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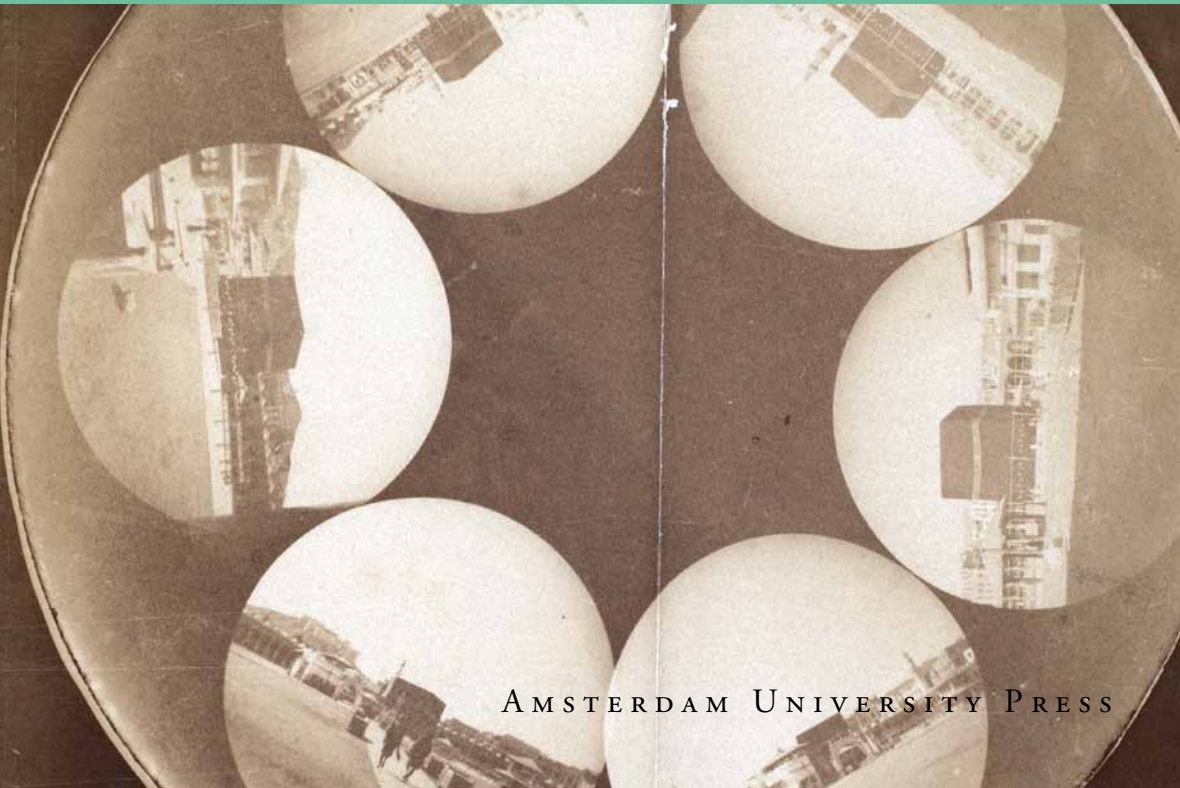
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RESEARCH

Colonial and Post-Colonial Governance of Islam

Continuities and Ruptures

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Chapter 5

Governing Islam by tribes and constitutions: British mandate rule in Iraq

Michiel Leezenberg and Mariwan Kanie

5.1 Introduction

The study of the religious dimensions of Iraq's modern history is not only of inherent historical, theoretical and comparative interest, but a matter of practical urgency. At present, however, these dimensions are only imperfectly understood; earlier studies from a modernisation-theoretical or a political-economy perspective tend to ignore or downplay religious factors; at best, they focus on specific religious groups, most prominently, the Shiites. Here, we will trace how religion in Iraq was shaped and reshaped between late Ottoman rule, the British mandate (1920-1932) and the early monarchy. Our cut-off point will be the 1929 British decision to end the mandate, which set the stage for Iraq's formal independence in 1932; for reasons of space, we cannot analyse later developments in detail, but we will make a few brief remarks comparing and contrasting mandate Iraq with later constellations.¹

5.2 Government and modernisation: Towards a genealogical and interactional approach

Most existing studies explore Iraq's emergence from the Ottoman Empire using either a modernisation-theoretical or a political-economy perspective. A *genealogical* approach, by contrast, proceeds from the assumption that notions like religion, the state and society are not neutral analytical tools; rather, they only acquire a determinate content against the background of governmental and other practices. The enormous changes in these practices during the nineteenth and twentieth centuries imply that those concepts themselves radically changed their content as well. Thus, it is difficult to describe the pre-modern Ottoman Empire as involving a 'secular state' or a 'multiethnic' or 'multicultural society' in the present-day sense: not only was there no clear-cut equivalent of the liberal public-private and state-society distinctions on which the notion of secularism rests, but both the notion and the entity we call the state also underwent qualitative changes. In addition, in a very real sense, there was no such thing as Ottoman society yet. Ottoman administrators had neither a notion

of the Ottoman population as a whole nor the concomitant population policies until very late in the empire's history. In fact, the very words for 'society' (the neologisms *ijtima'a* in Arabic and the even more recent *toplum* in Turkish) were not coined until the late nineteenth and early twentieth centuries. Rather, the Ottoman rulers governed over a *re'âya* ('flock'), not a society; this flock was, in theory at least, distinguished from the *askerî*, the 'soldier' class, consisting of Ottoman military and civilian officials. The *askerî-re'âya* distinction not only cut across the state-society opposition, but also across the one between Muslims and dhimmis (non-Muslims): especially in the Danube provinces, Christians could be employed in both civilian and military positions up to and including that of *hospodar* ('governor'), and thus qualify as *askerî*. Another development is the emergence of something much like the European liberal public sphere in the eighteenth and nineteenth centuries. This public sphere emerged especially in places like the Ottoman coffee houses; it involved qualitatively new kinds of language usage and paved the way for the cultural (and subsequently political) nationalisms that were to emerge in later decades (see Leezenberg 2007).

