groups were asked for their input and no other groups making the TAL, and later the constitution, that of Kurdish and American creation rather than of any current Iraqi citizens.³⁴⁹ The terms of solidifying the final constitution were not fully addressed during the drafting of the transitional constitution and remained ambiguous through the drafting of the permanent constitution. This was an odd process considering the initial goal of this invasion and occupation was to liberate Iraq and hand

³⁴⁴ Hallaq Wael, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*, New York: Columbia University Press, 2012 p. 2

³⁴⁵ Ibid, 12

³⁴⁶ Zaid Al-Ali, *The Struggle for Iraq's future: How Corruption, Incompetence, and Sectarianism have Undermine Democracy*, London: Yale University Press, 2014. P. 75

³⁴⁷ Zaid Al-Ali, *The struggle for Iraq's Future: How Corruption, Incompetence, and Sectarianism have Undermine Democracy*, London: Yale University Press, 2014. P. 78

³⁴⁸ Ibid.

³⁴⁹ Ibid, 78.

the nation over to the Iraqi people. Iraqi consultants were not involved extensively in the final document; this struggle over the 2005 Iraqi constitution will be addressed further in chapter 5.

Aftermath

There are several outcomes of the American invasion of Iraq including the production of the 2005 constitution, the first round of democratic elections, the creation of ISIS, and the transition to a federal and capitalist society. The elections and constitution will be addressed in greater detail in chapter 5 while the rest of these items will be addressed in this section. There was a popular narrative that Americans allowed sectarian violence to emerge and continue in Iraq for their own benefit and did not step in to assist even though this result was largely due to their actions.³⁵⁰ As seen in the previous chapter, there were several instances of sectarian violence in Iraq as a result of the power struggles and as will be discussed in the next chapter, sectarianism is just part of the overall issue created by the U.S. invasion. The notion of sectarianism includes far more than just religion but encompasses ethnic, cultural, historical, and doctrinal factors as well.³⁵¹ Sectarianism both in its creation and expression is far more complex than simply being a product of religious difference.

During the transitional period in Iraq the country moved from a central political system, where the central government makes all decisions for the country rather than collaboratively with local government agencies, to a federal system, where power is

³⁵⁰ Fredrick M. Wehrey, *Beyond Sunni and Shi'i: The Roots of Sectarianism in a changing Middle East*, New York: Oxford University Press, 2017. P. 28

³⁵¹ *Ibid*, 6

shared between local and federal levels.³⁵² This shift in power distribution caused several issues in the nation amongst citizens who were not familiar with this new system and did not trust the occupational forces instituting the policies. The motivations behind the 2003 invasion of Iraq did not differ greatly from the British occupation of Iraq in the 1920s as the U.S. forces were proposing to create their perfect ally in the Middle East and in doing so wanted to alter the national narrative of Iraq to match the desires and agenda of the United States. During this process American forces tried to change the legal system, policing, and even the educational system in the nation. Under Saddam Hussein the educational system was an extension of Ba'athist and Saddam-centered propaganda which American forces decided to remove.

This stark transition is also present in Iraqi media coverage under U.S. occupation. Bremer and the CPA established a media network, Iraqi Media Network, which supported the CPA agenda.³⁵³ The U.S. and National Endowment for Democracy, NED, set up an independent news media station with the intention to share the successes and positive impact of democracy in Iraq.³⁵⁴ They wanted to have an outlet to share information and reach the larger Middle Eastern public to share the Western agenda. In addition, there were Western and Iraqi news outlets sharing misinformation which increased hostilities between the U.S. and Iraqis as well as shared negative and biased information about Iraqis abroad. During the start of the occupation social media and

³⁵² Jacob Eriksson and Amed Khaleel, *Iraq After ISIS The Challenge of the Post War Recovery*, Palgrave, 2019. P. 58

³⁵³ A. Al-Rawi, "International Media Organizations' Role in Assisting the Media Sector in Iraq After 2003". *Global Media Journal*, 13:25 (2015) 1-15. P. 2

³⁵⁴ *Ibid*, 3

technology played a large role in the relaying of misinformation and propaganda which increased tensions in an already tense situation.³⁵⁵

One major problem for the Shi‘i were the Sunni groups who felt the need for retribution through violence. Al-Qaeda attacked the Shi‘i shrine of al-‘Askari in Samarra in 2006 in one such example.³⁵⁶ This attack was linked to the Sunnis who identified with al-Qaeda after the US invasion, and the attack increased tensions among the Sunnis and Shi‘i in Iraq.³⁵⁷ Segregation of previously mixed Sunni and Shi‘i cities such as Baghdad increased from 2005 to 2008 once the Shi‘i controlled the area, as well as much of Iraq.³⁵⁸ Separating the cities only continued to further the divide between Sunni and Shi‘i at this time. Displacement was another direct result from the segregation and sectarian attacks; however, this displacement occurred among both Sunni and Shi‘i groups.³⁵⁹ Displacement heightened the fear and anger between the groups and continued a cycle of despair and hostility over the years.³⁶⁰ The Sunnis under Saddam were the hegemonic norm; during his reign, all other identities were considered unfavorable “others”.³⁶¹ The othering sentiments of the Sunnis was not forgotten after the removal of Saddam Hussein and during the US occupation which meant the sectarian violence increased with the regime change. Once the constitution was in effect it was the concrete truth of the Shi‘i majority holding substantial political weight in a relatively unprecedented legal sense.³⁶²

³⁵⁵ Patrick Cockburn, *The Rise of the Islamic State: ISIS and the New Sunni Revolution*, London: Verso, 2015. P. 123

³⁵⁶ John Hegan, *Iraq and Crimes of Aggressive War: The Legal Cynicism of Criminal Militarism*, Cambridge University Press, 2015. P. 181

³⁵⁷ Ibid.

³⁵⁸ Ibid.

³⁵⁹ Ibid, 183

³⁶⁰ Ibid, 184

³⁶¹ Fanar Haddad, “A Sectarian Awakening: Reinventing Sunni Identity in Iraq After 2003”, *Current Trends in Islamist Ideology*, 17 (2014) 70 - 101 p. 74

³⁶² Ibid, 76

This was an idea Sunnis had to conform to and adjust accordingly as a group over the coming years. There are many Sunnis who felt victimized by this new Iraq.³⁶³ The policies and actions of the U.S. coalition in Iraq did not help the Sunnis feel secure in their lack of representation in government and they were concerned not only that their needs would not be met but that they would be victimized by the Shi'i majority.

The ongoing tensions in Iraq manifested in many ways but one of the most problematic ways was the formation of al-Qaeda in Iraq and Daesh. Initially George W. Bush stated the U.S. was going to war with Iraq to remove an ally of al-Qaeda, however, before 2003 there had been no relationship between Iraq and al-Qaeda.³⁶⁴ This relationship only developed later in the US occupation when the stability of Iraq was demolished, and Iraqis turned to outside forces for protection and support. The years following the U.S invasion and occupation were a constant challenge for the U.S. military. The insurgency, al-Qaeda in Iraq, and the formation of ISIS on top of radicalized sectarian parties could not be reined in by U.S. forces or Iraqi military. The inability of the Iraqi military forces, trained by the U.S., to fight off ISIS threatened the stability and security of the entire Middle East region.³⁶⁵ The growth of the Islamic State of Iraq and Syria, ISIS, or Daesh as it's called in the Middle East, in Iraq also demonstrated the U.S. initial lack of ability to properly secure and manage Iraq and guarantee the will of the people.

³⁶³ Ibid, 77

³⁶⁴ R. Burbach. & J. Tarbell, *Imperial Overstretch George W Bush and the Hubris of Empire*, London: Zed Books, 2004. P. 15

³⁶⁵ Fawaz A. Gerges, *ISIS: A History*, Princeton University Press, 2016. P. 55

The goal of Daesh was to extend the global Jihad to both the near, Shi'i , and far, U.S. and Western, enemy.³⁶⁶ They utilized the language of Islam, much like other Iraqi political parties, to rally support and interest and claimed to want to remove these false, apostate, regimes with the true caliphate that is representative of Islam and Islamic values.³⁶⁷ It has been said many times over but is worth repeating here, Daesh is not reflective of Islamic beliefs or what an Islamic nation state would look like; this is the utilization of Islamic language out of context for political gain. The aggressive nature of this organization does not reflect Islamic teachings but is reflective of the brutality of the Ba'athist regime.³⁶⁸ The appeal of Daesh, like al- Qaeda, is that it provided security to the vulnerable Sunni population who did not trust American forces or Shi'i Iraqis to act in their interests. Daesh was composed of regular Iraqi citizens from tribal cities who wanted to join a community with the same sense of religious ideology and victimhood acting against the new regime.³⁶⁹ Often times sectarianism is linked to the Middle East as a largely Islamic characteristic, this simply is not true. In Iraq this phenomenon can be seen as a response to lack of control and the need for authority, in this case to center God and religion in society to remove impurities, violence, or outsiders. In Iraq's case the idea of Western imperialism and liberal ideology is what was in part being refuted. The change in power relations favored the Shi'i due not only to the percentage of the population, because of its U.S. backing. The American alliance was beneficial for the Shi'i to gain power and support, but it later became devastating when every other group

³⁶⁶ Ibid, 37

³⁶⁷ Ibid, 31

³⁶⁸ Ibid, 12

³⁶⁹ Ibid, 130

held themselves in opposition to the Shi'i .³⁷⁰ The hostility toward Shi'i was increased by the Sunnis adopting Salafi ideologies which are aggressive towards the Shi'i .³⁷¹ Salafism is a sect of Sunni Islam which takes a more literal approach on the Quran; this group regards Shi'i as an enemy and a deviation from Islam.³⁷²

Iraqi citizens went from subjects of the state to citizens of a nation which, historically, has been a difficult transition for many nations.³⁷³ Local and familial ties no longer had as much weight as nationalism and boundaries became more harshly defined, regardless of how arbitrary they may seem. The rights of a state over a citizen and a citizen's relationship to the state radically transforms as well; it is the collective experience which is upheld and prioritized rather than one group which causes power struggles. In addition to these challenges, Iraq was also transitioning out of a police state. The nation had to come up with a new definition of who they were after decades of dictatorship and colonial rule; however, it was not merely the challenge of Iraqis defining themselves at this moment, as American agencies were attempting to do this for them.³⁷⁴ We still do not know an Iraq which defines itself.

Much work in Iraq is focused on sectarianism in Iraq and its connection to Islam rather on the hegemonic pressure that caused sectarianism to arise in the first place, which is the proposal of this dissertation. Sectarianism is a problem and while it is a political problem rather than a religious one in Iraq, it is a manufactured problem all the same, manufactured by western hegemony and colonial imperialism. Scholars, policy

³⁷⁰ Fanar Haddad, "A Sectarian Awakening: Reinventing Sunni Identity in Iraq After 2003", *Current Trends in Islamist Ideology*, 17 (2014) 70 - 101 p. 80.

³⁷¹ Ibid, 86.

³⁷² Ibid,

³⁷³ Faleh A Jabar, *The Shi'ite Movement in Iraq*, Saqi Books, 2003. P. 69

³⁷⁴ Jacob Eriksson and Amed Khaleel, *Iraq After ISIS The Challenge of the Post War Recovery*. Palgrave, 2019.

makers, and global citizens alike need to analyze the manner in which Western media is portraying these conflicts and who they are scapegoating.³⁷⁵ The media has a major role in defining who are sectarian in nature and who is not, labeling the problematic parties as fact, rather than the one sided opinion it is, and putting that media out there to be consumed as “The” narrative.³⁷⁶ This changes the way the story is told and perceived and in addition changes the way people and nations view others they do not know. The more these stories are repeated the more they become ingrained as fact and difficult to correct. Western media outlets invent situations, laws, and policies in Iraq that are not actually true but have very real consequences on Iraqi people.³⁷⁷

Implications for Democracy

Democracy is credited to this regime change but democracy was violated when the U.S. invaded Iraq and forced a regime change and installed a new rule of law under their own guidance and direction. The West promotes the expansion of choice as a right every global citizen should be granted; this expansion of choice is part of the liberal agenda which appears neutral in value to the Western audience, but can be taxing on non-democratic nations pushed to reform.³⁷⁸ Often collaboration with the international organizations is quite beneficial as they are receiving large amounts of aid and gaining international attention for liberalization, which causes the nation in question to frame their humanitarian questions in a particular, often problematic, context.³⁷⁹ Liberal

³⁷⁵ Reidar Visser, “The Sectarian Master Narrative In Iraq Historiography: New Challenges Since 2003” in *Writing the Modern History of Iraq: Historiographical and Political Challenges*, edited by Riccardo Bocco, Hamit Bozarslan, Peter Sluglett, and Jordi Tejel. World Scientific Publishing, 2012. 47- 59. P. 49

³⁷⁶ Ibid, 55

³⁷⁷ Ibid.

³⁷⁸ Asaf Bayat, “Transforming the Arab World: The *Arab Human Development Report* and the Politics of Change”, *Development and Change*, 36 (2005). 1225–1237.

³⁷⁹ Ibid.

language of human development alludes to a neutral perception of international organizations. These shortcomings in the field can also be identified within the United Nations Development Programs, UNDP, Democratic Governance unit; there is an attempt to reconcile public good but a further investigation needs to occur to see what, if anything, is being done for those who fall through the cracks of democracy.³⁸⁰ The language of liberalization emphasizes concepts such as freedom and choice but these notions are not always mapped onto the citizens in the way they were promoted. Though, it is worth noting the freedom that is promoted is not a truly attainable concept to begin with. The U.S. did not have the liberal freedoms to impart on another nation as it is not a concept present in American democracy. It is a suspicion that Muslims have fallen through such cracks despite the UNDP's perpetuation of liberation language and democratic prose. The insertion of democratic norms can lead to new power struggles within a transitioning nation when new hierarchies are enforced by means of an outside force.

Furthermore, the idea that democracy is intended to be secular in nature is because everyone is to be awarded the same rights and treatment in the eyes of the law no matter what. Democracy implies radical inclusivity which is what typically puts the idea at odds with religious nations.³⁸¹ While democratic values have swept the globe, this does not prohibit the expression of religious, cultural, or ethnic identities; they are not mutually exclusive concepts.³⁸² Thus, democracy is not at odds with religion because democracy allows for people to organize in groups and express themselves, to be able to

³⁸⁰ Ibid.

³⁸¹ Nader Hashemi, *Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies*, New York: Oxford University Press, 2009. P. 115

³⁸² Ibid.

run for office, have representation, civic duties no matter what one's beliefs are, and participate in free and fair elections .³⁸³ The reason democracy was off to a rough start in Iraq is not because democracy is incompatible with Islam or because Iraq cannot escape sectarian violence or even that Iraq cannot be a secular country, it is because the people of Iraq have not been able to define and represent themselves freely. They are competing for foreign support, money, and resources which pits the nation against each other rather than allowing them to work together. Democratic concepts require a constitution that upholds these notions and protects the people.

Society and culture have drastically changed over the past century and many of these changes were being pushed on an isolated society in a rapid amount of time. ³⁸⁴ People need time and space to learn how to interact and relate to one another with these changing lifestyles, narratives, expectations, governments, etc. The liberal modern West brings with it many societal challenges like alternate identities, options, new familial units, divorce, drugs, addictions; modernization and adapting to secularism or liberalism is not an easy process.³⁸⁵ Modernization also exposes people to globalization where they are able to see and hear people different from themselves rather than the same voices, they are familiar with. These types of changes and uncertainties can cause people to want stability, certainty, and community which can easily be found in religion. Therefore, it is not surprising that religiosity increases in places where societal norms or nations are changing at a fast pace. Furthermore, modernization, liberalism, and democracy are being pushed on Iraq rather than developing organically like in the West; it is no wonder that a

³⁸³ Ibid, 124

³⁸⁴ Nader Hashemi, *Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies*, New York: Oxford University Press, 2009. P. 30

³⁸⁵ Ibid, 41

system pressed by a colonial force would be fought against. The West have inadvertently created this wave of fundamentalism and radicalization through their top down approach rather than letting the people carry these motions at their own pace from the bottom up.³⁸⁶ Rapid urbanization and de-ruralization can increase the likelihood of radicalization.³⁸⁷ When a nation is transitioning a group can emerge, much like a political party (Sadristis or Da'wa) or a terrorist organization (Daesh) that defines themselves as a leader in times of crisis and the answer to this new societal upheaval.³⁸⁸ There is this old world and new world dichotomy that they paint in black and white to exude continuity and security in their effort to bring back the golden days.³⁸⁹

There is an important distinction between Islam and political Islam. Political Islam is a modern departure from Islam to achieve political power and control through refuting extravagance and localized liberal power which relies solely on religious authority.³⁹⁰ Islam is becoming more available through mass education, increased literacy rates, a global community which in turn lends more ambiguity to Islam such as who speaks on behalf of it, which interpretation is accurate, or how to choose a narrative. Political Islam is able to refute secular politicians and policies by stating they conflict with morality and do not have the same authority.³⁹¹ Islamic political leaders who are unwilling to accommodate humans rights and freedom are the barrier that makes Islam incompatible with democracy, rather than the nature of Islam itself.³⁹² Collective action by citizens coming together to make political changes is the essence of modernity,

³⁸⁶ Ibid, 137

³⁸⁷ Ibid, 47

³⁸⁸ Ibid, 46

³⁸⁹ Ibid, 49

³⁹⁰ Ibid, 42

³⁹¹ Ibid, 52

³⁹² Ibid, 63

demonstrating Islam is compatible with modernity.³⁹³ Citizens of Muslim majority countries are using democratic ideas and methods to create revolution as was the case in Egypt and Libya during the Arab Spring. This demonstrated the transmission of ideas from one region to another and the ability of democratic ideals to be absorbed by an Islamic nation. It is important to understand that modernization and democracy do not go hand and hand or are a linear process.³⁹⁴ In order to bring on board new ideas, religious intellectuals need to be the bridge person between authority and the civil space.³⁹⁵ Globalization and democratization of countries can lead to the commodification of uncertainty and fear and political leaders emerging as the one protecting a group that is attempting to be marginalized.³⁹⁶ Leaders can maintain their power and loyalty so long as they uphold their end of the bargain and provide prosperity for the people, preserving some sort of stability.³⁹⁷ When change and uncertainty is prevalent, order is a positive commodity that can be capitalized on by whichever group emerges with a clear plan and a sense of authority.³⁹⁸ A sense of authority supported groups under Saddam Hussein's regime and explains how Daesh and insurgency was able to spread so rapidly during the U.S. occupation.

Conclusion

Iraq has been the victim of colonization for centuries. Both the British and American occupations faced similar issues during their reign by not having an accurate understanding of Iraqi needs and daily life, not having enough troops to secure the nation,

³⁹³ Ibid, 64

³⁹⁴ Ibid, 32

³⁹⁵ Ibid, 101

³⁹⁶ Fredrick M. Wehrey, *Beyond Sunni and Shi'i : The Roots of Sectarianism in a changing Middle East*, New York: Oxford University Press, 2017. P. 14

³⁹⁷ Ibid, 15

³⁹⁸ Ibid.

and not understanding the current state of national resources and how to best support them to help grow the economy and society. Ultimately both colonization ventures inflamed ethnic and political tensions in Iraq leading to rebellion and aggression among Iraqis. The 2003 invasion of Iraq had been in the works for decades, but a reconstruction plan had never been fully curated. This led to several issues such as deBa'athification, insurgency, the formation of ISIS, and a rough transitional and reconstruction period. As we look at the state of Iraq, Dodge offers a great reminder that Saddam is not the cause of Iraq's volatile political situation, rather he is the symptom of deep instability and colonization in Iraq over centuries.³⁹⁹

The U.S. enterprise in Iraq also helped to solidify the narrative that Islam and democracy are incompatible, that Muslims can't coexist with one another let alone participate in democracy, and that basic human rights means a departure from Islam. These notions are false but because of the U.S. actions in Iraq and the Western media's portrayal of events, this is what can easily be deduced from the experience. This war in Iraq has also caused an obsession with sectarianism in the Middle East, and specifically in Iraq. Iraq's history showcases instances of pluralism and political conflict, rather than that of purely religious ideology. Political elites in Iraq have used the fear and instability of the invasion to rise as religious leaders whose goal is to set Iraq back to its roots and focus on Islam rather than capitalism and materialism of the West. This is what sparked the deep sectarianism in Iraq and allowed this political altercation to masquerade as a religious conflict. Analyzing the nature of the Sunni - Shi'i relationship in Iraq gives a

³⁹⁹ Toby Dodge, *Inventing Iraq: The Failure of Nation-building and a History Denied*, New York: Columbia University Press, 2003. P. 170

better understanding of sectarianism as a manufactured epidemic rather than inevitable religious violence Iraq.

Prior to the US invasion, Iraq did not have various groups and sects competing for representation in government; rather, under Saddam Hussein, there was one accepted Iraqi identity which was Sunni Muslim.⁴⁰⁰ In this sense, the Sunnis were not understood as a sect; only the Shi‘i or Kurds felt they were members of a sect.⁴⁰¹ Other sects in Iraq began to define and understand themselves in opposition to the Sunni majority identity.⁴⁰² Iraq was destabilized under Saddam Hussein’s regime in three segments; oppression of the Shi‘i majority, segregation of non-Arab Iraqis, and complete dictatorship.⁴⁰³ The only expression under Saddam’s Iraq was the expression of Ba’athist ideology which made the transition to a democracy a bumpy one. The United States invasion of Iraq in 2003 disrupted life in Iraq in multiple facets from the private sector to the public sector; one of the most drastic changes that occurred because of Operation Iraqi Freedom was the subsequent recreation of the Iraqi constitution in 2005. The 2003 invasion and institution of the CPA and TAL is necessary to understand to fully comprehend how the 2005 Iraqi constitution was drafted and the repercussions of this document along with the 2005 election process. Chapter 5 will discuss both events in detail and delve into the complications of American troops and policy makers leading both the constitution drafting and electoral process in Iraq.

⁴⁰⁰ Fanar Haddad, “A Sectarian Awakening: Reinventing Sunni Identity in Iraq After 2003”, *Current Trends in Islamist Ideology*, 17 (2014) 70 - 101 p. 73

⁴⁰¹ Ibid.

⁴⁰² Ibid, 73

⁴⁰³ Juan R.I. Cole, *The Ayatollahs and Democracy in Iraq*, Leiden: Amsterdam University Press, 2006.

CHAPTER 4

Drafting the 2005 Iraqi Constitution: A Critical Analysis

Introduction

The previous chapter established the context under which the constitution was created. This section will overview the process in which the Iraqi constitution adopted federalism and balanced Islamic values with secular ideology, including who was included and who was excluded. Furthermore, I will dissect articles of the 2005 Iraqi constitution and assess the privileges it gives to its citizens, and which rights were left more ambiguous. Policymakers regarded this constitution as a starting point of the nation and hoped Iraq would be equipped to deal with problems in the future, and this chapter ultimately seeks to reconcile this idea with reality.

The United States invasion of Iraq in 2003 disrupted life in Iraq in multiple facets from the private sector to the public sector; one of the most drastic changes that occurred because of Operation Iraqi Freedom was the subsequent rewriting of the Iraqi constitution in 2005. The implementation of the 2005 Iraqi constitution attends to the multiplicity of violence which occurred between these groups due to the nature of the emerging government. I will focus on the conditions surrounding the creation of the constitution before examining the document. Initially, the CPA stated the constitution was intended to be drafted by Iraqis with minimal input from the United States; however, this idealistic plan did not play out accordingly.⁴⁰⁴ Instead, the United States leadership present in Iraq drafted much of the constitution with minimal consultation from Iraqis as originally planned. This process reaffirmed the U.S. coalition was not in Iraq to help better the

⁴⁰⁴ Toby Dodge, "How Iraq Was Lost", *Survival*. 48:40 (2006) 148- 172. P. 169

nation, but to steer it in their own direction. There was an attempt before the invasion occurred to bring together Iraqis to decide what changes they would like to see in Iraq once the Americans forced Saddam Hussein out of office through the Future of Iraq Project which involved 240 Iraqis that had been oppressed and exiled under Saddam's regime.⁴⁰⁵ This attempt was halfhearted in nature as the U.S. administration did not intend to create a government in Iraq's image, but rather create an ideal Iraq for U.S. allyship. The U.S. once again relied on exiles, rather than current citizens, demonstrate they did not care to improve Iraqi conditions for the benefit of its people but rather continued to cultivate like-minded former Iraqis willing to work with the U.S. towards a common goal of gaining power. Analyzing the 2005 Iraqi constitution leads one to question if this document was setting the nation up for long-term stability or if this was a larger effort to create an Iraq in America's image; I argue the later. Though this constitution is relatively new, there were initial problems indicating the impracticality of its use for a pluralistic democracy. Democracy opens the governmental platform for all groups to voice their concerns, wants and needs. While democracy is often considered the best government for a modern state, from a Western hegemonic perspective, there are some drawbacks to democracy as well. The inclusion democracy offers comes at the price of an "us vs them" mentality resulting from a collective concern that other groups, and the state as whole, may vote for actions which are harmful to a certain group.⁴⁰⁶

Democracy has the opportunity to cause a large divide between the nation's groups and was one of the problems that arose in Iraq as a result of the governmental

⁴⁰⁵ Ibid.

⁴⁰⁶ Jan Erk, and Lawrence Anderson, "The Paradox of Federalism: Does Self- Rule Accommodate or Exacerbate Ethnic Divisions" *Regional and Federal Studies*, 19:2 (2009):191- 202. p. 192.

change.⁴⁰⁷ In Iraq's new constitution each group was theoretically afforded representation, opportunity and access in this new constitution. The 2005 Iraqi constitution was a direct confrontation to the type of Iraqi nationalism instilled by Saddam Hussein for decades as it allowed the formation of political groups and their representation.⁴⁰⁸ Furthermore, the U.S. was concerned with any form of nationalism in Iraq though this is not a sentiment easily eliminated, especially during an occupation. A modern state requires sovereignty, a regulated body of legislation, a localized constitution, a role in the national narrative.⁴⁰⁹ The notion of sovereignty is created around the idea of self-representation and is supported by a separation of powers.⁴¹⁰ The West implies only Western states are true states, which is a false assumption, and the West views themselves as the example of a balance between religion, government, science and reason. From these assumptions Western nations, such as the U.S., holds that they have a responsibility to share this knowledge and modernize the rest of the globe, a modern White Man's Burden emerging as hegemony. States need territory, people, and power to exist which creates one larger community governed by one legal order; a state's judicial process based on both volunteerisms to submit to authority and a system of laws. Through this understanding of a state, a nation is only strong if it can organize its citizens around a shared notion of acceptable behavior; in the case of Iraq this proved difficult due to the colonial nature of its nation building. Non-Western states typically struggle with creating a unified identity and permeated culture because their nation is the result of a

⁴⁰⁷ Ibid.

⁴⁰⁸ Fanar Haddad, "A Sectarian Awakening: Reinventing Sunni Identity in Iraq After 2003", *Current Trends in Islamist Ideology*, 17 (2014) 70 - 101 p. 77

⁴⁰⁹ Wael Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*, New York: Columbia University Press, 2012. P. 23

⁴¹⁰ Ibid, 47

colonial enterprise which unified various groups based on the location of natural resources or on other considerations for the convenience of the colonizers.⁴¹¹ Islamic governance instead is based on moral, legal, political, and social foundations supported by the Shari'a which takes precedence over all else because God is sovereign.⁴¹² Nevertheless, the primary concern of the government in this case is still to regulate moral, social, and economic activities, suggesting Islamic nations can be considered a modern nation even by the objective Western standard. Citizens do not need to agree entirely with their government to see themselves reflected and represented by the state. Iraqis, however, did not see themselves in the state as it was an American enterprise. The struggle for legitimacy within a nation depends on an entity's ability to articulate why they should be the one to rule over others and in Iraq under the CPA this justification was missing.⁴¹³

The colonial venture in Iraq, and the larger Middle East, is an attempt to standardize the globe and create universal, natural standards, those of the West, to be used globally and support Western ideology and practices.⁴¹⁴ There is an assumption that the West is the standard of comparison to which all other nations aspire to be, but that is often not the case, nor is it a practical goal. The challenge with democratization is that modernization and westernization is pushed along with this change. Muslim nations have been plagued with this issue for decades and Iraq is no different. Often, scholars and politicians pit Islam and democracy against one another when they are not mutually

⁴¹¹ Ibid, 42

⁴¹² Ibid, 50

⁴¹³ Clifford. Geertz, *The Interpretation of Culture*, Basic Books: New York, 1978. P. 317

⁴¹⁴ Peter G Mandaville, *Transnational Muslim politics: Reimagining the Umma.*] New York; London: Routledge, 2004. P. 50

exclusive concepts. In American media Iraq has been used as an example of “these people”, read: Muslim Arabs, not wanting American, or Western assistance, and not wanting to modernize, read: be colonized or forced into change. Democracy is framed by the West as being progressive, modern, and more civilized but it has its own history of violence as well. There is a focus on consumerism, belonging to the state, and national rhetoric which takes away from individuality and localized organizations like tribal and religious affiliation.⁴¹⁵ This homogeneity fosters fear and competition which leads to violence; this is not an accidental byproduct of democracy as the West tries to make it seem but a consequence of nationalism, citizenship, and majority run nations.⁴¹⁶ This chapter will demonstrate the reason behind Iraq not wanting American help have more to do with colonization and forced government than they do with modernity and Islam.

Iraq has been the victim of exclusionary nation building and has been grappling with its pluralistic population for centuries.⁴¹⁷ Since the 2003 United States Invasion of Iraq, the Iraqi government transitioned to a democratic form of governance, since then, the country experienced tremendous change and instability. Contemporary scholarship identified the promotion of liberal ideologies, including democracy as a trending venture in the decades since the Cold War; here we investigate a current implementation of such a concept in Iraq.⁴¹⁸ Time has only passed since the 2003 Invasion of Iraq and with the ongoing threat of terrorism and corruption of the state, so the question remains: Can a foreign occupation lead to a democratic nation; again, I argue no.

