

Making Democracy Work in Iraq: Can it be Done?

Geoffrey Plauché

POLI 7982 Final Paper

May 17, 2003

The Bush Administration's war in Iraq is over. Saddam Hussein's regime has been successfully toppled. But what will take its place? The Bush Administration has voiced its intent to bring democracy to Iraq, to help it become a free and prosperous country. How will democracy be created in Iraq and what form will it take? Is democracy even possible in the Middle East? Democracy is a vague, warm-and-fuzzy concept these days, carelessly bandied about by many as a cure-all for the world's problems. The meaning of democracy in the West, and in the United States in particular, will be explored. I will then examine whether and to what extent the religion of Islam and Arabic culture are compatible with democracy. I will then offer my opinion on the feasibility of establishing democracy in Iraq and how it might be done.

Democracy is today used by Americans as a catchall label for the whole of the American system of government. But the American system of government was not always labeled a democracy. In fact, the Founding Fathers were justifiably wary of democracy. For its original meaning, hearkening back to ancient Athens, is unlimited majority rule. The term democracy used to evoke images of a tyranny of the majority. The United States of America was intended by the framers of the Constitution to be a constitutionally-limited republic. America was intended to have a representative free government 'of the people, by the people, and for the people'. Its function was to preserve the individual rights of the American people, to preserve their liberty. As Roger Scruton points out in his book *The West and the Rest*, "[d]emocracy was adopted as a means to this goal; but it is a dangerous means, it depends upon maintaining the public spirit of the citizens if it is not to degenerate into a battleground for special interests."¹

¹ Roger Scruton, *The West and the Rest*, Wilmington, DE: ISI Books, 2002, p. 54.

Democracy no longer has such a negative connotation among most people in the West. In the past century, the concept of limited government has been discarded. In the place of a constitutionally-limited republic and the God of Christianity has arisen, at least for the elites, a new God called Democracy. Democracy now has a positive connotation and stands for an active, interventionist government, regular and fair elections, universal suffrage, civil liberties, majority rule, and even social-welfare programs. Property rights are not respected and, in America at least, the law has ceased to be a shield for the people but has instead become a sword wielded willy-nilly against them. In short, it might not be too much of an exaggeration to say that everything the Founding Fathers feared about democracy has come to pass in America and elsewhere.

According to Under Secretary of Defense Douglas J. Feith, part of America's postwar objective in Iraq will be to...

[b]egin the process of economic and political reconstruction, working to put Iraq on a path to become a prosperous and free country. The U.S. government shares with many Iraqis the hope that their country will enjoy the rule of law and other institutions of democracy under a broad-based government that represents the various parts of Iraqi society.²

Yet President Bush has stated at least once that America will not impose its form of government or culture on Iraq. Officials in the Bush Administration have repeatedly emphasized that the Iraqi people will choose the form their government will take, with the only caveat being that it is "democratic." It seems that democracy in this context is being used merely to mean regular and fair elections, majority rule, and maybe universal suffrage. But if this is the case, then we will have merely traded the tyranny of

² Statement before Senate Committee on Foreign Relations, February, 11, 2003.

dictatorship for the tyranny of the majority. Arguably a change for the worse. Anything the Iraqi majority wants, it will get. If, on the other hand, it is the rule of law, freedom, prosperity, and a representative government that the Iraqis need and/or want, then they will need more than merely democratic elections.

While it will certainly not be possible or even desirable to impose a carbon copy of the American system of government, whether c. 1800 or c. 2000, in its entirety on Iraq, it will be fruitful at this point to delve into the political theory underlying a representative free government. The United States of America is the prime example. The central theme of its founding was the love of liberty. Taxation without representation (i.e., without consent) was at the heart of American grievances against Britain. Because the American colonists had no representation in the British Parliament they had no say in whether and to what extent they could be taxed. To secure themselves from tyranny, the colonists fought for independence from Britain for the freedom to govern themselves. Freedom of religion was also an important issue to the colonists. They had fled to America in order to escape from religious persecution so that they could practice their religious and moral beliefs as their consciences bade them.

