

THE IRAQ DEMOCRACY PAPERS

The Iraq Democracy Papers is a series of collected writings on the ideas and practice of democracy that was published in Iraq in 2005 by the *Iraq Democracy Information Center*, a project of the Foundation for the Defense of Democracies to create educational materials on democracy for Iraq, in partnership with the American Islamic Congress and the Independent Women's Forum.



The series is intended as a dialogue on democracy that draws from the literature of different eras and cultures (Arabic, Islamic, Western and Asian) to discuss issues relevant to Iraq's democratic transformation. The essays in *The Iraq Democracy Papers* examine universal versus particular characteristics of democracy, and include case studies to illustrate how democratic principles have been implemented in other countries. They also feature short commentaries by Iraqi scholars and writers on how the selected writings apply to the situation in Iraq.

The purpose of the series is thus to feed the debate among Iraqis involved in designing a new political system. The target readers are “influencers” who are open to the ideas of democracy and other cultures, but are still deepening their understanding of the interlocking pillars of liberal democracy. The writings are therefore intended to provide a strong foundation in the key concepts of democracy in clear, language, and place them in the context of the issues facing Iraq as it transitions out of totalitarian rule.

The Iraq Democracy Papers is also intended for educators of democracy, such as university professors and non-governmental organizations, who are encouraged to use the writings in their programs. The series is available online, at www.iraqdemocracyinfo.org. In addition, two thousand copies were distributed in 2005 throughout Iraq, to universities, women's groups, human rights groups and student groups.

Published Volumes

1. Protecting Freedom, Preventing Despotism (June 2005)
2. Ethnic and Religious Co-existence (July 2005)
3. Accountable Government (August 2005)
4. Representative Government (September 2005)
5. Women and Democracy (October 2005)
6. Commentaries on the Iraqi Constitution (December 2005)

The Iraq Democracy Papers

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**VOLUME 1:
PROTECTING FREEDOM, PREVENTING DESPOTISM**

How can Iraqis prevent the return of tyranny and human rights violations? Writings by Al-Kawakibi, An-Naini and Montesquieu discuss institutional mechanisms for preventing despotism; Haider Ibrahim looks at the roots of despotism in the Arab world; and case studies from Eastern Europe and South Africa examine the issues that Constitutions should address.

Opposing Despotism throughout History

- From Montesquieu to An-Na'ini -*Editorial Essay*
- Despotism in the Arab Setting: Roots, Causes, and Solution
Haider Ibrahim Ali, Director of the Center for Sudanese Studies

From Totalitarian Regimes to Constitutional Government

- Building Blocks for a Constitution
Herman Schwartz, reprinted from Issues of Democracy, March 2004, www.usinfo.state.gov/journals
- Democratic Constitution Making: The South African Experience
Vivian Hart, reprinted from Issues of Democracy, March 2004, www.usinfo.state.gov/journals

Comments from the Iraqi Experience

- The Thousand Mile-Long Road Begins with a Step
Khorsbid Shawkat Al-Rawanduzi – Professor of International Relations at Baghdad University
- Democracy Is Not Born Perfect, and May Never Be
Abdel Khaleq Hussein –Iraqi Surgeon
- The New Iraqi Constitution
Munther Al-Fadl – Member of Iraqi National Assembly, Professor of Law, Irbil University
- How Do We Acquire Immunity from Despotism
Abmad Shams Ali – Iraq Prospect Organization
- A Democratic Transformation
Ghaleb Hasan Al-Shabbandar – Prominent Iraqi Writer

**VOLUME 2:
ETHNIC & RELIGIOUS CO-EXISTENCE**

How can a new Iraq emerge in which its diversity is a source of strength, not division? How can group identities be recognized without undermining national cohesion? This volume examines issues such as individual rights, decentralization and federalism, and the relationship between religion and state in a democracy.