⁴¹⁵ A. Mirsepassi & T. G. Ferné, *Islam, Democracy, and Cosmopolitanism: At Home and in the World*, New York: Cambridge University Press, 2014. P 101

⁴¹⁶ Ibid, 121

⁴¹⁷ Ibid, 122

⁴¹⁸ Manall Jama, “Democracy Promotion, Civil Society Building and the Primacy of Politics”, *Comparative Politics Studies*, 45: 1 (2010) 3-31. P. 4

Drafting the 2005 constitution was complicated by the memory of the 1920 British occupation. During the British occupation the constitution was created with British governance and control in mind.⁴¹⁹ The British supported a constitutional monarchy in Iraq in which sovereignty was given to the King. Under the British protectorate, Sunni minority groups were able to infiltrate government ranks while the Shi'i majority never gained the same opportunity but were tied to the nation through legal responsibilities like collecting local revenue.⁴²⁰ After the 2003 invasion of Iraq the U.S. coalition needed to set Iraq up as a democracy before they could pull out of the nation. The United States placed their desire to create a successful Middle Eastern democracy at the forefront of the reconstruction process in Iraq; this sentiment is reflected throughout the 2005 Iraqi constitution as that constitution has significant emphasis placed on human rights, individual freedoms, and democracy. This emphasis questions if the constitution serves Iraqis as a democratic constitution should. Iraqis were looking for specific laws guiding the moral framework for the nation; instead, Iraqis were met with ambiguity. One prevailing feature of the current Iraqi constitution was its vague language. This ambiguity can be problematic as it does not provide the state with clear policies for governing a nation. The United States shifted the focus of the constitution from the desires of the Iraqis, for an Islamic moral compass, to their own ambition for a democratic state. However, the ambivalence could benefit Iraqis since they are able to pass further laws clarifying additional policies. There is a possibility for Iraqis to decide to fill these voids with Islamic law specific to the sect.⁴²¹ The vague language also creates a space in which

⁴¹⁹ Aaded Dawisha Dawisha *Iraq: A Political History*, Princeton: Princeton University Press, 2009. P. 13

⁴²⁰ *Ibid*, 29

⁴²¹ Ashley S. Deeks and Matthew D. Burton, "Iraq's Constitution: A Drafting History", *Cornell International Law Journal* 40:1 (Winter 2007): 1-88. P.11

each group can operate by its own values and still be abiding by the law. This is important when there are various factions within Iraq who do not all want to be subjected to the same religious law.

Drafting the 2005 Constitution

A constitution lays out the rights and responsibilities of a nation and its citizens as well as the division of those responsibilities and legitimizes the government while establishing protection and authority.⁴²² A nation cannot be successful without a strong constitution and governing body for its citizens which is why so much pressure is put on the drafting process. This is one reason why it was so important for Iraqi groups to be able to take their time and create a constitution that was practical and agreeable in practice rather than just on paper. The citizens themselves need to decide how to best divide powers, share authority, and how to hold authority figures and citizens accountable. Once Saddam was removed from power it was essential for Iraqis to have a stable government and transition plan to avoid chaos. One of the main duties of the CPA and American troops in Iraq was to support Iraq in establishing a constitution to uphold democracy. The last constitutions were under Saddam Hussein's regime and gave the president, Saddam Hussein, the ability to oversee and intervene in all aspects of government.⁴²³ Under the 1990 constitution there was an increased incorporation of religion on a national level for ascetic purposes which allowed the creation of a dictatorship under the guise of Islam.⁴²⁴

⁴²² Matthew Gray, "Islam in the Iraqi and Afghan Constitutions: A Comparative Perspective", *Global Change, Peace & Security*, 19:1 (2007): 17-34, P. 17

⁴²³ Ibid, 25

⁴²⁴ Ibid, 26

One of the initial steps to rebuild Iraq after the regime change was to construct an entirely new constitution which granted shared power and authority. This was a difficult process for a few reasons: external occupation, no history of a real constitutional democracy in Iraq, attempt to unify the nation without reconciliation between ethnic groups. American forces wanted the constitution drafting to be a quick process so they could move on to appointing officials, hosting elections, and removing their troops from the country. The short timeline, along with the desire to get the document ratified quickly, caused the coalition rush through the creation of the constitution, and leave several gaps in it. American forces claimed they found it difficult to find Iraqis who they felt were qualified to give legal and political insight in addition to being willing to work with United States Officials.⁴²⁵ This led to a difficult process if the CPA never intended to involve Iraqi officials with their own ideas on how to govern Iraq. Though there were in fact qualified Iraqis willing to forge their new government, these individuals were not willing to be bulldozed by the CPA. Conversely, those Iraqis who met the American qualifications needed to be trusted by the American advisors to follow their direction. This was a grueling process that neither the Iraqis nor the Americans were prepared for and did not encourage the participation of minority groups. The three major identity groups had the support and some level of consideration from the American officials. When drafting something as important as a nation's constitution, dialogue is essential. This is the place where the United States authorities needed to be working with the TNA, allow the assembly to ask precise questions and receive clear answers about Iraqi needs. Due to the lack of conversation with Iraqis concerning their interests and needs, their

⁴²⁵ Paul Bremer and Malcom McConnell, *My Year in Iraq: The Struggle to Build a Future of Hope*, Threshold Editions: New York, 2006. P. 164

Iraqis realized their suspicions were correct and they could not trust the United States to act in their best interest. They felt as though the United States did not protect the best interest of the Iraqis, but rather, the interests of the United States.⁴²⁶ Furthermore, the constitutional drafting process was one sided, being led by the U.S., which was devastating for Iraq in multiple ways. First, Iraqis were not able to directly create their own government and second, Iraqis place importance on relationships and the process by which things are done, rather than on the outcome alone and third, Iraqis value connections and affiliations over qualifications in some instances.⁴²⁷ These factors indicate the constitution Iraqis would have created, compared to the one the U.S. created, would have been quite different. Due to these cultural differences, it would take time and effort to support another country's vision and this type of patience and time was not on the agenda.

Andrew Arato notes there are nuances required when drafting a constitution under an occupation but throughout the American occupation in Iraq it is clear the U.S. coalition understood Iraq as a territory to be conquered rather than an ally to support.⁴²⁸ The attitudes of the U.S. coalition are evident in the process of putting a committee together to create the constitution as it was, like all other committees created during Iraq's transitional period, lengthy and shrouded in inequality. As stated in the previous chapter, the TAL created a draft of the constitution and the provisional government approved the interim Iraqi Constitution on March 8th, 2004.⁴²⁹ The new prime minister of

⁴²⁶ Henri Barkey, Scott Lasensky, and Phebe Marr, *Iraq, its Neighbors, and the United States: Competition, Crisis, and the Reordering of Power*, United States Institute of Peace; Washington, D.C, 2011. P. 210

⁴²⁷ Brian Steed, *Voices of the Iraq War: Contemporary Accounts of Daily Life: Contemporary Accounts of Daily Life*, Greenwood: Santa Barbara, 2016. P. 173

⁴²⁸ Anthony Arato, *Constitution Making under Occupation: The Politics of Imposed Revolution in Iraq*, Columbia University Press, 2009. P. 35

⁴²⁹ Ibid, xxvii

Iraq, Iyad Allawi, was chosen on May 28th, 2004 and on June 28th of 2004 the CPA relinquished power to the Iraqi interim government.⁴³⁰ The CPA suggested the constitution be created by a select appointed committee which did not resonate well with the majority of Iraqis.⁴³¹ Instead the CPA created several committees claiming to gather Iraqi input and support while creating the new Iraqi constitution. This collected input was scarce to come by and did not end up having much of an impact on the construction. Iraqis did not want to end up assigning all power to the head of state which was the outcome of the British curated constitution in 1925; fortunately, this time around Iraqis had the influence of al - Sistani on their side who continuously advocated for Iraqis to be more involved in the governmental and drafting processes and insisted on democratic elections.⁴³² Out of this influence the Iraqi Governing Council, IGC, was created along with the interim draft of the constitution, the TAL. There was no discussion regarding who would draft that interim constitution and how much of the actual constitution would be based on the interim draft; the CPA created a Public Outreach Committee where Iraqis could share their ideas and opinions; however, once again, this was performative rather than constructive.⁴³³ The coalition continued to assert their reconstruction process within Iraq while instituting as little feedback as possible. The draft constitution did not involve current Iraqi citizens, aside from a handful of Kurdish party members, and instead was created by a group of American legal academics and two former Iraqi jurists who had for decades been living in America in exile and who knew English better than Arabic.⁴³⁴ The

⁴³⁰Ibid, xxviii

⁴³¹ Zaid Al-Ali, *The Struggle for Iraq's Future: How Corruption, Incompetence, and Sectarianism have Undermine Democracy*, London: Yale University Press, 2014. P. 75

⁴³² Ibid, 77

⁴³³ Ibid, 89

⁴³⁴ Ibid, 78

lack of inclusivity during the drafting process was an egregious error on the part of both the U.S. and the U.N..⁴³⁵ Furthermore, Iraqi citizens were not able to review the draft constitution before the referendum and were not aware of who created the constitutional draft.⁴³⁶ The creation of this draft once again increased tensions between Iraqis and the coalition along and created tensions within Iraqis as well as they competed for government agency. The repercussions from this process were not indicative of a democratic government.

Both Americans and Iraqis were under extreme pressure to make critical national decisions in a compressed timeline. The CPA's interim constitution mandated the creation of the Transitional National Assembly, TNA, to draft the permanent Iraqi constitution, On January 30, 2005, a statewide election was held to elect the 275-member assembly and the first meeting of the TNA was held on March 16th, 2005. The TNA was under considerable pressure to meet the deadline of August 15th, 2005, to put forward an approved constitution.⁴³⁷ Jalal Talabani was elected President of Iraq on April 6th, 2005 by the Iraqi National Assembly and on April 28th the Iraqi parliament voted in favor of the new government.⁴³⁸ In May of 2005 the National Assembly nominated fifty-five members who would assist in the creation of the Iraqi constitution; of the fifty-five members two were Sunni.⁴³⁹ Eventually Sunnis were offered the same amount of weight

⁴³⁵ Anthony Arato, *Constitution Making under Occupation: The Politics of Imposed Revolution in Iraq*, Columbia University Press, 2009. P. 21

⁴³⁶ Zaid Al-Ali, *The Struggle for Iraq's Future: How Corruption, Incompetence, and Sectarianism have Undermine Democracy*, London: Yale University Press, 2014. P. 90

⁴³⁷ Ashley S. Deeks and Matthew D. Burton, "Iraq's Constitution: A Drafting History." *Cornell International Law Journal*, 40:1 (Winter 2007) 1-88. P. 3

⁴³⁸ Brian Steed, *Voices of the Iraq War: Contemporary Accounts of Daily Life: Contemporary Accounts of Daily Life*, Greenwood: Santa Barbara, 2016. P. xxix

⁴³⁹ Ali A Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. P. 405.

in the drafting process as the Kurds but rejected this offer as they felt it was still unfair.⁴⁴⁰ After the addition of more Sunni members there was only six weeks left to write the constitution as committee members were under pressure to meet a deadline of August 15th, 2005.⁴⁴¹ Part of the discord in writing the final constitution is that Kurds viewed the TAL as a draft of the constitution rather than a start for negotiations while Shi‘i members planned to amend some unfavorable pieces and use the TAL as one of several documents to base the constitution off on.⁴⁴² There were two different final versions of the constitutional draft written, one was the TNA draft put together by the Shi‘i group and the leadership summit draft; there was an attempt to work these documents into one draft; however, this would have pushed the committee beyond the August 15th deadline and was quickly abandoned.⁴⁴³ Sunni and Shi‘i groups, alongside international NGOs, petitioned for an extension of the deadline but the U.S. did not want any setbacks and urged the negotiations forward. In June of 2005 Zalmay Khalilzad became the United States’ ambassador to Iraq and encouraged drafters to complete the constitution by the August 15th deadline.⁴⁴⁴ At one point Donald Rumsfeld, the U.S. Secretary of Defense, stated the Iraqis were going to have to make concessions and compromises anyway and Iraqis need to “just get on with it”.⁴⁴⁵ The committee was unable to agree on much and

⁴⁴⁰ Ibid,

⁴⁴¹ Ashley S. Deeks and Matthew D. Burton, “Iraq’s Constitution: A Drafting History. *Cornell International Law Journal*, 40:1 (Winter 2007) 1-88. P. 3

⁴⁴² Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. P. 406

⁴⁴³ Ashley S. Deeks and Matthew D. Burton, “Iraq’s Constitution: A Drafting History. *Cornell International Law Journal*, 40:1 (Winter 2007) 1-88. P. 4

⁴⁴⁴ Mark Chamoun, “Consolidating Power Through the Ambiguous: Ambiguity in the 2005 Iraqi Constitution and its Exploitation by Prime Minister Nouri al-Maliki”. *Asian Journal of Middle Eastern and Islamic Studies*, 15:4 (2021)447-467. P. 450

⁴⁴⁵ Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. P. 408

members of the U.S. coalition were not able to mediate the governing process well; as a result many committees, such as the Constitutional Drafting Committee, Iraqi Governing Council, and De-Ba'athification Commission, in Iraq experienced high turnover rates and little progress.⁴⁴⁶ There was no trust between Iraqis or American policy makers and each group wanted a different version of the nation. Many private meetings were held between Americans, Shi'i, and Kurdish members to the exclusion of Sunni members, justifying the latter's' mistrust in the process and democracy.⁴⁴⁷ These actions further delegitimized the constitution and the Iraqi government in the eyes of some Iraqis. They did not make the August 15th deadline but by August 22nd a draft of the constitution was put forward to the parliament and the full constitution was then presented days later on August 28th, 2005.⁴⁴⁸ There were three main competing national agendas aside from the American agenda of a liberal democracy: Shi'i groups wanted an Islamic nation, Kurds wanted autonomous secular state, and Sunni groups wanted a more liberal, unified nation.⁴⁴⁹ Even though Shi'i members signed the TAL they were unhappy with the limited role of Islam and transition to federalism present in the document.⁴⁵⁰

There were significant stumbling blocks in the Iraqi constitution, the most pervasive issue being the position of Islam.⁴⁵¹ An independent and Islamic Iraq did not fit with the coalition's agenda and was not the mission in Iraq. Islam has its own

⁴⁴⁶ Mark Chamoun, "Consolidating Power Through the Ambiguous: Ambiguity in the 2005 Iraqi Constitution and its Exploitation by Prime Minister Nouri al-Maliki". *Asian Journal of Middle Eastern and Islamic Studies*, 15:4 (2021)447-467. P. 450

⁴⁴⁷ Ibid, 451

⁴⁴⁸ Brian Steed, *Voices of the Iraq War: Contemporary Accounts of Daily Life: Contemporary Accounts of Daily Life*] Greenwood: Santa Barbara, 2016. P. xxix

⁴⁴⁹ F. Shakir, *The Iraqi Federation: Origin, Operation and Significance*] Routledge, 2017. P. 93

⁴⁵⁰ Ibid, 94

⁴⁵¹ A. Mirsepassi, & T. G. Ferné e, *Islam, Democracy, and Cosmopolitanism: At Home and in the World*, New York: Cambridge University Press, 2014. P. 124

understanding of time and authenticity, when compared to the West, which is politically altered for the sake of secularism and nationalism. Democracy is often tied to a greater sense of agency, with an understanding that freedom and individualization is the ultimate form of expression, but this does not mean each citizen has liberty, freedom of expression, or autonomy. Having laws and regulations in place does not mean there is less violence.⁴⁵² If these laws do not fit the needs of the people they govern, or the citizens do not agree with the code of conduct, the laws are useless as was the case in Iraq under U.S. occupation. Gender was another issue that pervades the Iraqi constitution, like many other democratic nations. The constitution sets the social, civic, and legal expectations for its citizens making it imperative that all groups are protected, not just religious and ethnic but every citizen. The internal struggle for power is also evident in the way natural resources are divided up within the country. There were intense debates over the oil bordering the Kurdistan region of Iraq, for example, which were dealt with through ambiguous terms.⁴⁵³ The ambiguity was a symptom of the rush Americans felt to cut costs within the country and the intense strain on regional and ethnic relationships in Iraq that had been pent up over decades. The reconstruction process did nothing to help heal or ease group tensions and move forward as a united nation.

Freedoms Awarded

The 2005 constitution was divided up into a preamble followed by six sections which contains a total of one hundred and forty-four articles. The preamble of the constitution acknowledged the deep historical and cultural history of Iraq and its ability to adapt and persevere over the centuries considering colonization, violence, and the fight

⁴⁵² Ibid. 128

⁴⁵³ Article 110- 111 Constitution of Iraq, 2005

for equality. This section also recognized the ethnic and religious diversity present in the nation and their struggle for pluralism and authority throughout the nation's history. This preamble stated that new Iraq will be free from, "sectarianism, racism, complex of regional attachment, discrimination, and exclusion".⁴⁵⁴ The preamble of the constitution begins with, "In the name of God, the Most merciful, the Most compassionate"; a direct reference to Islamic documentation. This heading is followed by a paragraph which highlights the success of the nation as the birthplace of civilization and its struggle to achieve its present state. The preamble confronted the plethora of violence plaguing the nation from sectarian violence to terrorism which encompasses all groups within the nation. It also vows to utilize the nation's past to form a society which includes all races, ethnicities, religions, and genders in the formation of the new Iraq. This section stated it will move forward utilizing "the ideals of the heavenly message and the findings of science and man's civilization". The preamble is a representation of the combination of Islamic values and democratic principles which will encompass the entirety of the constitution. The constitution reassured that despite the challenges of the past and the uncertainty of the future, Iraqis will come together to work for an inclusive, pluralistic, and democratic society awarding freedom for all. While all the above is true, Sunnis still noticed the Shi'i and Kurdish tendency in this section, including where it states that joining the Iraqi federation is voluntary.⁴⁵⁵

⁴⁵⁴ Constitution of Iraq, 2005 https://www.constituteproject.org/constitution/Iraq_2005.pdf?lang=en P. 3

⁴⁵⁵ Nathan Brown, "The Final Draft of the Iraqi Constitution: Analysis and Commentary", *Carnegie Endowment for International Peace*. September 13th, 2005. P. 2

The first section of the constitution contains articles one through thirteen and lists the fundamental principles awarded to the people and is dedicated to defining what inclusion in Iraq looks like. Article one lists Iraq as a democratic republic federation while article two states Islam is the religion of Iraq. Article two names the right of freedom of belief of other religions but does not say how these individuals will be included or if they have freedoms other than that belief that will be protected. Article two also states that while no law can be passed that contradicts Islam, there cannot be any law that contradicts democracy or constitution and that all religions in the state must be protected and respected. This is an interesting article since many in the West assume Islam and democracy are in stark contrast to one another; the way the constitution and laws were created in Iraq demonstrate this stereotype is inaccurate. This article also clarified Iraq is not an Islamic state, but rather a state whose national religion is Islam; Islam as a foundational source allows Islam to be highlighted as important but does not neglect other sources as important and foundational.⁴⁵⁶

Furthermore, the constitution stated principles of a democracy cannot be contradicted, yet there is no description in this document of what democracy is and its associated values are. This section continued to protect minorities through article three which acknowledges the religious and ethnic diversity in Iraq and article four which lists both Arabic and Kurdish as the official national languages of the country and allows other first languages of ethnic citizens to be preserved and respected within the nation on local and governmental levels. Section one also protected the democratic process while it names the people as the authority in Iraq in article five, assures a peaceful democratic

⁴⁵⁶ Ashley S. Deeks and Matthew D. Burton, "Iraq's Constitution: A Drafting History", *Cornell International Law Journal*, 40, no. 1 (Winter 2007): 1-88. P. 9

process in six and denounces any terrorism in article seven. Article seven is made with Sunni groups in mind due to the banning of *takfir*, in which Sunnis previously named Shi'i as apostates and also names Saddam's Ba'thism as banned rather than the larger Ba'ath party in general as was the original plan.⁴⁵⁷ This section went on to state Iraq will not meddle in international affairs in article eight while article nine defines the terms of the military stating it will follow the national laws, defend the Iraqi people, will not simultaneously hold military and political office, be subjected to governmental oversight, and will not create or possess weapons of mass destruction. Articles eleven through twelve protected national sites of importance such as Baghdad as the capital, religious sites and uphold the national flag, anthem, and emblem. Section one concludes with article thirteen which stated this constitution is the ultimate law of the land and law attempting to override the constitution is invalid.

Section two of the constitution dealt with rights, in chapter one, and freedoms, in chapter two, of the Iraqi people through articles fourteen and forty-six. Chapter one stated Iraqis are equal before the law, deserve the right to life, security and liberty, and equal opportunities will be presented to all. Article seventeen noted all Iraqis have a right to privacy so long as it does not contradict other people's rights and public morals. This is an interesting article because public morals are not defined in this constitution. Article eighteen concerned protection from unreasonable searches, article nineteen concerns matter of citizenship and how citizenship is defined and obtained. The citizenship clause in article 18 is an important step for Iraqis because it allowed citizenship and nationality to be passed down by the mother for the first time. Article nineteen states how laws are to

⁴⁵⁷ Nathan Brown, "The Final Draft of the Iraqi Constitution: Analysis and Commentary" *Carnegie Endowment for International Peace*. September 13th, 2005. P. 4

be passed and executed and by whom including how citizens will obtain legal counsel and how trials will proceed. Article twenty named men and women as able to take part in government and article twenty-one completes this first chapter by discussing issues of asylum. The next articles dealt with topics of freedom and details rights to work, property, movement of property, a protected economy and national sectors that are regulated by law. This chapter also handled matters of public assets, taxes, and family rights. Article twenty-nine and thirty specifically stated the family is the heart of Iraq and will be protected which includes mothers, children, and elderly and protects them against exploitation and violence while providing necessary social services for their survival. Articles thirty-one through thirty-three dealt with public health, the access to it and environmental safety. Articles thirty-four through thirty-six upheld education, culture, and sports for all citizens. The state also has the right to limit media based on morality in social order under Article thirty-six. This is another meeting point for the ideal democracy U.S. policymakers strived for and the Islamic law desired by many Iraqis. As stated throughout the constitution, Islam cannot be contradicted, and its values must be upheld. In this Article, the democratic principles appeared to bend for Islamic values as the freedom of speech is being limited here under certain instances. The constitution is not clear what situations warrant the enactment of this Article and there is again tension regarding how this can, and will, be interpreted by the Iraqi government.⁴⁵⁸

The second chapter in this section dealt with articles of freedom which include dignity, personhood, intellect, and freedom from slavery. Once again article thirty-eight stated that the state will protect freedoms of expression, press, and assembly so long as it

⁴⁵⁸ Shak Hanish, "The Role of Islam in the Making of the New Iraqi Constitution. *Digest of Middle East Studies*, 16:1 (Spring 2007): 30- 41, P. 36.

does not violate public order or morality though this article also does not define what public morality entails or how it could be violated. The next few articles defined the right to form political parties which are to be regulated by law and freely affiliated with, freedom of communication, movement, religion, and thought including religious belief and practice. Article thirty-nine allowed for citizens to be governed without being forced into any party and membership but did not list who is at authority to decide what constitutes coercion in this sense and what that would look like in state and local government.⁴⁵⁹ Article thirty-nine allowed families to determine which courts to use to adjudicate family issues. Both articles thirty-nine and thirty-four, mandating only primary education, were concerning for women as male family members could utilize Shari'a to limit access to courts and education. Article forty-one defined personal status and allows Iraqis to choose their own belief system and act accordingly but once again this article does not define how this process will take place or be regulated nor by whom. This article also did not define Shari'a as the template for personal status laws.⁴⁶⁰ Section two chapter two culminated with the empowerment of civil society, advancement of tribes and clans, and the notice that no freedoms awarded in the constitution can be restricted.

Section three dealt with issues of federal powers and article forty-seven states the government will be divided up into three branches: legislative, executive, and judicial. The first portion of this section handled concerns of the legislative branch including the Council of Representatives and the Federation Council naming who can be a member of each, holding space for women candidates, and protecting voters. This section also

⁴⁵⁹ Matthew Gray, "Islam in the Iraqi and Afghan Constitutions: A Comparative Perspective", *Global Change, Peace & Security*, 19:1 (2007): 17-34, P. 32

⁴⁶⁰ Ibid, 33

detailed the protocols and laws which the legislative branch must follow such as the oath to swear in, which includes swearing to God, creating bylaws, public visibility, and terms of the Councils. Article fifty-eight listed the Prime Minister as the speaker of the Council of Representatives and able to call an extraordinary session; any proposed laws must be reviewed by the Prime Minister and the Council of Representatives. The Council of Representatives are responsible for enacting and monitoring laws, electing the President of the Republic, regulating the ratification process, and appointing the following positions: members of the military, ambassadors, judiciaries, as well as deciding the president is unfit for office due to perjury, treason, or violating the constitution. Article sixty-five protected the representation of citizens who are not represented by a region or governorate. Chapter two outlined the powers of the executive branch which includes the Prime Minister and the Council of Ministers. This chapter defined the qualifications for Prime Minister, the process by which they are elected, given powers, and the terms of their appointment. The President of the Republic selects the Council of Ministers and that council plans and executes policies, proposes bills, manages the national budget, dictates international affairs, manages the National Intelligence Service, and issues rules and laws for the nation. This section also stated that the President of the Republic will assume the role of Prime Minister in the event the Prime Minister seat is vacant. Chapter three concerned the powers of the judicial branch which is an independent branch consisting of the Higher Juridical Council, the Federal Supreme Court, the Federal Court of Cassation, the Public Prosecution Department, the Judiciary Oversight Commission, and other federal courts; the judicial branch nominates its own judges. While articles eighty-seven

and eighty-eight addressed judicial matters, it did not state who is qualified for this role and instead this matter relies on the CPA's decisions utilizing the TLA.

Article ninety-two ensured the Federal Supreme Court will contain both legal scholars and scholars of Islamic jurisprudence. There cannot be any special courts created and judges are appointed and removed by law and cannot be registered with any political party. Chapter four addressed the Independent Commissions which includes the High Commission for Human Rights, the Independent Electoral Commission, and Commission on Public Integrity which are all monitored by the Council of Representatives. These commissions were intended to curb corruption and hold state institutions, representatives, and organizations accountable for their actions in accordance with the law.

Section four allocated powers of the federal government stating federal service members will protect the unity, integrity, sovereignty, and independence of the nation. The constitution left articles one hundred ten to one hundred fourteen regarding contested issues such as division of power, regional power, and natural resources to be resolved later, largely due to the Kurdish desire for autonomy.⁴⁶¹ Article one hundred ten stated the government regulations including matters of foreign policy, national security, military, customs, currency, trade, citizenship, resources, population statistics, weights, and measures. Article one hundred eleven to one thirteen concerned matters of natural resources. This section ensured all Iraqis in all regions own oil and gas without getting into any specifics about what this entails and how this would be divided or profit managed. Article one hundred twelve noted the federal government will divide up the oil and gas in a fair manner based on population and previous state neglect, but again did not

⁴⁶¹ Benjamin Isakhan, *Democracy in Iraq: History, Politics and Discourse*, Ashgate: Burlington. 2012. P. 84.

decide how this process will occur and what the metrics for such distribution are. This article also only mentioned present oil fields, implying any new oil fields may be under different laws and regulations.⁴⁶² These articles demonstrated the disagreement present in the nation at the time of its creation which has remained an ongoing concern. This power structure was concerning to Sunnis as the Kurdish north and Shi'i south are more oil rich than the Sunni majority central Iraq. Article one hundred thirteen concerns archaeological, historical, and cultural materials which will be regulated by the federal government; again, there is no clear description of what this regulation entails. Article one hundred fourteen listed the powers shared by the federal and regional government including customs, energy, and environmental sectors along with public health, education, water, and general planning. Article one hundred fifteen assured unlisted powers belong to regional authorities and governments.

Section five tackled powers of the regions which includes naming Iraq as a federal system which is a decentralized arrangement containing regions, governates, and local administrations. Article one hundred seventeen recognized Kurdistan as a federal region and allows for the formation of other such regions; a region can organize utilizing article one hundred nineteen by one third of the members of a government requisition to be a region or one tenth of voters in a region requesting to become a region. Articles one hundred twenty and one hundred twenty too dictated each government will have its own constitution, which cannot contradict the Iraqi constitution, and regional governments shall have their own governmental structures, share of natural resources, and protections but cannot conflict with national regulations. Articles one hundred twenty-two and one

⁴⁶² Nathan Brown, "The Final Draft of the Iraqi Constitution: Analysis and Commentary" *Carnegie Endowment for International Peace*. September 13th, 2005. P. 13

hundred twenty-three concerned governorates which are composed of villages, districts, and sub districts and those who are not incorporated into a governorate will receive regional authorities and be led by an elected governor. This section finished by identifying Baghdad as its own region which cannot be combined with another and ensuring the administrative, cultural, educational, and political protection of all nationalities and ethnicities within the nation. Previously, Baghdad was the central power and did not have checks and balances on it before ⁴⁶³

Section six is the last section and included final and transitional provisions which discusses the process of amending the constitution and stating the fundamental principles in section one rights and liberties in section two cannot be amended. Article one hundred twenty-seven declares that state representatives cannot use their influence or assets to bribe others. This section also discussed how laws should be published and their period of enforcement. Chapter articulated the transitional provisions and outlines how Iraq will move forward from the CPA and TAL. Article one hundred thirty-two awarded privileges for the families of those victimized under the former dictatorship but does not detail how they are to be compensated, protected, or valued and who would provide those protections. This section also assured Iraq would adopt the bylaws of the Transitional National Assembly the Council of Representatives was able to create their own laws. Article one hundred thirty-five discussed deba'athification and its continuation under the new administration. This article stated non-criminal former Ba'athists are protected by law which is an extension of protection to Sunni Iraqis which was a larger concern for the

⁴⁶³ Feisal al- Istrabadi, "A Constitution without Constitutionalism: Reflections on Iraq's Failed Constitution Process", *Texas Law Review*, 87:7 (2009): 1627- 1655. P 1630

Sunni groups. Article one hundred thirty-eight outlined the stipulations for the Presidency Council. This section dealt with the transition from the Transitional Administrative Law and how amendments should be made to encompass most Iraqis utilizing a temporary theory, proving the amendment process to be an arduous one. Article one hundred forty-three voided the Transitional Administrative Law, except articles 53 (A) and 58 and the last article put the constitution in motion after the general referendum passed, the constitution was published in the Official Gazette, and the new governmental leaders were in position.

Issues of Secularism

In a democracy the political authority comes from the will of the citizens who are represented through elected officials to act on their behalf in the government.⁴⁶⁴ A democracy is an egalitarian government structure that guarantees equality for all citizens under the law and while the laws can be amended, inclusivity is the nature of democracy. Secularism needs to exist in some capacity in order for a liberal democracy to exist; it is possible, and necessary, to rethink how to incorporate religion into the democratic sphere.⁴⁶⁵ Both religion and secularism are constructed concepts and secularism directly derives from religion and via society's interaction with religion, culture, and politics and it is impossible to avoid religious politics even where secularism is imposed; though it is better for secularism to occur bottom up and organically alongside politics instead of being imposed from the top down.⁴⁶⁶ Additionally, democracy does not necessitate a stark rejection of religion in order to uphold its values and Western governmental preferences

⁴⁶⁴ Hashemi, Nader. [*Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies*], New York: Oxford University Press, 2009. P. 7

⁴⁶⁵ Ibid.

