

The New Iraq: Challenges for State-Building

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The 2003 US-Iraq war may prove to be no less formative for Iraq, than the First World War, which brought about its establishment. But while the First World War shaped the physical and geographic configuration of Iraq, this one is likely to reshape its internal contents, giving it a new identity, political shape and orientation. Its American architects have envisioned a new Iraq different from the old one in small and large ways, starting from its currency and flag and ending up with the country's power-structures and internal relations. Yet the more they strive to reorient Iraq to a new future, the more the past, with its structural problems, will reemerge to haunt them.

Legacies of the Past

One set of challenges facing the Americans is largely related to the legacy of the British mandate as well as the monarchical, the Republican and the Ba'ath eras. The geostrategic problem of a huge oil country with a narrow outlet to the sea (c. 70kms.) has bedeviled all Iraqi regimes and was in part the cause for the revisionism of its leaders, starting from King Ghazi, going through Nuri al-Sa'id and 'Abd al-Karim Qasim¹ and ending up with Saddam Husain, all of whom sought to "bring back" Kuwait to the Iraqi fold. The Americans already faced this inherent problem when they made the preparations for entering Iraq and during the war itself. The opening of

¹ For Qasim's handling of the affair, see Uriel Dann, *Iraq Under Qassem* (Jerusalem, Israel Universities Press, 1969), pp. 349-353.

the war and later the northern front was delayed because they could not get permission for their troops to cross Turkish territory into Iraq. Only the cooperation of the Kurds and their active participation in the war made possible the opening of such a front in this landlocked country. Similarly, the fighting in Umm Qasr took an especially long time (relative to the capital Baghdad itself), precisely because of the difficulty of handling such a bottle-necked area. The Americans are also likely to face problems in their endeavours to speed up the export of oil. In the past Iraq was dependent on its neighbours for exporting its oil: Syria, Turkey and Saudi Arabia, through whose territory pass Iraqi oil pipelines have all exploited at one time or another, the Iraqi geo-strategic predicament and stopped the flow of oil. This problem of a narrow outlet to the sea will have to be dealt with either by the US or by any new Iraqi ruler who might be no less revisionist than his predecessors.

The vision of bringing democracy to Iraq is as old as the Iraqi state itself. Britain's attempts to do so failed dismally because democracy conflicted with British interests; because British policies were rife with contradictions; and because Iraqi society was neither ready nor willing to adopt Western-like imposed values.² The British "original sin" was that they handed power to the Arab Sunnis (18-20 per cent of the population), thus marginalizing the Shi'i majority, (estimated at 55 per cent of the population) and the other big minority, the Kurds (14-18 per cent). Moreover, the Kurds who had been promised autonomy, were annexed later (in 1926) to the state because of British oil interests in their area. If the Americans wish to establish a genuine democracy in Iraq, they will have to wipe out British legacies and in the process square many circles. One major problem is how to let the Shi'a have their real share in power, while at the same time, preempting the formation of an Islamic government in Iraq as some of them advocate. Another dilemma is how to allow the Kurds to form a federal system without antagonizing neighbouring states and other Iraqis. Furthermore, if the Americans should allow participation and free elections for all, they will be forced to include the remnants of the Ba'th party as well, something which contradicts their intention of deba'thizing the state.

Closely related to this is the problem of finding a new ruler who will enjoy legitimacy among Iraqis. At the time, the British imposed on the local population King Faisal I whom they brought from outside Iraq, at the expense of local leaders. Suspected of being an obedient tool in the hands

² See Ofra Bengio, "Pitfalls of Instant Democracy", in M. Eisenstadt and E. Mathewson (eds), *U.S. Policy in Post Saddam Iraq: Lessons from the British Experience*, (Washington, The Washington Institute for Near East Policy, 2003), pp. 15-26.

of the British, Faisal (who died in 1933) and his heirs never enjoyed real legitimacy, and in fact members of the royal family were massacred mercilessly by the army in the July 1958 Qasim revolution.³ The problem facing the Americans now is much more acute, since this is the first time in Iraqi history that regime-change was made by an outside power, thus leaving a power vacuum with no alternative leadership, no sense of direction, and no guiding ideology. The Americans' problem will be how to find a ruler who will be both acceptable to them but will also enjoy the legitimacy of all Iraqis. If they install a ruler from the outside, namely from among those Iraqis who became allied to them before the war, such as Ahmad Chalabi, head of the Iraqi National Congress (INC), it is quite likely that he will not be acceptable to the majority of Iraqis. If on the other hand they wait until a natural Iraqi leader develops "from the inside", there is the risk that this process be interminable, and that in the final analysis such a leader will be anti-American.

Another structural problem which has been part and parcel of modern Iraqi history is the army's key role in both regime-changes and in holding the country together. Thus, at no time in eighty years of history, has the regime been changed by civilians without the use of force. The army has assumed such a prominent role precisely because of the difficulty of handling such a heterogeneous society, where the Arab Sunni minority rules a Shi'i majority that aspires to change the balance of power in the country, and a Kurdish minority that dreams of achieving, at the least, autonomy. Saddam Husain was so successful in Ba'ithizing and depoliticizing the army that the army lost its traditional role of regime-changer. In the end, only a foreign army could oust the Ba'ith from power. The collapse of the Iraqi army during the war has thus left all the burden of internal and external security solely on the Americans and their allies.

Atomisation of the State

Another set of challenges had to do with the tectonic changes that have occurred in the country as a result of the war. On the macro level, the most intriguing change had to do with the collapse of the Sunni "Centre" and the rise of the powers of the periphery, namely the Kurds and the Shi'a. On the micro level, the war resulted in the disintegration of an extremely centralised political system, giving rise to the atomisation of Iraqi society and polity.