The Reality of Ethnic and Religious Pluralism in the Middle East

- Individual Rights and Religious/ Ethnic Coexistence
Editors
- Ethnic and Religious Pluralism in Iraq
Editors
- Overview of Islamic Writings on Religious Tolerance
Editors, based on an article by Charles Kurzman in Middle East Review of International Affairs, 1999
- Managing Conflict in Emerging Democracies
Larry Diamond, reprinted from Politics in Developing Countries, John Hopkins University Press, 1998
- Religion, Democracy, and the “Twin Tolerations”
Alfred Stepan reprinted from The Journal of Democracy, John Hopkins University Press, October 2000
- Coexistence between Democracy and Religion
Editors, based on an article by Rajeev Babrajava, www.openDemocracy.net

The Federalism Question

- Can Federalism Help to Manage Ethnic and National Diversity
John McGarry – Federations March 2004, www.forumfed.org
- A New Constitution for Iraq: How Federal
John Beaulieu, Federations March 2004, www.forumfed.org

Comments from the Iraqi Experience

- The Shiite Obligation
Kanan Makiya – Iraq Memory Foundation
- Iraq’s Permanent Constitution: Will it be an uphill battle?
Kamran Qaradabi – Chief of Staff to Iraqi President Jalal Talabani, former columnist for Al-Hayat.
- Iraq’s Future Options in Light of Religious and Ethnic Pluralism
Adnan Abu-Zeid – Journalist for Al-Zamman, a leading Arabic newspaper in Iraq

**VOLUME 3:
ENSURING THE GOVERNMENT SERVES THE PEOPLE**

How will Iraqis keep a check on their government? What are the responsibilities of citizens to ensure that their leaders do not abuse their powers? This volume describes mechanisms and institutions that the public can use to hold their leaders accountable, and includes case studies on how citizens in other countries have fought corruption.

Governments without Accountability in the Arab World

- Governments without Accountability in the Arab World: Case of Iraq (*The Editors*)
- Rule of Law & Transparency: Checks & Balances (*the Editors*)
- Size & Democracy: The Case for Decentralization (*Svetlana Tsalik, reprinted from Developing Democracy: Towards Consolidation, John Hopkins University Press, 1999*).

Non-Governmental Mechanisms for Checks & Balances

- Towards Democratic Consolidation (*Larry Diamond, reprinted from Developing Democracy: Towards Consolidation, John Hopkins University Press, 1999*).

Mechanisms for Holding Public Officials Accountable (case studies)

- The Media's Role in Curbing Corruption (*Rick Stapenhurst, reprinted from the World Bank Institute, 2000*).
- Tools for Accountability: The Report Card (*K. Gopkumar, adapted from "Citizen Feedback to Highlight Corruption, a Transparency International publication, September 1998*).
- China: Challenges of Corruption (*Abdullah Al Madani – Saudi Thinker and Specialist in Asian Affairs*).

Comments from the Iraqi Experience

- Social Organizations & Civil Society in Iraq (*Faleh Jaber – Iraq Institute for Strategic Studies*).
- Accountability in Iraq (*Nazar Haider*)
- Iraqi Media Between Two Regimes (*Shukria Kawkazji – Journalist & Professor at Baghdad University*).

**VOLUME 4:
REPRESENTATION**

The definition of "representation" is a dynamic one. People have many identities, including their ethnic, religious, and even their political or other interests. How can Iraqis make sure their government is one that reflects their diverse interests and identities without exacerbating differences between different groups and leading to sectarianism? Volume 4 explores how political parties, different types of electoral system and the way parliamentary seats are allocated affect the government's success in representing the Iraqi people.

Political Representation

- Problem of Political Representation in the Arab World: Case of Iraq (*the Editors*)
- Representing Interests & Identities (*the Editors*)
- Constitutional Design for Divided Societies (*Arend Lijphard, Journal of Democracy 15.2 John Hopkins University Press, 2004*)

Elections & Electoral Systems

- Various Electoral Systems (*the Editors*)
- India: Winner Takes All (*Mabaish Ranjaran*)
- Mali: Two Rounds in Africa (*Shabeen Muzaffar*)
- Bicameralism: A Case Study of Britain (*the Editors*)
- What Makes Elections Free & Fair (*Jorgen Elklit, Journal of Democracy 8.3 John Hopkins University Press, 1997*)
- Comments on Articles of the Iraqi Constitution (*Nathan Brown – Carnegie Endowment for International Peace*)

The Role of Political Parties

- Funding for Political Parties (*the Editors*)
- Outside Influence on Political Parties (*the Editors*)

Commentaries from the Iraqi Experience

- Media and Political Parties (*Ali Abdul Amir*)
- Political life & Unity: Religion as a Obstacle to Pluralism (*Nasser Al Hajja*)

**VOLUME 5:
WOMEN & DEMOCRACY**

Increasingly in Iraq today, as well as in many other countries in the region, human rights groups, political parties, the media, and concerned individuals are beginning to speak up about the status of women in the Arab world. Volume Five explores how Iraqi women deal with the new universal morality of democracy, of human rights, of women's rights, and the woman's place in the modern democratic Iraq.