⁴⁶⁶ Ibid, 137

do not need to be the standard across the globe.⁴⁶⁷ This is not something that is commonplace in the minds of Western leaders and this understanding would undermine the argument for the West's conquest for global hegemonic power. Furthermore, it is pluralism, not secularism, which defines a democracy and the discussion of Islam's compatibility with democracy is a relatively new discussion that took off after 9/11 with discussions of human rights, citizenship, and immigration.⁴⁶⁸

The overwhelming majority of Iraq is Muslim making the role of Islam in the developing nation a primary concern and one of the most central debates. The United States wanted Iraq to be secular, but they initially were concerned with the level of Iraqi backlash they would encounter in the formation of a secular Iraq.⁴⁶⁹ This concern stemmed from al- Sistani's two page fatwa, published on June 26th, 2003, which asserted the occupying powers did not have the authority to create and appoint a government, or constitution, in Iraq and stated the need for Iraqis to vote for representatives to draft the constitution and elect officials directly.⁴⁷⁰ The CPA and supporting Iraqi forces debated the extent Islam would play a role in the constitution which became a major source of disagreement between the U.S. and Iraqi forces.⁴⁷¹ The coalition was unwilling to allow Iraq to be an Islamic state which is in part explains why they excluded so much Iraqi input in the reconstruction process. The U.S. imagined a secular Iraq that would be heavily modeled on the United States and Britain; the Iraqis wanted Islam to provide a

⁴⁶⁷ Ibid, 143

⁴⁶⁸ Nader Hashemi, *Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies*, New York: Oxford University Press, 2009. P. 4

⁴⁶⁹ Michael R. Gordon, and Bernard E. Trainor, *Cobra II: The Inside Story of the Invasion and Occupation of Iraq*, Pantheon Books: New York, 2006. P. 348

⁴⁷⁰ Reidar Visser, Sistani, the United States and Politics in Iraq: From Quietism to Machiavellianism?, Norwegian Institute of International Affairs, 700 (2006): 1-34, P. 11

⁴⁷¹ Matthew Gray, "Islam in the Iraqi and Afghan Constitutions: A Comparative Perspective", *Global Change, Peace & Security*, 19:1 (2007): 17-34, P. 17

moral framework for the nation. Islam is a way of thought as well as a religion which is neither oppressive nor emancipatory.⁴⁷² The coalition did not have experience with, and did not care to understand, the Islamic understanding of community and legality that could support statehood. Religion offers fulfillment, morality, purpose, and it also provides critical thinking for societal issues.⁴⁷³ Furthermore, religion allows others to find and search for truth and create ethical boundaries which is useful in other, more secular, spheres as well. While the U.S. was primarily concerned with limiting the role of Islam in the Iraqi government, many Iraqis wanted the moral framework Islam provided the government.⁴⁷⁴ Western scholars and policymakers were concerned a government rooted in Islamic principles would lead to harm and discrimination among non-Muslims and women in the nation. This is not cause for concern regarding discrimination against non-Muslims though because Islam protects the rights of all other religions to practice and exist. This right is stated in the Qur'an which means there is no more probability that non-Muslims will be persecuted under an Islamic government than they would be in a so-called secular state.

Polls administered at the time even reflected the sentiments of some Iraqi minorities who were accepting of Islam playing a large governing role but even still this did not eliminate the concern that these Iraqis would later feel like second class citizens and be denied their constitutional freedom of religion, speech, and liberty.⁴⁷⁵ Initially the constitution outlined holy sites and sacred religious authority, such as the marja'iyya, but

⁴⁷² A. Mirsepassi, & T. G. Ferné, *Islam, Democracy, and Cosmopolitanism: At Home and in the World*, New York: Cambridge University Press, 2014. P. 155

⁴⁷³ Ibid, 147

⁴⁷⁴ Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. P. 412

⁴⁷⁵ Ibid 113

these points were swapped out for less pointed terms.⁴⁷⁶ In the end the U.S. coalition decided to utilize general statements in order to place Islam as the nation's religion without allowing for religious rule.⁴⁷⁷ The TAL contained a clause which stated that, "No law that contradicts the universally agreed tenets of Islam, the principles of democracy, or the rights cited in Chapter Two ["Fundamental Rights"] of this Law may be enacted during the transitional period."⁴⁷⁸ This clause assumed Islam is not in contrast with democracy but does not more deeply explore what legislation supporting Islam and democracy simultaneously would look like. This TAL law was subsequently reworded but kept in essence for Article one section two of the final constitution. While American forces pushed for a secular nation there are still many Islamic influences in the nation, for example, Shi'I scholars sit on the Iraqi supreme court.⁴⁷⁹

Iraqi and American policymakers shared numerous disagreements over the wording of Islamic elements in the constitution. Sunnis specifically requested the document state "Islam is 'the' source of legislation" while the Americans were more comfortable with the statement written as "Islam is 'a' source of legislation".⁴⁸⁰ Conversations such as this extended to the entire drafting process of the Iraqi constitution. Language in both English and Arabic became a contested topic within the constitution.⁴⁸¹ Phrases American policymakers wanted to use did not carry the same

⁴⁷⁶ Ashley S. Deeks and Matthew D. Burton, "Iraq's Constitution: A Drafting History," *Cornell International Law Journal*. 40:1 (Winter 2007): 1-88. P. 6

⁴⁷⁷ Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. P. 413

⁴⁷⁸ Ashley S. Deeks and Matthew D. Burton, "Iraq's Constitution: A Drafting History," *Cornell International Law Journal*. 40:1 (Winter 2007): 1-88. P. 11

⁴⁷⁹ *Ibid*, 6

⁴⁸⁰, Shak Hanish, "The Role of Islam in the Making of the New Iraqi Constitution." *Digest of Middle East Studies*. 16:1 (Spring 2007): 30- 41, P. 32

⁴⁸¹ *Ibid*, 14

weight in Arabic or implied a completely different notion.⁴⁸² One such instance was over the use of the word *ahkam* in reference to the manner in which Islamic values would influence the law; all non-Shi'i parties were concerned the use of *ahkam* would imply a strong Shi'i influence on law and include fatwas into law as well.⁴⁸³ There was an attempt to construct the Iraqi constitution with minimal Islamic agency because of the continuation of similar linguistic issues and the coalition did not have time, nor interest, in a sustained argument. In the instances of conflict between Islam and democracy, American policymakers fought to assure democratic and human rights principles were prioritized above Islamic law. One such example was evident in Chapter two, Article fourteen which stated all Iraqis are equal before the law regardless of their race, religion, ethnicity, social status, creed, or gender. When Officials swear into public office they must take an oath to God, directly inserting religion into government space; taking an oath to God is also privileging individuals who not only abide by a religion but are monotheistic as well; this calls into question the place of the Iraqi Yazidis.⁴⁸⁴ The constitution clearly stated there can be no law that contradicts Islam; however, there are many Articles regarding human rights as the highest priority of the nation.⁴⁸⁵ This was a source of serious confusion and anxiety regarding the Iraqi constitution. The Iraqi constitution is filled with Articles which instate Islamic values. Section one, Article two of the constitution labeled Islam as the state's religion as well as protects the rights and freedoms of all other religious groups residing in the nation.⁴⁸⁶ Article three of this same

⁴⁸² Ashley S. Deeks and Matthew D. Burton, "Iraq's Constitution: A Drafting History," *Cornell International Law Journal*. 40:1 (Winter 2007): 1-88. P. 12

⁴⁸³ Ibid.

⁴⁸⁴ Shak Hanish, "The Role of Islam in the Making of the New Iraqi Constitution," *Digest of Middle East Studies*. 16:1 (Spring 2007): 30-41, P. 38

⁴⁸⁵ Ibid.

⁴⁸⁶ Iraqi Const. Art 1 § 2

section also outlined Iraq's place within the Arab League and its obligations to the Islamic World.⁴⁸⁷ The rights of religious sites were also protected under Section one, Article ten, which included the protection of their existence and those who practice there as well and not allowing any law to be passed that violates Islam in any way.⁴⁸⁸

The Qur'an does not consist of many laws or legal rulings pertaining to government which means suggestions for religious law must come from another Islamic source, typically this comes from Shari'a.⁴⁸⁹ When it was time to write the constitution, there was debate on whether Shari'a should also be stated as a source of legislation but drafters were concerned with non-Muslims having to abide by Shari'a and uncertain about Shari'a's ability to adopt legislation for modern civic and domestic issues.⁴⁹⁰ Moreover, Shari'a is based on the Sunna, which entails the Prophet's deeds; however Shari'a is also based on ijihad, Islamic reasoning, which means Sunni and Shi'i interpretations of Shari'a will differ and therefore make it difficult to base national and constitutional law on it.⁴⁹¹ These sentiments alone should have been enough to encourage an Islamic framework in the constitution; however, U.S. policymakers did not want to create an Islamic state and instead used general statements to place Islam as the nation's religion without allowing for religious rule.⁴⁹² The constitution asserted there cannot be a law passed that violates Islam, but this is as specific as the constitution came

⁴⁸⁷ I Iraqi Const. Art 3 § 1

⁴⁸⁸ Iraqi Const. Art 1 § 10

⁴⁸⁹ Gray, Matthew. "Islam in the Iraqi and Afghan Constitutions: A Comparative Perspective". *Global Change, Peace & Security*, 19:1 (2007): 17-34, P. 20

⁴⁹⁰ Ashley S. Deeks and Matthew D. Burton, "Iraq's Constitution: A Drafting History, *Cornell International Law Journal*. 40:1 (Winter 2007) 1-88. P. 8

⁴⁹¹ *Ibid*, 10

⁴⁹² Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace* [London: Yale University Press, 2007. P. 413

to be regarding the role of Islam.⁴⁹³ Leaving Islam as a source of legislation allows for Islam to be acknowledged as important to most Iraqis but leaving room for these decisions to be hashed out later when the Americans were gone, and it was Iraq's problem. Furthermore, the debate on Islam's compatibility with democracy illustrated that Western entities are the ones creating the conflict between Islam and democracy implying that Muslim majority nations must pick one ideology or the other. Shari'a itself is not the impetus behind human rights violations or an unstable state; it is just one factor in a multifaceted issue.⁴⁹⁴ Western nations struggle to maintain their democracy and have human rights issues, but this never leads one to question whether the West, Christianity, or modernity is compatible with democracy. The desire to return to Islam and religious purity is linked to the need to set boundaries in political, familial, and community spheres.⁴⁹⁵ The assertion of Islamic values within a state does not negate the ability to be democratic or support human rights like the West assumes.

The utility of Shari'a as governing law has been debated in the West for decades and there are several concerns associated with the incorporation of Shari'a in law. Specifically, Shari'a law centers largely on family law and inheritance and largely ignores issues of economy and foreign policy that a constitution must address and, furthermore, Shari'a law applies only to Muslim individuals.⁴⁹⁶ While Iraq is predominantly Muslim, there are other religions such as Catholicism, Judaism and the Yazidis who would not be governed by these social guidelines. If Iraq forced these groups to follow such guidelines,

⁴⁹³ Ibid.

⁴⁹⁴ A. Mirsepassi, & T. G. Ferné e, *Islam, Democracy, and Cosmopolitanism: At Home and in the World*, New York: Cambridge University Press, 2014. P. 160

⁴⁹⁵ Bryan Turner, *Orientalism, Postmodernism, and Globalism*, New York; London: Routledge, 1994. P. 87

⁴⁹⁶ Mohammed Kamali, *Shari'ah Law: An Introduction*, Oneworld Publications, 2008, P. 60 (out of 702 on apple books)

they would be in violation of Section one, Article two of their own constitution. Shari'a was not officially written into the Iraqi constitution; however, it is possible to identify aspects of Shari'a law present in the 2005 Iraqi constitution. The personal status portion of the constitution, article forty-one, handled areas such as marriage, divorce, family, and inheritance, much like the main components of Shari'a. Article forty-one stated individuals are free to abide by their own religion, beliefs, or ethics in their personal commitments. This opens personhood to be governed by Shari'a but does not mandate this for non-Muslims or those who chose not to follow Shari'a. There is possible the use of Shari'a; however, it is not legally mandated by the government. The ambiguity of this Article again benefited those that did not want one Islamic voice in the constitution, and the Americans who did not want it present at all. The first section, part a, of Article twenty-nine identified the family as the society's foundation and puts the state in charge of upholding the religious, ethical, and national values. This is another example of Shari'a's presence within the document as Shari'a also places family at the center of society.⁴⁹⁷ In this section, there can be concern from a religious and a democratic standpoint. The Article did not specifically identify what standards of the family will be upheld and in what manner.⁴⁹⁸ Additionally, this section does not give parameters guiding how, and to what extent, the state is to enforce this Article. Ambiguity once again allows for both democratic and Islamic interpretations of this Article but causes anxiety because there are no guidelines on the implementation for either party.

The echoes of Shari'a also created a conversation regarding gender within the Iraqi constitution. Under Shari'a women receive less inheritance than men receive and

⁴⁹⁷ Mohammed Kamali, *Shari'ah Law: An Introduction*, Oneworld Publications, 2008. P. 41

⁴⁹⁸ Ibid, 35

are allotted fewer legal rights.⁴⁹⁹ The status of women emerged as a concern under the new, and ambiguous, Iraqi constitution. The argument for female oppression under this constitution stemmed from the Iranian revolution in 1979, where girls as young as nine were able to be married.⁵⁰⁰ The first section of the constitution confronts this concern when it states human rights and democratic principles are upheld alongside Islamic values. Western legal analysts noted the lack of inclusion of both genders in the Articles of the constitution; some scholars were concerned for female agency regarding the possible application of Shari'a because the constitution did not include male or female pronouns in reference to travel, family, or legal issues.⁵⁰¹ The wording of the preamble stated gender is equal and would therefore assume there would not need to be specific gender clarifications under each Article. There was no mention of men specifically in such Articles at the heart of concern which suggests males are not being assigned priority through this wording.

Striking a balance between religion and government requires time and extensive sensitive negotiations to obtain. Islam is more than a religion and is also a philosophy and a way of life; the Western idea of religion does not fit well in a Middle Eastern context.⁵⁰² In Iraq, and other countries where religion played a leading role, it is important to understand secularism as more than just being void of religion or in opposition to it.⁵⁰³ In fact, making space for religious pluralism and tolerance can be the first step and easing

⁴⁹⁹ Shak Hanish, The Role of Islam in the Making of the New Iraqi Constitution, *Digest of Middle East Studies*. 16:1 (Spring 2007): 30- 41, P.37

⁵⁰⁰ Ibid.

⁵⁰¹ Ibid.

⁵⁰² Reza Aslan, *No God but God: The Origins, Evolution, and Future of Islam*, New York: Random house, 2011. P. 144

⁵⁰³ A. Mirsepassi, & T. G Ferné e, *Islam, Democracy, and Cosmopolitanism: At Home and in the World.* New York: Cambridge University Press, 2014. P 92

tensions in the Middle East.⁵⁰⁴ There is concern among the West that with Islamization comes violence but there is violence even where Islam, and religion, does not exist.⁵⁰⁵ Violence in the Middle East is an outcome of the group's interaction with the West and government rather than the support of the Quran.⁵⁰⁶ Islamization's goal is to settle any debate on who is the source of authority and standardize the nation as such. To have an Islamic nation in a country with multiple religions there needs to be separate laws for those who are Muslim and those who are not or there needs to be a forced assimilation for non-Muslim citizens.⁵⁰⁷ However, removing Islam from government is not what will ensure an egalitarian state; violence can occur just as intentionally and organically in a secular democracy as it can in an Islamic nation.⁵⁰⁸ Forcing citizens to ascribe to one belief or ideology only creates a false sense of security and leads to fear and competition. The West assumes secularization means modernization and encourages the government to take on roles previously held by religious clerics including judges, education, and economics. The secularization of Iraq meant a restructuring of the penal code, laws, family matters, and education.

There is a false safety in secularism for the West, leaders think by removing religion they can remove conflict and oppression but instead it manifests itself in other ways like political, racial, and socioeconomic tensions. If there is no assimilation or

⁵⁰⁴ Reza Aslan, *No God but God: The Origins, Evolution, and Future of Islam*, New York: Random house, 2011. P. xxv

⁵⁰⁵ Roy, O. [*Globalized Islam: The Search for a New Ummah*]. New York; Paris: Columbia University Press, 2004. P. 5

⁵⁰⁶ O. Roy, *Globalized Islam: The Search for a New Ummah*, New York; Paris: Columbia University Press, 2004. P. 5

⁵⁰⁷ A. S. Ahmed, & H. Donnan, *Islam, Globalization, and Postmodernity*. New York; London: Routledge, 1994.

⁵⁰⁸ A. Mirsepassi & T. G. Ferné e, *Islam, Democracy, and Cosmopolitanism: At Home and in the World*, New York: Cambridge University Press, 2014. P. 57

tolerance violence and conflict will arise whether there is religious sentiment present or not, liberalism and democracy does not remove historical or institutionalized conflict. The West promotes the expansion of choice as a right every global citizen should be granted, and this expansion of choice is part of the liberal agenda which appears neutral in value to the Western audience but can be taxing on non-democratic nations pushed to reform. The language of liberalization emphasizes concepts such as freedom and choice, but these notions are not always mapped onto the citizens in the way they were promoted. Most scholarly discussion regarding Islam and democracy debates the possibility of such a government rather than its practicality. Iraq's 2005 constitution implemented democracy while also featuring Islamic law, shifting the conversation to questions of the role Islam does play in a democracy. Embracing Western technology is another concern of democratization and liberalization under an Islamic nation; is it possible to utilize Western ideas and mechanics without also absorbing Western values?⁵⁰⁹ It seems unlikely that a society could adapt a culture's ideas, laws, and customs without also allowing some values to trickle in. Islamic fundamentalists understand the main threat to religion is the outside influence attempting to subvert the purity of Islam.⁵¹⁰ This is part of a more complex issue regarding Islam as a religion versus Muslim culture as an identity.⁵¹¹ Identity goes beyond one's religion and ideas, it is where they are located, their upbringing and education, absorbed customs.

⁵⁰⁹ Bryan Turner, *Orientalism, Postmodernism, and Globalism*, New York; London: Routledge, 1994. P. 8

⁵¹⁰ Ibid

⁵¹¹ O. Roy, *Globalized Islam: The Search for a New Ummah*, New York; Paris: Columbia University Press, 2004. P. 23

Outcome of the Constitution: The Paradoxical Creation of a “Cosmic” Adversary

We can understand the democratization of Iraq through the lens of Juergensmeyer’s theory of cosmic war. Juergensmeyer identifies the presence of the adversary as the factor which challenges identity; in such, the struggle for democracy caused Sunni and Shi’i sects to become cosmic adversaries. He states, “What had been simple opponents become cosmic foes.” As such “the use of violence becomes legitimized, and the slightest provocation or insult can lead to terrorist results”⁵¹². This phenomenon causes even minor inconveniences between groups to be brought to the proportions of cosmic war. This is paradoxical as the coalition intended to manufacture a democratically in the Middle East but ended up creating insurgents and terrorist groups instead. In these instances, mediation is not possible as the complexity is behind this world and almost incomprehensible. Understanding this concept will problematize the following analysis of the Iraqi constitution.

Iraq is composed of three main ethnic groups: Kurds, who represent approximately twenty percent of Iraq, Shi’i Arabs, comprising approximately 60 percent, and Sunni Arabs, the remaining twenty percent of the nation; all three groups have at least a two-thirds majority in at least three provinces. Therefore, according to the rules of the referendum on the constitution, if any group had objections to the constitution, they could veto it provided it is voted down in that province by at least two-thirds majority. The constitution passed in the referendum but was almost vetoed as two Sunni provinces voted against it with more than two-thirds and one voted against it at a rate of 55

⁵¹² Mark Juergensmeyer, *Terror in the Mind of God: The Global Rise of Religious Violence*, Berkely: University of California Press, 2000. P.163

percent.⁵¹³ On October 15, 2005, a national referendum was held to ratify the constitution, which passed with majority approval and a sixty-three percent voter turnout; elections were then scheduled for December 15th of that year.⁵¹⁴ The 2005 Iraqi constitution adopted federalism along with democracy and places an emphasis on human and individual rights.⁵¹⁵ The document allowed for both federal and regional power and allocates significant authority to the regional level, though ultimate authority does remain on a federal level.⁵¹⁶ Some provinces attempted to gain autonomy, though no area received the same amount of autonomy as the Kurdistan region was awarded.⁵¹⁷ The constitution was vague in several aspects and politically contested issues were left unresolved in the 2005 constitution as it was a presumed future issue. Policymakers regarded this constitution as a starting point for the nation and hoped Iraq would be equipped to deal with such problems in the years to come; however, such an unstructured constitution, however, was not a helpful act for the nation as it would be later used against its citizens.

There are several ways to assess the Iraqi constitution those analyzing the events surrounding the ratification of the 2005 Iraqi Constitution now have the privilege of hindsight; furthermore, the analysis in this dissertation offers a postcolonial perspective also formulated with the privilege of time and critical scrutiny. Understanding the U.S. invasion, occupation, and reconstruction of Iraq as part of colonization illustrates the

⁵¹³ Aliza Forman-Rabinovici, "Gender Mainstreaming as a Universal Tool for Constitution Writing: The Case of Iraq". *Social Politics: International Studies in Gender, State & Society*, 28: 4 (Winter 2021) 1073–1094. P. 1079

⁵¹⁴ Ibid.

⁵¹⁵ Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. P. 416

⁵¹⁶ Ibid, 414

⁵¹⁷ Ibid, 415

tribulations Iraq endures from 2003 to present. By the nature of democracy, it cannot be created or pushed on a state; however, American forces understood Iraqi culture in so much as it aligned with their hegemonic agenda which manifested during the reconstruction of Iraq. Even after U.S. authority figures left Iraq and the CPA was dissolved, colonialism continued to be pervasive in the nation through the neo-colonialism of the new Iraqi administration, as the CPA handed over the country to the American appointed Iraqi government which upheld colonial tropes, methodologies, and sentiments under the al - Maliki regime. Continued colonialism in Iraq lent itself to violence, and structural and symbolic violence emerged through the U.S. led drafting of the Iraqi constitution. Structural violence in Iraq can be seen in the Iraqi judicial and political systems modeled after U.S. systems that did not consider for Islamic or Arab values, not offering proper training to Iraqi municipal workers or bureaucrats and orchestrating the process of deBa'athification. Symbolic violence emerged through the U.S. backing of Shi'i at the expense of the Sunnis, the reconstruction process proceeding in English, rather than Arabic and Kurdish, and the U.S. forces utilized a top down, rather than a bottom up, approach. These are just a few limited examples of such outcomes of the 2005 Iraqi constitution.

Furthermore, there were numerous concerns with the implementation of a body of law in Iraq. During the liberation and occupation of Iraq the United States attempted to create their ideal version of Iraq forcing Iraqis to live and sustain a government which does not meet their needs specifically. Determining the way an authoritative superpower has shifted the balance not just within a nation, but within a region of the world, can help people better understand the root cause of such actions, rather than using the easy

scapegoat of religion or Islamic violence that is so readily accepted. Looking at the influences surrounding the Iraqi constitution allows for better decisions to be made in the future not just in Iraq but in other similar instances as well. Analyzing the constitutional process in Iraq also sheds light on tensions within Iraq and the ongoing struggle for Iraqi agency. As we look at Iraq, religion was already a major part of the nation for centuries. At the time of the U.S. invasion and the nation's reconstruction, the Sunni religious establishment was already incorporated into the administration and as such the U.S. imposed secularization drive was directed against the autonomous, Shi'i establishment with its vast, pan-national financial networks of donors, institutions of learning, shrines and worship centers.⁵¹⁸ One of the most notorious problems in the new Iraqi constitution was the document's ambiguity which was intentionally structured by U.S. officials to appease various Iraqi groups.⁵¹⁹ There was intentional lack of clarity when the document uses wording such as "principles of democracy" rather than defining exact conditions of what constitutes a democracy.⁵²⁰ Listing concrete terms of democracy appeared to be threatening to various group interests, as stated by a participating U.S. policymaker, whereas more loosely worded concepts allowed for freedom of interpretation and therefore agreement.⁵²¹ The Shi'i were granted the most power by population through democracy which made groups such as the Sunnis and Kurds anxious they would not have a place in this new government. Other words such as "basic" or "rights" were also

⁵¹⁸ Faleh A. Jabar, *The Shi'ite Movement in Iraq*, Saqi Books, P. 200

⁵¹⁹ Ashley S. Deeks and Matthew D. Burton, "Iraq's Constitution: A Drafting History", *Cornell International Law Journal* 40, no. 1 (Winter 2007): 1-88. P. 15

⁵²⁰ *Ibid.*

⁵²¹ *Ibid.*

left undefined within the constitution and are open for later debate and consideration; this ambiguity would plague Iraq for years to come.

After the installment of the new Iraqi government there were violent grabs for power that defined the next decade in Iraq; one such instance was the 2005 resurrection of the Da'wa party. The Da'wa movement originated to work across sectarian lines and return Iraq to its Islamic traditions and their goal was to center Islam in society so the government could be fully transformed next.⁵²² Under Saddam's regime the Da'wa party was banned and even annual Shi'i events were not permitted due to Saddam's concern that the party would gain tremendous support and cause a coup.⁵²³ The Da'wa party eventually split from its initial aim of unifying Iraq under Islam, becoming less centered on the foundation of an Islamic state, in the 1980s after the Islamic Revolution and their tactics became similar to the Ba'athist ideology.⁵²⁴ After the removal of Saddam Hussein, the Da'wa party was able to rise to power once again and put forward their candidate, Nour al- Maliki, who became the Iraqi prime minister from 2006- 2014 and helped to further divide the nation. The constitution did not clearly define the central powers in Iraq and those of the Prime Minister and cabinet which allowed al- Maliki to take almost complete control of the Iraqi government and skirt parliament, which had been intended to check the power of the Prime Minister.⁵²⁵ Al - Maliki relied more on personal advisors than his cabinet and put himself in control of several ministries so that he could solely run Iraq, which is ironic because he was picked because it was thought he was too weak to

⁵²² Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. P. 43

⁵²³ Ibid, 30

⁵²⁴ Ibid, 42

⁵²⁵ Mark Chamoun, "Consolidating Power Through the Ambiguous: Ambiguity in the 2005 Iraqi Constitution and its Exploitation by Prime Minister Nouri al-Maliki", *Asian Journal of Middle Eastern and Islamic Studies*, 15:4 (2021): 447-467. P. 462

fully take control of the nation and turn it into an authoritarian government.⁵²⁶ He appointed himself Minister of Defense, Ministry of Interior, and the National Security Advisor by 2010.⁵²⁷ These actions would not be possible without the weak wording of the constitution and the lack of governmental oversight added to the document.

The U.S. coalition wanted ultimate power in Iraq and to appointed officials, such as Nouri al- Maliki and others, who did not have the intentions of citizens or a democratic Iraq in mind. Al- Maliki was able to use his connections with the judiciary branch in order to make laws in his favor without pushback and was able to consolidate power by stating his actions were supported by the ambiguous constitution.⁵²⁸ Al- Maliki took on an authoritarian- like power and went on to discourage corruption investigations, control the counterterrorism bureau, decide which parties could and could not exist, award himself several national security positions, dispute territory within the nation and create paramilitary groups.⁵²⁹ These are only some of the actions he was able to execute between 2006 and 2014 when he was removed from office. The constitution created in 2005 was not strong enough to prevent another authoritarian agenda or deter corruption. This led to serious repercussions in Iraq because judicial decisions made under al- Maliki set precedents and formal legal interpretations of the new constitution. In one instance al- Maliki requested a recount of votes after he lost the 2019 election to his opponent, Ayad Allawi, and further manipulated the constitution to define the largest political block⁵³⁰ in

⁵²⁶ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*], Stanford: Hoover Institution Press, 2014. P. 76

⁵²⁷ Mark Chamoun, “Consolidating Power Through the Ambiguous: Ambiguity in the 2005 Iraqi Constitution and its Exploitation by Prime Minister Nouri al-Maliki”. *Asian Journal of Middle Eastern and Islamic Studies*, 15:4 (2021) 447-467. P. 462

⁵²⁸ Ibid, 452

⁵²⁹ Ibid, 453

⁵³⁰ Iraqi Constitution art 76

a manner which gave al- Maliki more votes.⁵³¹ His political actions increased tensions between Shi'i and Sunni groups, as well as Kurds, which amplified sectarian strife and violence in the nation. There are no incentives or preventative measures to ensure leadership complies with the constitution and the democratic process.

Iraq's security and armed forces was another obscurity in the constitution; it was left unclear who was in command of the army and how far removed from the military one needed to be in order to run or hold office. Al- Maliki was in conflict with the constitution since he controlled the armed forces while simultaneously holding office as the Prime Minister, as evident by Article 9 (first) C which states that 'Iraqi armed forces and their personnel ... may not stand for election to political office, campaign for candidates, or participate in other activities prohibited by Ministry of Defense regulations'.⁵³² Through this manner, al- Maliki was able to appoint allies and close friends to lead military positions and also assume control over the military and allowed him to create loyalist groups within the government fairly easily.⁵³³ Al- Maliki did not improve matters when he ignored Sunni concerns and did not work to incorporate them into the government.⁵³⁴ Tensions and violence increased to the point where it was difficult for officials to work from their offices. Due to the grievances and violence, some Sunnis became banned from elections and those who were arrested were mistreated by the government. This gave Daesh another chance to demonstrate they were protecting Iraqis and they launched a campaign to save those being abused in Iraqi prisons.⁵³⁵ The

⁵³¹ Mark Chamoun, "Consolidating Power Through the Ambiguous: Ambiguity in the 2005 Iraqi Constitution and its Exploitation by Prime Minister Nouri al-Maliki", *Asian Journal of Middle Eastern and Islamic Studies*, 15:4 (2021) 447-467. P. 457

⁵³² Ibid, 458

⁵³³ Ibid, 459

⁵³⁴ Fawaz A. Gerges, *ISIS: A History*, Princeton University Press, 2016. P. 106

⁵³⁵ Ibid, 110

ambiguity in the constitution left much to be determined by the Iraqi judicial system which lends itself to loopholes and potential abuses within the nation which are not unprecedented.

