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PREPARED TESTIMONY OF

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BUILDING A DEMOCRATIC IRAQ

As the people of the United States of America learned over 200 years ago, building a stable, functional democracy isn't easy. Our own first effort, the Articles of Confederation, were a dismal failure that produced paralysis and rebellion. It is safe to say that had the government of the United States remained as constructed by that initial constitution, our nation would never have achieved the strength or the prosperity that it has today. Indeed, it is an open question whether we would even be a single nation today.

The example of the Articles of Confederation is an important lesson that the course of a nation will be shaped, even determined by its constitution. Machiavelli knew this and it is why he--a philosopher whose name is axiomatically associated with autocracy--believed that a vibrant Republic was the best form of government.

Thus, there is little doubt that if a pluralist form of government is to succeed in Iraq, the question of the specific composition of the state is critical. Especially given Iraq's well-known ethnic, religious and tribal fractures, building a state that can assuage popular fears and address the specific problems of the country will be essential to seal these divisions and produce a unified, peaceful and prosperous new Iraqi nation.

For better or worse, the United States must me part of this process. This will be a very difficult task. We must walk a proverbial tight-rope.

On the one hand, the more that the United States can leave the process of constituting a new Iraqi government to the Iraqi people themselves, the better for all involved. Iraqis are fiercely nationalistic. What's more, their unhappy experience with British colonialism creates the potential for heavy-handed U.S. involvement to resonate in a very negative manner, possibly sparking visceral resistance to what otherwise might be perfectly reasonable and even beneficial actions. Over the long term, the more that Iraqis believe that their constitution really is their constitution--written by Iraqis for Iraqis--the greater the likelihood that such a constitution will be accepted, respected, and obeyed.

On the other hand, it is just not clear that the Iraqi people know what is best for them yet. Certainly, Iraq does not have a history of good government which the average Iraqi might use as a reference point. Iraqis would not be the first people to devise a faulty new constitution because they simply had never done it before. Indeed, as I have already noted, the American people did the same, even though we had the helpful example of a reasonably benevolent and republican (for that era) government in England. Across the world, there are too many examples of failed new constitutions to list. In recent years, Bosnia is example enough of how even the best intentioned people can set up a government but out of inexperience, make mistakes that can prove crippling politically, economically, and socially.

Thus, left to their own devices, the Iraqis may not make the best choices. But Iraq is too important a country in too important a part of the world for the United States to simply "throw them in the water and see if they can swim." In addition, because of the rather severe divisions among the Iraqi people, if a new Iraqi constitution proved as unworkable as the Articles of Confederation, to continue with that example, it could quickly produce a slide into chaos, secession, and civil war. The United States and the international community could not abide that, nor should we contribute to a process by which the Iraqi people are likely to suffer another tragedy having endured 34 years of Ba'thist tyranny already.

The trick will be for the United States to guide the presence without directing it. Here, the role of the United Nations and other international institutions could be extremely helpful if only because Iraqis do not suspect the UN of colonial ambitions. So too might other allies prove helpful. The Scandinavians are widely seen as sympathetic, humanitarian and disinterested, for example, and they might be able to help guide the Iraqis in ways that Washington cannot directly. Other non-Western democracies might also play useful roles. So too might a country like Bangladesh, which has enjoyed a reasonable progress on the path toward democracy without losing its Islamic identity.

Islam and Democracy

The example of Bangladesh raises an important issue with regard to Iraq: the question of Islam and Democracy. There is simply no reason that the Islamic character of a country should prevent it from adopting a democratic system of government. Bangladesh is proof of that. In Turkey, over the past few months, we have seen stunning changes in which an Islamist party is bringing true democracy--sure proof that Islam and democracy are not mutually exclusive. Islam is one of the world's great religions. One that is meant to be meaningful for all time and in all places. As such, while it does contain numerous injunctions as to how believers are to live their lives--what they should and should not do--there is nothing to suggest that the religion of Islam is compatible with only one form of governance. (As an aside, given the early, egalitarian and consociational method of rule employed by the first leaders of the Islamic state, an argument can be made that Islam is more compatible with democracy than autocracy).

