

Theocracy Now

What will the Shia parties want once they have power in Iraq? Exactly what America doesn't want.

BY JUAN COLE

NOT SINCE THE ISLAMIC REVOLUTION OF 1979 has the Middle East witnessed a political upheaval of the magnitude of the Iraqi election held on January 30. The Shia majority has now come decisively to power in the new parliament, and it may make the Kurds its junior partner. The core of the new government consists of two old-time revolutionary Shia parties now somewhat mellowed, the Dawa Party and the Supreme Council for Islamic Revolution in Iraq (SCIRI), which will pursue the "Islamization" of formerly secular Iraq (they have not mellowed that much).

The U.S. media coverage concentrated on the magical moment in which Iraqis braved mortar shells and car bombs to vote. But few Americans realized that, in fact, the Bush administration had tried hard to avoid having anything like one-person, one-vote elections in Iraq. It had tried handing the country over to expatriate politicians with little local support, installing an American administrator to rule by fiat, and persuading Iraqis to allow U.S.-installed provincial council members to elect the parliament.

Instead, the demand for free elections was led by the Grand Ayatollah Ali al-Sistani, the spiritual leader of Iraq's 16 million Shiites. When the White House initially rejected his demand, al-Sistani brought tens of thousands of protesters into the streets in January of 2004, convincing the Bush administration to acquiesce in general elections, though it managed to postpone them until the following year. In the meantime, al-Sistani—a native of Iran who had come to Najaf in 1951—and his advisers looked at the electoral system installed by the Americans and saw that if they could create a united coalition of the Shia religious parties, they might dominate the parliament. Shia comprise 65 percent of the Iraqi population, and most venerate al-Sistani. He appointed a six-man committee to negotiate with parties such as the Dawa and the SCIRI. In the end, 11 such parties agreed to run together on a single list, the United Iraqi Alliance (UIA). Most of these religious parties favor political Islam. The grand ayatollah openly "blessed" the UIA, lending his vast moral authority to this list, which used his image in its campaign advertisements.

FOR MANY AMERICAN COMMENTATORS, THE ELECTIONS were a vindication of Bush administration policies and a demonstration that Iraqis wanted U.S. tutelage on democracy. In fact, many Iraqi Shia said they voted in large part because of their fear of the hellfire with which their clergymen threatened them if they did not come out to the polls. Other voters were convinced that only an elected government would have the legitimacy to demand that U.S. troops depart the country. A Zogby International opinion poll, taken days before the election, showed that 69 percent of Shia and 82 percent of Sunni Arabs favored either an immediate withdrawal of U.S. forces or a withdrawal soon after the elections. The Iraqi public not only objects to being militarily occupied as a matter of principle but also entertains real fears that a continued U.S. presence will bring them to ruin. Only the Kurdish minority begs to differ. That the poll predicted voting behavior so well lends credence to the undertone of strident anti-Americanism it found in Iraq. Somehow, a figure of 72-percent turnout was circulated to the U.S. press, despite the obvious fact that on election day, the electoral commission could have had no idea what the turnout was. The commission quickly revised the estimated turnout down to more like 57 percent.

Early analysis of election returns suggested that the UIA might receive as many as half the seats in the 275-member parliament. The first task of the new parliament will be to elect a president and two vice presidents, which will require a two-thirds majority. The UIA can block any attempt to form a government without it, assuming its constituent parties stand together. The Shia religious coalition will, however, also need at least one partner in the parliament to form a government. That will likely be the Kurds, who form about 15 percent of the population but are likely to be substantially overrepresented in the parliament, with 20 percent or more of the seats. The Kurds are delighted with their strong showing, and are already demanding the presidency for Jalal Talabani, the leader of the Patriotic Union of Kurdistan. Among the Sunnis, though, the most respected party, the Association of Muslim Scholars, had called for a boycott, arguing that no legitimate election could be held under conditions of military occupation. Another important Sunni religious party, the Iraqi Islamic Party, had initially agreed to participate, but pulled out

in late December. Sunni Arabs had virtually no one to vote for even if they had wanted to turn out, which most did not.

