> "Saddam may be gone but many Iraqis still think as they were taught to think: the United States is our enemy and helping the US occupation is unpatriotic. These are mindsets that may be hard to change, even if Baathism as a political movement is banned. It could require a generational shift, in which case there is little now that the United States . . . or any Iraqi provisional governing council can do."

Reclaiming Iraq from the Baathists

JUDITH S. YAPHE

Since the collapse of Saddam Hussein's regime in April 2003, the Iraqi people have been praised by outsiders for being the most democratically inclined of the Arabs and scorned as incapable of democratic rule. They have been threatened by insiders with retribution for the sins of the former regime, and pressured into cooperating with the occupation government—the US-led Coalition Provisional Authority (CPA). They have been promised a new world of political power, consumer goods, education, and vacations abroad, and for those forced out of homes by Saddam's Arabization efforts, restoration of those homes and their lands and privileges.

What Iraqis have not been offered are jobs, empowerment, a clear and unambiguous role in political and economic decision making, or the kind of basic security guarantees found in the Western societies they are now supposed to emulate. Instead, Iraqis must cope with widespread unemployment, restricted access to their governing authority, and continuing insecurity.

The fault lies partly with the CPA and partly with the Iraqis themselves. US planning for the "day after"—for an Iraq without Saddam—began too late and was based on overly optimistic assumptions shaped by inadequate information and ideological predilections. Iraqis remain divided by ethnic and sectarian loyalties. Even after the capture of Saddam, they are unsure of what the future holds for them. Their reluctance to commit themselves to any post-Saddam plan reflects a mix of motives including national pride, fierce independence, fear, and strong loyalties to family, tribe, and tradition. It is against this background that the US government, acting through the CPA, must try to find a workable formula for a transition of power that guarantees security for all Iraqis. Key to the success of the transition will be the CPA's ability to balance the need to purge Iraq of Saddam's party, the Baathists, against Iraq's need for public servants and internal security.

WOULD-BE LIBERATORS

In the months leading up to the war in Iraq, the Bush administration and its conservative foreign policy advisers painted an idealistic picture of Iraq after Saddam. The war, they claimed, would be over quickly, the military would defect or disappear, and Iraqis, who were the most democratically minded of the Arabs, would welcome Americans as liberators and join the United States in creating a new republic. Iraqis of the Diaspora who had experienced democracy while in exile would help lead their country as it became America's ally, sharing its perceptions of Iran while making peace with Israel. The new Iraq would be a regional model for democratic and economic liberalization and social reform.

Some of these notions were ascribed to retired Princeton University scholar Bernard Lewis; others apparently originated with Defense Department adviser Richard Perle and with Ahmed Chalabi, one of the most prominent Iraqi exiles. Whatever their source, the misguided optimism of the administration's assumptions is becoming every day more evident.

To be sure, the military phase of the war ended more quickly than many anticipated, with little damage to Iraq's religious and historical sites and fewer civilian and US military casualties than predicted. (The number of Iraqi civilians and military killed or injured in their homes, marketplaces, or in battle is unknown.) Compared with the 1991 Gulf War, the bombs were smarter and the strikes more focused. The war lasted little more than three weeks, and Iraqi military resistance faded in many areas where attacks had been anticipated. No bridges and

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few oil wells were destroyed. No weapons of mass destruction with long-range missile delivery systems rained havoc on Israel, Iraq's Gulf neighbors, or US and coalition armed forces. There was no Stalingrad-type battle for Baghdad, no masses of refugees or internally displaced people on the move.

Yet, while military efforts focused successfully on targets of high value to Saddam, his loyalists, and his Republican Guard military and security services, much less thought was given to the dangerous period after Saddam's regime had collapsed and before a new governing authority was in place. US forces were slow to pacify many areas in central and southern Iraq. They were unable to implement security measures or jump-start humanitarian relief and reconstruction programs for Iraq's frightened civilian population. Criticism came quickly from Iraqis interviewed by Western journalists who seemed to expect that their lives would be immediately transformed.