Islam is a religion of infinite variety. There is not only the well-known Sunni-Shi'ite split, but also varying schools of jurisprudence within each, a range of Sufi sects, and numerous regional varieties. Indeed, Clifford Geertz, the great Western scholar of Islam has observed that Islam in Morocco (the western end of the Islamic world) and Islam in Indonesia (the eastern end of the Islamic world) are very different religions, heavily influenced by the cultural traditions of each nation and more like them than each other. In Iran, the Ayatollah Khomeini had to develop a completely new doctrine--the notion of velayat-e faqih or rule by the jurisprudent--one completely at odds with traditional Shi'ite beliefs, to justify his rule over the Iranian state.

While this is clearly an extreme example--certainly not one the United States should encourage Iraq to emulate, it does make clear that Islam is neither fixed nor immutable. Indeed, this "Orientalist" interpretation of Islam has long since been discredited and should not be allowed to creep back into real world considerations of the future of Iraq which hold such importance for the Iraqi people and the entire world.

An Iraqi Democracy

If it is important to remember that Islam is not a "one-note" religion, so too is it important to remember that the same is true of democracy. When we speak of democracy, too often we allow our own cultural or individual associations to obscure the meaning of the word. Democracy is rule by the people. In practical terms, it means a political system in which the actions of the government reflect the will of the people, in which those actions are transparent to the population, and the officials charged with executing its policies are accountable to the people. While it is hard to imagine a truly democratic system without elections, elections are not synonymous with democracy. They are just one element of it and not necessarily the defining element.

Many governments around the world have met these conditions while adopting very different models of democracy. Japan, Italy, and the United States are all democracies yet the workings of their political processes are as different as they are similar.

It will be important to keep this in mind when fostering the process of democracy in Iraq. We should think in broad terms. One of the great challenges for an Iraqi democracy is that it will be the first real Arab democracy. Thus one of the challenges will be helping Arab Iraqis develop a democratic system that is suited to their Arab culture just as Japanese democracy is harmonious with Japanese culture and Italian democracy is attuned to Italian culture.

(Indeed, this is where the success of democracy in Iraq could have important ramifications in the Middle East beyond Iraq. Part of the problem with current efforts to democratize the Arab world is that the Arabs have never seen a nation that was both truly democratic and Arab. But just as the success of Japanese democracy made it possible for other East Asians to imagine what democracy might look like in their country, so too might an Iraqi democracy allow other Arabs to understand and desire the same for their countries.)

Ultimately, building democracy in Iraq is not going to be easy. In particular there is the real possibility that Iraq's considerable problems would pervert elections, freedom of speech, or other democratic building blocks and produce illiberal results. Since the fall of the Ottoman Empire, Iraq has been badly governed. In large measure this is because of Iraq's well-known cleavages, and because the Iraqis are famously ungovernable--and had a wide reputation for such even under the Ottomans. This is why Iraq's experiences after independence were so unhappy, and why it took the bloodthirsty tyranny of Saddam Husayn to impose a terrible order on the country. These very features of Iraqi society that make it so hard to govern also demand a democratic system capable of dealing with its serious internal contradictions.

The greatest internal problem for democracy is the potential for one group, particularly Iraq's majority Shi'ah community, to dominate the country. Iraq's Shi'ah community, which comprises over 60 percent of the total population, might use free elections to transform its current exclusion from power to one of total dominance--and knowing this, Sunni Arabs, and perhaps the Kurds, might attempt to preemptively subvert a majority rule-based system. Thus the key for an Iraqi democracy will be to fashion a system that addresses the potential problem of a "tyranny of the majority."

A parliamentary form of democracy would probably be inappropriate for Iraq's political needs because it would exacerbate these problems. A parliamentary form of government--in which the majority party controls both the executive and legislative branches--would reinforce the tyranny of the majority, terrify Iraq's minorities, and probably cause them to try to undermine or circumvent the system to protect themselves from the authority of the central government. Worst of all would be a parliamentary system of proportional representation, which would simply reinforce identification and affiliation along these sectarian lines. Proportional representation in Iraq would harden Iraq's Kurds to vote as Kurds, its Shi'ah to vote as Shi'ah and its Sunni Arabs to vote as Sunni Arabs with no deviation or room for middle ground positions.