The atomisation of the state has given rise to various, previously dormant centrifugal forces, of which the most noteworthy are the tribes, the mosque and men of religion, and new and old political parties. Tribalism, which had been submerged in the first two decades of the Ba'ith, resurfaced with

³ See *Majzarat Qasr al-Rihab*, (Beirut, 1961).

great vigour after the 1991 Gulf War as a result of the weakening of the central state authority. Saddam Husain, however, knew how both to mobilise the tribal frameworks and to keep them in check. In the current power vacuum, tribalism and tribal leaders have reasserted themselves and become powers to be reckoned with.⁴ A second element which was also very quick to fill the vacuum were the mosques. Even as the war was still raging, men of religion organised themselves to carry out various emergency tasks such as patrolling the streets and providing medical and other humanitarian services as well as offering spiritual guidance in such a chaotic and bewildering atmosphere. On another level, the one-party system has given way to the mushrooming of parties, some very old—like the Communist Party, the National Democratic Party and the Muslim Brothers Movement—and others completely new. The mushrooming of the parties also triggered the publication of some seventy new newspapers, most of which are party affiliated.⁵

While all these developments and activities might have accelerated the uprooting of the old Ba'ṯhi system, and the emergence in its place of a more pluralistic, free and open one, they also made it extremely difficult for a central government, whoever stands at its head, to normalise and stabilise the domestic situation. One important reason for this is the change in the balance of power between the three major Iraqi communities: the Arab Sunnis, the Kurds and the Arab Shi'a.

The Fall and Rise of the Sunnis?

It is still too early to try and analyze the deep-rooted causes of the surprising collapse of the Sunni Centre during the war, but a few points can be highlighted. Theoretically speaking, the Sunni Centre should have provided the fiercest resistance in the war, since the fall of the Ba'ṯh was likely to change the formula of power-sharing in the country, and snatch the monopoly of power from the hands of the Arab Sunnis. Yet, they remained paralyzed, and the resistance they put up during the war was much weaker than the Shi'a's. The Sunnis' inaction might be explained by the lack of legitimacy of the Ba'ṯh even among this group and by the fact that president Saddam Husain was at a certain period at loggerheads with the inhabitants of some of the Sunni populated region, such as al-Anbar in north-west Baghdad: in 1995, the people of al-Anbar rioted against the Ba'ṯh, after it put to death a group of officers implicated in an attempted

⁴ For a discussion on the tribalism in Iraq, see Faleh Abdul-Jabar and Hosham Dawod (eds), *Tribes and Power: Nationalism and Ethnicity in the Middle East*, (London, Saqi, 2003), pp.69-205; 257-311.

⁵ *Washington Post*, 8 June 2003. By autumn the number was over 100.

coup against Saddam Husain.⁶ Another reason might have been a realisation that the war was lost and that pragmatism dictated coming to terms with the invading army, deferring opposition to a more opportune time. There were also speculations that Iraqi commanders made secret deals with the Americans even before the war had started.

But as quick as the collapse of the Sunni Centre was, so was also its reemergence. Paradoxically enough, one major reason for this was the dissolution of the Ba'ath party, the army and the security apparatus shortly after the end of the war. True, this move has dealt another severe blow to the Sunni Centre since those were the main vehicles by which the Arab Sunni minority perpetuated its centralised regime and rule over the Kurds and the Shi'a. On the other hand, however, the quick dissolution of the three pillars of Sunni rule not only put all the burden of policing Iraq on the occupiers, but also turned these occupiers into a target for all those thousands of embittered Iraqis who were sent into the streets, with no minimal guarantees for their future.⁷ And while few Iraqis would shed tears for the Ba'ath or the security apparatus, the case of the army is different. The army is the symbol of Iraqi nationhood, and its dissolution has already galvanised strong anti-American feelings. Furthermore, as the three power pillars were the only organised elements in the country and as a great number of their members are Sunnis, they are unlikely to disappear just because of an American edict. In fact, some began to organize clandestinely and start acting against the Americans. The city of Falluja, northwest of Baghdad, which has been in a state of rebellion since mid-April, epitomises the kind of difficulties which the Americans have been facing. Indeed, its rebelliousness has been the first sign of a reassertion of Sunni power.

During the war Falluja did not put any resistance against the American army, which entered the city after negotiations with its mayor.⁸ However, an incident between the American troops and the inhabitants which occurred shortly afterwards, and ended with the killing of a dozen inhabitants, set into motion the beginning of resistance against the Americans. Falluja, once a Ba'athi stronghold, was also known for its recalcitrance: it was from this very place that the 1995 riots against Saddam Husain broke out. The city is Sunni, tribal, religious, and a place from which a large number of high-ranking Ba'athi army officers have hailed.

⁶ Agence France Presse (AFP), 29 May 1995; *Al-Wasat*, 5 June 1995.

The quiet demonstrations of the dissolved army members in Baghdad, took a negative turn in mid June, when two demonstrators were killed in the clashes with the Americans, BBC, 18 June 2003. Such demonstrations would become common feature in Baghdad and other cities.

⁸ *Al-Jazeera TV*, 30 May 2003.

These characteristics are also true for other cities and villages in the Sunni triangle north of Baghdad, and which have been restive for some time, such as al-Ramadi, Hit, Balad, Ba'quba, Tikrit and Haditha.

The 1920 uprising against the British was initiated and led by the Shi'a because they were the most affected sector by the occupation. The Sunni resistance of 2003 might turn into an all-embracing uprising led by Sunnis, because this time they are the most affected sector by the American/British occupation. In front of their very eyes they witnessed the falling of their metropolis, Baghdad, into alien hands. Thus, the Sunni restiveness might be interpreted as a belated reaction to their fall from power and their attempts to reassert themselves in the political arena. But their success in this endeavour also depends on what has already befallen the two other communities, the Kurds and the Shi'a.