The love of liberty is not merely some arbitrary social convention. It is a natural right of Man. The Declaration of Independence states that “all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness.” All human beings are born with these rights, and other rights derived from them, and possess them whether living in a state of nature or under a tyrannical government. These natural rights are unalienable because they are not granted privileges, nor can they be voluntarily given up, but they can be violated by

the use of force. Man possesses these rights by virtue of his nature as a volitional being with the faculty of reason. In order to live a life proper to a human being, he must be free to pursue the actions that reason dictates. Life is “meant to be lived, fostered, and enjoyed.”³

As noted above, while Man’s natural rights are unalienable they can be violated by the use of force, whether it be physical violence, coercion, theft, or fraud. It is for the purpose of securing their natural rights that men come together in voluntary association to form a government. But before delving into the form of a government designed to protect individual rights and serve the people, it cannot be overemphasized that the Founding Fathers understood the rights enumerated in the Declaration of Independence and the Bill of Rights as being inseparable from property rights. They understood that none of Man’s other rights can be exercised without the right to property. The right to life implies that a man’s life belongs to him. The right to liberty depends upon and implies that a man has the right to pursue the actions necessary for the furtherance of his life so long as he does not violate the rights of others in doing so. He must be able to keep the fruits of his labor and make use of it as he sees fit. For example, his right of free speech is exercised when he makes a voluntary, contractual agreement with a publisher to print his ideas in a book. His rights are violated when the government, or other people operating with government consent, prevent the publishing of his book (censorship), but not when a publisher rejects his book. And he is not exercising his rights but violating the rights of others by forcing, whether personally or by government intervention, an unwilling publisher to print his book. He does not exercise his rights but violates the rights of others

³ Elis Sandoz, *A Government of Laws: Political Theory, Religion, and the American Founding*, Columbia, Missouri: University of Missouri Press, 2001, p. 214.

by arbitrarily shouting fire in a crowded movie theater. The people in the theater could be physically harmed as a result and, in any case, their voluntary exchange of their property (money) for the use of the proprietor's property (the use of the movie theater) has been forcefully interfered with.

In his First Inaugural Address (March 4, 1801), Thomas Jefferson said, “a wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned. This is the sum of good government, and this is necessary to close the circle of our felicities...” The Founding Fathers took great pains to ensure that the American government would not only protect individual rights and represent the people but also that it would last. To do this the Founding Fathers framed a written constitution intended to achieve the rule of law, not of men. The Founding Fathers understood that men are not perfect angels, that even great men can be corrupted by power, make mistakes, or be led astray by their own passions. Consequently, the powers and functions of the federal government were carefully enumerated in the articles of the Constitution and explicitly limited by the Bill of Rights.

Democratic elections were to be the means putting representatives of the people into the offices of government. It was recognized to be a dangerous means, however. As John Adams points out, “constant experience shows us that every man invested with power is apt to abuse it, and to carry his authority as far as it can go.”⁴ Moreover, people are apt to form into factions or special interest groups to fight over government power

⁴ Sandoz, p. 120.

and the benefits that can be derived from it. Thus the familiar separation of powers and system of checks and balances were devised. The powers of the federal government were split up into the executive, legislative, and judicial branches; and they were set up in such a way as to be rivals, each jealously guarding its power from encroachment by the others. According to James Madison, “Ambition must be made to counteract ambition,” or as John Adams states, “[P]ower should be a check to power.”⁵

In addition, the power of the federal government was limited by the Tenth Amendment in the Bill of Rights: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.” Furthermore, United States Senators, elected by the state legislatures (until the Seventeenth Amendment), were intended to be a check not only on the popularly elected House of Representatives. They were also meant to be a means for the states to check the power of the federal government.

The Founding Fathers did not come up with all of this in a vacuum. The American Founding grew out of the Enlightenment. But the ideas and experiences it embodies can be traced all the way back to Classical philosophy and Medieval Christian thought. The rule of law is derived from a higher natural law, which is discovered through reason. To understand how this is so, we must first explore the philosophical anthropology of the Classical philosophers, Aristotle in particular.

In Eric Voegelin’s *Anamnesis*, reason is shown to be “the ordering force in existence.”⁶ It arose out of an act to resist disorder. Aristotle described man as the living being that possesses reason (nous), the *zoon noun echon*. From the Latin translation we

⁵ Ibid., p. 41 and 120, respectively.