It is difficult to describe the classical Ottoman Empire adequately with the vocabulary of present-day liberal political theory: thus, it can hardly be meaningfully qualified as either a 'secular' or a 'religious' polity. In fact, as a genealogical analysis reveals, the nineteenth century precisely marked a development *towards* a quasi-liberal constellation in which all Ottoman subjects came to be seen as governed by law and in which the empire's officially recognised non-Muslim population groups known as *millet*s ('peoples' or 'nations') were redefined as constitutionally protected 'religious minorities' (and, not long afterwards, as national identities).

For these reasons, a genealogical approach may be useful for understanding processes of modernisation in the Muslim Middle East. In the background of our current research hovers the more general theoretical question of how liberal kinds of governmentality were articulated – and contested – in different kinds of colonial, quasi-colonial and post-colonial constellations. Although we will not address that question here, it informs and guides our current research activities; a more systematic focus on both the colonial dimension and interactions between the modernising Western and non-Western worlds marks a significant departure from more familiar genealogical perspectives. As is well known, Foucault (2004a, 2004b) tends to take for granted the framework of the secular French nation-state against which modern forms of liberal governmentality emerge and does not break free of its conceptual and normative confines. Even though he occasionally refers to colonialism and the Algerian war of decolonisation, he explicitly states that in the modern world, the theme of 'empire' disappeared in favour of a discourse of the 'state' (Foucault 2004b: 299); ironically and in contrast to Foucault, the modern

nation-state developed at the very moment that colonisation and imperialism were becoming major ways of governing.

Hence, an *interactional* approach, which systematically breaks free of the conceptual, ideological and normative confines of the nation-state and explores contacts, convergences and mutual influences between various local and global actors, may serve as a useful corrective. Such an approach not only emphasises the connections between different parts of empire, but also focuses on changing forms of local agency. Combining an interactional approach with a genealogical attention to the contingency and historicity of entities like the state and religion may lead to a reappraisal of secular modernity. On such an approach, secularisation is neither the inevitable product or aim of modernising or civilising missions nor the ideological domination by hegemonic imperialist forces, but rather the contingent and contested result of contacts between various local and global actors. In these developments, religious and other cultural factors are constitutive of changing identities as much as constituted by socio-economic processes.

Analytically, several different kinds of interaction may be distinguished. In recent years, interactional approaches that argue how colonial encounters have had a constitutive influence not only on the colonised, but also on the colonisers have gained popularity.² This kind of interaction, however, appears to require a prolonged period of intensive contact, prototypically through direct colonial occupation, such as British rule over India and perhaps French rule over Algeria and Dutch rule in the East Indies. But such a prolonged period of direct colonial rule, in which the colonising force employs state power to enforce or implement particular policies and cultural and other changes, may be the exception rather than the rule. Not only were there major differences between these three colonising powers, but other parts of the world were colonised for a much shorter period of time or, such as in the case of the Ottoman Empire, not at all. Likewise, there are enormous differences between the various forms of colonial or imperialist rule: these may vary from direct territorial annexation and massive resettlement, leading to the French conceptualisation of Algeria as a part of France rather than a colony; to incorporation or annexation as a subordinate part of an empire, as was the case with colonial India; and to the imposition of a mandate aiming at speedy independence, as in the case of Iraq. It is not at all clear in advance that areas with a history of far less intensive forms of colonial domination will display similar forms of mutually constitutive interaction as, say, the British and Indian experiences.

There is a rather different (or more generic) kind of interaction, however, that emerges from the work of, among others, Cambridge historian Bayly. Such approaches trace the more or less synchronic emergence of historical innovations like the nation-state, world religions and grammat-

ically codified modern languages across different parts of the globe, and the increasingly interwoven character of economic and political processes. Bayly (2004) argues that the nineteenth century displays a novel, increasingly synchronic and indeed converging history of different parts of the world. Imperialism is but one aspect of this process, and one should not overemphasise its determining force: thus, the Ottoman Empire as such was never colonised and, even in the Iraqi case, British colonial dominance was relatively brief, erratic and by no means all-determining.³

This is not, of course, to deny the real and often destructive effects of imperialism, especially in creating different forms of economic dependency and underdevelopment, and in imposing often harsh, authoritarian and exploitative forms of colonial rule. But an interactional approach may serve as an antidote to the more familiar narratives of the gradual but irresistible incorporation into the capitalist world market and of an invisible and equally inevitable spread of hegemonic Western cultural models of liberal nationalism, ethnic identity and the like. Such narratives tend to reproduce ethnocentric and modernist assumptions that depict non-Western actors as entirely passive and their societies as static or stagnating. These narratives, however, are problematic for both conceptual and normative reasons. In tracing contingencies, discontinuities and local developments, we hope to restore the balance between local forms of agency and an allegedly hegemonic imperialism that often tends to dominate analyses. In particular, one should beware of uncritically reproducing the oft-repeated suggestion that Saddam Hussein's murderous policies were in any way necessitated or predetermined by structural factors, like Iraq's heritage of imperialist divide-and-rule policies or its economic predicament as a rentier state according to the dogmas of dependency theory. In fact, Baathist rule involved a very particular style of governing, unique in the region and consciously modelled on, in particular, the Soviet Union under Stalin.