The Kurds' New Window of Opportunity

With the overthrow of Saddam Husain, Iraq's Kurds stand on the brink of a new era. Since 1991, they have enjoyed autonomy in northern Iraq. If a federated government is now established, they will not only continue to enjoy their autonomy, but they could well take a major share of the central government in Baghdad. To understand these sea-changes, one should go back to the exceptional decade of the 1990s, which witnessed the establishment of the Kurdish Regional Government (KRG) and Kurdistan's disengagement from the Centre.

The most important achievement of that period was the forging of stronger Kurdish identity. This has been made possible through a combination of Kurdish maturity, born of bitter experience; vital support from the outside world; and the complete disappearance of the Iraqi central government from its region. Growing Kurdish self-identity has taken many real and symbolic forms. First, there has been the development and usage of the Kurdish language in the public sphere, including schools, universities, the administration, and the media. Second, there has been widespread use of national symbols, such as Kurdish flags (alongside or instead of the Iraqi flags), a Kurdish hymn, and even public statuary of Kurdish heroes such as the charismatic leader Mulla Mustafa Barzani.

Another important boost for Kurdish identity and self-rule has been the development of the socioeconomic infrastructure. Under Baghdad's control, the region's infrastructure had been entirely dependent on the central government, and much of it was later destroyed in war. The fact that the Kurds have managed to build this infrastructure almost from scratch, albeit with outside support, speaks volumes of their aptitude for self-government.

Last, but not least, the Kurdish region created a political framework that functioned independently of the Ba'thi regime. This framework has

included the management of local government in different parts of Kurdistan by Kurdish officials; the open and free activities of Kurdish political parties; and the institutionalisation of a Kurdish parliament, whose delegates were chosen in the more-or-less free elections of May 1992.⁹ These elements have come together to constitute a kind of Kurdish government. This authority, notwithstanding its many mistakes and weaknesses, has given the Kurds the sense that they are masters of their fate for the first time since the establishment of Iraq.

The Kurds also came to enjoy a remarkable degree of de facto recognition, for the first time in history. Before that, no Western government openly accepted Kurdish delegations from Iraq. The Iraqi government was far too influential, and it used that influence to block Western-Kurdish contacts. Such contacts, when they existed, took place under cloaks of secrecy. This secrecy verged at times on the absurd; thus for example, when Mulla Mustafa Barzani came to Washington for treatment of his fatal cancer in 1979, he was treated under total anonymity.¹⁰

But over the last decade, Iraq's Kurds have had quasi-official representation in Turkey, Iran, France, Britain, and most importantly the United States—this, at a time when Baghdad itself had no ambassador or other representative in Washington. It is true that the Kurdish representatives abroad lacked formal diplomatic status. Nevertheless, they managed to advance the Kurdish cause in key capitals, and influenced major policy decisions before and during the most recent war. The fact that so many world capitals welcomed Kurdish delegations reflected the centrality of the Kurds in the long-term struggle to remove Saddam: Kurdish good will was crucial to keeping the pressure on Baghdad from the north. The Kurds succeeded in translating their geopolitical centrality into an unprecedented degree of international recognition.

The picture had, however its darker side. The Kurdish national movement has always suffered from a lack of cohesiveness; tribal and sectional interests at times overshadowed national ones.¹¹ The fault line of Kurdish politics runs between Mas'ud Barzani's Kurdistan Democratic Party (KDP) and Jalal Talabani's Patriotic Union of Kurdistan (PUK). The KDP tends toward a conservative nationalism, whereas the PUK once drew upon Marxist ideas of liberation struggle. The KDP is strong in the north of Iraqi Kurdistan; the PUK is strong in the south. The KDP and the PUK also had

⁹ AFP, 22 May 1992; *Le Monde*, 24, 25 May 1992.

¹⁰ David Korn, "The Last Years of Mustafa Barzani", *Middle East Quarterly*, June 1994, pp. 13-27.

¹¹ See Martin Bruinessen, "Kurds, States and Tribes", in *Tribes and Power*, pp. 165-184.

different foreign alliances, the KDP relying on Turkey, the PUK seeking support from Iran and Syria.

Long historical enmities between the two groups came to a head over sharing power in the new parliament and cabinet, and disagreements over oil revenues. The latent power struggle erupted in May 1994, when fighting broke out between the two factions. It lasted until October 1996. The fighting resulted in a high number of Kurdish casualties.¹² In August 1996, the KDP called for help from the Iraqi army—the same army that was responsible for the massacre of some 50,000 Kurds in the *Anfal* campaign eight years earlier—while the PUK looked for support from the United States. The autonomous region became divided into two rival zones; there were two administrative units, two cabinets, two paramilitary organisations (the *peshmergas*), and two flags.¹³ The opportunity for a unified autonomous region seemed to have been lost, this time because of Kurdish infighting.

Restoring peace between the two groups required the mediation of the United States, Britain, Turkey, Iran, and several Arab countries. The trend since then has been toward reconciliation and even cooperation, and both parties participated in the opening of the legislative council in October 2002. Some might even argue that the rivalry between the KDP and the PUK has enabled the development of a nascent democratic and pluralistic system, as opposed to the one-party model of the Ba'ath.

The freewheeling atmosphere that has prevailed in the Kurdish autonomous region also allowed the rise of new political forces that could hamper Kurdish unity in the future. These elements include the Turkish Kurdistan Workers Party (PKK), various radical Islamist groups, Turkoman¹⁴ factions, and other smaller groupings. Needless to say, this mushrooming of rival groups and interests invites outside intervention and threatens Kurdish self-rule. So the experience of Kurdish autonomy has not been without its crises and problems. But overall, the balance sheet has been a positive one. Indeed, the Kurdish autonomous experiment has become a possible model for Iraq as a whole.