⁶ Eric Voegelin, *Anamnesis*, Columbia: University of Notre Dame Press, 1978, p. 91.

have the *zoon noetikon* (animal rationale), and man has since become characterized as the rational animal; reason is the nature of man.⁷ But man is not merely a rational animal, he is a social animal (*zoon politikon*) and an historical animal (*zoon historikon*).⁸ For Voegelin, all of these short-hand characterizations are true, however, they are only true inasmuch as all three taken together “summarize a valid analysis of reality experienced.”⁹ Any one or two of them taken separately from the other(s) would be false. Moreover, one would be mistaken if one thought of man as a...

...disembodied psyche ordered by reason. Through his body he participates in organic reality, both animal and vegetable, as well as in the realm of matter; and in his body he experiences not only the noetic movement toward order but also the pull of the passions. Besides his specific nature of reason in its dimensions of personal, social, and historical existence, man has what Aristotle called his “synthetic” nature. Of specific and synthetic nature together we can speak as man’s “integral” nature. This integral nature, comprising both the noetic psyche with its three dimensions of order and man’s participation in the hierarchy of being from *nous* down to matter, Aristotle understands to be the subject matter of the philosopher’s study *peri ta anthropina*, the study of things pertaining to man’s humanity.¹⁰

Thus, man’s existence can be understood as a state of unrest. Out of his precarious existence within the limits of life and death, he is driven to question the meaning of his own life and of reality, what Voegelin calls the ultimate ground of being. There is a sense of restlessness or urgency about this questioning. This “tension” toward the divine ground of existence is fundamentally important to the classic experience of reason. Reason is the existential openness toward the ground of being, i.e., toward reality.

Man is not omniscient or infallible, however. The limits of the human mind and his finite life span make it impossible for him to have total and perfect knowledge of

⁷ Ibid.

⁸ Ibid., p. 92.

⁹ Ibid.

¹⁰ Ibid.

reality. Not being philosophers, common sense plays a strong role in most people's lives. "Common sense insights, even the most tried and stable ones, are no 'propositions' beyond which there could be found principles."¹¹ According to Vico, "Common sense is judgment without reflection shared by an entire class, an entire people, an entire nation, or the human race."¹² Americanism is the common sense, or core consensus, of the American community; and it played an integral role in the American Founding.¹³

But reason played a fundamentally important role as well. It is through reason that positive law, or man-made law, is made to approximate natural law. The natural law is also the source of individual rights. The natural law depends upon the science of being, metaphysics. We acquire knowledge by abstracting the essences (or distinguishing characteristics) of concrete existents observed with our senses. We acquire knowledge neither through the senses alone nor through the intellect alone. Reality exists independent of our intellect. Thus reality is the measure of truth and we can discover the natural law only on the basis of a true knowledge of the essences of things.

Man is a being capable of purposive, goal-directed action. What a being *ought* to do is implied by the fact that it *is*, i.e., by its nature. Indeed, Thomas Aquinas argues that the "*good is that which all things seek after* [emphasis in original]."¹⁴

Hence this is the first precept of law, that *good is to be done and ensued, and evil is to be avoided*. All other precepts of the natural law are based upon this, so that whatever the practical reason naturally apprehends as man's good (or evil) belongs to the precepts of the natural law as something to be done or avoided. [Emphasis in original].¹⁵

¹¹ Voegelin, p. 211.

¹² Sandoz, p. 38.

¹³ Ibid.

¹⁴ Thomas Aquinas, *Summa Theologica I-II*, Class Handout, p. 45.

¹⁵ Ibid.

The natural law is universal. It prescribes all acts of virtue. Since a life of reason is proper to all men, as man is a rational being, “there is in every man a natural inclination to act according to reason; and this is to act according to virtue.”¹⁶ And the natural law is the same in all men.¹⁷

Positive law, on the other hand, varies with time and across nations. Through reason, and even common sense, it can be made to approximate the natural law. The prime example for our purposes is English and American common law. English common law has a long tradition going back to the Magna Carta (1215 A.D.). Common law arises “from the particular decisions [of judges] made in concrete cases and not through the impositions of a sovereign, giv[ing] to it an added authority as the “law of the land.””¹⁸ The “Supremacy Clause” in Article VI of the Constitution declares that it and laws made in accordance with it are the “supreme law of the land.” The judges and constitutions of every state must abide by it.¹⁹

English and American constitutionalism can be traced back to feudal times. The sovereign’s power is limited inasmuch as he does not create the laws and has an obligation to protect the lives, liberty, and property of his people just as they have an obligation to each other and to him. In the natural law, common law, and constitutionalism “lay the notions of government by consent (popular sovereignty) and the sanctity of the fundamental law limiting government’s authority, whose kernel of protected liberties unfolded especially from Article 39 of Magna Carta (1215 A.D.).”²⁰

¹⁶ Ibid., p. 47.