Paul Bremer, the former American administrator, had designed the election rules so that there were no local districts. A party or coalition presented a ranked list of candidates to the electoral commission, then the entire country voted together, and party lists will be seated in the parliament in accordance with the percentage of the national vote they won. Thus, if a list won 10 percent of the national vote, its top 27 candidates would be seated (the rest would go home). In an election based on local districts, as with U.S. congressional elections, a light turnout would still return a representative legislature. In the national party-list system, if a particular region did not come out to vote, it simply would not be represented. Worse, the results are proportional, so that nonparticipation would actually increase the

Badr, trained by the Iranian Revolutionary Guards, carried out assassinations and bombings for 20 years.

The behavior of the SCIRI in Basra, where it came to run the local government in the course of 2004 and into 2005, telegraphs what its hegemony is likely to mean. *The Washington Post's* Anthony Shadid reported in January that Basra's mayor and many members of its security forces came from the Badr Corps. In Basra, the SCIRI and the Badr Corps have closed the once-numerous liquor stores and imposed veiling on women high-school and college students. Some local secular politicians suspect that the Badr Corps is implicated in a series of assassinations of former Baath officials.

The other major component of the victorious UIA is the Dawa Party, founded in the late 1950s by Shia activists in imitation of the Communist Party. For the Dawa, the utopia is not a worker's paradise but a Shia republic, where Islamic canon law (Shariah) supplants British-derived civil law and where economics is ordered in accordance with Islamic codes and principles. The Dawa is a lay rather than a clerical party, and has long sought a sort of Islamic parliament (called *shura*, or "consultation," in Arabic), but does not want it to be dominated by clerics. Its more moderate faction is led by Ibrahim Jafari, but a more militant branch (also on the UIA ticket) is headed by Abdul Karim Unzi.

These Shia religious parties do not seek clerical rule. Rather, their major program is the implementation of their version of Islamic law. This goal is more characteristic of political Islam worldwide than is clerical rule, which is rare and of which Iran is the main exemplar. Sudan's fundamentalist military government, for instance, began imposing Islamic law in 1991, and ultimately enforced it even on Christians. Islamic legal thought is dynamic and often innovative, but adherents of political Islam most often pursue a rather literalist interpretation of it, often derived from medieval texts.

At the very least, the Shia religious parties will want "personal status" law—which governs marriage, divorce, inheritance, burial, and other such issues—to replace the uniform civil code. The kind of Islamic law most fundamentalists favor also has negative implications for women. Girls' inheritances would be half that of their brothers. Men could take second, third, and fourth wives. In Shia law, temporary marriage contracts may be drawn up wherein women are wives for two weeks or six months, after which the contract runs out. Men could initiate divorce, but women would find it more difficult. Men would owe women only three months support on divorce, to ensure that they were not pregnant, after which they would pay no alimony. In some Muslim countries, a woman's testimony is now considered to be worth only half that of a man, which has made rapists hard to prosecute. Some of these problems could be addressed by women through a Muslim version of a prenuptial agreement, such that



Turnout Motivator: Al-Sistani warned his followers of dire consequences if they didn't vote. It worked.

representation of rivals that did receive great popular support.

The Sunni Arab boycott of the elections was so extensive that in early returns, the solidly Sunni province of Salahuddin, site of Saddam Hussein's birthplace, Tikrit, returned the Shia UIA as the leading list—a sign that a small Shia minority came out to vote and the mainstream Sunni Arab majority did not. The Association of Muslim Scholars roundly denounced the elections as fraud on their completion, and as soon as traffic, which had been halted on election day, could move again, the bombings began once more.

NOW THAT THE SHIA RELIGIOUS PARTIES HAVE COME to power, what will they want? Clearly, religious law will be high on their agenda. Consider the SCIRI, founded in 1982 in Tehran as an umbrella organization for Iraqi Shia expatriates chased abroad by the persecution of Hussein's Sunni-dominated Baath Party. SCIRI leaders grew close to the Ayatollah Ruhollah Khomeini and other clerical hard-liners in Tehran, accepting the doctrine that clerics should rule. It formed a paramilitary group, the Badr Corps, to carry out operations against the Baath, slipping over the border into Iraq from Iran. The

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they could specify payment of alimony on divorce and prevent the taking of a second wife, by inserting these clauses in the marriage contract. However, only relatively well-off and educated women would likely be able to benefit from this practice.

The Shia religious parties may go beyond implementing Islamic personal-status law for Muslims. They may wish to see criminal law Islamized as well. The Dawa Party has a long-standing dedication to social justice based on the implementation of Islamic commercial law and economic principles.