5.3 Iraq in the age of Ottoman reforms

There is still a widespread conventional image that Iraq had seen economic and cultural stagnation, political oppression and misrule since the establishment of Ottoman rule in the sixteenth century, if not since the destruction of Baghdad by the Mongols in 1258.⁴ This image, however, is a highly ideologically laden revivalist stereotype, shared by British imperial historians, Arabic nationalists and Islamic modernists alike (not to mention comparable stereotypes about alleged Ottoman stagnation and oppression among Greek and other Balkan nationalists). In fact, Ottoman rule was hardly uniformly despotic and exploitative, and the entire Ottoman Empire went through a period of radical and dramatic changes for

virtually the entire nineteenth century. The most important of these changes are, of course, the liberal Tanzimat Reforms (1839-1876), aimed to establish a constitutional monarchical regime characterised by equality before the law and the protection of religious minorities (*milletts*), and the pan-Islamic policies of the Hamidian Age (1876-1908). These developments, however, are generally described from the perspective of the political and administrative centre in Istanbul, and less is known about the peripheries of the empire. At present, we only have a very general – and in part, ideologically distorted – picture of developments in nineteenth-century Iraq.

Ottoman reforms were imposed from above rather than demanded from below; given the rulers' lack of funding and efficient means of communication, not to mention an army, these reforms were implemented haphazardly and variably in different parts of the empire, if indeed they did not remain a dead letter. As a result, the implementation of reforms like the 1858 land reforms remained haphazard and displayed considerable local variation. In the Mesopotamian provinces, however, the governor of Baghdad, Midhat Pasha, appears to have made a concerted, and in part successful, effort at implementing the land reforms. These aimed at increasing state control over Ottoman land, but instead they wound up encouraging private ownership and over the decades led to the creation of a small class of large landowners who possessed virtually all of the arable land in the country (see Batatu 1978: part I).

Relevant to our discussion, however, is less the question of to what extent Ottoman measures were successful than the question of what conceptual changes were introduced by the reforms and other institutional and practical developments. First, the rise of a public sphere and the new public uses of language that came along with it led to the idea of languages as constitutive of national groups; second, legal reforms not only created the notion of the rule of law and equality before the law, but were also germane to a reconceptualisation of the individual as a right-bearing subject; and third, land reforms helped in bringing about what might be called individual landownership and a notion of 'possessive individualism'; to put the point differently, over the years, the legal and institutional reforms resulted in wholly new different kinds of subjectivity. Along with these, the notions and entities of state and society, and law and religion, underwent equally radical transformations. The new articulation of public and private spheres put the Ottoman Empire on a converging course with contemporary European states. All of these changes, of course, developed only slowly and erratically over the decades, but their results were for the most part irreversible.

Often, the Tanzimat Reforms are seen as the adaptation of Western (and, in particular, French) models. More recently, however, attention has been called to their Islamic roots and legitimations and to the internal

dynamic that convinced Ottoman administrators that radical reform was inevitable.⁶ The subsequent Hamidian era does not so much mark a reversal to 'pre-modern' Islamic order from the allegedly secularising Tanzimat Reforms, but rather a continuation of its centralising tendencies. Sultan Abdülhamit tried to increase centralised state power not only by increasing the bureaucracy and state-based education, but also by his rural tribalisation and re-tribalisation policies and by a new and greater political emphasis on religion, most notably by appealing to pan-Islamic solidarities between all Muslims (see Zürcher 1993: chapter 7; Landau 1990). Sultan Abdülhamit's religious policies have often been qualified as 'conservative' or 'reactionary', but such labels mask more than they clarify. Entirely novel, for example, was his attempt at rapprochement with Qajar (and Shiite) Persia, a move that was of particular significance to the Shiites in his empire, most of whom lived in southern Iraq. Little is known about the effects of these pan-Islamic policies and propaganda on the local population of Iraq, which appears to have been increasingly sceptical about Ottoman policies but often took Islamic solidarity as a matter of course. But regardless of how successful Ottoman attempts at mobilisation and co-optation were, the Iraqi Shiites gained new leeway during this period (see Çetinsaya 2005; Deringil 1999).

Fearing the emergence of a strong local ruler in Iraq, Abdul Hamid resisted the unification of the three vilayets of Mosul, Baghdad and Basra into a single Ottoman province. Instead, in his wish for a more strongly centralised empire, he – paradoxically perhaps – pursued an accommodating policy towards the tribes. These policies make it clear that tribes are not primordial entities, but in part constituted by wider political processes; some of these well predate colonial rule.⁷

Perhaps the most dramatic reforms of the Tanzimat concerned the structure rather than the content of the law. The codification and what Zubaida (2003: chapter 4) calls the 'etatisation' of the laws brought along a radical change in juridical practice, which had hitherto been casuistic and largely at the discretion of individual judges. Now, courts of law became increasingly and more strictly linked to the state. As a further refinement of Zubaida's point, one should note that these structural and conceptual transmutations involved not just the law, but also the state itself. One should not understand the Mecelle, the new code of civil law promulgated during the Tanzimat era, as a generic imitation of 'Western models', and even less as a subordinate acceptance of a British colonial diktat or a reflection of imperialistic hegemony. The Mecelle specifically followed French models: it was a systematic attempt at recasting sharia precepts of the *madhhab* (the Hanafi school of law) practised in the central parts of the Ottoman Empire in the codified terms of Napoleonic *code civil*, an innovation that was as radical in Europe as it was in the Islamic Middle East. This codification appears to have led to a degree of legal unification

of the empire, especially in areas that followed the Shafiite rather than the Hanafi *madhhab* (such as the Sunni Arabic and Kurdish parts of Iraq), and even the areas where Shiite jurisprudence (or more properly, the Ja'fari *madhhab*) was practised in the south of Iraq. It remains to be assessed to what extent these reforms became entrenched in Iraqi legal practices.