¹⁷ Ibid., pp. 48-51.

¹⁸ Scruton, p. 25.

¹⁹ Sandoz, p. 236.

²⁰ Ibid., p. 117.

An unjust law is no law at all and must rest on the consent of the community. The people thus have a right to overthrow a tyrannical ruler. “Only a viable community can be governed freely. “The self-imposition of a fabric of institutions, laws, and policies implies” a common sense that embodies some degree of commonality in “language, heritage, race, religion, geography, customs, manners, principles of government, and a historical occasion, all of which weld refractory individual men together...”²¹

Locke’s social contract theory also serves as a frame for modern constitutionalism. Locke makes use of a ‘thought experiment’ to conceive of man in a state of nature in which all men are equal inasmuch as they all possess the faculty of reason. Man is thus capable of knowing the law of nature. In a state of nature, the executive powers of defense and punishment are rested in the individual. Man can exceed the bounds of natural law by meting out unjust punishments, perhaps in a fit of revenge or passion. Because aggressors act contrary to the natural law they are outside the realm of reason and so should be treated as beasts of prey. Such aggression draws men from the state of nature into the state of war. It is to avoid the state of war that man leaves the insecurity of the state of nature to join a society and form a government. The government is tasked with protecting man’s natural rights, the right to property being Locke’s primary focus.²²

A few other important aspects of Western civilization worth noting are the territorial jurisdiction and citizenship of the nation-state that derives from the foregoing.²³

Another is St. Augustine’s distinction between the City of God and the City of Man,

²¹ Ibid., p. 38.

²² John Locke, “The Second Treatise of Government,” in David Wooton, ed., *Political Writings of John Locke*, New York, NY: Mentor, 1993.

²³ See Scruton for more on territorial jurisdiction.

which contributed to the idea of the separation of church and state. In the fifth century, Pope Gelasius I made this Christian doctrine, “arguing that God granted “two swords” for earthly government: that of the Church for the government of men’s souls, and that of the imperial power for the regulation of temporal affairs.”²⁴

Now that many of the essential and distinguishing characteristics of representative free government in the West have been dealt with, I will now explore whether Islamic political culture has comparable or equivalent characteristics.

My exploration will begin with and center around the work of the great historian and political theorist, Ibn Khaldun, in particular his treatment of human nature, ‘asabiyya (group feeling), and dawla (political power) in *The Muqaddimah* (1377 A.D.). According to Khaldun, God made Man with certain qualities that distinguish him from other living beings. The four main qualities that Khaldun cites are: 1) the capacity for rational thought, 2) the need for a restraining influence and strong authority, 3) the need to make a living for himself and the myriad ways doing so, and 4) civilization. Rational thought is the primary distinguishing characteristic of Man. Indeed, Khaldun goes so far as to say, “The degree to which a human being is able to establish an orderly causal chain determines his degree of humanity.”²⁵ Despite its importance and power, reason is a special attribute of the soul; it is limited and should be subservient to revelation.

Khaldun argues that human beings have a “natural disposition...toward cooperation in order to be able to make a living” and that this “means that human beings have to dwell in common and settle together in cities and hamlets for the comforts of

²⁴ Scruton, p. 4.

²⁵ Ibn Khaldun, *The Muqaddimah*, Princeton: Princeton University Press, 1967, p. 335.

companionship and for the satisfaction of human needs.’²⁶ This is due to the fact that, unlike other animals, the power of the individual human being is insufficient to provide him with the necessities of life, e.g., food and shelter. He is physically inferior to the natural predators of the world. While he can build primitive tools that can enable him to manage a bare subsistence, such a life is fraught with danger. Moreover, so much time is consumed with subsistence that little or no advancement is possible. It is only through cooperation, and the division of labor in society, that Man can make a living for himself.