Two problems appear to have blocked initial relief and reconstruction efforts in Iraq. The first was the apparent disparity between military war plans and civilian reconstruction plans. Jay Garner, a retired Army general, began organizing reconstruction and humanitarian relief efforts in late January 2003. Appointed by Secretary of Defense Donald Rumsfeld to head the Office of Reconstruction and Humanitarian Assistance, Garner hoped to begin relief and reconstruction as soon as the military had secured parts of Iraq. The military strategy, however, focused on driving straight to Baghdad to strike at the heart of Saddam's regime. While a good strategy, it meant bypassing many towns and cities in southern Iraq that contained strongholds of regime supporters, especially the dreaded Saddam Fedayeen, Baath party enforcers, and some Republican Guard units. There was not enough time or military personnel to fight for Baghdad, secure towns, and ensure the well-being of all Iraqis. Many Iraqis in the south must have wondered whether the US military would once again leave them to their fate as targets of regime anger and revenge.

The second problem lay in Garner's assumptions about postwar Iraq and the apparent lack of flexibility he was afforded in reconstituting civil administration. Garner assumed that he would take over intact the ministries, bureaucrats, and records that had run Saddam's government, distributed food and medicine under the UN sanctions regime, and managed the oil industry, Iraq's only source of revenue. He would insert managers but Iraqis would continue to function as they had before the war. Instead, Garner found looted and burned buildings, sabotaged pipelines, destroyed records, and no one running anything. Moreover, squabbles among the State Department, the Pentagon, and the intelligence community impeded the administration's and Garner's efforts to implement plans for the post-Saddam period. As debate swirled in Washington about who should be in charge of humanitarian aid, civil reconstruction, and state-building, Iraqis sweltered in 125° heat with no power and little aid. Washington continued to argue over which Iraqis were best able to take power, with the Pentagon favoring Chalabi and the State Department and the CIA opposing his anointing.

Several policy debates dominated the initial postwar period, including disputes over the Pentagon's role in determining reconstruction policies, erasing the power and prestige of Saddam's Baath party, reshaping the Iraqi military, and creating an Iraqi transition political authority. Garner favored de-Baathification-lite. He wanted to remove top Baathists in the government ministries and abolish agencies that ran the indoctrination programs and committed crimes against the Iraqi people. He wanted to downsize—not disband—the regular army, comprised of mostly Sunni Arab officers and poor Shiite and Sunni conscripts, and create a depoliticized, professional, and integrated armed force. He also wanted to put dismissed remnants of the army to work on civil works projects while a new military could be vetted and recruited. Finally, Garner announced shortly before his dismissal in April—after only three weeks on the job in Baghdad—that an interim government to include five prominent members of the Iraqi Diaspora would be in place within weeks. The five were Kurdish leaders Masoud Barzani and Jalal Talabani, Iraqi National Congress head Ahmed Chalabi, Iraqi National Accord leader Iyad Allawi, and Abd al-Aziz al-Hakim, brother of the head of the Iran-based Shiite extremist group, the Supreme Council for the Islamic Revolution in Iraq. Garner seemed not to have any power to make decisions based on the situation on the ground as he saw it evolving, something with which he was apparently uneasy. His dismissal came as criticism of US relief efforts mounted and looting and sabotage increased. Moreover, his choice of an exile-dominated committee to lead the first appointed Iraqi Provisional Governing Council was met with widespread scorn in Iraq and abroad.

Removing all Baathists will not make Iraqi society whole, safe, or pure again.

The dismissal of Garner and several aides and the appointment of Ambassador L. Paul Bremer III, the former head of the State Department's counterterrorism unit, appeared to signal an end to the Pentagon's direction of post-Saddam policy. Bremer, however, reported directly to the Pentagon and had long held views similar to those of the Bush administration on regional security and sources of terrorism. There would be no sharp break with Pentagon control, only a redirection of policy.