¹² The PUK claimed that in that summer alone, 15,000 PUK members lost their lives; *L'Unità*, 3 September 1996. This figure is highly exaggerated. Another source quoted eyewitnesses who spoke about 1,000-2,000 dead in Irbil; *International Herald Tribune*, 4 September 1996.

¹³ The KDP's yellow flags and the PUK's green ones were visible upon the entrance of their forces to Kirkuk in the last war.

¹⁴ The number of Turkoman is inflated by Turkey, which claims 2,500,000. In reality they number c. 500,000. In the 1960s they represented "at most one fiftieth of the population". Uriel Dann, *Iraq Under Qassem*, p. 2.

With the removal of Saddam Husain, the Kurds have an opportunity to build on the achievements of the past decade. But the war's aftermath could also turn into another disappointment.

In the war itself, the Kurds played a unique and important role. It was the first time in the modern history of Iraq that they fought alongside a non-Muslim power, and for a purpose beyond their own autonomy. Moreover, the Kurds made their contribution not in secret but in broad daylight. And it was not a trifling contribution, either. Without Kurdish help, the United States could not have opened a northern front shortly after the coalition's opening of the southern front. Because of Turkey's last-minute decision not to allow the passage of US troops through its territory, the coalition had to launch the war without troops in Iraq's north. This put the burden of the ground fighting upon the Kurdish *peshmergas*. In most cases, Kurds played the major role in the battles, while the United States provided air support and intelligence. The Kurds also departed from their habitual mode of fighting close to their strongholds in the mountains. They moved into the plain and occupied the two major northern cities of Mosul and Kirkuk.

The PUK (and to a certain extent also the KDP) have proven their usefulness to Washington in another way as well, namely by fighting their common enemy, the Islamist Kurdish group Ansar al-Islam, which the United States believes to have ties with Al-Qa'ida and maybe even the Ba'th. In battles that followed the main war against Iraqi forces, US forces and PUK *peshmergas* launched a combined air-and-ground assault to eject Ansar al-Islam from their village bases.

Indeed, the uniqueness of the Kurdish role lies precisely in the fact that Kurds fought. The United States and Britain did not invite other Iraqi opposition groups to do so. Thus, the Iraqi National Congress (INC) and the Supreme Assembly of the Islamic Revolution in Iraq (SAIRI), which Washington and London also contacted before the war, were not given any actual fighting missions. The prize the Kurds expect for their contribution to the war effort is a federation.

The Kurds raised this goal as early as October 1992, after long deliberations between the KDP and the PUK. At that time, the Kurdistan National Assembly stated the unanimous commitment of Iraqi Kurdistan "to determine its fate and define its legal relationship with the central authority at this stage of history on the basis of a federation (*al-ittihad a-fidirali*) within a democratic parliamentary Iraq"¹⁵ The Kurds, having enjoyed effective and autonomous self-government for a decade, are not

¹⁵ Voice of the People of Kurdistan Radio, 5 October 1992.

willing to give it up. And because Kurdish independence is not feasible, they would like a self-governing unit within an Iraqi federation.

The problem is that a federation requires two or more units, and Iraq at present has only the embryo of one, in the form of the Kurdish Regional Government. The north is the only part of Iraq that does not require American or British military administration. Elsewhere, an immense amount of political reconstruction is required to create the other constituent units of a federation. Nor is it clear what would be the guiding principle behind the formation of such units. Turkey actively opposes it, for fear that northern Iraq would become a Kurdish state to all intents and purposes. For these and other reasons, the United States has refrained from supporting the idea of federation.

The danger now facing the Kurds is the one that has led to their defeat more than once in the past: the temptation to overplay their hand. For example, the Kurds have raised the stakes by demanding the inclusion of oil-rich Kirkuk in the Kurdish-governed areas.¹⁶ Since oil has been the main incentive behind US support for other small states in the gulf region, the Kurds hope to lay their hands on an important oil-producing region. But looting followed the entrance of the *peshmergas* in early April to Kirkuk, and street fighting between Arab tribes and Kurds has plagued the city. So far, US forces have contained the clashes. But a major Kurdish-Arab or Kurdish-Turkoman conflagration, or expulsions of Arabs in the name of restoring lands and homes to dispossessed Kurds, could undercut the Kurdish demand for federation. By setting off a flood of Arab refugees toward Baghdad, or Turkoman refugees to the Turkish border, the Kurds could quickly lose the sympathy they have acquired over the last decade.

Despite the removal of Saddam Husain, the Kurds still have immense value to the United States, as a counterweight to the Shi'a of the south. In the new realities of post-war Iraq, and the emergence of strong Islamism coupled with sentiments of anti-Americanism, the US might revert to the Kurds in the fine balancing game between Iraq's different communities. What is the role of the Shi'a in this game?

The Shi'i Spring in Iraq

The war brought about a renaissance of the Iraqi Shi'a, such as they had not experienced in decades-long years of Ba'athi repression and intimidation. This renaissance might usher the way for a revolutionary change after a 500-year history during which the Shi'a of Mesopotamia/Iraq were ruled by Sunnis and marginalised in the political and decision-making centers.

¹⁶ *Christian Science Monitor*, 14 March 2003.