While human beings have a natural disposition toward cooperation, we are also naturally aggressive, as are other living beings. As hinted at above, human beings must resort to cooperation and tools created by their ability to think in order to defend themselves from other aggressive animals. Human beings are born ignorant, and their animal nature as well as bad influences can lead them to be aggressive toward each other to. However, it is this natural aggressiveness and ability to think that makes a restraining influence and strong authority over men necessary. Khaldun thus explains the meaning of royal authority. Anticipating Hobbes, Khaldun relates human life without such a restraining influence to life in a state of anarchy.

The glue that holds social organization together is ‘asabiyya or group feeling. Group feeling arises only from blood relationships or some other type of relationship that corresponds to it. Human beings have a natural respect, compassion, and affection for blood relatives. Group feeling can be described as a feeling of solidarity. While group feeling results from common descent or lineage, it is possible to develop group feeling with one’s master, clients, or allies. However, such relationships take time to develop and

²⁶ Ibid., p. 43.

are not as strong. Therefore, group feeling is primarily a tribalistic phenomenon, though Khaldun argues that strong dynasties can promote an overriding national group feeling. Furthermore, sedentary (settled or city) life tends to muddle and dilute lineages and thus has a negative effect on group feeling.

For Khaldun, the goal of group feeling is royal authority. It is group feeling that “makes possible mutual defence, the pressing of claims, and every other kind of social activity.”²⁷ For a person to act as a restraining influence and mediator, he must have a superior group feeling over others. Leadership...

exists only through superiority, and superiority only through group feeling. Leadership over people, therefore, must, of necessity, derive from a group feeling that is superior to each individual group feeling. Each individual group feeling that becomes aware of the superiority of the group feeling of the leader is ready to obey and follow him.²⁸

Thus, Khaldun ties leadership to common descent, as the group feeling of clients and allies is usually not strong enough for them to acquire leadership.

Khaldun differentiates between royal authority and leadership. The latter refers to the chieftain. The chieftain is obeyed but he does not have the power to command obedience, to force others to accept his commands. The royal authority, on the other hand, has the power to rule by force. The royal authority implies a ruling dynasty that overpowers the group feeling of other tribes and groups, making them subservient to it.²⁹

But how does one recognize royal authority? Khaldun argues that a person’s eager desire to acquire praiseworthy qualities is a sign of royal authority. What is considered praiseworthy is determined by divine law. Khaldun offers an extensive list of good

²⁷ Ibid., p. 107.

²⁸ Ibid., p. 101.

²⁹ Ibid., p. 108.

qualities that successful leaders possess and seek to acquire. Among these are generosity and forgiveness of error, tolerance toward the weak, the support of dependents, maintenance of the indigent, fairness and care for those who are too weak to care for themselves, humility toward the poor, attentiveness to the complaints of supplicants, respect for and fulfillment of the duties of religious law, and more.³⁰

According to Antony Black, in Khaldun's thought, "one of the most important functions of government is to regulate and develop the economy."³¹ Despite the welfare statist ring to this regulatory function and the qualities of good leadership noted above, Khaldun makes many arguments in line with a modern market economy. For instance, arguing against heavy taxation, he says "that the strongest incentive for cultural activity is to lower as much as possible the amounts of individual imposts levied upon persons capable of undertaking cultural enterprises. In this manner, such persons will be psychologically disposed to undertake them, because they can be confident of making a profit from them."³² He also argues in favor of protection of private property and against arbitrary confiscation and forced labor.

The reasoning behind this position is, I think, twofold. The first is his view that social organization and cooperation are necessary for man. The benefits of living in society rest upon the division of labor and the increased prosperity that exchange brings. The second is his belief "that man is a natural leader by virtue of the fact that he has been made a representative (of God on earth). When a leader is deprived of his leadership and

³⁰ Ibid., p. 112.

³¹ Antony Black, *History of Islamic Political Thought: From the Prophet to the Present*, New York: Routledge 2001, p. 179.