Shortly after arriving in Baghdad, Bremer expanded the scope of de-Baathification, introducing a plan that was broader than Garner's but less than some Iraqis hoped to see implemented. It mandated an extensive de-Baathification of all party members but gave local coalition representatives authority to issue exemptions. He also ordered all military and security services demobilized and closed the Defense Ministry. This action put an estimated 450,000 Iraqis out of work.

Bremer's responsibility was to see that law and order were established, that Iraq had a stable and willing provisional governing authority, and that Iraqis could work and live securely and without fear. Bremer evidently assumed he would have time to create democratic institutions from the local council level to a national authority and to oversee the writing of a constitution establishing a balance of powers, the rule of law, separation of mosque and state, increased participation by women, and protections for civil and human rights.

Unlike Garner, Bremer appeared to have authority to make decisions on the spot. The scripting, however, still came from Washington. Bremer appointed a 25-member Governing Council composed of a numerically correct percentage of Kurds (5 seats), Sunnis (5 seats—this apparently intended to represent the Sunni Arab community, although most Kurds also are Sunni Muslims), and Shiites (13 seats), along with a seat apiece for the Turkmen and Christian communities. Yet, as Bremer's CPA stumbled through the political morass of disputes between exiles and stay-at-home Iraqis, militant opposition to the US occupation took shape. Terror operations were launched against the American military and civilian presence as well as the United Nations, the International Red Cross, officials of governments assisting the occupation (Jordan, Turkey, Italy, and Spain), and Iraqis suspected of collaborating with the United States. The question facing Americans had been, Can we shape the new Iraq in an image to our liking even if that is not an image shared by most Iraqis? It now became, Why do they hate us?

THE BAATHIST LEGACY

Saddam came to power as a member of the Iraqi branch of the Arab Baathist Socialist party—the word *Baath* means renaissance or awakening—based originally in Damascus. The ideology of the party's Iraqi branch was based on principles of Arab unity, vague theories of economic and social justice, and a tradition of nationalism often expressed as the "Iraq First" movement. The Baath party was, above all, secular; its founders included a Syrian Christian and an Iraqi Shiite Arab, and the party in its early years in Iraq appealed to Sunni and Shiite Arabs, Christians, and even a few Kurds.

Under Saddam's leadership, membership in the Baath party became the key credential for gaining access to education, jobs, higher salaries, political standing, and a modicum of security. Membership expanded from a few thousand in the 1950s to more than a million in the early 1970s. As Saddam secured his hold on power, he stripped the party of its principles and its intellectual leaders and fashioned an organization of adherents loyal to him and the state. Baathist ideology—or what was left of it— became less pan-Arab (which had cost the party many of its Shiite members) and more identified with Iraqi hegemony and Saddam's cult of personality. By the end of Saddam's reign, estimates of membership ranged from 1.2 million to more than 2 million in a country of 25 million people, but only 50,000 may have been actual party leaders or monitors for political correctness and loyalty.

Most of those who came to power under Saddam shared his background. They were Arabs from the towns and villages of central Iraq, mostly but not exclusively Sunni, party members and clan loyalists with rural and tribal roots. It is clear from examining party activities and anecdotal stories that party membership was viewed by most who joined as essential for economic well-being and political security. The party under Saddam served as a vetting mechanism for the regime and a monitoring instrument for the government's security services to observe the loyalty of military officers, civilian bureaucrats, and ordinary citizens.

To many Iraqis, the Baath party still represents capability, influence, and a sense of exceptionalism. The profile of a party member reflects a wider base than the regime's image suggests. Many were urban Baathists—upper middle class; predominantly Sunni; late 40s to 50s in age; Western educated; mostly male; secular; administrators, civil servants, and educators; anti-imperialist and anti-American; and with expectations of power and status. They had a sense of entitlement and were arrogant, intimidating those weaker

or less certain of themselves and often exhibiting prejudice against Shiites or non-Arabs in general.