The legal reforms have been studied extensively in the case of Egypt, but Egypt had an ambivalent relationship with the Ottoman Empire, being a de facto and in part de jure independent state from the reign of Muhammad Ali onwards. Thus, one should remain aware of the very different experiences that Egypt and Iraq had of both the Ottoman Empire and the British Empire. This also holds true for the common, comparable or converging reforms that both regions underwent in the nineteenth century. Thus, the late nineteenth-century emergence of Egypt's mixed courts has been interpreted as a capitulation to colonial expectations and as an attempt at resisting the colonising of local jurisprudence, but this is far harder to maintain for the Ottoman Empire proper.

Moreover, Asad (2003) argues that in Egypt, the Mecelle remained a dead letter; this may be an overstatement even for the Egyptian case and it should not, of course, be extrapolated to Iraq (see Zubaida 2005: chapter 4; Onar 1955). In the new Republic of Turkey, the Mecelle was abolished in the 1920s but, ironically, in other parts of the former Ottoman Empire, it remained in force much longer. Thus, in Iraq, a new personal status law was not introduced until 1959 (see Anderson 1960). In his introduction to the English translation of the Mecelle, Ballantyne (1986: 366) states that 'the very nature of the Sharia militates against the Mejlala being designated a *Code*', but neither Islamic religious law nor codified law is a fixed and timeless entity. In fact, in this reform process, the sharia itself (and by extension, Islam as a religion) underwent a qualitative transformation from a casuistic form of law practised by individual judges into a codified law practised by employees of the state.

Another development that appears to have been irreversible is the move towards constitutionalism as a way of curbing the ruler's absolute and arbitrary power. Although the Ottoman Constitution of 1876 was already abolished the following year, both in the Ottoman Empire and its neighbours, arbitrary and absolute rule was on its way out. As we will see, the constitutional revolutions in the Ottoman Empire (1908) and in neighbouring Iran (1906) were welcomed with enthusiasm by Iraqi Shiite ulama, in particular.

Finally, the Hamidian age witnessed the emergence of more aggressive and more exclusive forms of nationalism. It should be emphasised that it took several decades for more strictly nationalistic ideologies to materialise and stabilise: not only was identity politics a qualitatively new phenomenon, but the very distinction between national, tribal, religious and

political identities was also articulated anew. These nationalisms arose at first among Christian minorities of the Ottoman Empire, most importantly the Greeks, the Armenians and the Slavic peoples of the Balkans, but increasingly also among its Muslim population groups, like – most relevantly for Iraq – Turks, Arabs and Kurds. The rise of these new national movements has on occasion been explained as either a product of or a reaction against colonial domination or imperialist hegemony (see e.g. Haj 1994, inspired by Chatterjee 1986). But their near-simultaneous development in the Ottoman Empire – which, as such, was never colonised – and various other parts of the world suggests that other processes are also involved (see Bayly 2004: chapter 6). Worldwide, a shift from French-inspired liberal and positivist Enlightenment universalism to German (or Prussian) cultural models and more populist forms of Romantic nationalism appears to have occurred in the wake of the 1870 Franco-Prussian War and German unification (Bayly 2004: chapter 6, especially 205-219). There undoubtedly were imperial influences, but cultural and intellectual developments by no means mechanically resulted from any ideological hegemony of imperial power. In the case of Iraq, as elsewhere, it was French and later German at least as much as English models that shaped and informed new social and political currents. Thus, the near-simultaneous emergence of more aggressive forms of nationalism as a worldwide phenomenon of the late nineteenth century would seem an ideal case study for an interactional analysis.

5.4 Iraq's Shiites under and after the mandate

The late nineteenth and early twentieth centuries not only witnessed new assertions of national identities, but also new political articulations of religion, most importantly in the form of pan-Islam. Neither nationalism nor pan-Islam, however, was a genuine mass movement at this stage. Both religious and ethnic or national identities were in the process of being created during this era, and far from consolidated; in Iraq as elsewhere, one should thus beware of prematurely reifying labels such as 'Sunni' or 'Shiite' and 'Arab' and 'Kurd' into social realities. These notions were very fluid, and did not mark any clear boundaries: sectarian intermarriage and tribes consisting of both Sunni and Shiite members or divisions were quite common in Iraq. In this respect, it may be noted that the violent sectarian conflicts between Sunnis and Shiites in both urban and rural post-Saddam Iraq marks a dramatic and radical departure from earlier interrelations, and has no real precedent in the country.

For several centuries, Shiites had been concentrated on the unstable and contested frontier of the Ottoman Empire with Safavid and, later, Qajar Persia. Iraq's Shiite regions had also borne the brunt of the onslaught

by early Wahhabi, who at the close of the eighteenth century had not only captured Mecca and Medina, but even sacked the shrine city of Karbala in 1802. In fact, even during the mandate period, several major raids by Wahhabi troops into Iraq occurred. Over the course of the nineteenth century, however, the position of Iraq's Shiites improved considerably. In 1831, the Ottoman authorities revoked an earlier Mamluk prohibition of public exercise of Shiite rituals, giving more space to Shiite proselytising. Indeed, the most significant development of this period, according to Nakash (1992: chapter 1, especially 25-43), is the massive conversion of rural inhabitants of southern Iraq and entire tribes to Shiite Islam. The reasons for these mass conversions, which were still very much ongoing when the British gained control in 1917, are not entirely clear. But Ottoman authorities do not appear to have noted this significant wave of conversions until relatively late in the nineteenth century.