This program could run into problems, of course. If the Shia ally with the Kurds to form a government, they might have to create a Kurdistan province for their allies and allow it to opt out of implementing religious law. Many Kurdish politicians have a socialist past, and the Kurdish rank and file is traditionalist (think Brazilian Catholicism) rather than fundamentalist, so implementation of strict religious law would not be popular in the Kurdish region.

The Kurds are also eager to turn their election success to political advantage. A referendum carried out at the same time as the election in the Kurdish regions showed that 95 percent of Kurds want independence, but the major Kurdish political parties understand that to press for complete autonomy carries with it immense dangers. The Turkish and Iranian governments fear an independent Kurdistan in northern Iraq, lest their own substantial Kurdish populations seek to join it. The United States has expressed a commitment to a united Iraq, and the Arab Iraqis abhor the idea of partition.

The Kurds have put forward less radical demands that nevertheless will require hard negotiation and compromise with the rest of the Iraqis. They wish to redraw the provincial map of Iraq, moving away from the current 18 provinces. They wish to take three provinces where they predominate and detach parts of three others, to create a single ethnically based province of Kurdistan. The former national-security adviser to the interim government, Muwaffaq al-Rubaie, himself a Shiite, has suggested that five provinces be established—two Shia, two Sunni Arab, and one Kurdish.

The Kurds also seek to incorporate the oil city of Kirkuk into their Kurdistan, and to keep all or most of the oil revenues in their province. This demand has already provoked riots in Kirkuk, where Turkmen and Arabs form a majority. But it might be possible to divide Kirkuk or declare it a federal city, and to find a wealth-sharing formula for the northern petroleum income. Kurds will have to remember that the northern fields are old and declining, and the large, newly exploited Rumayla field in the south holds the future of the country's oil income. The Kurds further have demanded substantial provincial autonomy under a loose federalism, and say they will never accept federal troops on their soil.

IF THE SHIA COALITION CAN FORM A GOVERNMENT IN alliance with the Kurdish coalition, it will have to make concessions to the Kurds. The Shia parties, such as the Dawa, have in the past stood for centralized rule from Baghdad and rejected loose federalism on the Canadian or Swiss models. If the Shia and the Kurds cannot reach agreement, UIA leaders will

have to cobble together the missing 16 percent or more of seats from small parties, which will hold the UIA hostage to accomplish their narrow goals. A large Kurdish contingent that feels ignored could prove to be a spoiler, and there is constant danger of violence in a place like Kirkuk that could embroil the whole north in fighting.

A Shia-Kurdish accommodation could be a promising foundation for the new Iraq. But a Shia-Kurdish government, of course, risks further alienating the Sunni Arab heartland of the country, which is already embroiled in a guerrilla war. Sunni Arabs will be very poorly represented in the new parliament, and because the parliament will draft a permanent constitution, their absence could create long-term resentments. The new Shia political class is mature enough to recognize this problem, and has already pledged that an accommodation will be made. Sunni Arabs can be given posts in the executive as vice president and ministers. They can also be appointed to the constituent assembly that will actually draft the constitution. Whether these steps will mollify very many of them, however, is in severe doubt.

And in the short term, the threat of violence continues to loom. As United Nations envoy Lakhdar Brahimi noted in the

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spring of 2004 after speaking to the major party leaders, countries fall into civil turmoil inadvertently, not because it is planned out. Kirkuk is a tinderbox that could explode into urban faction fighting at the drop of a hat. Urban crowd violence is a bigger threat to U.S. military control than militias fighting a civil war. The United States could scramble AC-130 combat aircraft to stop set-piece battles by militiamen. It could not as easily deal with hundreds of thousands of civilians in the streets.

The election results, therefore, threaten to open all the cans of worms in Iraq simultaneously. Religious law, Kurdish autonomy, gender roles, and a whole host of burning issues will come immediately to the fore. If these are addressed in the spirit of parliamentary compromise, Iraqis have an opportunity to forge a new, multicultural Iraq that honors Islam without ramming it down people's throats—and that recognizes provincial rights without breaking up the country. If a spirit of intransigence and maximalism prevails among any major group, however, the country faces the most severe threats. And because Iraq is so central to the oil-producing Persian Gulf, its severe threats are severe threats to Americans as well. **TAP**

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