Non-Sunni Baathists included Shiite Arabs, Christians, and the occasional Kurd who believed in the ideology of a secular and equal-opportunity party but could not break the Sunni Arab glass ceiling. These Baathists were often educated in Iraq, the Soviet Union, or Eastern Europe, and rose to midlevel prominence in the provincial party structure and government bureaucracy. The abortive Kurdish and Shiite rebellions in 1991 and Saddam's anti-Shiite hostility shocked them out of the party and out of Iraq, but their intellectual self-view remains strongly secular and nationalist.

The final profile is that of the cultural Baathist: tribal leaders and military officers who were generally educated in Iraq and joined the party as part of their military service or to protect family or tribal interests. This group exhibited a sense of elitism and "us versus them" or "government (*hukuma*) versus the people (*al-sha'b*)" sentiments that in many Iraqis run deeper than modern political loyalties. Saddam and the Baath Party exacerbated this gap by using the military to police society and by drawing in tribes to help maintain control of the country.

This blend of party and tribal loyalties under Saddam fostered a sense of Iraqi exceptionalism. In the politics of cultural identity, to be an Iraqi and an Arab and a Baathist meant one was the best of all Arabs with a sense of entitlement and exclusivity. Iraq was destined to lead the Arab world and the party was the channel for upward mobility, egalitarianism, modernity, and secularism. Saddam replaced ideology with his cult of personality but the end product was the same: an Iraq chosen to be the natural leader of the Arab world and the region. Saddam may be gone but many Iraqis still think as they were taught to think: the United States is our enemy and helping the US occupation is unpatriotic. These are mindsets that may be hard to change, even if Baathism as a political movement is banned. It could require a generational shift, in which case there is little now that the United States, the CPA, or any Iraqi provisional governing council can do.

JUDGMENT CALLS

Iraqis almost certainly view the de-Baathification process as mandatory in theory, but are uncertain about the necessary extent of it or the reality of its impact. Yes, Baathists who participated in criminal activities must be punished, but what is a criminal act? Is it merely party membership, or crimes on behalf of the party and state, or crimes against humanity? Who decides and who judges? The risks of both too much and too little de-Baathification are serious.

In September, the interim Governing Council with Ahmed Chalabi serving in its rotating presidency issued an edict calling for even greater cleansing of the Baath party ranks and allowing no exceptions. Chalabi did this apparently without consulting the CPA, although all pronouncements must have the CPA's approval. His motives are unclear. Some Iraqis suspect Chalabi is trying to eliminate or intimidate potential political rivals. Others, such as Kanan Makiya, a recently returned Iraqi exile who wrote an exposé of Saddam's Iraq, *Republic of Fear,* believe a deep purge of party members is necessary if Iraq is to free itself of its dark past under Saddam. But some Iraqis and US observers warn that the Governing Council proposal places the CPA's rehabilitation and reconstruction programs at serious risk by cutting too deeply into government bureaucracies, the educational system, and the military officer corps.

Diaspora Iraqis and those who remained in Iraq display a lingering intolerance for each other.

Removing all Baathists will not make Iraqi society whole, safe, or pure again. Cutting too deeply could have unintended consequences, such as collapsed education, aid, security, and health-care systems. It also could lead to the political and social disenfranchisement of many Sunni Arab Iraqis, including military officers who helped the United States win the war because they hated Saddam's regime, as well as teachers, journalists, lawyers, judges, public health workers, and other civil servants. There could be an exodus of the middle class as skilled, educated, professional Iraqis feel threatened by de-Baathification, loss of jobs and social status, and threats of reprisal. The risk of civil war between those displaced and their victims may also increase. The risk is slim now, but this could change if the security situation worsens, people are displaced by rival claimants for land and homes, and Iraqis come to perceive the Americans as weakening in their resolve to stay the course until Iraq is secure.

It is clear, however, that those who committed crimes and acts of terror in ruthless pursuit of Saddam's goals must be removed. The crimes were too great, the abuses too pervasive to be excused in the name of reconstruction or reconciliation. If the

United States removes too many Baathists, the risks are considerable. But if the United States removes too few, then what will have changed?