Daesh, further discussed in Chapter 3, can also be understood as an outcome of the new Iraqi constitution. As the Iraqi government struggled to protect and empower citizens, smaller radical groups formed offering solutions the government could not; meanwhile, the government was working to exclude groups from their inner circle while groups like Daesh and al- Qaeda in Iraq were seeking to include anyone who was willing to participate, and even those who were not willing.⁵³⁶ Socioeconomic status, political party, and ethnicity did not matter to Daesh, as long as you were loyal and willing to abide by their definition of Islam you were under their protection and a part of their circle. In some instances, joining Daesh, or allowing them to be present in a city, was a matter of survival for those inhabitants and a way to maintain protection or services in their village.⁵³⁷ Sunnis felt at odds with Iraqis post 2005 as they felt their identity was not part of the national narrative and they were being disenfranchised as the constitutional process was largely Shi'i centric.⁵³⁸ Many Sunnis protested the constitution and even more voted against it in 2005.⁵³⁹ Sunnis released a statement requesting intervention from the United Nations and Arab League when their objections to the constitution were ignored.⁵⁴⁰ When the constitution passed it did so without much of the Sunni vote and

⁵³⁶ Ibid.

⁵³⁷ Eriksson, Jacob and Khaleel, Amed. [*Iraq After ISIS The Challenge of the Post War Recovery*]. Palgrave, 2019. P. 14

⁵³⁸ Fanar. Haddad, *Sectarianism in Iraq: Antagonistic Visions of Unity*, London: Hurst, 2011. P. 146

⁵³⁹ Fanar Haddad, "A Sectarian Awakening: Reinventing Sunni Identity in Iraq After 2003", *Current Trends in Islamist Ideology*, 17 (2014): 70 - 101 p. 88

⁵⁴⁰ Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. P. 403.

mainly having Shi'i, Kurdish, and American support. It is difficult to imagine any successful nation, especially a democracy, where the constitution is not accepted by approximately one fourth of the population; Sunni objection to the New Iraq continued to plague the nation.

The issue between these groups is not religion because they are able to work together when it benefits them and Sunni and Shi'i fight amongst themselves at times when there is an issue of power; identity and politics appear to be at the forefront of disagreement in the nation. Sectarian identities compete with nationalism to unite a community for a common cause with legitimacy and authority.⁵⁴¹ Sunni members still were not overly present in government, so this further alienated the Sunni population and the average Iraqi felt resentful to the government due to the abundant corruption continuing in the country leading to a hostile nation for a multitude of reasons. Authority and government are more than just written laws, it is a relationship and agreement between citizens and their leaders. When there is no clear leadership or process for the government to follow and corruption there is room for fear, outside claims to authority, and animosity amongst the citizens who will find ways to challenge their government. In Iraq, this authority was once the King, President, or dictator and in an Islamic nation it would be the Ulama who provide authority and law but in new Iraq there was no one person working to serve the nation but rather smaller factions competing for their own agenda to maintain dominance and control over land, resources, money, and power in the state. Politics is a social contract that finds its way into all areas of a society and individuals need to understand themselves as included and protected by this social

⁵⁴¹ Fanar Haddad, *Sectarianism in Iraq: Antagonistic Visions of Unity*, London: Hurst, 2011. P. 105

contract to be willing or obligated to oblige by it. Typically, interactions with people different from ourselves shape our understanding of who we are and who we are not and help us to shift our political perspective, these interactions can also cause people who are fearful and uncertain to cling to their own beliefs and see those who are different or have other agendas as a threat to their own survival.⁵⁴² Since the constitution left bureaucratic and legal issues unresolved along with division of power, regional power and natural resources, these concerns were an ongoing argument in Iraq and a source of Sunni concern. The coalition caused additional problems between Sunni and Shi'i groups which fueled the tension between the groups. The rift between the sects accelerated due to deepening anxieties around identity. This was not an issue for the coalition to resolve or mediate as these identity concerns were outside the scope of Western understanding and experience.

Between 2006 and 2008, 2.5 million Iraqis fled the country, mostly due to sectarian violence.⁵⁴³ This statistic demonstrates there are some problematic aspects left to deal with because of the 2005 Iraqi constitution. The forced removal of Saddam Hussein and implementation of the CPA and eventual democracy in Iraq has been a truly trying process. The 2005 Iraqi constitution intended to set Iraq up for a flourishing democracy. The years following the implementation of the constitution and the first election demonstrates the unresolved tensions present in Iraq. Iraqi politicians, such as Maliki, used elements of democracy to mask their sectarian and hegemonic agendas. The constitution was problematic because it fails to clearly define which groups are to receive

⁵⁴² Peter Mandaville, *Transnational Muslim Politics: Reimagining the Umma*, New York: Routledge, 2004. P. 48

⁵⁴³ Daryl Grisgraber, *Too Much Too Soon: Displaced Iraqis and the Push to Return Home*, Refugees International, 2017

authority and to what extent.⁵⁴⁴ The document needed to be concrete enough to deal with sectarian conflicts and terrorist organizations but still remain flexible enough to allow for a degree of Kurdish autonomy which is legally available to any group that is able to consider regional status.⁵⁴⁵ This was cause for concern because it does not limit who is available for such status and the level at which any other group gaining regional status would be engaged in the government. Encompassing such a varying range of interests at a volatile time in Iraq led to a prematurely concocted constitution. The constitutional negotiations favored the Kurds and the Shi'i who had been limited and persecuted under Saddam and largely excluded the Sunni interests. The constitution granted the Kurds autonomy in the north so that they were able to form their own Kurdish Regional Government (KRG) and Kurdistan became its own federal region with an army and municipal control as well as a veto clause that allowed the Kurds to have substantial input rather than being legally marginalized.⁵⁴⁶ The decision to allow Kurdistan its current level of autonomy caused serious problems for the cohesiveness of the 2005 constitution. The U.S. did not want to give too much to the Kurds and cause outrage between the Shi'i and Sunni groups; however, an autonomous Kurdistan is still a contested issue in central and southern Iraq.⁵⁴⁷ The U.S. teetered between catering to the Kurds and Shi'i and appealing to the Sunnis. This caused there to be a serious lack of clarity when it came to developing a body of law and these issues have gone unresolved to this date. Al- Kubaisi offers Iraq is suffering from a structural crisis which is a product of the 2005 constitution pushed on

⁵⁴⁴ Benjamin Isakhan, *The Legacy of Iraq: From the 2003 War to the Islamic State*, Edinburgh University Press, 2015. P. 82

⁵⁴⁵ Ibid, 85

⁵⁴⁶ Ibid, 83

⁵⁴⁷ Ibid, 82

Iraq and in order to improve Iraqis must agree on power sharing measures that suit the ethnic groups within the nation.⁵⁴⁸

Conclusion

This chapter analyzed the drafting process and result of the 2005 Iraqi constitution and demonstrated that this document may not be the best representation of the needs of the Iraqi population. The obscure wording in the constitution helped to facilitate immediate abuses of power and corruption that have continued for decades. Though this constitution is new, there are some resulting actions which are indicative of its success. Democracy opens the governmental platform for all groups to voice their concerns, wants and needs. This inclusion comes at the price of an us vs. them mentality resulting from a collective concern that other groups, and the state as whole, may vote for actions which are harmful to a certain group; democracy has the opportunity to cause a large divide between the nation's groups and is one of the problems that arose in Iraq as a result of the governmental change.⁵⁴⁹

By May of 2006 Iraq placed fourth on American *Foreign Policy* magazine's list of failed states index.⁵⁵⁰ This decision came in a little over one year after implementation of the new constitution and less than a year after the first elections in Iraq. The way the West portrayed Iraq has done a disservice to the nation and to democracy. The nation did not have an opportunity to implement policies or create their own society yet and were already being labeled a failure, by the nation who invaded the state, nonetheless.

⁵⁴⁸ Yehia Al- Kubaisi, "Iraq: Recent Protests and the Crisis of a Political System (العراق: الاحتجاجات وأزمة النظام السياسي)", Arab Center for Research and Policy Studies, March 2, 2013.

⁵⁴⁹ Jan Erk and Lawrence Anderson, "The Paradox of Federalism: Does Self- Rule Accommodate or Exacerbate Ethnic Divisions.", *Religion and Federal Studies*. 2005. 19: (2):191-202. P. 192

⁵⁵⁰ Brian Steed, *Voices of the Iraq War: Contemporary Accounts of Daily Life: Contemporary Accounts of Daily Life*, Greenwood: Santa Barbara, 2016. P. xxi

Somehow this failure also ends up being portrayed as Iraq's failure rather than that of the U.S., which claimed they were setting Iraq up as a functioning democracy. The way the West, and as a result the world, talks about and looks at Iraq allows for further stereotypes and falsities be perpetuated, such as "democracy is impossible in the Middle East and incompatible with Islam" or "Iraqi people are not interested in helping themselves succeed." While constructing this analysis it is important to understand I have the privilege of viewing these events with hindsight. Ignorance and hasty judgment can no longer be afforded in the times of globalization, widespread terrorism, and nuclear proliferation. The nature of religion does not need to be classified as peaceful or violent, good, or bad, but rather, a discussion on the core values which lie at the essence of humanity is essential. The success of a nation in this global society is now interdependent on the success of other nations as well.⁵⁵¹

Often colonialism is thought to be a notion of the past and not congruent with modernity, but in fact colonialism is alive and well in places where Western nations still aspire to have and are able to maintain influence.⁵⁵² Even when societies resist or move away from colonialism they are still grappling with the internalized colonialism and Western tropes.⁵⁵³ Scholars, political scientists, journalists, and the like insinuate we are in a post-colonial age but instances such as the invasion, occupation, and reconstruction of Iraq indicate otherwise. The world is still very much tied to notions of liberation theology and a modernized White Man's Burden, exemplified in this dissertation. It is

⁵⁵¹ Jeremy Salt, "Global Disorder and the Limits of Dialogue", *Third World Quarterly*. 29:4 (2008): 691-710. P. 694

⁵⁵² Richard King, *Orientalism and Religion: Postcolonial Theory, India and "The Mystic East"*, London; New York: Routledge, 1999. P. 187

⁵⁵³ *Ibid*, 40.

imperative to address the roots and impact of modern colonization to contextualize the occupation of Iraq and to do better for Iraq and other nations in the future. Democracies cannot exist, nor thrive, in this political environment and those who are not part of the privileged party have suffered greatly in this instance.⁵⁵⁴ Westerners, in this case Americans, have the tendency to think they are in a better, more educated, position to understand, problematize, and explain non Western cultures, in this case Iraq.⁵⁵⁵ The West-centrism present during the occupation and reconstruction of Iraq had a continued impact on the nation, just as Eurocentrism for centuries prior. Even when societies fight back their colonialism they are still grappling with the internalized colonialism and Western tropes.⁵⁵⁶ Often colonialism is thought to be a notion of the past and not congruent with modernity, but in fact colonialism is alive and well in places where Western nations still aspire and are able to maintain influence. The process of removing a tyrant without a strong reconstruction plan leaving a power vacuum was a calamity for identity politics, and sectarianism to arise; democracies cannot exist nor thrive in this political environment and those who are not part of the privileged party suffer greatly in this instance.⁵⁵⁷

The above demonstrates the leading problem with the Iraqi constitution is the American policymaker's assumption that it would be appropriate for Iraq to conform to Western secular ideologies and practices without time and dialogue to support this adaptation. This idea assumes that the United States' model of government is not only

⁵⁵⁴ David Ghamin, *Iraq's Dysfunctional Democracy*, Santa Barbara: Praeger, 2011. P. 138

⁵⁵⁵ Richard King, *Orientalism and Religion: Postcolonial Theory, India and "The Mystic East"*, London; New York: Routledge, 1999. P. 56

⁵⁵⁶ *Ibid*, 40

⁵⁵⁷ David Ghamin, *Iraq's Dysfunctional Democracy*, Santa Barbara: Praeger, 2011P. 138

able to be replicated in a state which is vastly different in culture and religion, but that it should be mapped onto Iraq as well. American policymakers worked tirelessly to coax Iraqi political groups to bend towards secularism and a decentralized state. An Islamic democracy is possible in theory, and now in practice, but that does not mean that it needs to be a mirror of American democratic practices to be successful. There is great anxiety in regard to the mixing of Islamic and democratic ideologies from the Iraqis and the Americans involved in the drafting of the 2005 Iraqi constitution. The phrasing of the constitution is the largest indicator of the discontinuity among policymakers during the drafting process. There was no agreement on how much the state should rely on Islam to govern and what that would mean for non-Muslims, or even secular Muslims, residing in Iraq; ambiguity was the answer to meeting all party needs while meeting the ratification deadline the Americans were set on. While the Iraqi constitution is not entirely rooted in Islamic law, numerous articles within the constitution suggest an Islamic reading and Shari'a influence. It is understood that there can be a democratic constitution created which upholds Islam and incorporates its principles and values while not fully instituting Islamic law. This has been a topic of Western debate for decades and while the debate itself is problematic and presumptuous in nature, the findings of such merging of democracy and Islam are useful to the correction of Western assumptions. The politics behind the new democracy and its constitution will continue to be a process of navigation for Iraqis as it has been for the past two decades. Chapter 6 will further explore the possible connection between the new Iraqi constitution and the rise of sectarian violence in the nation.

CHAPTER 5: 2005

National Elections and Sectarianism

Introduction: Features of Iraq's "Cosmic War"

Again, we allow Juergensmeyer to explain the following three characteristics we can find in a cosmic war which are also present in Iraq following the ratification of the constitution; indications of a cosmic war includes the struggle as an attack on identity, losing the struggle is unthinkable, and the struggle cannot be solved in real time.⁵⁵⁸ Each of these indicators can be found in the sentiments of both Sunni and Shi'a during the reconstruction period and will be exemplified in the section below.

The series of elections in 2005 were moving Iraq from an interim government to a transitional government; the U.S. coalition wanted to stabilize Iraq, restore civil order to Iraqis through rebuilding new government, elections, and constitution, then turn the nation back over to Iraqis who would continue to lead Iraq in The U.S.' image. It is again important to remember the U.S.' stated goals of "liberation" and "democratization" during the Iraqi invasion and reconstruction process were not indicative of the George W. Bush administration's plan for U.S. involvement in Iraq. The coalition in Iraq attempted to transition Iraq into a democracy within their hegemonic agenda; however, this process came with growing pains, which was demonstrated during the December 2005 national elections. The 2005 Iraqi constitution had an onerous task of attempting to unify Iraqis of each race, ethnicity, religion, and culture who have existed under serious tension for decades in one document. While the constitution itself is vague in language and legal constraint, there are aspects that define what life in Iraq should look like from a federal

⁵⁵⁸ Mark Juergensmeyer, *Terror in the Mind of God: The Global Rise of Religious Violence*, Berkely: The University of California Press, 2000. P. 161

perspective. The establishment of an Iraqi constitution was a major step towards establishing stability in the nation; however, the constitution also paved the way for sectarian violence. The unresolved problems of the constitutional process showed up in the way Iraqis turned out at the polls as numerous faction groups fought amongst each other for power and representation in the government.⁵⁵⁹ Shi'is, Sunnis, and Kurds all understand themselves as victims of the state; this victimization only increased as violence escalated and each group demonstrated their struggles, further validating the victimization they felt.⁵⁶⁰ Victimization is a cyclical issue with no clear end and only leads to increased tensions and sectarian attitudes. There is no doubt all groups in Iraq have faced serious persecutions and complications not only under Saddam but because of the 2003 U.S. invasion and occupation as well. Iraqis were not able to be fully involved in the shaping of their new government through document or action which resulted in increased anxiety amongst Iraqis at a time when tensions were already high. Sunni objection to the New Iraq continues to plague the nation and has lent itself to an increase in violence. Once the constitution was in effect it was the concrete truth of the Shi'i majority holding substantial political weight in a relatively unprecedented legal sense; this was an idea Sunnis had to conform to and adjust accordingly as a group over the coming years.⁵⁶¹ The first series of elections in Iraq, and specifically the Parliamentary election in December 2005, proved not all Iraqis were on board with the new trajectory of the nation. In instances of foreign military occupation, such as the situation in Iraq, the

⁵⁵⁹ Ali A. Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, London: Yale University Press, 2007. P. 378.

⁵⁶⁰ Fanar Haddad, "A Sectarian Awakening: Reinventing Sunni Identity in Iraq After 2003", *Current Trends in Islamist Ideology*, 17 (2014): 70 – 101. P. 78

⁵⁶¹ *Ibid*, 76.

self determination of the people has been violated and the will of the governed population must be restored for legitimacy and self determination to be restored. The constitution and election processes in Iraq demonstrated the U.S. coalition as holding the ultimate authority without supporting legitimacy or collaboration.⁵⁶²

After Baghdad fell to the Americans, looting and riots began in the city and many cities in the nation followed suit.⁵⁶³ This was just the beginning of the animosity among Iraqis during the nation's reconstruction. Both Sunni and Shi'i groups began to turn on their own members and put their individual interests first. These actions were partly due to the lack of a strong government presence, partly due to the power imbalance in the nation, and in part because of the exploitation of previous cleavages amongst the population. This new system also brought forward a more individualistic national sentiment rather than the collectivism experienced under Saddam which was a major shift for these two groups and their mobilization. Iraqis had experience with Western colonialism under the British Empire and knew they did not want to endure a similar experience again. There was a national resistance to the imposed legitimacy of the U.S. forces especially as foreign control in Iraq has repeatedly been problematic for the nation.⁵⁶⁴ Some Iraqis, like the Shi'i majority, were willing to see what the coalition, and democracy, would bring to the nation, especially since they were at a clear advantage under the American system. Sunnis, however, were not as eager to wait and see and instead formed their own groups and boycotted the national elections. Seeing these concerns and being urged to respond, the CPA scheduled an Iraqi National Conference in

⁵⁶² Anthony Arato, *Constitution Making under Occupation: The Politics of Imposed Revolution in Iraq*, Columbia University Press, 2009. P. 97

⁵⁶³ Elizabeth Palmer, "Covering the Iraqi Insurgency", *International Journal* 61:1(2006): 135-145. P. 136

⁵⁶⁴ Muhsin J. Al-Musawi, *Reading Iraq: Culture and Power in Conflict*, London: I.B.Tauris, 2006.

July of 2004 to allow Iraqis to share their opinions about the upcoming election, this however, turned out to be a largely negative response from Iraqis in contrast to what the American forces were expecting.⁵⁶⁵ At the National Conference a National Council consisting of 100 seats was created to manage the interim government.⁵⁶⁶ The groups⁵⁶⁷ present during the conference were in fierce competition for representation and had no prior mediation or dialogue which led to arguing and hostility during the National Conference.

Going into the elections, Iraqis were hostile to the idea and the process, not feeling confident in the appointed representatives or in the American led democratic process. Iraqis wanted to see more grassroots political movements and representatives lead rather than U.S. appointed officials.⁵⁶⁸ During these meetings, the U.S. coalition was not prepared to effectively mitigate concerns and disagreements between Iraqi groups which only furthered Iraqi mistrust in the coalition and the democratic system. In search of power and stability, Iraqis turned to violence which itself is a form of power. The sectarian tensions arising from this period can be understood through Juergensmeyer's cosmic war analogy; he utilizes the term cosmic war to as the struggle at hand appears to be greater than life itself.⁵⁶⁹ As Juergensmeyer describes, confrontation becomes a cosmic war as part of a three-step process, which I will identify in Iraqi society below, that

⁵⁶⁵ Motohiro Ono, "The Election in Iraq", *Asia Pacific Review*, 12:1 (2005):17-24, p. 18

⁵⁶⁶ Bradford Plumer, "The Iraqi National Conference Explained: A Look at the Major Political Groups Jockeying for Power and the INC", Mother Jones. August 20th, 2004.

⁵⁶⁷ Al- Daawa, Supreme Council for the Islamic Revolution in Iraq (SCIRI), Iraqi National Accord, Iraqi National Congress, Kurdish Democratic Party (KDP), Patriotic Union of Kurdistan (PUK), Iraqi Islamic Party, Muslims Clerics Association, Al- Sadr Movement

⁵⁶⁸ Motohiro Ono, "The Election in Iraq", *Asia Pacific Review*, 12:1 (2005):17-24. P. 21

⁵⁶⁹ Mark Juergensmeyer, *Terror in the Mind of God: The Global Rise of Religious Violence*, Berkeley: University of California Press, 2003. P. 149

includes struggles defining identity, losing is unimaginable, and the problem is not able to be solved in real time.⁵⁷⁰ This is not a problem that Western intervention or mediation can support as in this case it is the Western influence that ignited the problem into one of cosmic proportions. These forms of conflict are personal, social, and political but can be disguised under religion to add moral meaning and legitimacy behind the movement. Sunni and Shi'i worked to gain agency through legitimate and illegitimate means during and after the national elections.

Election Process

Immediately following the invasion, the United States aligned with the formerly oppressed Shi'i majority, and the Kurds, as they were also oppressed under Saddam's regime. The elections were backed by American money, and it often was the Shi'is who were privileged since they constituted the majority of the population.⁵⁷¹ This suggests complications for the previously privileged Sunnis because they became a political minority in Iraq under a democracy. In this instance we can again recall Juergensmeyer as in this elections process led to a struggle for identity which seemed detrimental to both Sunni and Shi'i groups. This was highly problematic since neither group were fully involved in the electorate process. The level of Shi'i involvement in planning committees and document drafting, though minimal, was still more representation than the Sunni groups received and therefore led to abrupt anxieties which continued into the election process. Ayatollah Al- Sistani, the foremost Shi'i religious leader of Iraq, urged all Iraqis to exercise their democratic right to vote and attempted to be the guiding authority for Iraqis where the U.S. authority was eroded. Iraqis protested free and fair elections as

⁵⁷⁰ Ibid, 164

⁵⁷¹ David Ghanim, *Iraq's Dysfunctional Democracy*, Santa Barbara University Press, 2011. P. 377

early as 2003 with the Hilla demonstrations; Shi'i Iraqis claimed the governor, Jawad Witwit, was an ex- Ba'athist and further demonstrated when the U.S. appointed a new governor in replacement.⁵⁷² Iraqis wanted fair elections in which the people were represented in their government rather than being governed by appointed officials fulfilling foreign agendas. The election for National Assembly took place on schedule in January 2005, and the Sunnis duly boycotted the election leaving the Shi'i groups with the majority and Kurdish parties coming in second place. The Sunni boycott was not just about the elections and their concern they would not emerge as victors, but they were making a statement against the invasion and occupation in general as well as the atrocities the U.S. soldiers recently committed in Fallujah.⁵⁷³ The Muslim Scholar Association, consisting of approximately 3,000 Sunnis, suggested the boycott which was better achieved in Anbar province, where 2% of the eligible voters turned out and in Mosul where less than 20% voted.⁵⁷⁴

The turnout of this election shaped the parliament blocs as the National Assembly members were appointed based on the size of their blocs in parliament.⁵⁷⁵ By this time Iraqis were frustrated with the lack of progress and support within the country as they continued to suffer under this new government.⁵⁷⁶ The constitution and new government had been in effect for over a year but there was still gross incompetence and corruption across the country. The new political system did not eradicate the clientelism of the

⁵⁷² Juan R.I. Cole, *The Ayatollahs and Democracy in Iraq*, Leiden: Amsterdam University Press, 2006. P. 15

⁵⁷³ Andrzej Kapiszewski, "The Iraqi elections and their consequences. Power-sharing, a key to the country's political future", *European Union Institute for Security Studies (EUISS)*, (2005): 13- 34. P. 15

⁵⁷⁴ *Ibid*, 17

⁵⁷⁵ Farah Shakir, *The Iraqi Federation: Origin, Operation and Significance*, Routledge, 2017. p. 97

⁵⁷⁶ Mark. Chamoun, "Consolidating Power Through the Ambiguous: Ambiguity in the 2005 Iraqi Constitution and its Exploitation by Prime Minister Nouri al-Maliki". *Asian Journal of Middle Eastern and Islamic Studies*, 15:4 (2021) 447-467. P. 448

Saddam Era and therefore continued corruption, nepotism, and quid pro quo into the New Iraq.⁵⁷⁷

The coalition was finding under Saddam salaries had been discretionary for the party in office and able to be changed as someone performed, or failed to perform, certain expectations.⁵⁷⁸ U.S. officials also came across ghost jobs where people were employed on paper but the position was not actually filled and the money for those salaries were funneled elsewhere, conversely, some individuals were actually employed but had been paid for work they did not complete; these policies found their place in the new Iraqi government as well. The government continued to buy support of NGOs, political parties, families, and organizations furthering the mistrust between citizens and their government.⁵⁷⁹ Though the coalition did not approve of this behavior they were unable to halt its continuance.

The first democratic elections in Iraq began in January 2005, with votes for transnational assembly, followed by an October 2005 national referendum on new constitution, which passed by 78%, and the final election was in December 2005 which elected government officials for a four period term in democratic Iraq.⁵⁸⁰ The elections were the first symbolic collective act towards democracy in the nation and were an important civic step for Iraqis, but elections are not what creates, or upholds, democracy.⁵⁸¹ In a poll in February of 2004, indicated Iraqis wanted a strong man in

⁵⁷⁷ Sarwa Abdullah, Sarwar Gray and Emily Clough, "Clientelism: Factionalism in the Allocation of Public Resources in Iraq After 2003", *Middle Eastern Studies*, 54:4 (2018) 665-682. P. 665

⁵⁷⁸ Ibid, 670

⁵⁷⁹ Ibid, 678

⁵⁸⁰ Simone Van den Driest, "Pro- Democratic Intervention and the Right to Political Self- determination: The Case of Operation Iraqi Freedom", *Netherlands International Law Review* 57: 1 (2010): 29-72. P. 58

⁵⁸¹ Marinos Diamantidis, "The 2005 Iraqi Elections and Law: A Positivist Tale", *Arab Studies Quarterly*, 28:3/4 (2006): 27-39. P. 27

charge in the short term and a democracy in the long term; 86% of Iraqis approved of democracy, 81% endorsed having a strong leader and 53% supported a government mainly of religious leaders.⁵⁸² What Iraqis got was a smattering of candidates they knew nothing about. The campaigns were filled with fear mongering and divided messages, in an attempt to define their national, regional, and local identities concurrently during this occupation and reconstruction period; furthermore, tribes were not overwhelmingly included, nor encouraged, in the democratic process with the CPA favoring nationalism to tribalism⁵⁸³; this led to tribes not being in the position to form political parties and run for the 2005 election.⁵⁸⁴ Iraqis were not only selecting government officials to represent them, they were writing their future and history and their own national narrative which gave rise to surging demands of visibility and agency. In most cases, voters did not know who they were voting for.⁵⁸⁵

The 2005 parliamentary election campaign also became an information campaign as candidates raced to win over the population at the expense of their competition. Politicians rallied their base around a shared trauma like ostracization, an invasion, religious persecution, and constructed a platform and worldview based off these aspects. Candidates went on to name a clear enemy, in this instance the dominating Shi'i or coalition, and gained public support based on emotional ties. Most importantly in this new political atmosphere was the definition of the group and the cause in opposition to

⁵⁸² Marc A. Lemieux, "Iraq's 2009 Provincial and Regional Elections: The Dynamics of Political Identity since 2005", *International Journal of Contemporary Iraqi Studies*. 4:1/2 (2010): 121–53. P 136

⁵⁸³ Though Paul Bremer later stated that the CPA did not denounce tribalism and would be stupid to do so, per Lemieux, Marc A. "Iraq's 2009 Provincial and Regional Elections: The Dynamics of Political Identity since 2005." *International Journal of Contemporary Iraqi Studies*. 4:1/2 (2010): 121–53. P. 141

⁵⁸⁴ Marc A. Lemieux, "Iraq's 2009 Provincial and Regional Elections: The Dynamics of Political Identity since 2005", *International Journal of Contemporary Iraqi Studies*. 4:1/2 (2010): 121–53. P. 140

⁵⁸⁵ "Iraq's Unusual Election Campaign" The Observers France 24. March 3rd, 2010.

<https://observers.france24.com/en/20100303-unusual-iraqi-election-campaign-posters-slogans>

others. The bigger the platform a group had, the greater their reach was and the more citizens they were able to win over. The 2005 parliamentary elections played on morality and stated the needs to have a fresh start in Iraq, recenter back on Islam, and make Iraq as strong as it was when it was the cradle of civilization. There was a desire to utilize black and white thinking to label groups and actions as “bad” while their group is “good” furthering the “us vs them” mentality which further unified their political group.⁵⁸⁶ These sentiments led to victimization and self-righteousness, and caused conflict and resentment across groups in Iraq and through this process, however common, created a hostile environment and elections won with fear and anxiety.⁵⁸⁷

The CPA worked with the U.N. and the Iraqi Governing Council (IGC) to create an election commission nominating system in 2004 which would not list an applicant’s ethnicity or religion; this produced 1878 applications which were then screened by the U.N. and reduced to 24 nominees, ultimately appointed by the U.S. coalition.⁵⁸⁸ The final selected applicants went on to be part of the Independent Electoral Commission of Iraq (IECI) which was established to ensure the voting process was in line with the constitution and national laws; this commission contained seven voting Iraqi members and two non-voting international members.⁵⁸⁹ The January 2005 Iraqi elections did not have an international election observation, however; the National Democratic Institute formed an oversight organization, Ein⁵⁹⁰, which was able to monitor just under 80% of

⁵⁸⁶ Mamdani, M. [*Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror.*] New York: Three Leaves Press/Doubleday, 2005. P. 42

⁵⁸⁷ Ibid.

⁵⁸⁸ Marc A. Lemieux, “Iraq’s 2009 Provincial and Regional Elections: The Dynamics of Political Identity since 2005”, *International Journal of Contemporary Iraqi Studies*. 4:1/2 (2010): 121–53. P.124

⁵⁸⁹ Ibid.