Ottoman authorities were wary of Shiite activities in Iraq, but at the same time tried to avoid alienating the Shiites. Thus, in his pursuit of pan-Islamic policies, Abdul Hamid proclaimed the essential unity of Sunni and Shiite forms of Islam, thus giving the Iraqi Shiites further opportunity to increase their activities; for a time, he sought a rapprochement with Qajar (and predominantly Shiite) Persia. At the same time, he feared the increasing Shiite activities in Iraq; after a failed attempt to re-educate Iraqi Shiites in Istanbul, he decided to increase the number of Sunni madrassas in Iraq (see Çetinsaya 2006: especially chapter 5). Early in the twentieth century, the Ottoman rulers tried, and failed, to send more Sunni religious specialists to counter the Shiite mujtahids, the jurists. As we will see, they eventually were successfully sidelined during and after the mandate period, not so much by a specifically religious policy as by the tribal policies of the British and the skilful balancing act played by King Faysal.

Ottoman state policies were intended to create an authoritarian form of pan-Islam, but among Iraqi and other oppositional intellectuals, constitutionalism was far more popular.⁸ Iraqi Shiites generally did not acknowledge the Ottoman rulers as caliphs, but they did join in calls for an Arab Muslim *amir* ('king') without insisting he be a Shiite; they also supported both the Ottoman and the Iranian constitutional movements (see Çetinsaya 2005: 561; Vinogradov 1972: 131). In fact, the 1906 and 1908 constitutional revolutions gave a great impetus to Iraq's Shiites. Thus, Nakash (1994: 48-50) argues that shortly after the turn of the century, usûli Shiite mujtahids had already formulated a full-blown political theory concerning the state and the form of government – a theory that was in part inspired by Sunni modernists like al-Tahtâwî, al-Afghânî, Muhammad Abduh and Rashîd Rida, and in part by the particular form that the Iranian constitutional movement had taken.⁹ This newly activist political role of Shiite religious scholars belies the widespread narrative that, prior to Iran's Islamic revolution of 1979, Shiite Islam tended to be

quietist and apolitical.¹⁰ In both Iraq and Iran, Shiite mujtahids not only theorised new, constitutional forms of government, but were also practically engaged in successful attempts at mass mobilisation.

In the wake of the Ottoman constitutional revolution, Shiite political participation increased notably; both tribal sayyids and urban mujtahids emerged as political leaders who were able to mobilise considerable parts of the local population. The latter, in particular, spoke out against both the 1914 British invasion of Iraq, which they portrayed as a new Crusade against which a jihad should be conducted, and against Sharifian propaganda concerning 'Arabic independence'. There is intriguing evidence suggesting that Sunni Arabs (and, indeed, some Kurdish leaders, like Sheikh Mahmud) answered these Shiite calls, suggesting that the Shiite leadership was well placed to mobilise people across sectarian and ethnic divides (Mazhar 2001: 14; see also Vinogradov 1972: 132). Put differently, sectarian and ethnic differences were even less of an unambiguous political fault line than in later decades, when Iraqi politics came to be shaped by increasingly intolerant forms of authoritarian, and initially secular, nationalism.

Vinogradov (1972) argues that the 1920 revolt was not sectarian in character, but it was also not secular-nationalist, as it crucially involved religious injunctions against Muslims being ruled by non-Muslims. The Iraqi Revolt of 1920 marked the highpoint of Shiite political influence; its eventual failure was a first sign that the role of the Shiite mujtahids was on the wane, and that the Arab nationalist and Sunni-oriented ideals of the Sharifians (who were more sympathetic towards, or felt they stood to gain from cooperating with, the British) were gaining ground. The story of how, in Iraq and elsewhere, Arabic nationalism emerged victorious from the ideological battles preceding independence remains to be told. But in the Iraqi case at least, it appears to have required a protracted and concerted effort by Faysal's government against both Shiite leaders and Kurdish representatives during the 1920s and 1930s. The first component of this effort was the fact that constitutional and, more generally, electoral processes were set up in such a way as to marginalise the Shiites. One important way of doing so was promoting the rural constituencies and isolating them from the cities, a point on which we will elaborate below (see e.g. Davidson 1925). The Constitution had been drafted by British legal experts, then translated into Arabic and discussed at length in the legislative council. One should look beyond the predictable proclamations of Islam as the state religion and of freedom of conscience, tracing the conceptual changes it involves – changes that, in part, predate British involvement.¹¹

It has repeatedly been observed that the 2005 Constitution, which emphasises Islam as a principle of jurisprudence, is in several respects more conservative than its 1925 predecessor, which in its turn was claimed

by several Iraqi politicians of the time to mark a significant step backwards with respect to the 1908 Young Turkish Constitution (Dodge 2003: 52). The main question in this context is how the British and King Faysal managed to divert discontent by an appeal to both constitutionalism and the rule of law, and to religious sentiments and convictions. Thus, during the March 1924 opening ceremony of the Iraqi parliament, Faysal effectively linked the two.

Islamic laws are based on consultation (shura), and the biggest sin committed by the Islamic sects (tawa'if) is the neglect of consultation [...] Every neglect of this is against God's command. In accordance with this divine command, in taking the great nations of civilisations as an example, and in respecting the wish of the Iraqi nation, I ask you, respectable representatives, to draft the constitution. (in Al-Wardi 1992: 272)

A second ground for the victory of Arabic nationalism over the Shiite mujtahids was the successful attempt to sever the Shiite mujtahids' links with their considerable following in Iran and India. On the one hand, many Shiite clerics were brandished as Iranians – that is, as foreign agents acting against the interests of Arabs and the Iraqi state. On the other, the British administrators managed to gain control over the flow of money from Shiites abroad to the shrine cities, thus depriving the Shiite clergy of a considerable part of its income, and as a result of its political autonomy (Nakash 1994: chapter 8). In other words, by pursuing secularist policies of separating religion and state and romantic policies of opposing cities and countryside, successive British administrators and Iraqi governments effectively managed to isolate the Shiite clergy.