Iraqis ultimately will decide standards of political acceptability and determine who is and who cannot be part of their new state and society. Iraqi legal procedures need to be established to judge those accused of crimes in the name of the Baath party and Saddam. Iraqis, not the CPA, need to determine what crimes will be punishable and what should give cause for exclusion from posts in government or civil society. And Iraqis on their own must apply the rule of law as coherently and consistently as possible.

The ambivalence many Iraqis feel about de-Baathification reflects the state of confusion prevailing in Iraq since the end of the military campaign. We are glad the Americans removed Saddam, many Iraqis say, and we are glad they are here, some still say, but they are not giving us power and authority. Instead, the Americans appoint former Baathists, or they ban all former Baathists who have the skills needed to run programs, schools, and industries. Many Iraqis deeply distrust the Governing Council and are wary of interim provisional solutions yet to come. Some accuse the CPA of being captive to the "Gang of Five," meaning Kurdish leaders Masoud Barzani and Jalal Talabani, the Supreme Council for the Islamic Revolution in Iraq, Iyad Allawi, and Ahmed Chalabi. Others see the Gang of Five as a political bloc rather than a legitimate authority, a common practice in a country trying on democracy for the first time. For many Iraqis, a darker vision prevails; they worry about plots to gain power, undercut rivals, and take advantage of current status to benefit financially or place family and friends in positions of influence. Seen in this light, de-Baathification is a tool less for purging Saddam loyalists than for eliminating potential political opponents.

One solution to these difficulties is for Iraqis to build avenues for national reconciliation between Baathists and non-Baathists, Arab and Kurd, Sunni and Shiite, victor and victim under Saddam's regime. Venue, timing, and forms of reconciliation for de-Baathification are uncertain. The process needs to occur at three levels: reconciliation of vendettas and blood feuds at the local municipal level; examination of past atrocities at the national level by the Governing Council or its successor (Kanan Makiya is leading efforts to establish a national center of awareness and remembrance); and national reconciliation in policies adopted by CPA-appointed study groups and commissions. When and how Iraqis will be ready for a process of truth and reconciliation is unclear. Scholars of Iraq's past depict a political culture of violence that has plagued most instances of regime change. Iraqis who have suffered losses at the hands of Saddam's tyranny will long feel the horrors they and their families have suffered.

HOW TO EMPOWER IRAQIS

Iraqis for the most part welcomed the United States initially because it removed Saddam and promised security, jobs, democracy, and peace. But Iraqis themselves seem unable to agree on how to achieve these ends. They want to control both the process and pace of change, yet are uncertain how to proceed. They feel they must act quickly, yet they are afraid to do so. Most striking is their inability to acknowledge a leader or accept another Iraqi as qualified to lead. They share deep suspicions about the intentions, secret understandings, and political maneuvering of the factions dominating the Governing Council. This is not an unusual characteristic; it marked the dilemmas and indecision faced by Iraqi elites in 1920 when the British looked for leaders for the new Iraqi government they established under mandate after World War I.

What is to be done?

•Ignore dealing with all the ideological baggage of Baathism. The United States can ban the party, but many of its theoretical elements, in particular a belief in Arab solidarity and Iraqi exclusiveness, existed before the party and are likely to persist. National and personal humility may come with time and successful reintegration into regional society and the international community. How Iraqis behave in the future could depend on their perception of how they are being treated now.

•Determine guilt or innocence based on fact, not rumor. More careful and consistent methods to determine loyalty and to evaluate activities carried out under Saddam's regime must be applied. Except for the estimated top 5,000 leaders and political-correctness monitors who wittingly carried out regime crimes, a light hand is probably in order rather than punishment merely for party membership.

•Distinguish between members of the Republican Guard and special security forces and the regular armed forces. Most of the guard and security services are irredeemable, but the armed forces were ignored and abused by the regime. The purge of nearly a half-million military officers and enlisted men this spring merely added to the unemployed and disgruntled who now demonstrate against the US presence. Some may have joined the extremist opposition.

•Empower Iraqis. Give Iraqis the ability to build institutions and make decisions on governance, education, justice, and civil society—all of which

represent solid middle-class concerns and can lead to democracy. This will require improved dialogue among the CPA, Governing Council, and Iraqi citizens. If Iraqis are not part of the decision-making process, they will not be wedded to its success.