Nevertheless, it is possible to envision a form of democracy that should be able to cope with Iraq's political problems. Perhaps surprisingly, a democratic system with some similarities to the American system would appear to best fit the bill. Iraq needs a democratic system that ensures minority rights, limits the ability of the central government to impose its will on its citizens, includes checks and balances to ensure that control of one part of the government does not translate into a form of dictatorship of the majority, and encourages compromise and cooperation among members of otherwise well-defined groupings. Features of Iraq's democracy should include:

? Defining the rights of every individual and limiting the trespasses of the central government;

? Declaring that all powers not reserved to the federal government are instead vested in local governments to further limit central government authorities. In particular, rights to language and religious expression should be expressly noted;

? Creating a further series of checks and balances within the federal system to limit the powers of the government and particularly the ability of any group to employ the power of the central government to repress other members of Iraqi society;

? Electing a President indirectly, in order to ensure that different communities have a say in who is chosen. In particular, Iraq should look to other systems (like that of Malaysia) that work to ensure that candidates are acceptable to multiple constituencies and are not simply imposed by the largest group on the rest of the country.

? Employing a system of representation in the legislature that is determined by geography--not pure party affiliation as in many parliamentary systems--to encourage cooperation across ethnic and religious lines;

This last point is an important one in thinking about Iraqi democracy. Although there is a fair degree of communal correlation with geography (i.e., the Kurds live in the north, the Shi'ah in the south, and the Sunnis in the west) there are also important regions of overlap. In Baghdad, and large chunks of central Iraq, Sunni, Shi'ah, and Kurds are well mixed. By insisting on a system of geographically determined representation, Iraqi legislators elected from these mixed districts would have an incentive to find compromise solutions to national problems to try to please their mixed constituencies. This will be crucial to the success of an Iraqi democracy because it is vital to create a constituency for compromise within the Iraqi central government.

Indeed, this points out one of the great problems of a parliamentary system (particularly proportional representation) for Iraq, because by emphasizing party membership in determining legislative elections, the legislators themselves have less incentive to try to reach compromises across party lines and much more incentive to slavishly follow party ideology. It is a system that tends to push legislators to extremes. What is needed in Iraq is a system that instead encourages them to move toward the center and reach compromises. The American system has become almost infamous for this tendency, so much so that on election day it is often impossible to tell the candidates apart because they all cling so desperately to the middle ground.

One technique that might be applicable in Iraq would be to require candidates to receive a certain percentage of votes from different communities. Thus, a legislator from Kirkuk (a mixed Sunni Arab and Kurdish area) would be required to receive at least one third of the votes of both the Arab and Kurdish communities. In such a system, a demagogue or sectarian extremist would be unlikely to garner sufficient backing to win, while moderates and those

amenable to compromise would. This approach could be applied at other levels as well. For example, a candidate for Chief Executive would have to receive a similar percentage from different communities, again discouraging chauvinism.

No Other Alternatives
Building a democracy in Iraq is not going to be quick or easy, nor is there any guarantee that the effort will succeed. However, it is a necessary course for the United States, the international community, and the people of Iraq to follow. I speak not as an expert on democracy, nor as an advocate for democratic systems, but purely as a specialist on Iraqi affairs. Although there can be no guarantee that democracy will succeed in Iraq, I think it a near certainty that any other system of government will fail there.

The problems of Iraq are so great that any other system is bound to fail. Indeed, the history of Iraq is that they all have failed. Monarchy, oligarchy, and autocracy have all failed to produced stability, prosperity, and tranquility. Both the monarchy and the savage brutality of Saddam's reign produced stability without prosperity or tranquility. The pre-Saddam revolving dictatorships produced none of these ends. In the future, any resort to these or other approaches--theocracy, tribal rule, consociational oligarchy--would doubtless produce more of the same. If the United States and our international partners are not going to see Iraq slip into chaos and civil war, we are going to have to ensure that the Iraqis are able to build a stable democracy. That could be very difficult, but it is also not impossible.