One question that still awaits an answer is to what extent these anti-Shiite policies were the work of the British, or rather of local actors such as, most importantly, King Faysal and the successive Iraqi cabinets (see Sluglett 2007). It seems that while British legal reforms did indeed aim at sidelining the Shiite leadership, it was actual political manoeuvring by the king and his successive cabinets that achieved this result. King Faysal, in particular, was engaged in a delicate balancing act. He knew well that securing the support of the various tribal and urban groups would be a daunting challenge, and there were even several serious contenders for the throne of Iraq. The fact that he managed to secure not only the throne, but also legitimacy for his rule is an achievement that should not be underestimated; it certainly cannot be attributed to the mere backing by British knowledge, ground troops or airpower. When touring the country in the early 1920s, Faysal was careful to use Shiite-sounding language for his Shiite audiences in the south of Iraq. This did not fail to impress those who heard him, leading local Shiite papers to write that Faysal may have

been a Sunni in outward appearance, but had the heart of a Shiite.¹² Likewise, Faysal appears to have given the Shiite leaders the impression that he would protect their interests as much as those of the Sunni leaders he had encountered.

The British tried to curb King Faysal's powers as much as they tried to empower him, but it would be a serious oversimplification to see him as either a British puppet or a pre-modern tribal leader. Thus, the 1925 Constitution granted the king considerable executive powers. The British tried to keep these in check, not by strengthening Parliament or an independent judiciary, but rather by empowering the tribes (see next section). This legal and political furthering of the countryside helped to drive a wedge between the tribal sheikhs and the urban mujtahids, effectively depriving the latter of the armed support that the former could have supplied to their political aspirations. It also turned out to have comparable repercussions for Kurdish aspirations.

5.5 Governing Iraq's Kurds: Between tribalism and religion

The British policy (or lack thereof) vis-à-vis the Kurds was another major dimension of mandate rule.¹³ Iraq's Kurds were predominantly Sunnis but, unlike Arab Sunnis, they belonged to the Shafii rather than the Hanafi madhhab. Among them, Qadiri and especially Naqshbandi sheikhs had a large following in both urban and rural areas. Sheikh Mahmud (who, as a Qadirî Sufi, tended to be less strongly anti-Shiite than the Naqshbandi sheikhs), had given heed to the Shiite call to join the jihad against the 1914 British invasion of southern Iraq. But soon after, he and other Kurdish leaders started following British policies rather than Shiite insurgents or Turkish propaganda. Remarkably, the 1924 Turkish abolition of the caliphate does not appear to have created any great commotion one way or the other; thus, Sheikh Mahmud's official paper, 'Umedy Istiqlal', only mentions the dramatic developments in passing, and without any commentary.¹⁴

Domestically, the most remarkable fact about this period is that religion was a rather less emphatic element of the policies of both British mandate authorities and the monarchical government than were nationalism and tribalism. This applies to their policies towards the Kurds as much as towards the Shiites. Among both groups, British encouragement and co-optation of tribal and rural groups cut away the support they might have given to urban movements.

It has been argued that British communalist policies in India solidified sectarian differences between Muslims and Hindus into politically significant communalist identities, but they did not create ethnicities out of nothing. Obviously, there were pre-modern forms of religiously and lin-

guistically based ethnic awareness (or *ethnies*, as Anthony Smith would call them), but these did not yet form the basis of anything resembling identity politics. More importantly, such forms of identity politics during the nineteenth century were themselves in a process of rapid development worldwide. What British policies did, both in India and in Iraq, was to institutionalise and rigidify existing cleavages.¹⁵ Unlike in colonial India, however, in mandate Iraq, it was less communalist differences between religiously defined groups or ethnic differences between Arabs, Kurds and others, than a strict, and politically decisive, cleavage between rural and urban or tribal and non-tribal social groups that informed British policy. This tribal policy, which Cole (2004) has baptised the ‘J. R. R. Tolkien strain of British colonialism’, emphasised the essential purity and nobility of the countryside as opposed to the corruption and fickleness of the cities and, in particular, its political leaders. In a move bearing some resemblance to the notorious 1930 Berber Decree, by which the French rulers in Morocco attempted to consecrate perceived differences between the predominantly Arab cities and the predominantly Berber countryside in Morocco, the British promulgated a Tribal Criminal and Civil Disputes Regulation (TCCDR) in 1918; it was officially made part of Iraqi law by royal *irâda* in 1924. This tribal regulation marked a step backwards regarding the legal equality towards which the Mecelle had worked: individual rights were now subordinated to tribal authority.

In Morocco, the promulgation of the decree provoked a fierce nationalist backlash, thus strengthening the very national unification it had actually sought to prevent. In Iraq, however, the tribal regulation appears to have been enacted without major opposition. It formed part of a hastily implemented policy in the wake of the 1920 revolt, which involved less the use of religious authority against secular nationalist forces than the strengthening of rural tribal authority against urban-based forms of protest against the British mandate. In this period, religion appears to have been only a minor mobilising factor, or concern of government.¹⁶ The mandate’s setting-up of a great divide between city and countryside, with the latter being judged on the basis of collectivist tribal interests as opposed to the rights of the individual, might be called ‘tribal communitarianism’. Although it was, to all appearances, driven by British domestic concerns about preserving the purity of the countryside and by British experiences in governing the tribal region of India’s North-West Frontier Province these policies in fact had an Ottoman precedent in Abdülhamit’s policies. As said, Abdülhamit’s pan-Islamic efforts do not seem to have met with great success in Iraq. Vague sentiments of Muslim solidarity were always present among the Muslim subject peoples, but these did not materialise into an enduring political mobilisation of Iraqis.