•Avoid actions that strengthen separatism over integration. Military and political institutions and civil society should not be divided or defined by sectarian or ethnic identities. Observances of religious, tribal, and local customs—for example, the commemoration of memorials to Kurdish or Shiite victims of Saddam's brutality—should not replace national governing authority efforts. Military units should not be formed solely around Kurdish guerrilla or tribal entities. Iraqi nationalism and patriotism are threatened as much by Kurdish irredentism as by Baathist and tribal chauvinism.

•Do not hold elections hostage to the writing of a constitution. America's first constitution, the Articles of Confederation, was not permanent; it was a work in progress on the way to the constitution adopted in 1787. Iraq needs an interim document to establish the legitimacy and authority of the new Iraqi polity. Ultimately, Iraqis—not the CPA—will choose their form of government and write their governing documents.

•Do not define Iraq by ethnicity or religion. To avoid the risk of an Iraq broken up into three separate provinces linked by a vague chain of federalism, progress must be made in identifying people as leaders based on their merit and not their tribe, sect, family, or gender. The Governing Council includes Arabs, Shiites, Kurds, Turkmen, and Christian representatives chosen according to an ethnic and religious mathematical formula. While this gives the council an aura of legitimacy, it is also a political expedient that in the longer term could become de facto law. More political personalities need to emerge, especially from the Sunni and secular side, and this calls for time and patience and successful social reintegration.

Political success in Iraq requires three essential ingredients. The first is a quick and steady improvement in the quality of life and sense of economic well-being. Iraq needs to move away from its command-style economy and toward free markets and job creation. This requires time and investment, which can only come with a secure environment. Improvements need to be made in developing new markets for long-neglected petrochemical and non-oil industries, and in agriculture, a sector ignored by Saddam. Promotions, contracts, and employment decisions need to be made on merit and not on cronyism, nepotism, tribalism, or self-promotion.

The second ingredient is the fair and equitable application of justice. All Iraqis must be ensured due process of law and accessibility to a court system that provides for an appeals process and timely trials by Iraqi judges in Iraqi courts. National civil law must take precedence over local tribal justice or religious courts.

The final ingredient, education, is essential to preventing de-Baathification from becoming re-Baathification. A good portion of Iraqi society will need political re-education. Sixty percent of Iraqis today are under the age of 18. Seventy percent were born after 1980. They have known only Saddam, the party, war, and sanctions. The United States is working with Iraqis to develop new school curricula and write new textbooks. The problem is one that haunted the British occupation: should public school-based curricula cater to local sectarian and ethnic identities or should there be a national curriculum emphasizing a distinct Iraqi nationality—as opposed to a Kurdish, Turkman or Shiite identity? Who will write the history of Iraq for the new generation? Can the Kurds teach citizenship in the new Iraq nation while they attempt to create a Kurdistani identity for those living in predominantly Kurdish regions? Education could be the key to determining when Kurds and Shiites are ready for reconciliation and when Sunni Arabs and former party members stop fearing retribution.

WINNING THE PEACE

Some Iraqis are happy with the progress that has been made thus far in creating locally run councils and security organizations, rebuilding economic infrastructure, and constructing incipient (and appointive) political institutions in Iraq's cities, towns, and villages. But many Iraqis find the progress too slow, and the new politics a closed system based on whom you know and what your connections are. They are bitter, too, that no Baathist has yet been punished for his or her crimes.

Diaspora Iraqis and those who remained in Iraq display a lingering intolerance for each other. Those who stayed and suffered may be keener on a rigorous de-Baathification process regardless of the consequences. Diaspora Iraqis may be more willing to compromise on de-Baathification in order to move forward, thereby forgetting and forgiving too quickly. Any US withdrawal before Iraqis have settled on a de-Baathification process and begun firmly to guide their political transition and economic transformation could leave Iraq in a more chaotic state than it was before Saddam fell. ■