³² Khaldun, p. 231.

prevented from exercising all of his powers, he becomes apathetic...³³ Thus he includes imposts and taxes among the things that force meekness and docility and humiliation, which leads to a destruction of group feeling.³⁴

In a similar vein, Khaldun criticized the enforcement of laws through punishment as well as the use of laws to serve the purposes of education and instruction. Domination with laws through the use of brute force and intimidation in this manner has the effect of breaking the people's fortitude, deprives them of the power of resistance and instills a feeling of humiliation. In contrast, domination can be kind and just if the people are guided by the discipline of religious law rather than political law. In this way people are encouraged to be a restraining influence on themselves.³⁵

In the dynastic rule of the royal authority, Khaldun seems to present a picture of a sort of tribalistic state. And, although he seems to think that a state's rule by brute force and/or 'asabiyya alone is legitimate, he sees such a state as lacking the moral authority of religious law. But perhaps legitimacy is the wrong word, for even in Khaldun an equivalent of the Christian "two swords" is notably lacking; it is even more so in the rest of Islamic political thought. Secular political power has no legitimate authority. In Islam, it could be said that there is only "one sword" that governs both religious and temporal affairs. Moreover, in Islamic political thought and in Arab culture, there is no precedent for the state. On a more local level, society depends upon a complex arrangement of familial, tribal, and personal allegiances. These allegiances serve the same functions as contractual law in the West, but differ in that they are nonconsensual obligations. As such

³³ Ibid., p. 117.

³⁴ Ibid., p. 111.

³⁵ Ibid., pp. 95-96.

they make poor experiential models for laws arrived at from consent. Beyond the bounds of these allegiances, individuals must rely upon power in their relations with one another. Lacking a contractual legal tradition, the corresponding notion of the restraint of the law with rights has not emerged in Arab Islamic societies.

On a more global level than the state, Islamic law has universal authority and legitimacy. Unlike Christianity, which developed under already existing Roman law, Islam developed a detailed system of laws that governs everyday life. God prescribed right and wrong through the Qur'an and the Reports, and "the resulting moral code, the Shari'a, is not open to rational debate."³⁶ The lack of a competing legal system and the universal authority of religious law leaves no room for a legitimate secular law at the state level.

One might expect the people to resist the illegitimate secular laws of the state's rulers, but several traditions in Islamic thought mitigate such a reaction. One of these is the doctrine of non-resistance espoused by both Hanbal and Al-'Ash'ari. Ibn Hanbal espoused "the duty of absolute obedience unless the Leader apostasised or failed to make provision for communal prayer."³⁷ Al-'Ash'ari denounced "those who hold it right to rise against [the Leaders] whenever there may be apparent in them a falling away from right..."³⁸ Only if a ruler commands disobedience to God is it acceptable to resist him. As Antony Black states, "any ruler in his right mind could avoid this."³⁹ Obedience was strengthened further by the Ash'arite and Hanbali rejection of rational arguments.

³⁶ Black, p. 83.

³⁷ Ibid., p. 84.

³⁸ Ibid.

³⁹ Ibid.

Another related tradition is the strain of fatalism in Islam. This fatalism is manifest in a sermon made by Sheikh Jamal Shakir Al-Nazzal in Iraq on May 2, 2003. “By Allah, we do not fear [America’s] force, because all power is Allah’s. What happened to us was because we distanced ourselves from Islam.”⁴⁰ One must bow down to power as the will of Allah. Such punishments are the result of disobeying the commandments of Islam.

Beyond the life of Muhammad (d. 632) the Prophet, the founder of Islam, and his Companions, the Qur’an provides no system by which to administer Islam on a global level. This lack, combined with the charismatic tribal leadership arising from ‘asabiyya, leaves the enforcement of the law up to charisma and brute force. Add to this the rejection of rational debate with regards to the Shari’a and fatalism toward power described above, and it is clear that there is no rule of law as we know it in the West. This is, rather, the rule of men. It is no wonder then that Rudolf Otto criticizes Islam for being excessively non-rational, a trait which gives “a merely ‘fortuitous’ character to the claim of morality, as though the moral law were only valid through the chance caprice of the deity [Allah].”⁴¹

In light of the foregoing, what are the chances for democracy or representative free government in Iraq and what form might they take? The most likely aspect of these to take hold, I think, is democratic elections. It should be possible to translate the charismatic nature of leadership arising through ‘asabiyya into the more formal system of democratic elections. The act of voting for leaders is the least problematic reform.

⁴⁰ “Friday Sermon in Falouja, Iraq,” The Middle East Media Research Institute (MEMRI), http://www.memri.org/bin/opener_latest.cgi?ID=SD50003, May 6, 2003.