The Young Turk era had witnessed some attempts at rearticulating the Shafii *madhhab* as the official religion of a future Kurdish state. In 1910,

several Kurdish sheikhs from Badinan petitioned the Young Turk authorities, demanding a greater autonomy for their region, involving the adoption of Kurdish (presumably the Kurmanji dialect) as the language of administration and education, and the administration of the law according to the Shafiite *madhhab*.

In the Kurdish areas, it was especially Major Noel who pushed for a policy of re-tribalisation, much against the judgment and recommendations of another local British official, Major E. B. Soane, who in a 1919 memorandum (in McDowell 1996: 157) noted that the southern part of Kurdistan had in fact undergone a substantial detribalisation, and hence considered this tribal policy a 'retrograde movement' that was bound to create instability and discord. The net effect of these policies was indeed a weakening of the demands of urban Kurdish nationalists. By pursuing these tribal policies, then, the Iraqi administration created in the early 1920s managed to establish not only Sunni rule over a Shiite majority, but also Arab rule over the non-Arabic peoples of northern Iraq, thus renegeing on earlier British promises or suggestions about an independent Kurdish state.

Iraq's Kurds had an ambivalent relationship with the king. In dealing with both Kurds and Shiites, Faysal had to engage in a delicate balancing act; on the one hand, he needed the Kurds as a counterbalance to the Shiites: if they would not remain in Iraq but split off into a separate state, it would become much more difficult for him to claim legitimate rule over a vast Shiite majority of the population. On the other hand, Faysal's intent seems to have been on sidelining both Kurds and Shiites in the actual policymaking process. All this is not to exonerate the British from double-dealing with the Iraqis, in particular, the Kurds; on closer inspection, it becomes clear exactly how erratic and ambivalent their policies often were. After first promising Mahmud an independent Kurdish state, the British quickly set their hopes on the integration of the Mosul vilayet in Iraq. After 1925, all that remained was a rather weaker recognition of the Kurdish right to set up a Kurdish government *within* the boundaries of Iraq, the same provisions also promising to protect the rights of religious minorities in the region (primarily the Assyrian Christians and heterodox groups like, most importantly, the Yazidis). As said, the main concern in British policies towards the Shiites and the Kurds appears to have been tribalism rather than religion or even ethnicity – witness the inconsistencies in the promotion of a language-based nationalism among the Kurds.

Despite Soane's early activities, including editorship of the Sorani-Kurdish newspaper *Tegeyshtiny Rasti* (the title of which translates to 'understanding the truth') in Baghdad, where he did much to spread and develop the public and printed use of Kurdish, it would be a serious distortion to suggest that Kurdish nationalism in Iraq was a mere product of British imperialism. All nationalisms in the former Ottoman Empire had

emerged already in the course of the nineteenth century, gaining pace in the Hamidian era and openly emerging during the Young Turk years (see Vali 2005; Özoglu 2004). Nor was the encouragement – let alone the realisation – of Kurdish aspirations an unambiguous part of British Iraqi policies. The use of Kurdish (and more specifically, the Sorani dialect spoken in the newly emerging centre of Sulaimaniya) as a language of administration in the Mosul vilayet was as hotly debated among British policymakers as among Iraqi officials (and, indeed, among speakers of different dialects of Kurdish). A pledge to protect the Kurdish and other non-Arab ethnic groups of northern Iraq had in fact been imposed on Britain by the League of Nations, after the International Court of Justice had assigned the Mosul vilayet to the new Kingdom of Iraq, rather than the Republic of Turkey, on the specific condition that its minorities should be protected and supported.¹⁷

The Iraqi government had little if any intention to implement the promises made by the British at different stages. It was not until April 1930 that it promised to promulgate a local languages law, allowing for the use of Kurdish in administration and education. This law was passed in a much watered-down version the following year and its actual implementation took even longer.

5.6 Comparisons, influences and interactions

The study of Iraq under the mandate and during the early monarchy invites comparison with other places and periods. The most obvious case for such comparison is, of course, post-2003 Iraq: in some respects, the parallels with (not to mention repetitions of the errors of) the mandate period are astonishing.¹⁸ While these parallels and lessons are obviously of great policymaking relevance, we will not explore them here. Instead, we will argue that a systematic confrontation with other periods and parts of the world is not only useful, but actually indispensable for an adequate understanding of developments in Iraq, as British and even Ottoman policies in Iraq were shaped in interaction with developments elsewhere.

Mandate Iraq may be instructively compared with the newly independent states of republican Turkey and Pahlavi Iran. The differences with Turkey are vast, despite the centuries of shared Ottoman history. In Turkey, the new Kemalist elites engaged in turning the country into a staunchly secular state and quickly proceeded to eliminate all Sufi orders and other centres of religious learning and authority. After World War II, it evolved into what may – with qualifications – be called a liberal and secular multiparty democracy, which strictly adhered to a French-inspired separation of church and state (i.e. *laiklik*). Until 2003, Iraq saw something like a reverse development: under the monarchy, liberal and secular, the

Iraqi government pursued far less radically anti-religious policies than its Turkish counterpart; after 1958, however, and especially after the second Baath coup in 1968, it developed into a radically secular socialist form of one-party rule and, ultimately, into a totalitarian state, the horrors of which were exceptional by any standards.

The comparison with Iran – where the Kemalist-inspired secular policies of the Pahlavis were largely undone by the 1979 Islamic Revolution – is even more intriguing. Despite the numerical majority of Shiites in Iraq, no similar religious revolt took place there. What differences in the structure or developments of the Shiite religious hierarchy made the Iranian clergy so much more ideologically radical, societally stronger and politically more effective than their Iraqi counterparts? Another question is why Iraq's Shiites remained overwhelmingly loyal to the existing secular Iraqi state in its eight-year war with the Islamic Republic of Iran. Was this due to the enduring strength of Arab or Iraqi nationalism, to government repression or to other factors? The answer to both questions requires looking beyond national boundaries and nationalist assumptions.