The Shi'a's worst period in modern times was under the Ba'ath. Though representing a majority of c. 55 per cent of the population, the Shi'a, as a community, had their voice all but silenced. The term Shi'i itself became a taboo in official publications and statements and when it was absolutely necessary to refer to it, other "neutral" terms such as *Ja'fariyya* (the 5th school of jurisprudence in Islam) or *Ta'ifiyya* (sectarianism) were used. This indicates how sensitive the issue was and how, on the other hand, the Ba'ath endeavoured to maintain a façade of unity and harmony. Curiously enough, the Shi'a themselves also refrained from using the term, which may be explained by their doctrine and political practices. From the time of early Islamic history, the Shi'a were a persecuted minority. Acting clandestinely, they developed an important tenet, that of *taqiyya*, namely the duty to dissimulate one's religion under duress or in the face of imminent danger. Under the Ba'ath, the Shi'a faced terrible dangers, hence their reluctance to demonstrate their Shi'ism.

Another explanation lies in the duality of their political practice, that of activism versus quietism. Historically, the question which of the two lines should be followed by the Shi'a was decided by circumstances and the judgment of the leading man of religion, the *Ayatollah Uzma* (Grand Ayatollah). When an opportunity presented itself, such as the weakening of the government, activism would gain ground. On the other hand, in times of strong or repressive governments, quietism was usually the order of the day. The charisma of the particular Ayatollah of the day and the powers he wielded on his followers could also decide the line to be adopted. Generally speaking, the Shi'a men of religion are much more important and wield much more power among their followers, than their Sunni counterparts. The Grand Ayatollah who is also the *marji' al-taqlid*, the source of emulation, stands highest in the Shi'i religious hierarchy. He decides on religious but also on various mundane and political issues. The special two-way bonds between a *marji'* and his followers is reinforced by a tax (*Khums*) paid him directly, which also grants him autonomy from the government. In turn, he would strengthen his hold on the community by spending this money on different welfare projects.

Under the Ba'ath, quietism was the order of the day for most of its 35-year rule. Yet, underneath this ice-thin cover of quietism, there were stormy waters which rose, albeit rarely to the surface. The two important episodes of Shi'i activism occurred in 1977 and in 1991. In the first case, disturbances took place during the *'Ashura* festival commemorating the martyrdom of Imam Husain bin 'Ali in the seventh century. Tens of thousands gathered in and around the holy cities of Najaf and Karbala and along the routes between the two cities, shouting abuse against the Sunni government (at the time there was not a single Shi'i in the Revolutionary Command Council—the highest legislative and executive body of the

state). The Ba'ath reacted harshly, detaining the "culprits" and executing some of them. It is worth noting that the Shi'i disturbances in Iraq took place a year before the Islamic revolution in Iran, and at a time when Ayatollah Khomeini was still in exile in Najaf.

The second, much more serious case was the Shi'i intifada which commenced immediately after the cease-fire of the 1991 Gulf War. Sensing that the government was immensely weakened and counting on the support of the US-led coalition, the Shi'a initiated a rebellion which engulfed all the Shi'i south, including some fifteen cities and was about to reach the capital Baghdad, itself with a Shi'i majority. The one month intifada ended with disastrous results for the Shi'a. To save its skin, the Ba'ath regime had no qualms in killing thousands of its countrymen, and digging for them common graves, such as those that have been unearthed by the Americans and British.

Historically speaking, the Shi'i men of religion played a leading role in confronting the central government, be it a foreign ruler, or a Sunni "usurper". Their most important role was during the 1920 uprising against the British mandate, when their *fatwas* (religious edicts) were instrumental for fueling the uprising.¹⁷ Their opposition to the British remained strong even after the quashing of the uprising, so that only after exiling the most vociferous ones, could the British start building the governing machinery in Iraq. After this episode, however, the power of the 'ulama steadily declined, primarily due to the encroachment of the central government on their sphere of influence through secular schooling, the mobilisation of Shi'a to the army and the enforcement of various secular laws. Another reason was that the 'ulama themselves were plagued by various personal, ethnic, religious, and political divisions which severely hampered attempts to form a unified organisation or present one central goal for all the Shi'a. No less debilitating was the persecution of Shi'i 'ulama at the hand of the authorities.

These trends reached their peak during the Ba'athi period, but because of the secretive and repressive nature of the regime very little reached the outside world. The leading spiritual figures during the Ba'ath era were the Ayatollahs Muhsin al-Hakim, Abu al-Qasim al-Kho'i, Muhammad Baqir al-Sadr and Muhammad Sadiq al-Sadr. Interestingly, the influence of these personalities did not stop with their death, but was perpetuated right up to

¹⁷ For details see, Yitzhak Nakash, *The Shi'is of Iraq*, (Princeton, Princeton University Press, 1994), pp. 66-68; Pierre-Jean Luizard, *La formation de l'Irak contemporain : le rôle politique des ulémas chiïtes à la fin de la domination ottomane et au moment de la construction de L'État irakien*, (Paris, Édition du Centre national de la recherche scientifique, 1991).

present day by other members of their families, reaching at times a clashing point between rival groups. Similarly, the quietist and activist trend cut across members of the same family. The more or less quietist Ayatollah Muhsin al-Hakim died in 1970 and since then members of his family have taken the lion's share in anti-Ba'thi activism, and accordingly also, Ba'thi retribution. Three of Muhsin al-Hakim's sons were leaders or leading figures in three different clandestine Shi'i organisations or groups. Mahdi al-Hakim was a leading figure behind the Da'wa party which started to organise secretly in the late 1950s. Shortly after the advent of the Ba'th to power, Mahdi was arrested and accused of spying for Israel. He fled the country in 1969 and lived in exile until his killing in 1988. A second son, 'Abd al-'Aziz al-Hakim was the head of the Iraqi Mujahidin movement, which was formed in 1970 and specialised in anti-Ba'thi guerrilla attacks.