⁵⁹⁰ Known in Iraq as عين, this NGO involved approximately 150 Iraqi groups in their oversight process and was funded by the National Democratic Institute

the polling sites, ensuring voters could freely and fairly vote at their locations.⁵⁹¹ This organization also trained Iraqis in how to monitor the polls for future elections and how to assess the election results following the casting of ballots. To prepare for the elections curfews were instated, travel restrictions were in place, Iraq closed its borders, and banned civilians from carrying any weapons in an attempt to control public safety.⁵⁹² Due to the security concerns, several Iraqi groups suggested postponing the elections but the coalition wanted to stick to their timeline and did not want violence to disrupt the democratic process; as a result the Iraqi Islamic Party, the main Sunni party withdrew from the election.⁵⁹³ At the polls both U.S. and Iraqi security forces patrolled the area while the Iraqi security forces controlled the movement of people in and out of the polling locations, voters coming into the location were also assessed for safety and weapons and upon admittance were monitored by the EIN during the voting.⁵⁹⁴

Leading up to the election Iraqis were flooded with media ads encouraging eligible voters to show up at the polls and complete their newly entitled civic duty for both parliamentary elections and the constitutional referendum.⁵⁹⁵ The U.S. spent \$24 million dollars on voter education which included handing out voter materials like pamphlets, merchandise, and posters as well as funding televised campaign debates and

⁵⁹¹ Marc A. Lemieux, "Iraq's 2009 Provincial and Regional Elections: The Dynamics of Political Identity since 2005", *International Journal of Contemporary Iraqi Studies*. 4:1/2 (2010): 121–53. P.125

⁵⁹² Donald P. Wright, and Timothy R. Reese, *On Point II: The United States Army in Operation Iraqi Freedom, May 2003-January 2005: Transition to the New Campaign*, Fort Leavenworth, KS: Combat Studies Institute Press, 2008.

⁵⁹³ Andrzej Kapiszewski, "The Iraqi elections and their consequences. Power-sharing, a Key to the Country's Political Future", *European Union Institute for Security Studies (EUISS)*. P. 15

⁵⁹⁴ Joseph A. Christoff, "Rebuilding Iraq: U.S. Assistance for January 2005 Elections." United States Government Accountability Office. September 7th, 2005. P. 9

⁵⁹⁵ "Iraq politics: Ballots amid bullets." *Economist Intelligence Unit: Country ViewsWire*, October 14, 2005

commercials about the election process.⁵⁹⁶ Voting was not just a new civic right but a privilege and a way to combat terrorism and create a better, more democratic future for Iraq. Conversely, some Iraqi news outlets highlighted the problematic nature of the constitutional drafting process and encouraged Iraqis to vote against the referendum and the U.S. occupation.⁵⁹⁷ The government was supposed to distribute the constitutional draft to each home along with their monthly rations for review and feedback but blamed the lack of distribution on the negotiation process with the Sunni groups.⁵⁹⁸ While the Iraqi government was focused on candidate recognition and signing up voters, they were less concerned with distributing the referendum and other necessary materials directly to the voters. Many Sunni parties and voters chose to boycott the elections as they did the voting of the Iraqi constitution.⁵⁹⁹ In December 2005 a handful of Sunni leaders publicly announced their fellow Sunnis should vote in the Primary Election on December 15th and stated the common enemies are al- Qaeda and Iran, not the U.S. coalition supporting the elections.⁶⁰⁰

Aside from voter education funds, the U.S. gave \$130 million dollars to the 2005 elections in Iraq, excluding the cost of security measures.⁶⁰¹ This sum covered election administrative funds, media coverage, elections training, women's participation, assistance to political parties, continued voter education, and violence monitoring.⁶⁰² The

⁵⁹⁶ Joseph A. Christoff, "Rebuilding Iraq: U.S. Assistance for January 2005 Elections." United States Government Accountability Office. September 7th, 2005. P. 7

⁵⁹⁷ "Iraq politics: Ballots amid bullets." *Economist Intelligence Unit: Country ViewsWire*, October 14, 2005.

⁵⁹⁸ Ibid.

⁵⁹⁹ Fanar Haddad, "A Sectarian Awakening: Reinventing Sunni Identity in Iraq After 2003", *Current Trends in Islamist Ideology*, 17 (2014): 70 – 101. P. 81

⁶⁰⁰ George W. Casey, *Strategic Reflections: Operation Iraqi Freedom, July 2004-February 2007*, Washington, D.C.: National Defense University Press, 2012 p. 85

⁶⁰¹ Joseph A. Christoff, "Rebuilding Iraq: U.S. Assistance for January 2005 Elections", United States Government Accountability Office. September 7th, 2005. P 2

⁶⁰² Ibid, 5

U.S. National Endowment for Democracy and USAID appropriated \$30 million to help grow and support Iraqi political parties from all political spectrums so long as they appeared to support a democratic and stable Iraq.⁶⁰³ The parties were given assistance with public speaking, media management, campaign strategy, and managing their movement; though all parties were eligible it is reported that only 40 of the 111 parties running in 2005 and 44% of the female candidates received this financial support.⁶⁰⁴ The assistance and coaching the Iraqi groups received were points and procedures the coalition wanted to instill in Iraqi politics and were not necessarily what the Iraqi campaigns, or citizens, needed at this time. The electoral process in 2005 demonstrated leaders will need to do more than appeal to just one base to gain support and win coalitions needed to collaborate to broaden their sense of identity to garner support and accomplish their goals.⁶⁰⁵ This process also demonstrated that representation does not mean much without adequate leadership behind it.

During the campaign process the public was not getting all the correct information. After the election, IECI, IFES, the UN, USAID, and United Kingdom Department for International Development officials assessed the election process and identified issues of concern in the voter media campaigns.⁶⁰⁶ Their findings concluded there were poor translations of policies and campaigns which resulted in miscommunication, lack of information, and realized all areas of Iraq did not receive consistent or quality messaging.⁶⁰⁷ It was suggested that in the future these organizations

⁶⁰³ Ibid, 6

⁶⁰⁴ Ibid.

⁶⁰⁵ Marc A. Lemieux, "Iraq's 2009 Provincial and Regional Elections: The Dynamics of Political Identity since 2005." *International Journal of Contemporary Iraqi Studies*. 4:1/2 (2010): 121–53. P. 145

⁶⁰⁶ Joseph A. Christoff, "Rebuilding Iraq: U.S. Assistance for January 2005 Elections", United States Government Accountability Office. September 7th, 2005. P. 9

⁶⁰⁷ Ibid, 10

work closer with local groups in order to ensure better transfer of relevant information to voters. Any Iraqi over the age of 18 was eligible to vote in the 2005 elections, but the U.S. administration and Iraqis did not have an up-to-date list from which to pull eligible voters from. The coalition used the Food for Oil lists of registered Iraqi citizens but there was considerable displacement in between the invasion, occupation, and elections so that this roster was no longer accurate.⁶⁰⁸ There was also a lack of focus on face to face and radio messaging which would have helped reach the more remote areas of Iraq where television was not as accessible.⁶⁰⁹

Iraqis showed up to represent themselves in the polls, with just under 19,000 candidates on the ballot for the first election, and volunteers working to register over 14 million eligible voters.⁶¹⁰ Candidates represented 256 different political organizations including 196 parties, 33 sub parties, and 27 single candidates on the ballot.⁶¹¹ Those running must meet the following criteria: over 30 years old, completed secondary school, and denouncing former links to the Ba'ath party.⁶¹² The TAL stated that 25% of the elected parliament members must be women, drawing out female candidates to the polls as well.⁶¹³ While there was a variety of candidates, most of them were not even listed on the ballot as of January 13th, 2005 meaning Iraqis did not have time to familiarize themselves with their options and candidate positions by the time they needed to cast

⁶⁰⁸ Andrzej Kapiszewski, "The Iraqi elections and their consequences. Power-sharing, a Key to the Country's Political Future, *European Union Institute for Security Studies (EUISS)*. P.13

⁶⁰⁹ Joseph A. Christoff, "Rebuilding Iraq: U.S. Assistance for January 2005 Elections", United States Government Accountability Office. September 7th, 2005. P. 10

⁶¹⁰ Donald P. Wright, and Timothy R. Reese, *On Point II: The United States Army in Operation Iraqi Freedom, May 2003-January 2005: Transition to the New Campaign*, Fort Leavenworth, KS: Combat Studies Institute Press, 2008. P. 46

⁶¹¹ "Fact Sheet: The Way Forward in Iraq." National Archives and Records Administration, November 2008.

⁶¹² Ibid.

⁶¹³ Ibid.

their ballot.⁶¹⁴ During the first 2005 election, voters throughout the country received the same ballot regardless of their province meaning there was a long list of candidates from numerous parties and in some instances this increased the tensions between Sunni and Shi'i groups.⁶¹⁵ This one ballot was to signify one electoral district and a united country but rather it supported the concern that minority groups, like the Sunnis, might get lost in this larger effort.⁶¹⁶ Furthermore, the EIN noted some polling places were missing critical materials, there was voter intimidation (15% of the polls), and a number of places had voters voting more than once (between 9- 28% depending on location).⁶¹⁷ The U.S. coalition did not make the same mistake in the December 2005 election and each province received their own ballot containing choices for their seats for a more comprehensive voting process. Another foremost concern on election day was voter safety. Iraqis were aware American authorities were not overly concerned with Iraqi safety after the initial invasion when violence and looting was rampant.⁶¹⁸

Voter safety became a high priority for the coalition as they wanted to ensure as many Iraqis would take part in the election as possible. Keeping the polls safe proved to be a necessity especially after three poll workers were killed at the polls during a December 2004 election; Prime Minister Allawi worked with the Iraqi Security Force to fortify Baghdad, Fallujah, and Samarra ahead of the elections and neutralize violent

⁶¹⁴ Marinos Diamantidis, "The 2005 Iraqi Elections and Law: A Positivist Tale", *Arab Studies Quarterly*, 28:3/4 (2006): 27-39. P. 35

⁶¹⁵ Marc A. Lemieux, "Iraq's 2009 Provincial and Regional Elections: The Dynamics of Political Identity since 2005", *International Journal of Contemporary Iraqi Studies*. 4:1/2 (2010): 121-53. P. 126

⁶¹⁶ Ibid, 36

⁶¹⁷ Ibid, 125

⁶¹⁸ William Knarr, *The 2005 Iraqi Sunni Awakening: The Role of the Desert Protectors Program*, MacDill Airforce Base: Joint Special Operations University Press, 2015,

activity in the area.⁶¹⁹ The decision for the coalition and Iraqi Security Forces to crack down on activity in Fallujah was a complicated one as the government was attempting to gain Sunni support for elections yet were infiltrating the Sunni city to secure it for elections.⁶²⁰ George Casey, Senior Coalition U.S. Commander in Iraq made this statement regarding forces assisting during election planning; “We constantly struggled with finding a balance between putting an Iraqi face on important events and not allowing them to fail. Finding this balance was more of an art than a science”⁶²¹.

Statements like this emphasize the Iraqi patronization that was going on behind the scenes and the American concern behind handing processes over to Iraqis and relinquishing control. Adversely, Casey also brought the words of Thomas Lawrence, better known as Lawrence of Arabia, to the coalition which stated, “Do not try to do too much with your own hands. Better the Arabs do it tolerably than you do it perfectly. It is their war, and you are to help them, not to win it for them”⁶²². While Casey is suggesting they needed to let the Iraqis run the election, and thus the nation, it is easier said than done especially when the goal of the U.S. being in Iraq in the first place was to create the ideal Middle Eastern democracy and ally. This was a difficult process for the coalition to undertake because even though they were supporting transition and election, they were still an occupying force in the nation and Iraqis saw the situation for what it was. To Casey’s credit he mentioned this was a difficult balance to strike and the pressure on both the coalition and Iraqis was remarkable. The coalition realized they could not create a

⁶¹⁹ George W. Casey, *Strategic Reflections: Operation Iraqi Freedom, July 2004-February 2007*, Washington, D.C.: National Defense University Press, 2012. P. 41

⁶²⁰ Ibid, 42

⁶²¹ Ibid, 43

⁶²² Ibid, 51

successful counterinsurgency overnight nor could they do so without local Iraqi partnership and U.S. forces knew they needed to isolate insurgents and meet the needs of citizens while local police forces provided security and mended relations with the community.⁶²³ Unfortunately the coalition was attempting to take control over an issue they perpetuated and were late in asking the Iraqi community for support in the matter. Prime Minister Allawi agreed the U.S. coalition needed to hand Iraq and security measures over to the Iraqis and specifically the Iraqi security forces but did not want the coalition to be seen working from the same office as Iraqi forces as it would appear as if Iraqi forces were not independent and the coalition was not fully trusted around Iraq, as was in fact all the case.⁶²⁴

In the December 2005 election there were over 5,000 polling centers in 542 districts.⁶²⁵ Baghdad selected 51 seats while each other province was selecting 41 seats.⁶²⁶ Statistics from the December 2005 election place voter turnout was at around 60.5% with higher voter concentration in the Kurdish north and in Shi'i regions while the Sunni areas had relatively low participation.⁶²⁷ The highest voter turnout was in Dohuk, Erbil, and Sulaymaniyah, and the lowest voter turnout was in the Sunni Arab areas farther south, in Anbar and Nineveh.⁶²⁸ These numbers only reflect those registered to vote and do not include Iraqis who are eligible to vote but chose not to register or participate.⁶²⁹ It appears the average middle class voter was considered during these

⁶²³ Ibid, 44

⁶²⁴ Ibid, 58

⁶²⁵ Marc A. Lemieux, "Iraq's 2009 Provincial and Regional Elections: The Dynamics of Political Identity since 2005", *International Journal of Contemporary Iraqi Studies*, 4:1/2 (2010): 121–53. P. 124

⁶²⁶ Marc A. Lemieux, "Iraq's 2009 Provincial and Regional Elections: The Dynamics of Political Identity since 2005", *International Journal of Contemporary Iraqi Studies*, 4:1/2 (2010): 121–53. P. 124

⁶²⁷ Motohiro Ono, "The Election in Iraq", *Asia Pacific Review*, 12:1 (2005):17-24. P. 20

⁶²⁸ Chris Toensing, "Iraqi Elections", *Middle East Report*, 243 (2005): 8-9. P. 9

⁶²⁹ Motohiro Ono, "The Election in Iraq", *Asia Pacific Review*, 12:1 (2005):17-24. P. 20

election efforts but the broader population were not fully included in voting preparation efforts which could be another reason for the lower turnout in some of the more remote areas. Those who did vote may have had their ballots improperly handled and potentially discarded as there were not clear ballot processing instructions given to every poll worker. The median Iraqi voter was a middle aged, educated, man interested in politics and who upheld belief in the electorate system and it was discovered that there was not much class discrepancy reported in those who voted.⁶³⁰ Furthermore, Iraqis who lived in violent provinces voted at higher rates than those living in safer provinces; Baghdad by far had the most violence prior to the 2005 election with Diyala and al- Anbar following behind Dahuk and al- Muthanna were the least violent.⁶³¹ In some instances, such as al- Anbar and Ninewa province, violence did deter voters from coming to the polls.⁶³² While Iraqi police worked to keep polling locations safe it is reported that there were 26 Iraqi civilians and 8 Iraqi Security Forces dead in election day violence.

The parliamentary election resulted in the Shi'i United Iraqi Alliance taking 47% of the seats, Kurdistan Coalition with 19%, Sunni Iraqi Consensus Front at 16% and Sunni Iraqi Front for National Dialogue with 4% of the national assembly seats.⁶³³ While the United Iraqi Alliance, a Shi'i party, received the most votes they did not obtain the majority vote, reportedly due to their candidate selection, Ibrahim al-Jaafari.⁶³⁴ Al-Jaafari

⁶³⁰ Ahmed Ezzeldin Mohamed, "Turnout in Transitional Elections: Who votes in Iraq?" *The Journal of the Middle East and Africa*, 9:2 (2018), 153-171. P. 160

⁶³¹ Mohamed, Ahmed Ezzeldin. "Turnout in Transitional Elections: Who votes in Iraq?" *The Journal of the Middle East and Africa*, 9:2 (2018), 153-171. P. 158

⁶³² Lemieux, Marc A. "Iraq's 2009 Provincial and Regional Elections: The Dynamics of Political Identity since 2005." *International Journal of Contemporary Iraqi Studies*. 4:1/2 (2010): 121-53. P. 125

⁶³³ Wheatley, Steven. "The Security Council, Democratic Legitimacy and Regime Change in Iraq." *European Journal of International Law*, 17: 3 (2006): 531-551. P. 537

⁶³⁴ Van den Driest, Simone. "Pro- Democratic Intervention and the Right to Political Self- determination: The Case of Operation Iraqi Freedom." *Netherlands International Law Review* 57: 1 (2010): 29-72. P. 58

and the Kurdish parties struggled to arrive at an agreement which led to Nuri al-Maliki becoming the leading candidate after a long series of arbitrations, involving the international community, and lasting until May 20th of 2006.⁶³⁵ From this process a National Unity Government was created which included Arab Prime Minister Nuri al-Maliki and Kurdish President Jalal Talabani.⁶³⁶ Even in this election the coalition aided in the formation of the winning ticket and national leader. As such, this election process left the nation divided along ethnic lines and a cabinet composed of nineteen Shi'i members, eight Sunni Arabs, eight Kurds, and one Christian member.⁶³⁷ The Supreme Council of the Islamic Revolution (Shi'i Arab) along with the Kurdistan Democratic Parties and the Patriotic Unit of Kurdistan emerged on top of the first Iraqi election.⁶³⁸

It was not only the U.S. coalition and Iraqi organizations who were scrambling to pull together a free and fair election. The political parties had to shape themselves for nomination quickly as any party other than Ba'athist had been banned during Saddam Hussein's reign. The re-emerging and newly emerging parties were not fully formed, and the public was not completely familiar with nor invested in their causes.⁶³⁹ Moreover, Iraqi voters were not knowledgeable about the democratic voting process, in which candidate qualities were vital, and how to judge candidate sincerity. Citizens vote when they have trust in the electorate process and the system's fairness; once a system is perceived to be corrupt, citizens no longer feel the political process is legitimate and their

⁶³⁵ Van den Driest, Simone. "Pro- Democratic Intervention and the Right to Political Self- determination: The Case of Operation Iraqi Freedom." *Netherlands International Law Review* 57: 1 (2010): 29-72. P. 58

⁶³⁶ Ibid, 58

⁶³⁷ Steven Wheatley, "The Security Council, Democratic Legitimacy and Regime Change in Iraq", *European Journal of International Law*, 17: 3 (2006): 531-551. P. 537

⁶³⁸ Matthijs Bogaards, "Iraq's Constitution of 2005: The Case Against Consociationalism 'Light'", *Ethnopolitics*. 20:2 (2021) 186-202. P.193

⁶³⁹ Ahmed Ezzeldin Mohamed, "Turnout in Transitional Elections: Who votes in Iraq?", *The Journal of the Middle East and Africa*, 9:2 (2018), 153-171. P. 158

vote matters.⁶⁴⁰ Some Iraqis saw this election process and confirmation of U.S. bias and their continued lack of support and representation within the coalition.

The Shi'i majority in government began to fracture in the time between the removal of Saddam Hussein in 2003 and the election of Nouri al- Maliki as the first prime minister in 2005 and the divide only increased as the election drew near as varying Shi'i factions had differing ideas on who should be Iraq's new leader.⁶⁴¹ Regardless of his lack of overall political support, al- Maliki was backed by the vast majority of Iraqi politicians and the U.S. and ultimately won the position.⁶⁴² Those running for office, and subsequently elected, had little to no experience in office or government.⁶⁴³ Al- Maliki's exile under Saddam meant he posed little threat to the plans of the Iraqi or U.S. politicians looking to revamp the country.⁶⁴⁴ While Iraq's Ayatollah Sistani encouraged Iraqis to vote, Iran's Ayatollah Ali Khamenei was concerned about the coalition's selected candidates and how that will affect the region.⁶⁴⁵ Many Sunnis were concerned about al- Maliki and how they would be further marginalized under his leadership as al- Maliki labeled Sunnis as terrorists, Ba'athists and sectarians, which marked them as aggressors.⁶⁴⁶ Once in office, Maliki needed to build support and began to appoint family and friends to high and coveted public offices and created support councils which were

⁶⁴⁰ Ibid, 160

⁶⁴¹ Benjamin Isakhan, *The Legacy of Iraq: From the 2003 War to the Islamic State*, Edinburgh University Press, 2015. P. 69

⁶⁴² Ibid, 70

⁶⁴³ George W. Casey, *Strategic Reflections: Operation Iraqi Freedom, July 2004-February 2007*, Washington, D.C.: National Defense University Press, 2012. P. 53

⁶⁴⁴ Benjamin Isakhan, *The Legacy of Iraq: From the 2003 War to the Islamic State*, Edinburgh University Press, 2015. P. 70

⁶⁴⁵ Juan R.I. Cole, *The Ayatollahs and Democracy in Iraq*, Leiden: Amsterdam University Press, 2006. P. 24

⁶⁴⁶ Benjamin Isakhan, *The Legacy of Iraq: From the 2003 War to the Islamic State*, Edinburgh University Press, 2015. P. 79

tribal faction groups that existed throughout Iraq.⁶⁴⁷ These groups held significant power over Iraqi politicians and answered directly to al- Maliki and his Da'wa party.⁶⁴⁸ In the year following the election, Maliki also attacked Shi'i leader, Mutqada al- Sadr, with military force in order to eliminate his political opposition.⁶⁴⁹ This act angered many within the Shi'i faction; however, Maliki began to cater to Kurds, Turks, Christians, and Sunnis in the nation and created strong groups of close knit advisors in order to maintain power in the coming election.⁶⁵⁰ Maliki wanted to appear to unify the nation while keeping his own interests, and those of the Da'wa party, concealed.

Election Violence

Most of the violence after the U.S. invasion was directed at U.S. coalition forces with attacks on Iraqi security forces and civilians steadily increasing over time from June 2003 up to the January 2005 elections.⁶⁵¹ Overall the insurgency and groups opposed to the U.S. had many motivating factors, a few being economic, ideological, political, and social.⁶⁵² It is a common misconception that increased sectarian violence after the invasion and reconstruction were self- fulfilling prophecies; however, it can be explained by strategic political moves that continued to inflame tensions. Anxiety was present from the start of the invasion when Saddam's statue first fell to the ground; media outlets noticed these fears and continued their projection until actual violence occurred out of

⁶⁴⁷ Ibid, 70

⁶⁴⁸ Ibid.

⁶⁴⁹ Ibid, 71

⁶⁵¹ Donald P. Wright and Timothy R. Reese, *On Point II: The United States Army in Operation Iraqi Freedom, May 2003-January 2005: Transition to the New Campaign*, Fort Leavenworth, KS: Combat Studies Institute Press, 2008. P. 101

⁶⁵² Ibid, 106

fear.⁶⁵³ Shadid called this concept the logic of violence; his logic of violence states concern before the war met anxiety during the occupation that was amplified with chaos, instability and available arms.⁶⁵⁴ A deeper look at the actions of the coalition, Sunni, and Shi'i groups will illustrate how these tensions were stoked leading to violence and illustrate how this struggle for identity and agency reaches almost cosmic⁶⁵⁵ proportions.

One of the main contributors to the wave of violence in Iraq was the lack of security provided by the coalition. The reconstruction process was halted and impeded by the lack of security forces, measures, and equipment which led to many projects being canceled, according to the Government Accountability Office report on rebuilding Iraq in December 2004; in the summer of 2003 U.S. forces were dealing with approximately 500 attacks per month which increased through 2004 reaching as many as 2,000 attacks per month.⁶⁵⁶ People, bases, infrastructure, supply caches, and civilians were all under constant threat and attack, wasting both the U.S. and Iraq's time and resources. Several contractors, such as Siemens and General Electric, halted their projects due to the violent conditions in the nation. This angered Iraqis even more as services were still in a state of disrepair from the invasion and conditions continued to worsen. By the spring of 2004 thousands of Iraqi Security Force members and hundreds of civilians were victims of murders and kidnappings by opposition and insurgents; the problem of insurgency and violence was larger than just groups in opposition to the U.S., in fact poor Iraqis were

⁶⁵³ John Hagan, Joshua Kaiser, Anna Hanson, and Patricia Parker, "Neighborhood Sectarian Displacement and the Battle for Baghdad: A Self-Fulfilling Prophecy of Fear and Crimes Against Humanity in Iraq", *Sociological Forum* 30: 3 (2015): 675-97. P. 676

⁶⁵⁴ Anthony Shadid, *Night Draws Near: Iraq's People in the Shadows of America's War*, New York: Henry Holt, 2005. P. 426

⁶⁵⁵ I am utilizing cosmic here in reference to to Juergensmyer's Cosmic War paradigm.

⁶⁵⁶ Wright, Donald P., and Reese, Timothy R. [On Point II: The United States Army in Operation Iraqi Freedom, May 2003-January 2005: Transition to the New Campaign]. Fort Leavenworth, KS: Combat Studies Institute Press, 2008. P 387

being paid by insurgents to carry out attacks, sabotage reconstruction, and steal materials.⁶⁵⁷ For poor Iraqis this is how they were able to feed their families since U.S. forces were not able to restore normalcy, the economy, or services in a timely manner. Furthermore, the election preparations occurred in the background of a tumultuous year in the nation between atrocities such as Abu Ghraib and Fallujah and at a time when mistrust between U.S. and Iraqi forces were at an all-time high. It was difficult for Iraqis to believe the U.S. coalition had their best interests in mind while rebuilding the nation due to the actions of the coalition, their policing, and policy mishaps. As elections drew near armed attacks increased furthering the atmosphere of mistrust going into the U.S.-orchestrated elections.

Another troubling and perpetual condition in Iraq was corruption. Corruption in Iraq had been rampant, and everything could be done for a price in the country. During Saddam's regime bribery was common as cash and favors were the currency of the economy.⁶⁵⁸ U.S. officials such as Colonel Mike Murray, commander of the 3d BCT, 1st CAV, recalled witnessing Iraqis try to utilize similar methods with global and U.S. businessmen who were put off by the obvious bribing and unwilling to continue business.⁶⁵⁹ This became yet another barrier for the reconstruction efforts and an even larger barrier for the elections process. Political parties based their support network and membership on a model of corruption, bribery, asking for exchange of goods and presents; New Iraq did not yet have established procedures to the contract and thus corruption continued and created the platforms of new political parties.⁶⁶⁰ Eventually the

⁶⁵⁷ Ibid.

⁶⁵⁸ Ibid, 389

⁶⁵⁹ Ibid, 390

⁶⁶⁰ Ibid.

CPA created an Iraqi Inspector General position as well as the Iraqi Anti-Corruption Council whose purpose was to focus on anti-corruption; however, this was not enough to negate decades of pervasive corruption culture in the nation.⁶⁶¹

Sunnis abstained from the polls en masse but they did not shy away from making their voices heard through street violence, attacking anyone they found cooperating with the American forces both soldiers and civilians.⁶⁶² This did not help Sunnis assert agency, affirm identity, or ease tensions between Iraqi factions. Initially Iraqis applied to become police officers under the American forces but once confrontation grew they abandoned their post as they did not want to be seen as American sympathizers as there were violent repercussions for being labeled as such.⁶⁶³ Those who stayed were often looking to raise their position through bribes and extortion; Iraqis did not want to be policed by opposing groups, American sympathizers, or extortionists and began to riot in response, even Iraqis working for the media could not disclose they worked for American news networks for fear of retaliation from family and neighbors.⁶⁶⁴ Civil service workers and those helping to rebuild the country were harassed commuting to and from work and while on the job.⁶⁶⁵ Of course, these reports are not representative of every Sunni group in Iraq but was still a force to be reckoned with during the election process. These issues also convey the pervasiveness of the distain for the coalition and their policies within the country.

Shi'i groups, the Sadrists and the Islamic Supreme Council of Iraq continued their tensions started during the 2005 election process until it ignited into a Shi'i civil war in

⁶⁶¹ Ibid.

⁶⁶² Aileen McCabe "It was Historic, it was Bloody and Amazingly the Iraqi Election Sunday was More Successful than Anyone Dared Hope", *CanWest News*, Jan 31, 2005.

⁶⁶³ Elizabeth Palmer, "Covering the Iraqi Insurgency", *International Journal*, 61:1 (2006): 135-145. P. 137

⁶⁶⁴ Ibid, 140

⁶⁶⁵ Ibid, 141

the summer of 2007.⁶⁶⁶ In August of 2007 Sadrist members attacked worshipers at the shrine of Imam Hussein, which not only inflamed relations between the Shi'i factions, but also lessened support from their own Sadrist members.⁶⁶⁷ Following the elections, in 2006 there was a Sunni Awakening, Sahwa, which was a tribalist movement backed by the U.S. forces that formed in response to al- Qaeda and Salafist groups.⁶⁶⁸ With instability on the rise and normalcy slow to arrive back in Iraq, communities, largely Sunni, were turning to insurgent forces for their protection and livelihood but by the fall of 2006 Sunni sheikhs joined forces with the U.S. coalition rather than with al -Qaeda in Iraq. Al- Qaeda struck deals with local communities who would exchange their loyalty for services the nation was unable to provide for them but this relationship severed when Al- Qaeda in Iraq did not keep up their end of the bargain and began to assassinate Sunni individuals who encouraged U.S. cooperation.⁶⁶⁹ Sheikhs began to organize and represent their community in meetings with the U.S. coalition This was a turning point for the U.S. coalition as previously the Sunnis in this area actively fought against the U.S. coalition and occupation; further demonstrating the sectarian conflict in Iraq was not based on the religious alliances in the nation but rather on political lines and the ability to obtain agency and representation. Some questioned whether this alliance was Islamic or not due to its cooperation with the occupier, but those participating understood this was a strategic move to take back their region, however slow the progress.⁶⁷⁰ This shift initiated

⁶⁶⁶ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. P. 65

⁶⁶⁷ Ibid, 50

⁶⁶⁸ Ibid, 62

⁶⁶⁹ Kimberly Kagan, "The Anbar Awakening: Displacing al- Qaeda from its Stronghold in Western Iraq", *The Institute for the Study of War*. August 1, 2006 - March 30, 2007: 1-18. p. 7

⁶⁷⁰ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*], Stanford: Hoover Institution Press, 2014. P. 152

conflict with al- Maliki who wanted to maintain control over the region and be the military group supporting the nation rather than Sunni or U.S. backed groups.⁶⁷¹ In response al- Maliki increased reconstruction efforts in Basra and the surrounding areas affected by Sadrist fighting in an effort to bring loyalty and control back to the government and Da'wa party rather than the factions in the area; this plan never came to fruition though and the reconstruction in the area remained minimal and unfinished, further demonstrating the ineffectiveness of the government to support its people in the area.⁶⁷²

The confrontation between the Sunni and Shi'i factions in Iraq reached a crisis point surrounding the primary elections. Their religious identities, highlighted by coalition, took on excessive symbolic value and through this symbolism they began to define themselves, their mission, and their actions. The struggle these groups were facing was for their representation and ultimately their identity as Iraqis and became of ultimate significance. Their competition for representation was exceedingly personal for both Sunnis, who felt disgraced and put out by this process, and Shi'i who shared significant victimization, and losing for either group is not an option. When the situation has such intimate connections with the self and group identity each problem or attack, no matter how small, becomes one of big proportions.⁶⁷³ Osman affirms the additional stress the presence of nation building brings to preexisting tensions and identities which has the ability to accelerate sectarianism.⁶⁷⁴ Due to these sentiments and high tensions, coming to

⁶⁷¹ Ibid, 62

⁶⁷² Ibid, 63

⁶⁷³ Mark Juergensmeyer, *Terror in the Mind of God: The Global Rise of Religious Violence*, Berkeley: University of California Press, 2003. P.166

⁶⁷⁴ Khail F. Osman, *Sectarianism in Iraq: The Making of a State and Nation Since 1920*, New York: Routledge, 2014. P. 49

an agreement was unlikely and as coalition officials suggested diffusing tensions and coexisting could take upwards of thirteen years.⁶⁷⁵ That does not mean tensions cannot be diffused sooner, or at all, it is merely one succinct way to understand this struggle.

