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Democracy in Iraq: taking the culture seriously

The capture before Christmas of Saddam Hussein has focussed attention not only on his ultimate fate but also on the shape of things to come in Iraq. The Iraqi Governing Council and the American-led coalition have announced a provisional timetable for the framing of fundamental law, for the introduction of a transitional government, for elections to a constitutional convention and, eventually, for the emergence of an Iraqi government which has the consent of the Iraqi people.

These are all laudable aims but it will take some hard thinking in Baghdad, Washington and Whitehall if all of these ambitions are to be achieved. It is said that one proposal is to establish a Transitional National Assembly through 'transparent and democratic caucuses'. Does this mean that local custom and religious tradition will be taken into account? In Afghanistan, the Allies have encouraged the convening of the Loya Jirga, a traditional meeting of elders with political and judicial powers. The notion of a Jirga was modified, for instance, in the inclusion of women, but its use legitimises the development of government by consent in a country which had been ravaged by one tyrant after another. Whether democracy takes root in Afghanistan still remains to be seen but, if it does, it will be in a form the Afghans themselves recognise.

In Republic of Fear, his influential book on Iraq, Samir Al-Khalil points out not only that democracy was imposed on the Iraqi people under the British Mandate but also that it never really took root because it was unrelated to local political consciousness. This should not be allowed to happen again. It has often been pointed out that traditional Islamic polity emphasises 'participation' rather than 'representation'. The idea of shūra involves widespread consultation, rather than focusing too narrowly on producing elected representatives. Looking back, one of the reasons for the Ba'athist success has been that party's understanding of participatory politics, however ruthlessly it may have been manipulated. It is to be hoped that the Transitional Assembly and its government will itself be based on participatory bodies at the local level. The abuse of shūra in Iran, Pakistan and elsewhere should not discourage its proper use in Iraq.

If shūra is a religious idea, bai'a is a cultural one. In traditional Arab societies it signals the approval by a group, tribe, clan or religious community of those claiming to lead. However informally this is done, such expressions of confidence in the process, as well as the people produced by the process, will be necessary if the Assembly and government are to receive legitimisation.

The Ottoman insistence on the millet system, which defined almost autonomous communities (usually on the basis of religion and ethnicity), still influences the mentalities of many people in countries like Iraq. Such sensibilities must be taken into account in determining the future shape of Iraq's government. This may mean a more federalist than unitary structure at the national level but, in any case, the principle of 'subsidiarity' will have to be respected so that national government

does not seek to do what the communities can do for themselves. At the same time, the system should be such as to ensure the participation, particularly of minority ethnic and religious groups, at the national level. The failure to do this with regard to the make-up of the present Governing Council has led to not a little criticism.

Naturally, questions are being asked about how the rôle of Islam should be acknowledged in any future constitution of Iraq. This is also an important issue in Afghanistan. My own view is that the place of Islam in national life should certainly be acknowledged but its rôle should be that of influencing and resourcing rather than coercing. For example, the Shari'ah, or Islamic law, can be seen as providing the guiding principles for law making but such laws would also take account of modernity, with its opportunities and problems. This kind of cross-fertilisation would make for a creative marriage of the traditional and the contemporary.

The Governing Council's declaration that the new Fundamental Law will be based on respect for human rights, freedom of speech and religious tolerance is greatly to be welcomed. These must also be the basic principles governing law making in countries like Afghanistan. Iraq has a long history of significant religious and ethnic communities living side by side. This must not only be recognised but positively encouraged. The fate of the Iraqi Jews should not be shared by the remaining Assyrian, Syrian and Chaldean Christians, the Mandaeans and the Yezidis.

The challenge then is to create a modern state in Iraq which is governed by consent. How can it become a state in which political, legal and civil institutions that have arisen out of its rich heritage are taken into account but also one which relates well to modern conditions and expectations? It is most important that such institutions as do develop should not be seen merely as 'imports' from the West or anywhere else. They should be able to deliver fiscal probity and accountability while, at the same time, managing Iraq's considerable human and natural resources for the well being of all sections of its population. The international community will not have an opportunity such as this again. It should be used wisely and for the benefit of the Iraqi people – all of them.

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