Muhammad Baqir al-Hakim, by far, the most famous and influential of all the brothers, was head of the 'ulama movement. Baqir al-Hakim fled to Iran in 1980 where he organised, in 1982, the umbrella organization, "the Supreme Assembly for Islamic Revolution in Iraq" (SAIRI, or SCIRI), which aimed at coordinating activities not just among Shi'i groups but also between them and Kurdish Islamist groups. In addition to the Da'wa Party, the Mujahidin and the 'ulama movement, SAIRI included another Shi'i group, the Islamic Action Movement which was established in 1965 and was headed by Taqi al-Mudarrisi, and three Sunni-Kurdish Islamic groups, which were established in 1980.¹⁸ Baqir's brother 'Abd al-'Aziz, was his deputy as head of SAIRI. The Hakims' activism did not go unnoticed by the Ba'th. In 1983 it arrested ninety persons of the extended family and executed six of them—Muhsin al-Hakim's three sons and three grandsons—all of whom were 'ulama. In 1985 it executed another ten members of the Hakim family, and in 1988 it was behind the assassination of Mahdi al-Hakim in his exile in Khartoum.¹⁹

The Sadrs and Kho'is did not fare any better. In March 1980, the Ba'th executed Ayatollah Muhammad Baqir al-Sadr and his sister Bint al-Huda. The unprecedented execution of such an eminent religious personality should be understood against the background of his own activities in Najaf as well as the Islamic revolution in Iran. Sadr, who was considered a brilliant Muslim thinker, was believed to be behind the 1977 disturbances and al-Da'wa activities. He was also an associate of Ayatollah Khomai, who was in exile in Iraq between 1964-1978. Indeed both belonged to the activist trend and both adopted the concept of Muslim government. When

¹⁸ Farhad Ibrahim, *Al-Ta'ifiyya wal-Siyasa fi al-'Alam al-'Arabi*, (Cairo, MatBa'at al-Madbuli, 1996), pp. 412-415.

¹⁹ *Al-Tayyar al-Jadid*, 11 March 1985; *Le Monde*, 13 March 1985.

Saddam's sworn enemy, Khomeini, staged the Islamic revolution in Iran, Sadr sent him a cable of support, moving the paranoiac Ba'ath to believe that a similar revolution by Sadr in Iraq could not be excluded. These apprehensions decided Sadr's fate.

When Sadr was in Najaf, there was a certain amount of friction between him and the Grand Ayatollah Abu al-Qasim Kho'i (of Iranian origin) who, in 1970, followed on the footsteps of Muhsin al-Hakim as the spiritual leader of the Shi'i world. Kho'i was a quietist apolitical figure, but he aroused the wrath of the regime when he refused to condemn the Iranian offensive against Iraq in 1987, whereupon his son-in-law and his son-in-law's brother were put to death.²⁰ Later on, Kho'i was suspected of supporting the Shi'i intifada in 1991 (publicly he was made to accuse the participants of vandalism) whereupon he was exiled from Najaf and put under house arrest in Kufa until his death in 1992. Fearing that his funeral would cause turbulence, the authorities prevented a public funeral, imposed a curfew on Najaf, and announced his death only after he had been buried. The Ba'ath vendetta went on and, in 1994, Kho'i's son, Muhammad Taqi, was assassinated, leaving another son as head of the Kho'i foundation in London.²¹

Desiring a quietist as spiritual leaders of the Shi'a, the Ba'ath appointed after Kho'i's death, the 50 year old Sadiq al-Sadr. In doing so it bypassed the more eminent 'Ali Sistani, and trespassed on Shi'i tradition which ruled that the leader should be "elected" consensually within the community. But to the regime's great disappointment, Sadr did not live up to its expectations. Shedding his supposed quietism in favor of a more activist line, he started to criticise the government and encourage Friday prayers, which the Ba'ath tried to stop. In one of these prayers in 1999, he appeared in shrouds, a customary act of defiance among the Shi'a, symbolizing readiness to die for a cause. The Ba'ath reacted with the only policy known to it: the assassination of Sadr, together with his two sons, causing riots in different parts of Iraq, especially in the Shi'i Saddam city of Baghdad (now called *Madinat al-Sadr al-Munawwara*; "the Enlightened Sadr City")²² The riots were quelled quickly and it was now the turn of another quietist, 'Ali Sistani (of Iranian origin), to take the lead.

Since the 'ulama were too numerous to all be put to death, the Ba'ath reverted to other methods for breaking their power, and drying up their

²⁰ *The Guardian*, 12 February 1987.

²¹ *Al-'Alam*, August 1994.

²² The Ba'ath blamed "deviationists" for the killing. Iraqi News Agency, 20 February 1999.

resources. The policy of execution, killing and arrest of Shi'i 'ulama was meant to deliver several messages to the Shi'i rank and file: that Iraq would not be allowed to turn into a Shi'i state; that religious leaders cannot lead, let alone defend their followers as they themselves were vulnerable; and that riots or a revolution in the Iranian style would be met with the harshest measures. Indeed, pressure on the Shi'a became much stronger after the eruption of the Islamic revolution in Iran in 1978. The guiding principles of the regime were: preventing popular and mass gatherings of the Shi'a; breaking as much as possible the ties between the 'ulama and their followers; undermining the economic autonomy traditionally enjoyed by the Shi'i 'ulama, and weakening the status of religious sites or institutions.

The regime's anti-Shi'i measures included prohibition on *Husayniyya* processions and the *Ashura* procession from Najaf to Karbala so as to prevent them from turning into anti-Ba'thi riots. The Ba'th established what it called committees for "religious indoctrination" (*taw'iyya diniyya*) for supervising Friday prayers, men of religion, religious places, and any other religious activities. It also tried to prevent collection of the special tax to the 'ulama, and thus kill two birds with one stone: cutting the vital ties between the 'ulama and their followers and breaking the autonomy of the 'ulama by turning them into government officials.