What Are Women's Rights and Why Do They Matter

- History Convention on the Elimination of Discrimination Against Women (*the Editors*)
- Freedom for Women Benefits Society as a Whole (*Balkis Hamid*)
- The Essential Role of Women in Politics (*Ann Stone*)
- Engendering Development Through Gender Equality (*World Bank Institute*).

The Situation of Women In Iraq

- The Unique History of Women's Rights in Iraq (*the Editors*)
- History of the 1959 Civil Law and Its Impact on Women (*Hadi Mahmood*)
- Laws on Violence Against Women (*Munther Al Fadhel, – Professor of Law, Irbil University*)

Women in the Middle East & Islamic World

- Regional Overview of Women in the Middle East (*the Editors*)
- Saudi Arabia: Case Study (*Reprinted from Freedom House Survey*)
- Iran: Second Class; the Legal Status of Iranian Women (*Mehrengiz Kar, reprinted from www.iranian.com*).
- Lebanon: Caught in the Middle (*Ghada Khouri, reprinted from www.mediterraneas.org*).
- Malaysia: Modern and Moderate Islam (*Zainab Anwar, www.feminismeislamic.org*).

Strategies for Women to Gain their Rights

- Political and Legal Strategies from the UNIFEM Report (*the Editors*)
- Enhancing Women's Participation in the Political Process (*Richard Matland – Professor at University of Houston*).
- What Are Quotas (*the Editors*)
- Morocco: A Case Study on Quotas (*IDEA*)
- Bangladesh: How Micro Finance Works (*www.grameen-info.org*)

Comments from the Iraqi Experience

- Role of Women in Elections & Opinion Polls (*Shukria Kawkaz – Professor at Baghdad University*)
- Compromises for Women's Rights in Iraq (*Zakia Hakki – First Iraqi Woman Judge*)
- First Seeds of Renaissance for Iraqi Women's Rights (*Abmed Al Najji – Iraqi Writer*)
- Iraqi Personal Status Law: What is needed to Improve it (*Haddi Mohmud – Iraqi Writer*).

VOLUME 6
COMMENTARIES ON THE IRAQI CONSTITUTION

The final reader is a compilation of commentaries on the Iraqi constitution. Selections feature analyses by Western constitutional scholars such as Nathan Brown and Paul Marshall, as well as from a wide range of Iraqi voices, including secular Iraqis, Muslims, Christians, women, jurists and economists. The issues addressed include many topics including: How has the constitution dealt with the issue of religion? How do we deal with the conflict between constitutional provisions of fundamental liberties and equality, and religious laws and policies that violate these provisions? Has the constitution treated the issue of women's rights fairly? How can the constitution be amended in the future to address more needs?

Comments on the Writing of the Iraqi Constitution (*the Editors*)

- The Constitution and Us (*Faleh Jaber – Iraq Institute for Strategic Studies*)
- Legal Opinions on the Iraqi Constitution (*Riad Al Zabiri*)
- The Iraqis Rewriting History (*Adnan Abu Zaid*)
- Religion and State in the Constitution (*Ala'a Khaled Ghazala*)
- A Perspective on Articles of the Iraqi Constitution (*Zuhari Kauthim Aboud*)
- The Birth of a Nation (*Nazar Haider*)
- Our New Constitution (*Balkis Hamid Hassan*)
- Does Iraq's Constitution Protect Kurdish Rights (*Khalid Yunos Khaled*)
- The Youth's Initiative for Iraq's Constitution: First Round Results (*Ahmad Shams Ali – Iraq Prospect Organization*)
- Comments on Articles of the Iraqi Constitution (*Nathan Brown – Carnegie Endowment for International Peace*)
- Open Door to Islamic Rule (*Eleana Gordon, National Review Online, August 26, 2005*)

Draft of the Iraqi Constitution Presented in the October 15, 2005 Referendum