Sectarianism: The Cosmic War

The state is a created community of land, people, and power bound together by national myth and normative group behavior; in order to preside over a state there needs to be the ability to have voluntary and systematized submission to the legal order.⁶⁷⁶ Furthermore, states need narratives of exclusion in order to define themselves in light of others and share a common struggle.⁶⁷⁷ Sectarianism is a matter of polarized opinions of any kind which pits one group against another.⁶⁷⁸ This conflict in Iraq can be understood as the manifestation of the cosmic war Juergensmeyer warns us against, as the tensions between Sunni and Shi'i have reached devastating proportions that appear to have no obvious solution. These tensions were provoked by ongoing competition over economics, visibility, and historical narrative all contribute to the sectarian problem where individuals feel the need to solidify their identity in opposition to another competing group.⁶⁷⁹ Shared trauma links individuals and groups together which explains the Sunni and Shi'i cleavage during this stressor. Shi'i identity in Iraq is deeply rooted in victimhood and oppression in a way Sunnis cannot share; Sunnis are better able to identify themselves in state and regional history in a way Shi'i cannot.⁶⁸⁰ Once the Shi'i

⁶⁷⁵ George W. Casey, *Strategic Reflections: Operation Iraqi Freedom, July 2004-February 2007*, Washington, D.C.: National Defense University Press, 2012. P. 45

⁶⁷⁶ Hallaq Wael, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament*, New York: Columbia University Press, 2012. P. 53

⁶⁷⁷ Jacob Eriksson and Amed Khaleel, *Iraq After ISIS The Challenge of the Post War Recovery*, Palgrave, 2019. P. 13

⁶⁷⁸ Fanar Haddad, *Sectarianism in Iraq: Antagonistic Visions of Unity*, London: Hurst, 2011. P 4

⁶⁷⁹ Ibid,15

⁶⁸⁰ Ibid, 50

were in power in Iraq they were able to challenge the prevailing national narrative and myth leading to tensions and questions of cultural ownership of nationhood and identity.⁶⁸¹ Furthermore, the sectarian problem in Iraq is directly linked to national identity and finding a place within the nation.⁶⁸² This does not imply that Iraqi history can be defined by a series of sectarian struggles. Throughout the centuries Iraq's history has been defined by outside political agents coupled with recurring occupations and competition for political and economic access, which has led to the point of conflict present in Iraq during the U.S. occupation.⁶⁸³

Sectarianism in Iraq ignited from the exclusionary actions of the former regime coupled with the continued exclusionary policies under the new coalition.⁶⁸⁴ This was not something that was inevitable nor was it an event that happened exclusively because of the removal of Saddam Hussein.⁶⁸⁵ In response to the 2005 national elections, al-Qaeda in Iraq leader, Abu Musab al-Zarqawi, released a statement stating the organization declared war on democracy and those who uphold its ideals.⁶⁸⁶ Al-Qaeda in Iraq claimed the democratic ideas are in opposition to Islam and therefore not welcome in Iraq. This was of course al-Zarqawi's interpretation of Islam, curated for his own agenda, which had thousands of other Sunni Iraqi followers behind the ideology. Some did not necessarily agree with al-Zarqawi's exegesis but supported his fight against the U.S. occupation and

⁶⁸¹ Ibid, 22

⁶⁸² Ibid, 32

⁶⁸³Linda Blaydes, *State of Oppression: Iraq under Saddam Hussein*, Princeton University Press, 2018. P. 10

⁶⁸⁴ Frederick M. Wehrey, *Sectarian Politics in the Gulf: From the Iraq War to the Arab Uprisings*] New York: Columbia University Press, 2014. P. 8

⁶⁸⁵ Ibid.

⁶⁸⁶ Donald P. Wright and Timothy R. Reese, *On Point II: The United States Army in Operation Iraqi Freedom, May 2003-January 2005: Transition to the New Campaign*, Fort Leavenworth, KS: Combat Studies Institute Press, 2008. P. 45

al- Maliki regime and thus supported his efforts. While al- Maliki was working to gain confidence with the Iraqi public, violence was continuing to escalate around the country. Al- Qaeda in Iraq bombed one of the most important Shi'i sites in the nation in al- Samaraa', the Askari Mosque, which is located in a Sunni area.⁶⁸⁷ Shi'i militants attacked the Sunni city of Samarra in response and the government did not immediately respond to quell the violence, furthering Sunni concerns and mistrust with the government.⁶⁸⁸ The following year the Maliki government would face conflict with the Sadrists, a Shi'i group, who decided to break away from the government as leader, Mutaqa Sadr, felt Maliki was working too closely with the U.S. and supporting their agenda in Iraq.⁶⁸⁹ Iraqis were fighting amongst and within factions leading to a problematic divide within the nation. A look at Sunni and Shi'I activity in the years following the election will demonstrate the conflicts each group was facing at the time.

Secularization is another modern and contentious issue in Iraq impacting group identity. Unlike before, the state is taking on roles previously held by Islamic clergy such as law, education, and economic leadership and furthermore it is no longer just the clerical or higher class attending to these issues.⁶⁹⁰ That is not to say secularization was an entirely new process during the occupation, on the contrary it existed under Ba'athism, but was focal point during the U.S. occupation and reconstruction. The Sunni relied on these former systems for their success while Shi'i had been utilizing their own networks of institutions within their communities, better preparing themselves for this shift in

⁶⁸⁷ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. P. 48

⁶⁸⁸ George W. Casey, *Strategic Reflections: Operation Iraqi Freedom, July 2004-February 2007*, Washington, D.C.: National Defense University Press, 2012 p. 89

⁶⁸⁹ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. P. 48

⁶⁹⁰ Faleh A. Jabar, *The Shi'ite Movement in Iraq*, Saqi, 2003. P. 65

society.⁶⁹¹ The push of secularization makes the religious class concerned about the power they are losing over the country and region along with the monopoly they had on education, public knowledge, and the economy; this stress alone can lead to an increased focus on religious fundamentalism.⁶⁹² Previously Islam was the guide to social order in the nation and provided guidance on education, legality, and morality; without this clear guidance in a secular nation these values would have to be redefined by the public.⁶⁹³ In the months following the enactment of the new Iraqi government under Allawi, there were a series of back and forth attacks between al- Qaeda on Shi'i cities and Shi'i death squads taking revenge in Sunni areas.⁶⁹⁴ This more than militant groups attacking one another; Sunni militant groups were further inspired to attack as they saw Iranian training groups and weapons brought into Iraq for Shi'i reinforcements; most of the violence at this time was concentrated in Baghdad, followed by Anbar, Diyala, and Ninewah.⁶⁹⁵

Sunnis

Although Sunni Arabs are only a 20% minority in Iraq, the larger Middle East is a mostly Sunni block that benefits directly from Sunni authority and power leading Iraq, resulting in great interest in Shi'i powers failing in Iraq.⁶⁹⁶ Outside of Iraq, Sunnis had substantial backing in the region; however, within the county Sunnis could not rely on the U.S.- backed Shi'i and Kurds to protect them, nor could they count on the coalition for assistance, and some groups, such as Daesh and the Islamic Army in Iraq, instead turned

⁶⁹¹ Ibid, 13

⁶⁹² Ibid, 49

⁶⁹³ A. S Ahmed & H. Donnan, *Islam, Globalization, and Postmodernity*, New York; London: Routledge, 1994.

⁶⁹⁴ George W. Casey, *Strategic Reflections: Operation Iraqi Freedom, July 2004-February 2007*, Washington, D.C.: National Defense University Press, 2012. P. 110

⁶⁹⁵ Ibid.

⁶⁹⁶ Aileen McCabe, "It was Historic, it was Bloody and Amazingly the Iraqi Election Sunday was More Successful than Anyone Dared Hope", *CanWest News*, Jan 31, 2005.

to violence to assert themselves.⁶⁹⁷ Iraq had been Sunni- led for decades, but such leadership did not create a unifying campaign to bring the majority of Iraqis to believe in their mission or continue under their leadership; this was problematic after the fall of Saddam, as the Shi'i and Kurds were largely uninterested in Sunni messaging and did not overtly involve Sunni groups in politics, leading to the Sunni Arabs' marginalization.⁶⁹⁸ Sunnis were once in a position of power, wealth, and prestige and that rapidly changed in 2003; some Sunnis blamed the Shia for this development saying they were, "under the mercy of villains".⁶⁹⁹ Such statements demonstrate the victimization Sunnis felt and suggest Shi'i are benefiting from their misfortune. While the Shi'i did not directly cause this problem, they were able to benefit at the Sunni expense. Moreover, Sunni livelihood and identity was obliterated on a global stage when their former leader, Saddam Hussein, was removed and imprisoned, adding to their marginalization and identity crisis as a group.⁷⁰⁰ U.S. attitudes regarding the Sunni communities did not help matters any further; American policy makers in Washington, D.C. as well as in Iraq were equating Sunnis with authoritarianism, Ba'athism, and violence and did not want to "encourage" or "reward" their violence by supporting them.⁷⁰¹ This was a sectarian bias on the part of U.S. forces that only fueled the Sectarian tensions on the ground in Iraq. Adnan al-Janabi, Minister of State in the Interim Iraqi Government and Sunni official reported, "[the Americans] made every single mistake they could have thought of to alienate the Sunnis.

⁶⁹⁷ Ahmed S. Hashim, *Insurgency and Counterinsurgency in Iraq*, Cornell University Press, 2006. P. 61

⁶⁹⁸ Ahmed S. Hashim, *Insurgency and Counterinsurgency in Iraq*, Cornell University Press, 2006. P. 61

⁶⁹⁹ Ibid, 69

⁷⁰⁰ Ibid.

⁷⁰¹ Ibid, 81

The U.S. is behaving as if every Sunni is a terrorist.”⁷⁰² Sunnis were confused why they were treated as the enemy upon arrival of American forces and expected Americans to deal with them fairly as they did other Iraqi groups.⁷⁰³

Shi‘i exclusion under the Hussein regime was pervasive, for example, the Shi‘i call to prayer could not be heard on Iraqi tv and while this was not a leading issue for Shi‘i under the previous regime but once in power Shi‘i used these exclusions to support their dominance the public along with renaming streets, landmarks, and create new public holidays to increase their visibility.⁷⁰⁴ At the same time Shi‘i began limiting Sunnis' access to broadcast on radio and television media is one example of such structural violence; the U.S. controlled Iraqi news and radio stations allotted most, and at times all, airtime to Shi‘i devotion services, news, speeches and calls to prayer.⁷⁰⁵ This also meant Sunnis needed to find their own platforms to share their political ideas and party nominations, which demonstrated that Sunnis were not prioritized under this new government. Sunni participation in the reconstruction process tended to be characterized as obstructionist from U.S. and allied reports and some go as far as to say Sunnis created a post invasion atmosphere that fostered terrorism; this sentiment and discussion only fueled the sectarian divide in the background of the reconstruction and elections were ongoing civic issues between Iraqis and the U.S. coalition, largely at the Sunni’s expense. Deba’athification was used selectively by the coalition as well as government officials like, al- Maliki to maintain protection for allies and keep others out of the public sphere.

⁷⁰² Donald P. Wright and Timothy R. Reese, *On Point II: The United States Army in Operation Iraqi Freedom, May 2003-January 2005: Transition to the New Campaign*. Fort Leavenworth, KS: Combat Studies Institute Press, 2008. P. 106

⁷⁰³ Ahmed S. Hashim, *Insurgency and Counterinsurgency in Iraq*, Cornell University Press, 2006. P. 126

⁷⁰⁴ Ibid.

⁷⁰⁵ Ahmed K. Al- Rawi, “The US Influence in Shaping Iraq’s Sectarian Media”, *International Communication Gazette*. 75, 4 (2013): 374-391. P. 385

There were also counterterrorism ordinances in place to protect the public which allowed for individuals to be arrested and detained indefinitely without any evidence or charge.⁷⁰⁶ These ordinances disproportionately affected and detained Sunni men, who were subjected to confinement, torture, and interrogation. In May 2005 U.S. security footage captured an Iraqi civilian being kidnapped in Baghdad and brought to a Sadrist headquarters for a period before his captors brought him to a desolate area of Baghdad and shot him.⁷⁰⁷ The government at the time was so new and decided not to address the issue to skirt tensions, further indicating the lack of security for civilians in the nation. Some Sunni communities turned to al- Qaeda by mimicking their techniques and beginning to join not only al- Qaeda in Iraq but also create their own organization, Daesh.⁷⁰⁸

Some leading Sunni officials who were accused of being aligned with al- Qaeda elected to stay in government to turn the government from within the ranks; these included prominent Sunnis such as Khalaf Ulayan, Mahmoud al- Mashhadani, and Adnan al- Dulaimi.⁷⁰⁹ They decided since they could not garner power through the legitimate process, they would utilize deception and violence to push the hand of the government. Al - Qaeda was a convincing ally as they had the resources, manpower, and money many Sunni groups did not and thus an alliance was formed.⁷¹⁰ When people are living in uncertainty it can lead to nostalgia for routine and the old way of life, even if that routine

⁷⁰⁶ George W. Casey, *Strategic Reflections: Operation Iraqi Freedom, July 2004-February 2007*, Washington, D.C.: National Defense University Press, 2012. P. 101

⁷⁰⁷ Ibid.

⁷⁰⁸ John Hagan, Joshua Kaiser, Anna Hanson, and Patricia Parker, "Neighborhood Sectarian Displacement and the Battle for Baghdad: A Self-Fulfilling Prophecy of Fear and Crimes Against Humanity in Iraq", *Sociological Forum* 30: 3 (2015): 675-97. P. 679

⁷⁰⁹ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. P. 141

⁷¹⁰ Ibid, 14

is under an authoritarian regime.⁷¹¹ This is one of the reasons why organizations like al-Qaeda and eventually Daesh became a source of authority and protection to Sunni Iraqis; they were able to offer security and income at a time when no other organization was doing so. Political messages can take a variety of forms such as murder, destruction of historical landmarks and personal property as well as coercion; Daesh had the ability to manufacture power and legitimacy where there was none.⁷¹² Part of Daesh's appeal was their shock value, which caused an international sensation, garnering more interest in their cause or removing idolatry, Western influence, and secularism, as well as their apparent strength and leadership they demonstrated in times of stress.⁷¹³ The organization attempted to reclaim the national narrative by attacking historical monuments and pluralism within the country. Those attempting to create an Islamic state like Daesh, Al-Qaeda in Iraq, utilized religious rhetoric and claimed to want a theological state; however, these groups used accessible language, identities, and desires from the populace to gain power and political agency.⁷¹⁴ These organizations capitalized on the fear and instability in the nation and packed a cohesive agenda which provided the opposite of what the occupying regime was attempting to instate. The only true policy was anti-American, anti- U.S. coalition, and anti-western, which further demonstrates these organizations were not working on behalf of a religion or to better a nation, but rather to negate the Westernization of Iraq and have control. This is not to overgeneralize Sunni Arabs as members of al- Qaeda or Deash, rather illustrate one understanding for how it is

⁷¹¹ A. S. Ahmed, *Journey into Islam: The Crisis of Globalization*, Washington, D.C: Brookings Institution Press, 2007. P. 5

⁷¹² Ibid

⁷¹³ Ibid, 68

⁷¹⁴ Wright, Donald P., and Reese, Timothy R. [On Point II: The United States Army in Operation Iraqi Freedom, May 2003-January 2005: Transition to the New Campaign]. Fort Leavenworth, KS: Combat Studies Institute Press, 2008. P. 104

possible such organizations gained authority in Iraq. The West often portrays al- Qaeda, Deash, and Islamic militant organizations, and those who join or concede to such organizations, as clear criminals when that is an oversimplification.

While Islamic violence is portrayed as a uniquely Middle Eastern and Muslim problem, this is not true. Most religions have a group that seeks to center the religious and social conversation around God when it feels society has strayed too far from religious norms and values.⁷¹⁵ Many cultures have seen a resurgence of religious values as society rapidly changes and becomes more individualistic and consumer focused. Modern, and by association Western, values are linked with societal issues such as consumerism and change in family dynamics which causes people to seek simplicity, clear answers, and find identity.⁷¹⁶ Western, specifically American, propaganda highlighted Sunni actions as negative and violent to delegitimize Sunni Arab Iraqis and control the public narrative. If the public thought Iraqis were ultimately violent and incapable of living together, let alone leading a country, it would continue to bolster support for a colonialist effort in Iraq.

Shi'is

It is true that the majority of Iraq did not want Iraq to be a theocracy like Iran; however, influential leaders, such as Ayatollah al- Sistani, urged Iraq to keep Shari'a central to law and policy making and to not stray from their identity and roots.⁷¹⁷ Shi'i factions began to dominate Iraq and marginalize the Sunni groups after the regime change

⁷¹⁵ Nader Hashemi, *Islam, Secularism, and Liberal Democracy: Toward a Democratic Theory for Muslim Societies*, New York: Oxford University Press, 2009. P. 25

⁷¹⁶ Ibid, 41

⁷¹⁷ Andrzej Kapiszewski, "The Iraqi elections and their consequences. Power-sharing, a key to the country's political future", *European Union Institute for Security Studies (EUISS)*. P.23

and installment of the 2005 Iraqi constitution. They felt they did not need the support of the Sunnis as they constitute most of the Iraqis and partial support of the occupying American forces. This led the Shi'i to commit acts of both literal and structural violence resulting from the previous oppression they faced during Saddam's regime. The transfer of power in Iraq did not happen without opposition and Shi'is faced violence not only from Sunnis but from competing Shi'i factions as well. The change in power relations favored the Shi'i due to the nature of democracy; the pursuit of government representation had been an ongoing struggle for the Shi'i until the American Occupation in Iraq in 2003. Under the British Empire Sunni members dominated the government with only one or two Shi'i positions available in the administration. It was believed early on that Shi'i loyalties were likely closer linked to Iran, as it is a Shi'i nation, than with Iraq and therefore occupying powers were hesitant to appoint Shi'i Iraqis to municipal positions.⁷¹⁸ The Shi'i experienced collective punishment under Saddam's regime with the limiting of Shi'i celebrations, limited municipal and governmental positions, and the questioning of Shi'i loyalty in the nation. This collective punishment exacerbated the divide between Sunni and Shi'i groups and added to the air of competition and resentment as well as linking Shi'is together through solidarity.⁷¹⁹ Once the American forces shifted the power dynamics and handed the government to the Shi'i majority, already high tensions increased. Some Shi'i groups did not take exercise their assent into power well and wanted to punish the Sunni minority who had held power for so long. Between 2003 and 2007 Shi'i supremacists chased the Sunnis out of Baghdad and

⁷¹⁸ Yitzhak Nakash, *The Shi'i of Iraq*, Princeton University Press, 2003. P. 88

⁷¹⁹ Linda Blaydes, *State of Oppression: Iraq under Saddam Hussein*, Princeton University Press, 2018. P. 13

claimed Baghdad as a Shi'i city; which led to Sunni anger and increased resentment of both Shi'i and coalition forces, so that Sunnis began to fight back against Shi'i domination.⁷²⁰

A leading challenge for the Shi'i were the Sunni groups who felt the need for retribution through violence. Al- Qaeda attacked a Shi'i shrine of al- 'Askari in Samarra in 2006 in one such example.⁷²¹ Segregation of previously mixed Sunni and Shi'i cities such as Baghdad increased from 2005 to 2008 once the Shi'i controlled the region; this separation fostered the rift between Sunni and Shi'i.⁷²² Displacement was another direct result from the segregation which led to sectarian attacks and heightened fear and anger between the groups and continued a cycle of despair and hostility over the years for both sects.⁷²³ In some instances, the Iraqi Security Forces themselves were involved in violence and in some instances members of the security force decided just not to show up to work on the force as they were frustrated with the government, lack of leadership, and their conditions.⁷²⁴ The lack of Iraqi Security Forces continued to push people to look to rogue organizations for support, protection, and power.

One such source of competing power within Iraq were the Sadrists, one of the leading Shi'i. This group emerged from deep Shi'i victimization, was supported by Shi'i ulama, understood the U.S. occupiers as wanting to eradicate Islam and made it their

⁷²⁰ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. P. 122

⁷²¹ John Hagan, Joshua Kaiser, Anna Hanson, and Patricia Parker, "Neighborhood Sectarian Displacement and the Battle for Baghdad: A Self-Fulfilling Prophecy of Fear and Crimes Against Humanity in Iraq". *Sociological Forum* 30: 3 (2015): 675-97. P. 681

⁷²² Ibid.

⁷²³ Ibid, 683

⁷²⁴ George W. Casey, *Strategic Reflections: Operation Iraqi Freedom, July 2004-February 2007*, Washington, D.C.: National Defense University Press, 2012. P. 110

mission to center Iraq back around Islam.⁷²⁵ The Sadrist group wanted create a state within a state with their party; the militarization of the party became a problem years later when al- Maliki banned militant and armed parties from running in elections.⁷²⁶ Maliki's leadership remained controversial and his tenure became known as the "Maliki regime" due to his parallels to the former Hussein regime. Those following al- Maliki became known as Malikiyoun, these were individuals whose loyalty was to Maliki himself rather than the Da'wa party.⁷²⁷ Maliki's regime, which quickly became consumed by fear and paranoia, demonstrated clear Shi'i favoritism, prioritizing those loyal to Maliki and even shunning Shi'i groups when expedient.⁷²⁸ This party was no longer the same as the Da'wa party that al- Maliki was elected in, this party became heavy into military domination and state coercion and once in control of the military the ranks were largely purged of Sunni and Kurdish members.⁷²⁹

Why it Matters

The problem of sectarianism is an important issue to discuss because it has continued to cause problems in the nation. Ayatollah Sistani stated sectarianism and its subsequent violence was a foreign creation fueled by Western political gains from internal conflict.⁷³⁰ Outsiders who have dubious intentions further contribute to the sectarian conflict and fight for autonomy within the nation while labeling the problem as an inevitable religious conflict.⁷³¹ Sectarianism was exacerbated by foreign intervention

⁷²⁵ Joel Rayburn, *Iraq After America: Strongmen, Sectarians, Resistance*, Stanford: Hoover Institution Press, 2014. P. 211

⁷²⁶ Ibid, 227

⁷²⁷ Ibid, 74

⁷²⁸ Ibid, 75

⁷²⁹ Ibid, 257

⁷³⁰ Juan R.I. Cole, *The Ayatollahs and Democracy in Iraq*, Leiden: Amsterdam University Press, 2006. P. 22

⁷³¹ Ibid.

and is a problem Iraqis must constantly contend with. In the years following the first election tensions in the nation continued to rise and it became both dangerous and difficult for government officials to conduct business and meet in office.⁷³² As Sunni groups continued to attack the government and organizations such as al- Qaeda in Iraq and Daesh continued their attacks, it became easier for the government to dismiss Sunni grievances, furthering Sunni contention with the government.⁷³³ Sunnis were worried Iran would have too much influence in Iraq and oppress their sects while Shi'i were afraid of a Ba'athist resurgence that could overthrow their government and reclaim the nation.⁷³⁴ These were legitimate concerns by both parties that were not fully dispelled by either Sunni or Shi'i political parties, nor the U.S. coalition.

The Iraqis' best interests were not fully supported from any angle during the reconstruction process. The allies were trying to build up the nation quickly, and to their satisfaction, while leaving the country as soon as possible with the least amount of investment. The U.S. had an arrogance about them going into Iraq assuming they had the ability to transform Iraq into a democracy as they had in Japan and Germany in the aftermath of the Second World War.⁷³⁵ Many countries have transitioned into democracy following regime change in Latin America and South Africa, but in these instances the nation and municipal systems were rebuilt along with the transition; in Iraq, former Ba'athist systems were not entirely upended and the nation was not yet in a state of rebuilding at the time of the elections.⁷³⁶ This information is important to remember as

⁷³² Fawaz A. Gerges, *ISIS: A History*, Princeton University Press, 2016. P. 91

⁷³³ *Ibid*, 215

⁷³⁴ George W. Casey, *Strategic Reflections: Operation Iraqi Freedom, July 2004-February 2007*, Washington, D.C.: National Defense University Press, 2012 p. 92

⁷³⁵ Marinos Diamantidis. "The 2005 Iraqi Elections and Law: A Positivist Tale", *Arab Studies Quarterly*, 28:3/4 (2006): 27-39. P. 28

⁷³⁶ *Ibid*

one encounters the narratives of “if we did it here then we can do it again” or hearing the trope that democracy will not work in a Muslim nation. These are not the reasons democracy struggled to take root in Iraq, rather it was a much more complex political and colonial struggle without proper resources and investment on the part of the invaders. Furthermore, the legal system in Iraq in 2005 was incomplete when handed over to the Iraqis; however, in 2009, during the second national election fourteen provinces had none of the incumbents from the initial 2005 elections win a second term.⁷³⁷ The lack of incumbent wins indicates these individuals were not seen to support Iraq or the future Iraqis were hoping for. Furthermore, there were many concerns in the Middle East that the U.S. used these elections to support their occupation and power.⁷³⁸ Neighboring countries were concerned about another Shi‘i state in the region and what this power shifts, along with forced democratization, would mean for their own governments.⁷³⁹ Former U.S. President George W. Bush reflected on the election process stating,

I want to say a word to our troops and civilians in Iraq. You've performed with incredible skill under demanding circumstances. The turnaround you have made possible in Iraq is a brilliant achievement in American history. And while this war is difficult, it is not endless. And we expect that, as conditions on the ground continue to improve, they will permit us to continue the policy of return on success. The day will come when Iraq is a capable partner of the United States.

The day will come when Iraq is a stable democracy that helps fight our common

⁷³⁷ Marc A. Lemieux, “Iraq’s 2009 Provincial and Regional Elections: The Dynamics of Political Identity since 2005”, *International Journal of Contemporary Iraqi Studies*. 4:1/2 (2010): 121–53. P. 129

Andrzej ⁷³⁸ Kapiszewski, “The Iraqi elections and their consequences. Power-sharing, a Key to the Country’s Political Future”, *European Union Institute for Security Studies (EUISS)*. P.18

⁷³⁹ Ibid.

enemies and promote our common interests in the Middle East. And when that day arrives, you'll come home with pride in your success, and the gratitude of your whole nation.⁷⁴⁰

This statement further illustrates the priority for democracy in Iraq being the utmost goal and though Iraqis fought for this democracy through many trials and tribulations, it is considered America's success. He is still focused on creating an ally in the Middle East and a pillar of democracy that will fight alongside the U.S. as needed. This is a powerful statement for a President who invaded Iraq to make and is indicative of the sentiments behind this reconstruction effort. Words like this do little to comfort regional and Iraqi concerns regarding their self-determination. Furthermore, George W. Bush's rhetoric demonstrated the impetus for occupying Iraq was to create a regime in the image of, and loyal to, the U.S.

Change needed to occur at many levels in Iraqi society and governance after the 2003 invasion and occupation and in a post Saddam era. The U.S. and Iraqis needed to rebuild Iraq outside of Saddam's image which required Iraqis restructuring all aspects of their nation from education to healthcare, from government to religious pluralism. Iraqis did not choose the occupation, the overthrow of Saddam Hussein, nor were they able to choose how the nation moved forward or developed into a democracy. The U.S coalition claimed to free Iraqi citizens through introducing them to the Free market and free trade but the Iraqis were not the ones who chose this system nor were they in control of their social, political, or cultural development; rather, the coalition aimed to utilize the Iraqi

⁷⁴⁰ "Fact Sheet: The Way Forward in Iraq." National Archives and Records Administration, November 2008.

economy and market for their own gain.⁷⁴¹ The Iraqi voters have proved democracy can take root in Iraq and that the citizens elect officials who will work for them and better their country.⁷⁴² During this time Iraqis were under extreme pressure to define themselves, within the boundaries of the coalition, swiftly and in a way that reflected the entire country. Identity and history get rewritten due to political change, globalization and hegemony which not only changes the historical narrative of nations, but the way of life for its people as well; this situation is not unique to Iraq, in fact, Islamic reformers name colonialism as the main problem contemporary Muslims are faced with.⁷⁴³ This was certainly the case in Iraq when the national identity was altered through invasion and occupation. Some scholars describe what occurred during the U.S. occupation of Iraq as a clash of cultures when this was an act of colonization and the rewriting of a nation to serve the agenda of an imperial power.

It is important to analyze the 2005 election process is to understand the trajectory of the Maliki regime. Problems for Maliki surfaced in 2010 when a new agreement was drafted limiting his grip on power in the coming years; while Maliki signed this agreement, his actions were contradictory and with the significant withdrawal of the majority of US troops, Maliki no longer had a strong military backing.⁷⁴⁴ In order to maintain power, Maliki looked to two groups Asaib al- Haq (AAH) and Kataeb Hezbollah (KH); both of these groups share a distain for the U.S., align themselves with

⁷⁴¹ Simone Van den Driest, "Pro- Democratic Intervention and the Right to Political Self- determination: The Case of Operation Iraqi Freedom", *Netherlands International Law Review* 57: 1 (2010): 29-72. P. 48

⁷⁴² Marc A. Lemieux, "Iraq's 2009 Provincial and Regional Elections: The Dynamics of Political Identity since 2005", *International Journal of Contemporary Iraqi Studies*. 4:1/2 (2010): 121-53. P. 145

⁷⁴³ Ibid.

