

A Constitution for Iraq

By William R. Polk

On Monday, March 8, a gathering of carefully selected Iraqis, “guided” by a group of American “advisors,” approved the draft of an interim constitution for Iraq.

The event was proclaimed by U.S. Secretary of State Colin Powell “a major achievement” and by British Prime Minister Tony Blair a “foundation stone” for the new Iraq.

Why is the American government so keen to promulgate a constitution? Why are the Iraqis less enthusiastic? What does the constitution echo of the past and what does it augur for the future? These are the questions I will discuss in this brief article.

First, the American government has been shocked by the fact – spelled out with car bombs, rockets and machineguns – that many Iraqis did not welcome foreign intervention. The Pentagon apparently believed that Iraqis would greet American troops with “flowers and sweets.” In fact, American troops have suffered more casualties in the months since President Bush proclaimed the end of the war in Iraq than in the first three years of the Vietnam War.

This should not have surprised Americans. History shows that people rarely welcome foreign troops. Our own Revolution in 1775 was triggered by American anger at the presence of British troops among us; more recently, we learned, agonizingly, in Vietnam and Mogadishu that, however much natives dislike one another, they seldom want others involved in their conflicts.

As professional American intelligence and political experts have repeatedly warned, attempting to skew facts to fit policies is always self-defeating. Of this too, we have had painful but unlearned lessons. One was the abortive Bay of Pigs invasion in 1961. Then we unwisely listened to the siren call of men biased by their own interests who told us that the Cubans would welcome us with open arms. We were so embarrassed by our failure that when aircraft of the Alabama Air National Guard were shot down, we refused even to accept the bodies of our aviators for burial.

Before the invasion of Iraq, when professionals in the CIA, DIA and State Department refused to substantiate a similar naïve expectation, the Pentagon bushed them aside and created a new organization, “the Office of Special Plans,” to say what Paul Wolfowitz and his “Neoconservative” colleagues wanted to hear. What this unorthodox intelligence “shop” turned out rested in part on the lavishly-paid-for testimony of an Iraqi émigré, Ahmad Chalabi.

Again warning bells sounded but were not heard. Paid-for intelligence by definition is always suspect -- those who sell it have a stake in producing it. And Chalabi was at least a questionable source. He had not been in Iraq for many years, having left as

a boy, and he had been convicted of embezzling the funds of a bank of which he was president.

After American troops quickly won the battle against the small and obsolete Iraqi army, they have been caught in a costly and, many believe, unwinnable guerrilla war. How to end that war quickly, certainly before the November elections, is a major aim of the Bush administration. So it desperately wants to convince Iraqis that its only interests in Iraq are to promote democracy and go home. Promulgating a constitution is the symbolic way to accomplish both objectives. Or, at least many Americans believe it is.

Iraqis are not so sure. They have reason to doubt that a piece of paper is really a “foundation stone” for independence and democracy. They see history repeating itself: it was almost exactly 80 years ago, in 1924, that British officials similarly advised and guided a committee of carefully selected and supposedly representative Iraqis to write a constitution. It too proclaimed democracy.

After the first world war, as new countries emerged from the wreck of the defeated German, Austrian and Ottoman empires, statesmen rushed to write ideal constitutions. They paid little attention to the social, economic or political structure or condition of the target country. Iraq’s constitution, for example, was borrowed from New Zealand’s. On paper, it looked good, the phrases rang with eloquence, but were not anchored in reality; it was not a foundation stone but a weak reed upon which to lean. Ambitious Iraqis simply paid it no attention: in 34 years Iraq suffered a dozen coups d’état of which the last brought the Ba’ath party to power.

For the British, the 1924 constitution also failed to make possible a safe exit. Britain overtly ruled Iraq a further 8 until 1932, and then, more or less covertly, remained in control for another 26 years, until the 1958 coup d’état overthrew the Iraqi monarchy. “Going home safely” is the second aim proclaimed today by the Bush administration.

Given these precedents, both Americans and the Iraqis had better hope that there is much today that is different from the past. What might that be?

The major difference is not in the document itself but in Iraqi society. When the 1924 constitution was proclaimed, few Iraqis were even literate. The British candidly asserted that “in this country, it is neither desirable nor practicable to provide Secondary education except for the select few.” Even at the end of British direct rule in 1932, the average pupil outside the main cities spent only 2 years in school and only 14 of the then existing 154 schools had as many as 6 grades.

Today, the situation is entirely different. Iraq has one of the highest rates of literacy in the Middle East and hundreds of thousands of Iraqis are qualified professionals. Both their level of skill and their painful education in politics offer hope that they will turn the sonorous phrases of the new constitution into political reality.

But a similarity with 1924 persists: Britain would not then allow Iraqis to act in ways that crossed its interests. Will America allow that freedom today? Or rather will it, as many Iraqis believe, follow its own interests to ensure that Iraq does what America wants?

The stakes are high: first, Iraq is now known to have the largest untapped sea of oil in the world and western energy requirements are rapidly rising beyond the capacity of existing (and aging) oil fields.

Second, a majority of the Iraqi people, the Shi'is, share religious and cultural orientations with one of the countries on the Bush administration list of the "axis of evil," Iran. If a democratically elected government of Shi'a fundamentalists takes office, will it be allowed to do what it wants? It seems doubtful.

Third, a powerful and influential group of American companies in what President Eisenhower called "the military-industrial complex" have acquired a vast new market, worth hundreds of billions of dollars, in Iraq. Will America allow the Iraqis to exercise their interpretation of their national interest if doing so means losing that market?

Fourth, the Kurds have lived for a decade essentially as a separate state. Will they be willing to return to a subordinate position in an Arab and perhaps fundamentalist Shi'a state? The constitutional assembly has "deferred" that question.

A favorite Washington phrase is "papering over" differences. The coming months will show whether the new constitution does that or whether it can be solidified into Mr. Blair's foundation stone.

I'll take bets.

1,200 words.

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