⁴¹ Rudolf Otto, *The Idea of the Holy*, Oxford: Oxford University Press, 1958, p. 91.

Making elections regular and fair may take longer, and I do not see universal suffrage being accepted for at least a few generations, if ever, due to the status of women in Muslim society. For the same reason I would expect problems achieving gender equality in other areas.

Democratic elections would work best at the local level due to stronger group feeling. Also, due to the religious and ethnic factions in Iraq, I think legitimacy would be improved further if the local/sub-national governments were divided along religious and ethnic lines (e.g., Sunni, Shi'ite, Kurd) and given a high degree of autonomy and power relative to the national/state government. In other words, I think some sort of federal system with a limited national government would best take advantage of 'asabiyya and the common sense of the individual ethnic/religious communities that comprise the state of Iraq. In this way local governments would have a greater sense of cohesion and group feeling and, thus, hopefully more legitimacy.

Of course, a way must be devised to block the ambitions of the aforementioned ethnic and religious groups at the national level of government. For example, a unicameral congress, or the highest house of a bicameral congress, could be elected by local representatives so that each sub-national government has an equal representation. The sub-national governments will thereby have a check on the power of the national government as well. For the executive branch, to avoid any group or groups with larger populations from dominating, some sort of electoral college that balances the votes of each group could be used. Alternatively, a parliament that forces these groups to form

coalitions in order to establish a prime minister might work. A limited national government could maintain a small standing army, while the sub-national governments maintain their own militias.

The national and sub-national governments must be kept out of economic affairs as much as possible. There is some support for this in the political thought of Khaldun as well as in the illegitimacy of secular laws. All of the rights enjoyed in the West depend upon the right to property. If the private sector is allowed to predominate and cater to the needs and wants of the Iraqi people, economic development can proceed naturally and may plant the seeds of notions of property rights. This could result in increasing Westernization, however, and fuel a backlash resulting in a demand for government intervention. Free travel and commerce between regions in Iraq will facilitate economic growth as well as the formation of a national identity. Western-style social-welfare programs should be avoided as they would undermine traditional familial, tribal, and personal allegiances that perform the same functions in addition to their other functions.

The greatest obstacle to economic development and prosperity in Iraq would be the national oil industry. Government dominance of the oil industry in Middle Eastern countries has retarded economic growth. It crowds out investment and employment in the private sector, thus encouraging rent-seeking behavior and discouraging diversification of the economy. The oil industry in Iraq needs to be privatized and decentralized. This step is also necessary if Iraq is to have a limited national government.

Until and unless the experiential and philosophical prerequisites for a separation of church and state develop in Islam or just Iraq, I do not think such a separation would be accepted in a democratic Iraq. There seems to be the beginnings of some support for

such a separation in Khaldun's preference for moral self-discipline over political laws imposed by force, however. The degree of separation that predominates in the West should not be expected, though, and religious freedom is likely to remain limited for several generations at least. Thus, personal and social freedom will be limited to. If a Western secular government were imposed upon Iraq at this time, I think it would seriously undermine the legitimacy of the new democratic government.

Samuel P. Huntington in *The Clash of Civilizations* points out that while the transition to democracy has often be accompanied by a perceived need to Westernize, democracy eventually fosters a phenomenon called indigenization. Democratic institutions give "access to power to nativist and anti-Western political movements." Electoral competition encourages politicians "to fashion what they believe will be the most popular appeals, and those are usually ethnic, nationalist, and religious in character."⁴² Thus, while I think that Iraq is likely to become a democracy in the narrow, electoral sense of the term, to my knowledge Iraq is lacking in that perceived need to Westernize, so I do not think it likely that it will develop into a liberal democracy or a representative free government in the foreseeable future. Social, personal, and religious freedom will very likely remain very limited by Western standards. Economic freedom will probably be jeopardized in the long run by reactions against the import of Western values in the form of consumer goods. I also do not think it likely that the framers of the new Iraqi government will have the good sense to privatize and decentralize the oil industry. Political corruption is likely due to the lack of the rule of law and the reliance on personal and blood relationships and charismatic leadership.

⁴² Samuel P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, New York: Touchstone, 1997, p. 94 for both quotations.