The city of Najaf, once the center of the Shi'i world, suffered one blow after another at the hand of the Ba'th. Religious seminars in the city were closed down.²³ Iranian students, men of religion and pilgrims who in the past had constituted an important part of the religious activities in this city and in Karbala, were prevented from entering Iraq especially after the eruption of the Iraqi-Iranian war in 1980. Najaf stopped being the point of departure for the pilgrimage to Mecca, and on the whole lost its centrality to Qom in Iran. Another method for discouraging religious activities was by barring funds for new mosques in Shi'i areas. Thus, for example, between 1968-1982, the Ba'th built ninety-eight mosques in Baghdad governorate and none in four Shi'i ones, including Najaf itself.²⁴ The devastation caused by the Ba'th to the holy shrines in Najaf and Karbala after the intifada of 1991 is now an open secret. And even though the Ba'th rebuilt them afterwards, the scars are still evident.

Notwithstanding these repressive measures, or perhaps because of them, Shi'i clandestine organisations proliferated under the Ba'th. Numbering seven or eight, they were led by 'ulama and had a religious platform; not a

²³ By 1986, the authorities closed eighty-six religious centres all over the country. *Le Monde*, 8 March 1986.

²⁴ *Al-Amakin al-Muqaddasa fi al-'Iraq*. (Baghdad, 1983).

single one was secular. Considering al-Da'wa, and rightly so, as the strongest, the best organised and the most dangerous group, the Ba'ath acted harshly against it. In early 1980, membership in al-Da'wa was decreed a capital crime, punishable by death, and made retroactive to boot. In other words, a law legitimised previous killings of al-Da'wa members, undoubtedly carried out without trial. Justifying the executions of al-Da'wa people Saddam Husain said when addressing their families a few years later: "Was your son hunting birds in the streets or was he referred to the court and ... executed according to law because he belonged to an agent party"? "All our laws say 'cut off his head', so when we cut off his head [you] should not reproach us".²⁵ An activist of al-Da'wa who survived Saddam's bloodbath claimed after his fall, that the total number of al-Da'wa members killed in thirty-five years of Ba'athi rule, was no less than 60,000.²⁶

The Ba'athi persecution shattered al-Da'wa's organisation inside Iraq. Speaking sarcastically, Tariq 'Aziz, who was himself a target of a failed assassination attempt by this group said: "Some of them are living happily in the paradise of Iran; the rest are on the streets of Damascus. They are excellent tourists".²⁷ In fact, great numbers of al-Da'wa members and other groupings were forced to leave the country, becoming dispersed in various countries in the region and outside it. In this way they lost direct ties with their followers. Al-Da'wa itself was split into three rival groupings. All the organisations were divided among themselves, ideologically and politically. They had different countries as their patron and different agendas for post-Saddam Iraq. Some of them cooperated with other Iraqi parties, such as the Kurds, and some began a few years ago to hold contacts with the Americans and British, as part of the preparations for the war.

SAIRI, headed by Baqir al-Hakim and which had its bases in Iran, was the most organised of all Shi'i groups, with a special 15,000 militia force, the Badr Corps, made of former Iraqi PoWs and exiled Shi'a. SAIRI epitomised the dilemmas facing all the other Shi'i groupings. It needed Iranian support so it had to toe Tehran's line. On the other hand it did not want to be left behind if and when the change would take place in Iraq, so it had to approach the US, Iran's "arch" enemy. Its doctrine calls for an Islamic state but on the other hand it had to come to terms with other secular or ethnic groups such as the INC or the Kurdish parties. It desired that the Americans win the war but it did not want to identify itself with

²⁵ *Al-Thawra*, 22 October 1985.

²⁶ BBC, (in Arabic), 9 May 2003.

²⁷ *NYT Magazine*, 3 February 1985.

“Iraq’s enemy”. With these dilemmas, the Shi’i ‘ulama and their organisations had to begin a new life in Iraq.

The sudden freedom brought by the American/British occupation stunned the Shi’a, catching them unprepared. Unlike the Kurds, who had enjoyed ten years of autonomy and thus had time to organise openly and begin building the basis of civil society, the Shi’a had to start from scratch. When the lid on the pressure cooker was suddenly lifted, many forces, groups and organisations emerged from the underground, attempting to fill the power vacuum left by the shattered Ba’th. Unlike the more or less stable situation in the Kurdish camp, the Iraqi Shi’i world is in a state of flux. The Shi’a have remained, as in the past, with no unifying goal, ideology, organisation or leader. The mushrooming of organisations and leaders after the war complicated matters even further.

The Shi’a are divided between two major camps; the secular and religious; between those who advocate a Western-style democratic government and an Islamic one, between supporters of the Islamic republic in Iran and its opponents, between pro-Americans and anti-Americans, between quietists and activists, between the “insiders” and the “outsiders”. Still all of them have one thing in common: they do not want to separate from the state, they want to be the rulers of the state. Although it is impossible to decide at this point in time the proportional size and strength of each camp, one thing is certain, namely that a latent struggle for power has already begun between different individuals representing various trends and ideologies. Family members of the leading ‘ulama in the Ba’thi era are now occupying center stage, attempting to reshape the Iraqi state and the place of the Shi’a in it. Shi’i politics in Najaf after the war can serve as a case study for this development.