⁷⁴⁴ Benjamin Isakhan, *The Legacy of Iraq: From the 2003 War to the Islamic State*, Edinburgh University Press, 2015. P. 74

Iran, and are part of the network of Iraqi militias.⁷⁴⁵ These organizations were eager to back Maliki at the leave of the U.S. and immediately commenced their attacks on Maliki's political opponents.⁷⁴⁶ This only added to the disruption amongst the Shi'i factions who already believed Maliki had gained too much power as the head of state. Maliki began to attack his Sunni opponents almost immediately after the US withdrew their troops and began by targeting the most prestigious Sunni political leaders in Iraq such as Tariq al- Hashemi, the Vice President and Rafie al- Issawi, the finance minister.⁷⁴⁷ Targeting high profile politicians allowed for insecurity and fear to spread across Iraq. Al- Maliki began to accuse many Sunni factions of the same crime that led to a Sunni civil unrest in 2012.⁷⁴⁸ Maliki was able to consolidate power because of the vague nature of the constitution allowing him to infiltrate the judicial arm and create patronage channels in government which offered him greater control over the government.⁷⁴⁹ This level of control was possible through al- Maliki's appointing of government positions which strengthened his support networks in the judicial branch and allowed al- Maliki to interpret the constitution to his benefit.⁷⁵⁰ Furthermore, al – Maliki had control over the military which supported his power and implementation of the established laws.⁷⁵¹

The ambiguity of the constitution has the possibility of being a surprising benefit to the Iraqi people. Because it is relatively unclear, there is opportunity for Iraqis to continue to adapt policies and the nation to meet changing needs. In addition, the creation

⁷⁴⁵ Ibid.

⁷⁴⁶ Ibid, 75

⁷⁴⁷ Ibid.

⁷⁴⁸ Ibid.

⁷⁴⁹ Mark Chamoun, "Consolidating Power Through the Ambiguous: Ambiguity in the 2005 Iraqi Constitution and its Exploitation by Prime Minister Nouri al-Maliki", *Asian Journal of Middle Eastern and Islamic Studies*. 15:4 (2021) 447-467 P. 453

⁷⁵⁰ Ibid, 456

⁷⁵¹ Ibid, 461

of more specific laws to use in conjunction with the constitution can better serve the nation in the future. There is opportunity for Iraqis to work together to make laws which benefit and assist each province and sect to make a more cohesive state and reduce the current level of alienation in Iraq. This is a concept Iraqis will need to come together and decide on their own. There has been far too much turmoil caused from the U.S. invasion which has eroded the trust between the U.S. and Iraq. Iraq was set up as a democracy and that means when Iraqis are no longer willing to tolerate the violence from the sects and Daesh they will be able to work together to amend their constitution to meet their new needs. There is a long road ahead for the developing Iraq. One lesson that can be derived from this process is a fuller understanding of what stokes both sectarianism and terrorism; Islam isn't the impetus for these problems, instability is. Violence is something that stems from lack of government support and is not something that can be controlled by punishment⁷⁵² Similarly, sectarianism in Iraq did not spike because Iraqis could not get along or were not ready for democracy, there was extensive political manipulation behind this phenomenon for which Islam typically takes the blame for. Another lesson one could extrapolate from the U.S. invasion of Iraq and the subsequent democratization of the nation is that the "you are either with us or against us" mentality is harmful and leads to polarization and sectarianism versus compliance. Political loyalty cannot be placed over representation without serious repercussions, factionalism, and violence.

Conclusion

Elections are a complicated process in any nation, let alone a nation experiencing a new system of elections during a reconstruction period under an occupation. An

⁷⁵² M. Mamdani, *Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror*, New York: Three Leaves Press/Doubleday, 2005. P. 28

authentic democratic formation is not a process that can be hurried along. The U.S. forces were working on a time crunch to turn a forty-year dictatorship into a democracy using minimal planning, resources, and local input. The methods utilized by American troops severely undermined Iraqis and led to violence, skepticism, and diminished faith in the democratic process following the ratification of the constitution and national elections in 2005. Those who felt disenfranchised opted not to participate in the election process and instead formed sub communities and organizations that led to terrorist organizations. The series of elections in 2005 demonstrated the U.S. coalition was not fully willing to hand the nation over to Iraqis as they continued to appoint government officials and insert their preferences into the governmental process. Groups of all factions rushed to get on ballots, bolster support, and gain governmental representation for their own communities and causes. Oftentimes, as with many political parties, those created to advocate for communities and public good turned into power grabs for senior members as was the case in the Da'wa and Sadrist parties. While Shi'i groups were fighting for representation amongst each other, Sunni groups were also trying to break into the scene while contending with biased policies like deba'athification and detention. The nation was also reeling from mistrust against American occupation and western hegemony.

Iraq's history and political turmoil has been riddled with occupying forces; the forced removal of Saddam Hussein, implementation of the CPA, and eventual democracy in Iraq has been a truly trying process. New Iraq was constructed in a relatively short period of time from boots on the ground to the first democratically elected officials taking office in New Iraq. It is easy to discuss all the ways this process was rushed and went wrong, but it is necessary to also mention how quickly Iraqis were able to take part in the

democratic process and make sense of their new situation. The 2005 Iraqi constitution intended to set Iraq up for a flourishing democracy; the years following the implementation of the constitution and the first election demonstrates the unresolved tensions present in Iraq. Iraqi politicians, such as Maliki, have used elements of democracy to mask their sectarian and hegemonic agendas. Increased governmental divisions through media, attacks, segregation, and displacements coupled with favored groups throughout the reconstruction process caused sects to further cling to their own groups and perpetuate the intolerance.⁷⁵³ Sects retracted instead of attempting to unify or compromise which led to the rise of terrorist organizations such as Daesh and al- Qaeda and the continuation of violent crimes throughout Iraq. These are serious problems that Iraq needs to address before the nation can unify and move forward.

⁷⁵³ Ahmed K. Al- Rawi, "The US Influence in Shaping Iraq's Sectarian Media", *International Communication Gazette*. 75, 4 (2013): 374-391. P. 378

CHAPTER 6

Diplomacy and Dialogue: A Conclusion

Introduction

This dissertation offered an analysis of the sectarian relationship between Sunni Arabs and Shi'i Arabs in Iraq following the 2003 U.S. invasion of Iraq through the Iraqi reconstruction period. The effects of sectarianism during the occupation and reconstruction had a lasting impact in the nation and impacted relations well beyond the 2005 elections. American foreign policy still maintains that democratizing the Middle East is a long-term goal for the nation which makes the understanding of sectarian violence in Iraq critical to future policy implementation. Identity and agency are at the heart of sectarian strife and such issues can be mitigated through tools such as critical thinking, dialogue, and media literacy. The problems created in Iraq via sectarianism have global impacts through the emergence of organizations such as Daesh, the public perception of Islam, and the hegemonic goals of the West. In order to deal with these issues, it is necessary to teach others how to analyze the narratives they are consuming and try to facilitate reasonable academic exchange when strongly adversarial viewpoints are expressed. These concluding remarks link the U.S. debacle in Iraq to the demonization of Islam, Iraqis, and sectarianism as perceived by the West. In my work, I have necessarily tried to understand the full picture of a situation, such as Iraqi sectarianism, before jumping to conclusions. In my recent work, I facilitate dialogue with university- age students, predominantly from the Middle East, concerning matters of democracy, religion, culture, and dialogue as supported by the Bureau of Educational and Cultural Affairs at the U.S. Department of State. The Department of State chooses the

countries that are involved in the program along with the individual participants who will be invited to attend an institute on religious pluralism and democracy as understood by the U.S. Furthermore, the programs through the Bureau of Educational and Cultural Affairs have an underlying goal of diplomacy and educating global participants on U.S. culture, values, and customs which provides a certain U.S. centric agenda to the program. This agenda does not mean there is not value to the program but that the implementation of such a program must be viewed through the lens of U.S. diplomacy and values. Through such programs at the Dialogue Institute, I employ critical thinking and leadership workshops with my students who are eager to reclaim identity and want to learn to uphold the identity of other groups in their communities. My students typically hear biased narratives and negative anecdotes from majority groups and while some may have questions, it is typically discouraged for students to ask questions to familiarize themselves with their neighbors in their communities. The development of this dissertation aided me on my journey to dismantle cultural stereotypes among international youth and allowed me to better understand the serious impact such biases have globally. The impetus for this work is not to exoticize a foreign issue but rather address the inconsistencies in the public narrative surrounding Iraqi sectarianism and analyze the truth and demonstrate the importance of doing so. Even decades later Western media continues to portray Islam as violent and incompatible with democracy and modernity. It has become increasingly easy to fact check and learn through the internet and yet still people are choosing to believe the media and form opinions based on prepackaged information rather than analyze the facts; part of the reason behind this is the lack of developed critical thinking. The following conclusion positions the

importance of critical thinking and social cohesion about the sectarianism which emerged from Iraq in 2003.

This study of Iraqi sectarianism focuses on the U.S. war in Iraq as they endeavored to remove Saddam Hussein, secure the nation, and rebuild Iraq as a democratic ally in the Middle East. Though there were no substantial grounds for invasion according the historical norms of international relations and political processes, the Arab world knew in the 1990's it would only be a matter of time before the U.S. initiated war with Iraq.⁷⁵⁴ The Bush administration leveraged nationalism and anti-terrorist rhetoric from the 9/11 attacks to support an invasion of Iraq under the guise of supporting freedom and fighting terrorism.⁷⁵⁵ The goals for this campaign were lofty and the planning for the conflict was inadequate resulting in a larger quandary than the U.S. anticipated. After the invasion, there were issues of insurgency, security, difficulties restoring municipal services, and processes such as Deba'athification which complicated matters with Iraqi citizens. Iraqi reconstruction was an intricate process, complicated by a short timeline, insurmountable pressure from the U.S. and abroad, and an incomplete understanding of the current situation in Iraq. Sectarianism has been brewing in the nation for decades and was aggravated by regional shocks, economic and national instability, and identity crisis. Centuries of colonization in Iraq exacerbated tensions between Sunni Arab and Shi'i Arab groups as at various times one group or the other would be privileged or suppressed and ostracized. At the time of the 2003 invasion, the Shi'i Arab groups oppressed under Saddam's regime were preparing and waiting to seize

⁷⁵⁴ Marc Lynch, *Voices of the New Arab Public: Iraq, Al-Jazeera and Middle East Politics Today*. New York, NY: Columbia University Press, 2006. P. 174

⁷⁵⁵ Godfrey Garner, & Maeghin Alarid-Hughes, *Origins of Terrorism: The Rise of the World's Most Formidable Terrorist Groups (1st ed.)*, CRC Press, 2021. P. 128

political dominance when the U.S. coalition descended on the country. Following the removal of the head of state, Saddam Hussein, the U.S. coalition produced a power vacuum within the nation which was filled by Sunni Arab and Shi'i Arab political blocs and militant factions as well as terrorist groups such as al- Qaeda and Daesh.⁷⁵⁶ The emerging power imbalance coupled with lack of coalition support and outreach to citizens resulted in a profound competition for agency, identity, and security and thus increased tensions during an already volatile time in Iraq.

The Iraq war was justified by George W. Bush's administration through the pursuit of weapons of mass destruction, liberation of the Iraqi people, and to continue the war on terror. These rationalizations came with their own refutations, legalities, and problems nonetheless these were the reasons the U.S. stated for the impetus of the invasion of Iraq. This was not the first time the U.S. involved themselves in nation building, in fact the U.S had intervened militarily in Somalia, Haiti, and Bosnia during the decade prior to Iraq, to name a few instances. American hegemony establishes the U.S. has the capacity to destroy nations but exposes the reality that it does not possess the ability to subsequently rebuild nations.⁷⁵⁷ The American government, and public, want all nations to be democratic which is not only a lofty goal but an unreasonable one but it remains an unmitigated desire nonetheless.⁷⁵⁸ An important conclusion from the study of reconstruction and sectarianism in Iraq demonstrates that just because democracy is desirable and preferred in the U.S. does not make it a proper fit for other nations, nor does it give America the right to demand other nations assimilate to democracy or be

⁷⁵⁶ Ian Bremmer, *Superpower: Three Choices for America's Role in the World*, New York: Penguin, 2015. P. 60

⁷⁵⁷ Ibid.

⁷⁵⁸ Ibid, 61

subjected to intervention. In the instance of Iraq, there was an invasion strategy, but no robust reconstruction plan, and no exit strategy, all of which had a major impact on the success, and devastation, this mission had on that nation. The initial U.S. plan in Iraq was to have minimal troops and utilize the support of Anti- Ba'athists in Iraq, supplemented by Iraqi exiles, to bolster their mission; however, American forces received an underwhelming welcome and were met with instability, lack of public services, and chaos.⁷⁵⁹ This dissertation concludes the lack of situational awareness, along with cultural competency and a plethora of bias, aided in the influx of sectarian tensions in Iraq at the time of the Iraqi reconstruction.

The lack of competency in Iraq became evident within the first month of the Iraq war, when U.S. forces created the CPA, consolidated power in the nation, and contained themselves largely within the green zone while crime, looting, and chaos descended on the nation.⁷⁶⁰ The CPA worked to create an interim Iraqi government and transitional laws in an attempt to quickly organize a democratization process with fewer resources, less support, and more turbulence than expected; meanwhile, Iraqi confidence in the U.S. coalition waned and as the CPA conducted business, drafted laws, and created policies without Iraqi input.⁷⁶¹ The power shift in Iraq following Saddam's removal and U.S. occupation led to identity challenges that manifested themselves in sectarianism. Sunni Arabs had to contend with their loss of power while Shi'i Arabs channeled their victimization into politicization and policies.⁷⁶² Shi'i Arabs were supported by the

⁷⁵⁹ Marc Lynch, *Voices of the New Arab Public: Iraq, Al-Jazeera and Middle East Politics Today*. New York, NY: Columbia University Press, 2006. P. 219

⁷⁶⁰ Ibid, 220

⁷⁶¹ Ibid, 221

⁷⁶² Nicolas Pirsoul, "Sectarianism and Recognition in Iraq: From Consociationalism to Deliberation?", *Democratic Theory*, 6:1 (2019): 49-72. P. 53

coalition while Sunni Arabs were experiencing marginalization through policies such as deBa'athification, little to no presence in policy drafting, as well as higher rate of detention and torture.⁷⁶³ Sunni Arab jobs, land, and property were seized and redistributed, often to Shi'i Arabs, through the Sunni Arabs being accused of Ba'athist membership, association, or activities, doing little to ease Sunni Arab concerns of marginalization.⁷⁶⁴ Neither group received full support of the coalition; however, it was easier for Shi'i Arabs to assert their agency and access resources during the reconstruction period. However, some Shi'i Arabs, along with leader Ayatollah al- Sistani did not support sectarian politics and strove instead for state cohesion under the New Iraq.⁷⁶⁵

Aftermath of Iraq's Reconstruction

Violence in Iraq increased following the U.S. invasion and through the reconstruction period as the coalition set up a transitional government without much involvement from current Iraqi citizens or an understanding of the sociopolitical inner workings of the nation. The New Iraq, upheld by the 2005 constitution, became a federalist, democratic nation which afforded new rights such as autonomy and minority protection. Conversely, the constitution was vague in nature to accommodate the various factions in Iraq and was therefore easier to exploit, as demonstrated in the instance of al-Maliki's regime and allowed for the formation of sectarian blocs within the government, indicated by the Da'wa Party. The constitution shifted power to the government and

⁷⁶³ Mona Damluji, "Securing Democracy in Iraq: Sectarian Politics and Segregation in Baghdad, 2003-2007", *Traditional Dwellings and Settlements Review*, 21: 2 (2010): 71-87. P. 75

⁷⁶⁴ Tim Jacoby and Nassima Neggaz, "Sectarianism in Iraq: the role of the coalition provisional authority", *Critical Studies on Terrorism*, 11:3 (2018): 478-500. P. 490

⁷⁶⁵ Vali Nasr, "When the Shiites Rise", *Foreign Affairs*, 85:4 (2006): 58-71. P. 12

citizens, and reaffirmed them as the authority, rather than the religious authority as the source of law, family, and educational matters; and in Islam, religion manages concerns of public order.⁷⁶⁶ This was a substantial transition in Iraq and led to power struggles between political parties attempting to assert their ideas in the nation. It would not be accurate to say the reconstruction period caused sectarian violence in Iraq; however, it is a reasonable assessment to state the poorly planned and executed reconstruction period did inflame already contentious relations between Sunni Arabs and Shi'i Arabs.

During this time political and criminal violence experienced a stark increase due in part to the limited policing, unregulated weapons, scarcity of resources, and underground networks which aided in this process.⁷⁶⁷ As a result, citizens were doing what they could to put food on their table and secure safety, including producing and detonating weapons, attacking opposition groups and the U.S. coalition.⁷⁶⁸ Violence was so bad neighbors did not want to snitch on their neighbors even when they saw them building deadly weapons in their homes, in fear of being murdered in retaliation.⁷⁶⁹ At one point there were as many as nineteen insurgent groups operating in Iraq.⁷⁷⁰ There were not enough troops, coalition patrol, or Iraqi police to secure Iraq allowing crime to go unpunished and perpetuating chaos. By 2006 Iraq was amid a civil war and while leaders, such as al- Zarqarwi, were killed, more aggressive individuals were replacing

⁷⁶⁶ Robert Hefner, R., "Public Islam and the Problem of Democratization", *Sociology of Religion*, 62 (2001): 491– 514. P. 497

⁷⁶⁷ Penny Green and Tony Ward, "The Transformation of Violence in Iraq" *Brit. J. Criminol*, 49 (2000): 609-627. P. 617

⁷⁶⁸ Anthony Shadid, "'They Deal in Danger'; Iraqi Militia Man's Fatal Error Offers Look into Anti-Occupation Campaign: [FINAL Edition]", *The Washington Post*, Sep 04, 2003.

⁷⁶⁹ *Ibid.*

⁷⁷⁰ Penny Green and Tony Ward, "The Transformation of Violence in Iraq" *Brit. J. Criminol*, 49 (2000): 609-627. P. 617

former leadership.⁷⁷¹ New terrorist organizations, like al- Qaeda in Iraq and Daesh, were popping up and fronting as protection for citizens not receiving government support. As earlier stated, in times of chaos people often seek the familiar and the period of Iraqi reconstruction was no different; during this time Iraqis stated they felt better off under Saddam's regime claiming they had more freedom, services, and security than under U.S. occupation.⁷⁷²

We can conclude the reconstruction period had a prolonged impact on the nation as violence continued after the election both against coalition forces as well as among Arab Sunni and Shi'i groups. Municipal sites, hospitals and places of religious importance were among the targets for both militant groups who desired retaliation.⁷⁷³ Al- Maliki and the new Iraqi government did little to stop the influx of violence and instead al- Maliki used the vague constitutional language to support his own accumulation of power.⁷⁷⁴ Furthermore, the national media became sectarian in nature and had a clear Shi'i bias. Arrests, detention, and torture of the Sunni communities occurred in the dark of night, in response to threats, and to keep individuals in line en masse from 2004 until 2011 under the U.S. occupation through al - Maliki's leadership.⁷⁷⁵ The Iraqi Army, composed of mostly Shi'i Arab men, were not aiding citizens during these detentions or from the influx of street violence in 2005 which claimed the lives of civilians including children.⁷⁷⁶ Civilians state the Iraqi Army feels more like a Shi'i

⁷⁷¹ Ibid, 618

⁷⁷² Ibid, 621

⁷⁷³ Ray Taras, "The (IL) Logic of Intervention in Iraq: Sectarianism, Civil War, and the U.S. Game Plan", *International Journal on World Peace*, 23: 4 (2006): 33-60. P. 47

⁷⁷⁴ Ibid, 48

⁷⁷⁵ "Torture and Prison Abuse in Iraq." *Global Policy Archives*, 2004

⁷⁷⁶ "Occupation and Rule in Iraq: Sectarianism." *Global Policy Archives*.

Militia than it does a national army.⁷⁷⁷ In fact, in March 2007 U.S. officers reported the Iraqi Army and Security Forces fired those who pursued Shi'i militants too aggressively.⁷⁷⁸

In 2006, cities, like Sadr City, experienced violent attacks on both Sunni Arab and Shi'i Arab residents and lived under threats of kidnapping, murder, or rape if they remained in their homes rather than relocating to a segregated section of the city.⁷⁷⁹ Threats would range from in person, graffiti, or actual violence and though people may not have a place to go, they were forced to leave quickly, in many cases without being able to sell their homes or bring any property with them.⁷⁸⁰ Formerly, cities like Baghdad were integrated with Sunni Arab and Shi'i Arab neighbors but by 2007 of the 7 million Baghdad residents, approximately 5.25 million were living in segregated sections of the city.⁷⁸¹ In some instances Sunni Arab neighbors were disturbed by the forced departure of their Shi'i Arab neighbors and would send them off with good wishes; some Iraqi families lived in these houses for generations with no prior conflict.⁷⁸² Citizens of Baghdad protested the segregation movement, wanting to keep their cities open and integrated but these pleas were ignored.⁷⁸³ Once the city was segregated it was easier to contain residents within their quarters and restrict movements to and from other sect areas via security checkpoints and military surveillance.⁷⁸⁴ Segregation limited the types

⁷⁷⁷ Tom Lasseter, "Sectarian Resentment Extends to Iraq's Army." *Global Policy Archives*, October 12, 2005.

⁷⁷⁸ Joshua Partlow, "Maliki's Office is Seen Behind Purge in Forces: Some Commanders Pursued Militias", *Washington Post*, April 30, 2007.

⁷⁷⁹ Mona Damluji, "'Securing Democracy in Iraq': Sectarian Politics and Segregation in Baghdad, 2003-2007", *Traditional Dwellings and Settlements Review*, 21: 2 (2010): 71-87. P. 78

⁷⁸⁰ *Ibid*, 79

⁷⁸¹ *Ibid*, 78

⁷⁸² *Ibid*.

⁷⁸³ *Ibid*, 81

⁷⁸⁴ *Ibid*, 79

of jobs, education, healthcare, and socialization citizens could obtain.⁷⁸⁵ The coalition built walls up around cities to stop the flow of terrorists and prevent bombings; however, these isolation methods only caused both Sunni Arab and Shi'i Arab groups to feel more isolated and find resources and protection with local militant factions, having the opposite effect than intended.⁷⁸⁶ It is difficult to build, or participate in, a democracy when you are torn apart, relocated, and segregated from your neighbors.

Overtime, Iraqi political parties had the capacity to create a base and policies for that base and Iraqis became sick of sectarian strife, favoring national unity politics.⁷⁸⁷ The decrease in violence from 2006 - 2009 allowed political parties and the government to focus less on security issues and more on policy planning which also favors a national unity approach.⁷⁸⁸ Federalism, regional governments, and Iranian influence fell out of favor by 2009.⁷⁸⁹ From years of al- Maliki's power consolidation Iraqis were fed up and looking for change; parties began to reach across sectarian lines and form alliances based on policies.⁷⁹⁰ Al- Maliki's time in office demonstrates the manner in which sectarianism hinders democracy as it limits accountability, minimizes larger representation, and represses those who disagree with leadership.⁷⁹¹ In this sense, sectarianism causes democracies to become a monopoly and eventually a dictatorship.⁷⁹² The political parties in Iraq remained segregated, though they claim to have open registration policies, and

⁷⁸⁵ Ibid.

⁷⁸⁶ Ibid, 80

⁷⁸⁷ Dai Yamao, "Sectarianism Twisted: Changing Cleavages in the Elections of Post-War Iraq", *Arab Studies Quarterly* 34:1 (2012): 27-51. P. 34

⁷⁸⁸ Ibid, 35

⁷⁸⁹ Ibid, 37

⁷⁹⁰ Ibid, 39

⁷⁹¹ Hamid Alkifaey, *The Failure of Democracy in Iraq: Religion, Ideology and Sectarianism (1st ed.)*, Routledge, 2019. P. 130

⁷⁹² Ibid.

blame this occurrence on the fact that no one wants to cross the political sectarian boundary.⁷⁹³ With no diversity within political parties, each party is able to hide their bias, corruption, and wrongdoings without repercussions.⁷⁹⁴ This process also impedes the possibility of a national leader emerging who would satisfy most groups.⁷⁹⁵ Sectarianism can be seen as the opposite of democracy as democracy provides freedom to citizens who are equal before the law, sectarianism instead marginalizes entire groups of individuals.⁷⁹⁶ Democracy is present when the outcome is not fixed but can be mitigated through institutions with regulations and predictable processes for those institutions.⁷⁹⁷ Both sectarianism and democracy are constructs capable of manipulation. Iraq has not yet reached a point where Iraqis agree on how to close sectarian gaps or utilize democratic institutions and instead relies heavily on deals and bribes between leadership.⁷⁹⁸ Due to the transitional period being carried by the coalition, Iraqis were unable to create a vision for Iraq they could all buy into and support.

One challenge this work highlights is the democratization of Iraq. From one perspective the conflict between Islam and democracy is a natural one; though the connection between morality and religion in politics is hardly a Muslim specific issue; Western democracies pose the same conflict.⁷⁹⁹ Islam is not monolithic, nor is it inherently dismissive of democracy by nature.⁸⁰⁰ The U.S. acquiesced to parties who were amenable to their own interests in Iraq, rather than traditionalists and encourage

⁷⁹³ Ibid, 131

⁷⁹⁴ Ibid.

⁷⁹⁵ Ibid, 132

⁷⁹⁶ Ibid, 133

⁷⁹⁷ Ibid. 59

⁷⁹⁸ Ibid, 60

⁷⁹⁹ Robert Hefner, R., "Public Islam and the Problem of Democratization", *Sociology of Religion*, 62 (2001): 491– 514. P. 493

⁸⁰⁰ Ibid, 509

officials to spend their time supporting the moderates; this approach is damaging to group relationships, as was the case in Iraq, and would not promote moderate ideology but rather insurgency.⁸⁰¹ It is not the role of the U.S. to decide what type of Islam is allowed, practiced, and spread in other nations. Democracy requires effort from the governed and without being a willing participant it cannot succeed.⁸⁰² The amount of scholarship focused on Islam, democracy, and sectarianism lends one to question why continue research in this field; in short it is because this work is public knowledge and still some old, biased sentiments persist. Nations, like the U.S., have not halted their pursuit of the democratization of the Middle East which means the problems of hegemony and sectarianism persist.

The democratic system requires autonomy and participation from its citizens and installing a democratic government in Iraq did not squelch faction tensions by giving autonomy to the people; rather, it inflamed problems as the underlying factors of sectarianism were not addressed prior.⁸⁰³ The lack of agency catapulted Iraq into an identity crisis which emerged as a sectarian phenomenon. One suggestion to rid these tensions includes a governmental deliberation process and other legal avenues in which citizens need to discuss and compromise in order to create legislation.⁸⁰⁴ In this sense, the 2005 constitution has failed Iraqis; the rush to ratify the constitution and host elections caused for ambiguous federal policies which would later leave Iraqis unsupported to create useful legislation, fight corruption, and provide fair representation to all citizens.

⁸⁰¹ Cheryl Benard et al, *Civil Democratic Islam: Partners, Resources, and Strategies*, The RAND Corporation, 2003. P. 47

⁸⁰² Godfrey Garner, & Maeghin Alarid-Hughes, *Origins of Terrorism: The Rise of the World's Most Formidable Terrorist Groups (1st ed.)*, CRC Press, 2021. P. 6

⁸⁰³ Nicolas Pirsoul, "Sectarianism and Recognition in Iraq: From Consociationalism to Deliberation?", *Democratic Theory*, 6:1 (2019): 49-72. P. 61

⁸⁰⁴ Ibid, 64

The decision on what these deliberation processes could be is a possible area for future research.

Iraq Since 2005

Understanding sectarianism in Iraq through the framework of a cosmic war is indicative of the reconstruction period but no longer applies as sectarianism in Iraq declined over the decades and saw the rise of citizen participation in matters of government. Since 2005 divisions have healed and reopened, Daesh took over and subsequently been defeated and Iraqi citizens continued to participate in government and protest aspects they wanted changed. By Iraq's third national election on March 7th of 2010 corruption and sectarianism had increased and figures such as al- Sistani urged the government to incorporate citizen voices.⁸⁰⁵ During the 2010 election political parties fractured, including the Shi'i Islamist party which separated into the Iraqi National Alliance and State of Law parties; Sunni groups also changed during this election cycle as the Jabha al-Tawafuq al-Iraq party disbanded.⁸⁰⁶ This time Iraqis were able to vote for a candidate rather than simply a party which was both a new opportunity to elect quality representatives and an opportunity for corruption by voting for the names who had the most cache.⁸⁰⁷ The 2010 elections resulted in a tie between Iraqiya, State of Law, and Iraqi National Alliance, with candidate Iyad Allawi, which ended in negotiations that spanned months and the incumbent State of Law Party, led by (Shi'i) al- Maliki, once again in office as Prime Minister.⁸⁰⁸ The negotiations led to another term for President

⁸⁰⁵ Toby Dodge, Beyond Structure and Agency: Rethinking Political Identities in Iraq After 2003, *Nations and Nationalism*, 26:1 (2020): 108-122. P. 118

⁸⁰⁶ Ibid.

⁸⁰⁷ Alshafiy Haider Hamood, The Election of March 7, 2010: A Turning Point of the Iraqi Future, *Journal of Middle Eastern and Islamic Studies (in Asia)*, 5:1 (2011): 102-120. P 106

⁸⁰⁸ Toby Dodge, Beyond Structure and Agency: Rethinking Political Identities in Iraq After 2003, *Nations and Nationalism*, 26:1 (2020): 108-122. P. 119

Jalal Talabani (Kurd), Iyad Allawi (Shi'i), became the head of the Security Committee, and Osama al- Nujaifi, (Sunni), as Speaker of the House, providing each major ethnic group a role in government.⁸⁰⁹ This election demonstrated active participation from numerous parties, including Sunni, for a successful election process though voter turnout was down approximately 20% from 2005. This was the last election largely supported by U.S. security forces on the ground as in December of 2011 the U.S. removed most of their troops from Iraq, leaving a small number of troops stationed at the U.S. embassy and to support Iraq in efforts against Daesh.

Iraq continued to experience acts of violence across the nation carried out by Daesh, along with smaller groups and individuals, which increased in frequency and intensity surrounding the elections.⁸¹⁰ Prior to the 2014 primary elections Daesh attacked political rallies and suicide bombers struck at the polls for those casting early ballots indicating the election process was still a volatile one.⁸¹¹ The 2014 voter turnout hovered around 60%, similar to the numbers of 2010, with al- Maliki's State of Law party once again winning the election, this time with a clear victory above the rest of the parties.⁸¹² Al- Maliki's third nomination sparked grievances in Iraq which forced al- Maliki to step aside in favor of Haider al-Abadi, member of the Da'wa party, as Prime Minister. This was the first election in New Iraq without the presence of U.S. troops indicating Iraq's ability to sustain the election process themselves. The 2014 election was also notable because it demonstrated a peaceful transition of power with the role Prime Minister. Al- Maliki continued to consolidate power during his time as Prime Minister through use of

⁸⁰⁹ Ibid, 111

⁸¹⁰ Ibid, 614

⁸¹¹ Chronology: Iraq, *The Middle East Journal*, 68:4 (2015): 612-615. P. 612

⁸¹² Ibid, 613

his judicial power and leaning on the constitution's ambiguity, as previously discussed, which caused frustration among the Iraqi public. Al- Abadi promised he would rid Iraq of Daesh, address the sectarianism in Iraq at a local and national scale and had ties and support with the U.S. government which aided in his appointment over al- Maliki who lost favor with the U.S. and some Iraqis.⁸¹³ Tensions between Sunnis and Shi'i continued into the new leadership and al- Abadi worked to amend the debarment and anti-terrorism laws to accommodate the legal ramifications affecting mostly Sunni groups.⁸¹⁴ The public discussion of Sunni inclusion and exoneration, specifically from a Shi'i leader, indicated tensions between the sects were on the decline.