In the last years of the Ba’th regime there were four leading ‘ulama in this city, most important of whom was Grand Ayatollah Sistani. All are elderly, and belong to the quietist trend. Possibly thanks to this quietism they managed to weather the crisis of moving from one era to another. Sistani himself was said to have issued opposite *fatwas* calling both for jihad against the Americans and for non-action against them. At the beginning of the recent war, a young ‘Alim activist in his twenties, Muqtada al-Sadr emerged as a rival to Sistani and his quietism. Son of Sadiq al-Sadr who was killed in 1999, and son-in-law of Baqir al-Sadr who was killed in 1980,²⁸ Muqtada is attempting to use the aura of those two as a stepping stone for a leadership role of the Shi’a. His activism also brought him soon to clash with ‘Abd al-Majid al-Kho’i, son of the late Abu al-Qasim al-

²⁸ *Financial Times*, 8 June 2003.

Kho'i, who came back from exile in London, at the end of the war. A struggle for power developed between the second generation of the old Ayatollahs, with Kho'i the "outsider" supporting the allies and a democratic government for Iraq. The struggle did not last for long, as shortly after his arrival to Najaf, Kho'i was killed, together with a shrine gatekeeper, by followers of Sadr.²⁹ Since that episode, the powers of Muqtada al-Sadr have been on the ascendance. He built for himself a new military force, "*Jaysh al-Mahdi*", he strengthened his control over *Madinat al-Sadr* in Baghdad, and he kept challenging the American/British administration as well as the Iraqi Governing Council established in summer 2003. His ties to Iran and his strong activism have already turned him into a major destabilizing element in the Shi'i arena.

Another Shi'i leader who made his comeback to Najaf after twenty-three years of exile in Iran was Baqir al-Hakim. Hakim had brought with him an organisation (the Badr Corps), activism and charisma. Hakim aspired to be both the spiritual and political leader of the Shi'a, something which in the longer run might have put him at loggerheads, not just with the young Sadr but also with the elderly Sistani and the other three spiritual leaders, who were considered to be more learned than him and hence higher in the religious hierarchy. Much more important than those inside politics, were the relationships that have developed between Hakim and his followers with the joint American/British administration in Iraq. Hakim managed to adopt an ambiguous stance and to send double messages, as he had to address three different audiences at one and the same time: his one-time Iranian supporters, Iraqi Shi'i followers and rivals, and the American occupiers/rulers. Baqir al-Hakim's activities came to an abrupt and tragic end with his death together with some eighty people in a car explosion in Najaf on 29 August 2003. His brother, 'Abd al-'Aziz al-Hakim, followed him as head of SAIRI, but the whole episode does not augur well neither to the welfare of the Hakim family nor to the intra-relationship within the Shi'i community itself.

On the whole, the entire Shi'i community is now in the "trial and error" stage, tasting the freedom brought them by the Americans but also testing the limits and boundaries of this freedom. Already now there are manifestations of anti-Americanism in Sadr city of Baghdad, as well as in other places in the country. The secularists of the "inside" and the "outside" are attempting to outbalance these extremists, but it is still too early to say which of the two trends will gain the upper hand. On the whole, the Shi'a are on the horns of more than one dilemma. They don't want to antagonise overduly their American/British saviours, but they don't want to be seen as

²⁹ *Financial Times*, 12 April 2003.

collaborating with them either. They wish the foreign armies to leave the country as quickly as possible, but they don't want them to do it before the Shi'a organise and take control of the country. The Shi'a's leaders might ideally wish to see an Islamic theocracy in Iraq, but realpolitik might move them to accept a sort of Lebanese democracy. All these dilemmas dictate a wait and see policy on the part of the majority of the Shi'a, but the longer the interim period lasts, the greater the chances for the extremists to take lead of the Shi'i camp becomes.

Conclusions

The collapse of Iraqi state authority and the blurring of the lines between the Sunni centre of power and the Shi'i and Kurdish periphery, gave rise to the strengthening of competing foci of loyalties. Kurdish identity was greatly boosted because of a decade of autonomy; the Kurds' achievements in the war and because their main enemy has disappeared from the scene. And while they are playing an increasing role in the shaping of the new Iraq, they are at the same time bolstering their autonomy, no doubt at the expense of the central state authority.

As for the Shi'a, their identity has at long last received "legitimacy". They can identify themselves as Shi'a, they can perform all their religious ceremonies freely and openly, and they can negotiate for power with other Iraqi groups as well as with the allies. But unlike the Kurds, their Shi'ism need not come at the expense of their "Iraqiness".

The Sunnis, for their part, not only have they lost their power bases, but with the dissolution of the Ba'th party, they have been divested of the very ideology which tied them to the Sunni Arab world and identified them with it. Will this increase their Iraqiness at the expense of their pan-Arabism?

In fact, parallel to these developments, one can perceive a growing sense of Iraqi patriotism, among both Sunnis and Shi'a (but not Kurds) which was reinforced by the allied forces various acts of commission or omission since the end of the war. The most important manifestation of this Iraqi patriotism are the growing acts of resistance against US and British forces. Thus, not only must the allies perform the ambitious task of state-building and nation-building of an alien country, but they are also required to do so in a very unfriendly surrounding, bordering on a war of attrition, which might last as long as they remain in Iraq.

The Iraqi situation is in a state of flux that confronts the Americans with difficult dilemmas. They are relentlessly fighting Islamism everywhere in the world but they may have inadvertently helped it flourish in Iraq. They proclaim their wish to bring democracy to Iraq, but this means allowing freedom of expression and organisation to the very forces which will do their best to undermine the power of the allies. To enable democracy to

take root in Iraq, the allies will need to remain for a long time. But the longer they stay, the more they will arouse antagonism, and risk been seen not as liberators but just another imperialist force, no different from the British in the early years of the state. Avoiding this will be their most difficult challenge.