Due to limited security forces in Iraq following appointments under the al- Maliki government, Daesh was able to infiltrate Iraq and took control of Mosul in June of 2014.⁸¹⁵ Daesh capitalized on government insecurity in Iraq and neighboring countries following the Arab Spring movements and Syrian War in addition to their proposition of rural Sunni militia groups briefly to gain momentum.⁸¹⁶ The organization continued to gain territory throughout Anbar, Ninewa, Salha, and up to Erbil.⁸¹⁷ Daesh attacked cultural and historical sites of importance and Iraqis throughout the nation with local militias, U.S. forces, and Iranian support assisted the Iraqi and Kurdish military to fight back against Daesh's campaign.⁸¹⁸ By 2017 Mosul was liberated and Daesh was largely

⁸¹³ Ruslan Mamedov, Formation of a Political Elite for Modern Iraq: American and Iranian Factors, *International Affairs (Moscow)*, 66:1 (2020): 62-71. P. 64

⁸¹⁴ Ranj Alaadin, *Sectarianism, Governance, and Iraq's Future*, Washington, D.C.: The Brookings Institution, 2018. P. 21

⁸¹⁵ Fawaz A. Gerges, *ISIS: A History*, Princeton University Press, 2016. P. 117

⁸¹⁶ Ibid, 124

⁸¹⁷ Jacob Eriksson and Amed Khaleel, *Iraq After ISIS: The Challenge of the Post War Recovery*, Palgrave, 2019. P. 81

⁸¹⁸ Ruslan Mamedov, Formation of a Political Elite for Modern Iraq: American and Iranian Factors, *International Affairs (Moscow)*, 66:1 (2020): 62-71. P.68

defeated leaving refugees, human rights violations, and destructed towns lie in Daesh's wake.⁸¹⁹ Following the defeat of Daesh, the Iraqi government needed to reclaim authority in communities, such as Basra, where Shi'i and Sunni groups gained power and support during the conflict.⁸²⁰

The 2018 election was the first election after the downfall of Daesh and once again had lower voter turnout at around 44% with no clear winner resulting from the election.⁸²¹ Sa'irun and Fatah Alliance came out less than two points from one another with Victory alliance trailed only a few points in third, the result again indicated the lack of consensus among Iraqi voters; these parties focused on promising administration reform, restoring society, and addressing sectarianism as the main themes.⁸²² It was reported that the lower turnout at the polls was associated with the lack of government services along with overall mistrust in government representatives.⁸²³ 2018 was also marked by political protests demanding a change in government leadership. The protests started in Basra, an oil rich province with poor living conditions despite producing a large portion of Iraq's oil revenue.⁸²⁴ Overall, citizens were frustrated with the high

⁸¹⁹ Jacob Eriksson and Amed Khaleel, *Iraq After ISIS: The Challenge of the Post War Recovery*, Palgrave, 2019. P. 100

⁸²⁰ Ranj Alaadin, *Sectarianism, Governance, and Iraq's Future*, Washington, D.C.: The Brookings Institution, 2018. P. 23

⁸²¹ Hiroko Kinoshita and Dai Yamao, A Quantitative Text Analysis on Mobilization of the Electorate by Islamist Parties During the 2018 Iraqi Parliamentary Election in Risk, Identity and Conflict: Theoretical Perspectives and Case Studies, edited by Steven Ratuva, Hamdy A. Hassan, and Radomir Compel. Palgrave, 2021. P 207-229. P. 208

⁸²² Ruslan Mamedov, Formation of a Political Elite for Modern Iraq: American and Iranian Factors, *International Affairs (Moscow)*, 66:1 (2020): 62-71. P. 66

⁸²³ Hiroko Kinoshita and Dai Yamao, A Quantitative Text Analysis on Mobilization of the Electorate by Islamist Parties During the 2018 Iraqi Parliamentary Election in Risk, Identity and Conflict: Theoretical Perspectives and Case Studies, edited by Steven Ratuva, Hamdy A. Hassan, and Radomir Compel. Palgrave, 2021. P 207-229. P. 208

⁸²⁴ Wasan Mohsin Hassan, Social Movements and Human Security: The 2018 Basra Protests (الحركات الاجتماعية والأمن الإنساني: احتجاجات البصرة عام 2018 أنموذجاً), *Journal of the College of Education for Women*, 29: 7 (2019): 85-104. P. 93

unemployment rates, corruption, and lack of government action in the country and continued to protest these issues through 2021.⁸²⁵ This was an important event in Iraq's history because citizens used their democratic right to assembly to call on government change with better representation by elected officials. The demonstrations also proved citizens were interested and invested in the democratic process and were willing to participate in social and political change across sect and party lines. These protests were unique in that most of the protesters were Shi'i and speaking out against a Shi'i led government, furthermore the Shi'i government took violent action against the protesters demonstrating the deterioration of solidarity along party lines.⁸²⁶ Furthermore, these protests illustrated the continued lack of security in Iraq present since the 2003 invasion.

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The October 10th, 2021 election resulted in lower voter turnout at approximately 43% in part due to the a number of Iraqis who boycotted the election due to the belief that the government was corrupt and party winners were already decided.⁸²⁸ This election circuit produced various new independent parties to Iraq, which supported Iraqi representation in the electorate process though they gained few seats combined and the Sadrist Movement emerged as the winner. Public protests that demanded political reform continued in 2021 and though this demonstrated a lack of public confidence in the government it indicated a vote of confidence for the democratic process of assembly and

⁸²⁵ Alex Shanahan, Iraqi Protests and the 2021 National Elections, *Washington Report on Middle East Affairs*, 40:3 (2021): 56- 57. P. 56

⁸²⁶ Ibid.

⁸²⁷ Wasan Mohsin Hassan, Social Movements and Human Security: The 2018 Basra Protests (الحركات الاجتماعية والأمن الإنساني: احتجاجات البصرة عام 2018 أنموذجاً), *Journal of the College of Education for Women*, 29: 7 (2019): 85-104. P. 86

⁸²⁸ Janna Aladdin, Assessing Iraq's Parliamentary Elections, *Washington Report on Middle East Affairs*, 40: 7 (2021): 63.

free speech to participate in such protests proving democracy is still in process in Iraq. The Iraqi government continued to disagree on matters of security, budget, corruption, and Iranian influence while Iraqi citizens continued to put pressure on leaders. In June of 2022, the leader of the largest parliamentary bloc, Muqtada al-Sadr suggested his parliamentary bloc resign from their posts to end government obstruction, leaving seventy-three vacant seats in Iraqi Parliament.⁸²⁹ With these vacancies the party who received the second highest vote, in this instance the Shi'i Coordination Framework party backed by Iran, filled the seats making the Coordination Framework the largest parliamentary bloc.⁸³⁰ The open seats were not a result of a new election but rather assumed by default with the runners up from the 2021 elections. The constitution also allows the largest parliament bloc to appoint the Prime Minister of Iraq which resulted in the nomination of Mohammed Shia al-Sudani, who is an Iranian backed Shi'i and whose appointment sparked protests amongst Iraqis once again.⁸³¹ This stark change in Iraqi government demonstrated the contestation of authority that continued throughout the last two decades in Iraq.

Decentralization remained an issue in Iraq with the government consolidating more power than citizens would like, demonstrating ongoing contestations of democracy in the nation.⁸³² To decentralize the government national and local government needs to be restructured in order to divest power and resources to local municipalities. The

⁸²⁹ Guillaume Decamme, Iraqi MPs from Firebrand Cleric Muqtada Sadr's Bloc Resign: Official. *AFP International Text Wire in English*, June 12, 2022.

⁸³⁰ Qassim Abdul-Zahra, Iraq Parliament Swears in New Members after Walkout of 73, *AP News*, June 23, 2022.

⁸³¹ Qassim Abdul-Zahra, Iraq Parliament Swears in New Members after Walkout of 73, *AP News*, June 23, 2022.

⁸³² Ranj Alaadin, *Sectarianism, Governance, and Iraq's Future*, Washington, D.C.: The Brookings Institution, 2018. P. 23

preparation necessary to decentralize is time consuming and requires commitment from local and state authorities to work together and involve communities and citizens in this power transfer. Such a task is no quick or easy fix and can still lead to corruption on a local level or lead to an even greater power discrepancy.

Corruption, in part due to constitutional ambiguity, continued to plague Iraq throughout the decades with representatives behaving in their own interests rather than acting on behalf of citizen interests, this has led to numerous protests and calls for change in recent years. The challenges Iraq faced since the U.S. invasion and implementation of a democratic state does not indicate Iraq is not ready or fit for democracy, rather, it illustrated the challenges of hegemony, nation building, and colonialism intervening in a nation. Even today the U.S., Western politicians, and agencies, such as the The Brookings Doha Center in Washington, D.C., encourage foreign entities to pressure Iraq into policy changes.⁸³³ Additionally, U.S. forces in Iraq increased during the fight against Daesh and maintained their presence following Daesh's defeat under the guise of continuing to secure Iraq alongside Iraqi forces and was still in the position of advisement to Iraq in 2021.⁸³⁴ The U.S. also claimed to remain in Iraq to support Iraq in light of the ongoing pressure from Iran, though this can be understood as another reason to linger in Iraq and maintain control and influence over the nation.⁸³⁵ The U.S. Department of State maintained it has provided millions of dollars in support for minority populations, issues of security, and continues to provide oversight and guidance on legal and political

⁸³³ Ibid, 29

⁸³⁴ U.S. Relations with Iraq, Bureau of Near Eastern Affairs, *U.S. Department of State*, June 6, 2022.

⁸³⁵ Lolita C. Baldor and Tara Copp, Why U.S. Forces Remain in Iraq 20 Years After 'Shock and Awe', *PBS News*, Mar 15, 2023.

matters.⁸³⁶ These statements confirm the U.S. never fully handed Iraq over to Iraqis and in fact continues to colonize the nation after two decades. This kind of outside pressure is in large part the reason Iraq is facing ongoing internal power struggles and the reason why continuing to study issues of colonialism and sectarianism in Iraq are important. Projects like reconciliation, reconstruction, and transitional justice are intimate processes that are only successful and meaningful when citizens themselves have agency in their development. Though the above is only a brief overview of political life in Iraq post 2005, it is possible to see the progress and challenges Iraq continued to face as a result of the 2003 U.S. invasion.

The Importance of Understanding Sectarianism

Sectarianism continues to be relevant because the promotion of democracy in Muslim majority countries is thought to be a constructive process in the evolution of Islam as well as a long term goal of the West.⁸³⁷ The U.S. State Department continues to seek assistance promoting democracy and studies Islamic politics as a way to infiltrate democracy and Western values within those cultures, rather than to understand the states and learn to cooperate with them. This phenomenon needs attention for more than furthering a democratic agenda, but to understand how others relate to one another during conflict and in response to colonization, which has impacted a significant portion of the world. There is concern on the governmental level that being hands off in the Middle East is indulging Islamic Fundamental Extremists.⁸³⁸ Understanding sectarianism in Iraq and its relationship with colonialism and hegemony will improve the ability to promote

⁸³⁶ Ibid.

⁸³⁷ Cheryl Benard et al, *Civil Democratic Islam: Partners, Resources, and Strategies*, The RAND Corporation, 2003. P. 25

⁸³⁸ Ibid, 26

tolerance, prevent violence, and refine policies. Furthermore, research surrounding the causes and effects of sectarianism can inform governmental policies and shape the minds of youth surrounding topics of identity, diversity, and dialogue as well as advance understanding of the effects of colonization. The analysis of sectarianism in Iraq exemplifies it is more than the West who suffer from perpetuating false dichotomies, such as Islam and the West, but extremists who benefit from such discourse and the alienation of Muslims.⁸³⁹ Citizen frustration grows until it turns into resistance which develops into insurgencies.⁸⁴⁰ Terrorism thrives on attention, ostentatious media coverage, and fear.⁸⁴¹ Conversely, the media depiction of helpless Iraqis at the whim of Saddam Hussein's regime contributed to the American public support of the invasion of Iraq. In this sense the media can help draw attention to a situation and could uplift moderate voices, rather than biased or extreme perspectives. As Juregensmeyer suggests, the media has the ability to engage the public in complex issues and offer an insight into new ideas; this would be a constructive use of media that could counteract the rampant media bias.

Furthermore, the lessons from this democratic venture in Iraq have not been internalized. The 2010 Department of State National Security Strategy identifies nations experiencing extremism as a threat to the U.S. and therefore a matter requiring U.S. attention to manage and develop.⁸⁴² This ideology does not consider the problem of U.S. actions being the reason for an increase of violence or extremism in the first place and underscores the importance of this dissertation as it relates to future public discourse as

⁸³⁹ Brandon D. Lundy, Akanmu G. Adebayo, and Sherrill Hayes, eds., *Atone : Religion, Conflict, and Reconciliation*, Blue Ridge Summit: Lexington Books, 2018. P 43

⁸⁴⁰ Godfrey Garner, & Maeghin Alarid-Hughes, *Origins of Terrorism: The Rise of the World's Most Formidable Terrorist Groups (1st ed.)*, CRC Press, 2021. P. 3

⁸⁴¹ Brandon D. Lundy, Akanmu G. Adebayo, and Sherrill Hayes, eds., *Atone : Religion, Conflict, and Reconciliation*, Blue Ridge Summit: Lexington Books, 2018. P. 37

⁸⁴² "2010 National Security Strategy", *Obama Archives*, WhiteHouse.gov, May 2010. p. 26

they work to utilize evidence based program development. USAID Identifies several factors that foster extremism and insurgency including economic instability, marginalization, corruption, and conditions that combat it such as, education, social equity, and cohesion.⁸⁴³ In 2015 the, The U.S. Department of State Bureau of Counter Terrorism states they are actively, “focusing more on prevention and tackling the drivers of violent extremism” and aims to “empower and amplify locally credible voices that can change the perception of violent extremist groups and their ideology among key demographic segments.”, this is an avenue this dissertation contributes to.⁸⁴⁴

Contributions to the Field

Sectarianism in Iraq has several implications for democracy identified in this dissertation; the main point being the importance of citizen created government, rather than hegemonically manufactured for democracy to take root. The competition between Sunni Arab and Shi'i Arab groups for power and representation in government caused not only violence between groups, but within their groups as well. Sectarianism is a challenge to democracy in that it produces polarization, collective violence by capitalizing on opportunism, and discourages compromise for national wellbeing; it also demonstrates the need for anti- sectarian language along with policies within government that are supported by a functional constitution.⁸⁴⁵ The weak constitution of Iraq allowed for the formation of militant groups in power without a strong system of checks and balances to level the opportunity between political groups. As such, this work also

⁸⁴³ Policy Task Team, “The Development Response to Violent Extremism and Insurgency: Conflict Prevention and Stabilization”, *U.S. Agency for International Development*, USAID Policy, September 2011. P. iv <https://www.usaid.gov/conflict-prevention-stabilization/document/development-response-violent-extremism-and-insurgency>.

⁸⁴⁴ “Preventing & Mitigating Conflict & Violent Extremism.” U.S. Department of State. U.S. Department of State, February 2015. <https://2009-2017.state.gov/s/dmr/qddr/240899.htm>.

⁸⁴⁵ Charles Tilly, *The Politics of Collective Violence*, Cambridge: Cambridge University Press, 2003. P. 130

established the possible link between the nature of the 2005 constitution and the subsequent increased sectarian violence. Power Sharing based on group quotas within Iraq along religious and ethnic boundaries affirm the production of religious and ethnic exclusionary politics deepening the sectarian divide. Furthermore, policies involving dialogue and consensus between groups can lead to greater national unity and stability which is imperative for democracy; the expiration of such policies is an avenue of future research.

Another area for future research is the binary utility of sectarianism, as noted by Fanar Haddad, as it relates to politics in the Middle East and Beyond. The nature of sectarianism as a binary dividing “good” and “bad” or inclusion and exclusion and this methodology fits the tensions in other societal categories such as race and gender. Haddad notes sectarianism can be a social qualifier in that it can be broken down into subcategories, like violent sectarianism or social sectarianism, but similar to words like religion or democracy, sectarianism can also take on so much meaning that it comes to have no clear meaning at all.⁸⁴⁶ So while some scholars may utilize the word sectarian to discuss a particular sect, other scholars employ the word as a generality that encompasses any form of intolerance.⁸⁴⁷ Both race and gender theory analyze discrimination and its overt and subtle violence and hostilities and these processes support the idea of sectarianism being a broader issue not limited to the Middle East or beginning in the early aughts.⁸⁴⁸ The broadening use of the term secularism can incorporate issues of prejudice and limited thinking in which one could further explore the notions of gender

⁸⁴⁶ Fanar Haddad, ‘Sectarianism’ and its Discontents in the Study of the Middle East, *Middle East Journal*, 71:3 (2017): 363- 382. P. 368

⁸⁴⁷ Ibid, 369

⁸⁴⁸ Ibid, 372

and racial sectarianism as part of ongoing research within the larger field of sectarianism. Furthermore, this research can broaden the understanding of identity-based bias which is useful in numerous fields.

This dissertation's analysis concludes that a nation cannot let their own understanding of right and wrong dictate their foreign policy. States need to act based on facts rather than assumptions and should not impose their ideologies on other nations. This information needs to not only be relayed in the academic and political spheres, but in the public domain as well. Sectarianism in Iraq has parallels to conflicts all over the globe and a basic understanding of sectarian strife asserts the importance of complete narratives, critical thinking skills, media literacy, and conflict resolution. Furthermore, this analysis of sectarianism in Iraq engages critical thinking surrounding identity bias by way of U.S. coalition actions along with examining the behavior amongst Iraqis as well. It is possible to contextualize the decline in economic and social prosperity with the increase in tensions between Iraqis; the competition for agency and resources created a dichotomy in which Sunni Arabs and Shi'i Arabs felt the need to define themselves in opposition to each other. It is easier to prefer those who are similar to us and discriminate against those who are different; this dissertation names the dangers of doing so within a nation, as well as projecting these sentiments globally. Sectarianism leads one to question the role of both collective and individual identity and the relation of citizens within a nation as we can see the impact group identity has on an entire nation. This collective group identity lends itself to stereotyping; for Sunni Arabs they did not trust the Shi'i Arabs as they were expected to favor Iran over Iraq due to their religious identification. Shi'i Arabs saw the Sunni Arabs as oppressors as they were privileged under Saddam

Hussein's regime. The American coalition understood both groups as needing assistance and rescuing from their authoritative leader and caused arguably worse conditions within the nation. Americans also thought the Sunni and Shi'i Arab groups were vehemently opposed to one another and such tensions were inevitable, contributing to the strain between the groups and the image portrayed around the world. A look at the politics of both Sunni Arab and Shi'i Arab factions demonstrated their desires and beliefs were not all that different from one another and their desire for religious freedom, though different in ideology, were similar in method, indicating these groups were not in stark contrast.

Through this exploration one must challenge their assumptions and exercise their mind to incorporate alternative points of view and new information. These are skills lacking by the greater public and continues to the perpetuation of violence and conflict through the assumption these sentiments are inevitable and reflective of government and religion in the Middle East. Uncertainty breeds violence and that was the case of sectarianism in Iraq.⁸⁴⁹ Previous agreements on land, policy, security, economy become difficult to enforce across party lines and when nothing is guaranteed there is minimal incentive to cooperate and more motivation to compete; authority figures rise by suggesting solutions that implicate other groups as an enemy and assuring their plan is the best way for survival.⁸⁵⁰ The more groups fragment the easier it is for leaders to harp on these fractures and deepen the divide to their benefit and other groups' detriment causing the activation of identity politics and the suppression of collective national identity.⁸⁵¹ Religion is an entity that can both support and hinder democracy as religion is

⁸⁴⁹ Charles Tilly, *The Politics of Collective Violence*, Cambridge: Cambridge University Press, 2003. P. 76

⁸⁵⁰ Ibid, 77

⁸⁵¹ Ibid, 78

both deeply personal and at the same time communal.⁸⁵² Moreover, religion is inconsistent, lived in, and political in nature causing it to be multidimensional in nature and transcend categories, including government as is the case with Iraqi sectarianism and democracy; both sectarianism and democracy are affected by economic, social, and global factors.⁸⁵³

Through writing this dissertation I developed a desire to educate youth, as well as the public, on the importance of curiosity and critical thinking when exposed to new ideas or beliefs rather than reacting with anger or trepidation. My experience with international youth, mostly from the Middle East, between the ages of 18 and 25 over the past ten years made me realize how imperative it is to teach critical thinking and dialogue skills. Even with the increase of instant accessible knowledge, biases persist; this is in part because people are not taught what to do with this influx of information and are often presented with new material in a daunting way via the media. Through my work I found many of these students cite Western media as a perpetuation of misinformation and bias about their nations, citizens, and local issues. Often these students are curious but do not know where to go for answers and do not have the opportunity to engage with individuals vastly different from themselves due to safety issues, lack of access, and stereotypes in their communities. In order to have such skills they need to be taught how to access and engage various groups and how to do so safely. They needed the ability to assess the information they are presented with both digitally as well as within their communities to combat bias and promote social cohesion. The outbreak of sectarian violence in Iraq

⁸⁵² Michael Hoffman, *Faith in Numbers: Religion, Sectarianism, and Democracy*, New York: Oxford University Press, 2021. P 12

⁸⁵³ *Ibid*, 117

demonstrates the need for social cohesion and dialogue between differing groups and the need for curiosity rather than judgment in the face of difference. Critical thinking and dialogue are important skills as they teach individuals to respect the identity and beliefs of others.

The objective of this dissertation is to lay the groundwork for facilitation that increases the emotional capacity and critical thinking skills of others in a way that they think before they act and operate with curiosity, rather than fear, in the face of difference. Western media and politics are prevalent in our daily lives and thrives on fear and anger which makes its way into the identities and mindset of the public; challenging this rhetoric and providing tools to work through these nuances will create more educated and thoughtful citizens. The case of sectarianism in Iraq leads to many questions that require further investigation to understand how the situation in Iraq became so violent and to uncover the root causes behind the phenomenon. Godfrey and Alarid-Hughes suggest constructing a timeline of events both local and abroad in order to obtain the full picture of a situation broadening one's perspective.⁸⁵⁴ This investigation forces one to uncover alternative points of view, analyze media and government documents from various perspectives, and identify who is producing the information and for what purpose. These types of examinations promote independent thinking and lead to uncovering not just overt stereotypes and biases but the internal ones as well. The analysis of deeply divided politics, like that of sectarianism in Iraq, has direct implications for public policy reform in the US as the country is currently starkly divided with Americans striking to party lines

⁸⁵⁴ Godfrey Garner, & Maeghin Alarid-Hughes, *Origins of Terrorism: The Rise of the World's Most Formidable Terrorist Groups (1st ed.)*, CRC Press, 2021. P. 16

rather than acting in their, or their country's, best interest.⁸⁵⁵ We can learn from instances in Iraq what to avoid, how to best mobilize the media and citizens to unify rather than polarize. This work can be applied not just to at home politics but to divisive issues that require dialogue and support to improve relations and critical thinking. To do this we need the public to see more compromise, engage in the civic process, provide an outlet and support networks for citizen concern and be willing to implement changes rather than simply talk about it.⁸⁵⁶ This dissertation analyzes the shortcomings surrounding the U.S. role in Iraq and sectarian problems in Iraq not merely to be critical, but to recognize the shortcomings in order to create improved and more inclusive policy along with more informed and tolerant citizens both in the U.S., where our national politics affects the globe, and in other communities.

Limitations

This dissertation has limitations which include my lack of fieldwork, non-native Arabic proficiency, and lack of solution for the larger issue of sectarianism in Iraq. The lack of fieldwork certainly comes with challenges as first-person voices are an essential component of studying sectarianism. Instead, I worked with first person archives and narratives and read local reports and papers. Most importantly over the past few years, I obtained insight from over a dozen native Iraqis who experienced the 2003 invasion and reconstruction period as youth or adults. These individuals not only shared their insight regarding Iraqi sentiments on the American invasion but also pointed me in the direction of what scholarship I should include in my research as well. Their convictions allowed

⁸⁵⁵ Trent Lott and Tom Daschle, *Crisis Point: Why We Must - and How We Can- Overcome Our Broken Politics in Washington and Across America*, New York: Bloomsbury Press, 2016.

⁸⁵⁶ *Ibid*, 256

me a greater sense of direction in my work as well as a more robust understanding of sectarianism as it lives on the ground and how Iraq is still impacted by these issues today. The issue of my Arabic proficiency means most of my source material is in English, limiting the perspectives in this research. During my coursework I obtained a beginner's proficiency in Arabic and the ability to translate documents which I used to access Iraqi social media posts, newspapers, and compare the English to Arabic national documents used in this dissertation. This work would benefit from the inclusion of more Arabic sources and to overcome this concern I will continue to work on my Arabic competency. The last major limitation to this work is the absence of a grand solution to the sectarian problem in Iraq. As I have highlighted the media plays a large role in public perception and is one of the major factors in the promotion of sectarianism; portraying a more balanced view of situations would certainly help public perception and on the ground tension of issues like sectarianism, but providing a media solution is outside the scope of this dissertation. Furthermore, I take the approach of learning from the past to prevent future instances and use the situation in Iraq as a case study in my teaching about violence, and will continue to do so, but this is an issue that needs to be brought to a governmental and public policy level as well. The elevation of sectarian understanding to public policy is a future pursuit of mine and a project I will continue to work on after the conclusion of this dissertation. In this work I intend to expand upon the scholarship of Juergensmeyer and Visser to bridge the gap between media portrayal and public policy as well as venture into governmental planning and development to support increased cultural awareness into the realm of civil service.

Conclusion

Religious conflict has been a topic of interest since 9/11 and the importance of studying this issue has not waned over time.⁸⁵⁷ Even though this event happened decades ago, the ramifications are still prevalent today. Furthermore, much of the American public still does not understand the nuances and fabrications that went into the manufacturing of the Iraqi invasion, the sectarian strife, and the ongoing debate between Islam and democracy. This dissertation is groundwork for future projects which brings out the truth of American bias and identity issues and uses sectarianism in Iraq as a case study for debunking the myth that religious conflict is prevalent in Islam due to the backward nature of the religion. Education is the way forward and areas such as media literacy, critical thinking, and pluralism in its many forms are one way research on sectarianism, as presented in this dissertation, can be relayed to the public and positively impact the future.⁸⁵⁸

The introduction to this dissertation identified the current gaps in the field of sectarianism and democracy in Muslim countries leading to the analysis of the impact of U.S. colonialism on Iraqi sectarianism. Current scholarship debates the possibility of a successful democracy in a Muslim majority country and asserts sectarianism is not an inherent quality of Islam or Iraqi nationhood. Most importantly, research demonstrates sectarianism was not an inevitable outcome in Iraq and was the product of series of both regional and local factors that reached a boiling point during the U.S. invasion of Iraq as explored in chapter two. The second chapter of this dissertation differentiated between

⁸⁵⁷ Brandon D. Lundy, Akanmu G.Adebayo, and Sherrill Hayes, eds., *Atone : Religion, Conflict, and Reconciliation*, Blue Ridge Summit: Lexington Books, 2018. P. 52

⁸⁵⁸ *Ibid*, 38

Sunni Arab and Shi'i Arabs in Iraq and the nature of the sectarian phenomenon within Iraq from the Ottoman Empire leading to the 2005 democratic government. Chapter three provided an overview of the 2003 U.S. invasion of Iraq and the formation of the transitional coalition which would see Iraq through reconstruction. This chapter identified the missteps by the coalition, such as deBa'athification, limited Iraqi involvement, and colonial nature of the occupation. When the coalition created the constitution, they altered the relationship between Iraqi citizens and the state and removed the democratic process from the hands of Iraqis as described in chapter four. While the new constitution awarded many freedoms to Iraqis, the document was ambiguous and led to abuses of power and questions of authority. The repercussions of the constitutional process can be seen in chapter five through the analysis of the 2005 democratic elections in Iraq. During this time, the nation saw an influx of factions creating polarizing messages and fighting for representation; this election cycle was characterized by exclusionary policies and the formation of segregated blocs. The 2005 elections had a lasting impact on Iraq as sectarian related violence continued to spike through the country.

Iraq's forced descent into democracy had a significant impact on its citizens, leadership, constitution, and election process. The study of sectarianism in Iraq demonstrates the importance of understanding local dynamics and societal structure before attempting an intervention. Iraq has a history of hegemony and tension between ethnic communities that was essential for policy makers to conceptualize before invasion or reconstruction. The lack of planning by the U.S. caused violence to emerge to fill the power vacuum left by the forced removal of Saddam Hussein. There were warning signs based on the nature of sectarianism and Sunni Arab and Shi'i Arab relations in Iraq that

sectarian violence was a strong possibility following the invasion, yet this contingency went unaddressed. The invasion of Iraq shows the importance of working on a community level, issuing policies that work for citizens, and the need to create a comprehensive plan to support the nation based on historical, cultural, and economic conditions. The American venture in Iraq proves what is best in one country may not be well suited in another country no matter how much the U.S. wants to democratize Iraq, it can only happen with buy-in from Iraqis and policies that support the citizens.

Over the years I worked with various refugee resettlement organizations as well as international college exchange programs and witnessed the negative effects of biased public opinion and assumptions in the form of displacement, violence, and political turmoil. These experiences awarded me an understanding behind the importance of an open mind, first-hand knowledge, and the ability to look at a situation from an alternative perspective; this mentality aided in the pursuit of the truth behind the sectarian demonology of Iraqis. This dissertation demonstrates the dangers in the perpetuation of false narratives, and the reality behind the spark of sectarianism plaguing Iraq since the removal of Saddam Hussein and the effects of forced democratization. From this situation we can learn the importance of social cohesion and dialogue in the reverberation of hegemony.

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