A different kind of comparison is with other, contemporary forms of colonial rule in the Middle East and elsewhere. On the one hand, one may confront the British mandate over Iraq with the French mandate over its neighbour Syria.¹⁹ On the other, one may contrast Iraq under the mandate with the experience of other British colonies, most importantly Egypt and India. The latter two are of particular relevance here: indeed, British policies in Iraq and the actions of the Iraqi government under and after the mandate were in part inspired by British colonial models imported from both Egypt and India. Perhaps, however, one should not overestimate the extent of such parallels. First, one should not overemphasise the coherence or hegemony of any one vision or policy. Dodge (2003: 7) has noted that among British policymakers for and in Iraq there were often fierce rivalries between the Delhi-based India office, the Cairo-based Arab bureau and the political office of the India office in London. Personnel from all three offices were sent to Iraq, often treating that country in the terms they had become familiar with elsewhere. As a result of these and other rivalries, local British policies were often haphazard, contradictory and based on conventional stereotypes (or even individual whims) rather than empirical data.

Second, one should not be blinded by such similarities, which at first glance are overwhelming. Thus, both in Iraq and Egypt, Ottoman jurisprudence was replaced by a system of mixed courts rather than of purely state-based courts as Turkey was to do. (In fact, it was the very same person, Abd al-Razzâq al-Sanhûrî, who drafted new civil law codes for both Egypt and Iraq.) Following the period of British rule, both countries went through a period of monarchic rule often qualified as 'liberal'; both also witnessed revolutionary regime change in the 1950s. In time, Nasserist

Egypt, itself modelled on European Eastern Bloc states, was to become a formative influence on Baathist Iraq and other Arab countries, leading to the formation of the so-called *mukhabarat* state dominated by a single party backed by army and security forces and informed by staunchly secular – if not anti-Islamic – socialist and Arabic nationalist rhetoric.

Despite these far-reaching parallels, the differences are equally telling. To begin with, the British presence in Iraq (1914-1932) not only started much later than in Egypt, let alone India, but it was also qualitatively different. In the increasingly anti-colonial post-World War I climate (most importantly, driven by both the Russian Revolution and by American president Woodrow Wilson's advocacy of self-determination), a full annexation of Iraq was out of the question. Instead of colonising or annexing territories, Britain and France gained mandates over different parts of the Arabic Middle East, with the proclaimed aim of encouraging the creation of a local administration and working towards full independence and membership of the League of Nations.

A second factor was that Iraq was rather less clearly historically or territorially defined than Egypt. Despite the presence of a substantial Coptic minority – and, prior to the 1950s, despite the presence of Turks, Circassians, Albanians and others among the ruling elites as well as of even smaller but still significant communities of Jews, Greeks and Italians – Egypt's population was overwhelmingly Arab and Muslim. Iraq, however, knows a rather greater ethnic and religious diversity: not only are there Arabs, Kurds, Turcomans, Assyrian and Armenian Christians, plus various smaller heterodox religious groups, but more importantly for our purposes, the numeric majority of the population is Shiite. This is not to suggest, of course, that these ethnic or sectarian identities were primordial or timeless – in fact, as noted above, many Shiites were very recent converts. But in Ottoman and later British perceptions, Iraq was a more fragmented and decentralised whole than the Nile valley: it was rather less involved in transit trade and, prior to the 1920s, knew no major administrative centre like Cairo.²⁰

Convergences, differences and indeed connections with British colonial India are even more suggestive. British religious policies in Iraq, however, were not communalist as they were in post-1858 India: they did not systematically aim at the fixation and political instrumentalisation of religious or sectarian groups as the primary basis for representative politics. Insofar as there were specifically religious policies, they were directed primarily at the Shiites, who formed the numerical majority of the population. More importantly, as we will discuss in our conclusion, the administration of Iraq was particularly inspired by the governmental style of British India's predominantly tribal North-West Frontier Province. In the case of Iraq, however, colonial practices of divide and rule were based less on religious communalism than on ethnic and especially tribal factors.

Thus, the liberal secular Iraqi monarchy was shaped and informed by what one might call a form of tribal communitarianism. In short, the confrontation with the colonial and post-colonial experiences of countries like Egypt and India does not only serve the purpose of comparison: such transnational contacts and connections were actually constitutive of the experience of mandate Iraq.

5.7 Conclusions

One can only speak of British governance of Islam in Iraq up to a degree. British mandate authorities do not appear to have any religious policies in the strict sense, beyond their propaganda efforts depicting the Turks as chauvinistic and hence harmful to Muslim interests, and the British as better protectors of Islam. The emergence of an Iraqi state that was both Arabic and secular was less the result of a democratic and liberal process aimed at granting all individuals and groups equal rights and liberties than of concerted efforts at both co-opting and sidelining the Shiites and the Kurds. In the decades to follow, these features were consecrated in Iraq's consecutive constitutions, all of which maintained the fiction of representative government, Islam as the state religion, freedom of conscience and autonomy for the Kurds as a minority. In the secular climate of the 1960s and 1970s, the Baath regime posed as radically anti-clerical and could easily delegitimise Shiite aspirations, often voiced by religious leaders, as retrograde or obscurantist. In due time, Iraq's Arabic and secular character came to be treated as matters of course rather than as highly ideological and debatable constructs. The story of how this secular Arab nationalist identity came to be hegemonic remains to be told, but a genealogical and interactional analysis reveals how contingent these developments were and how intense the power struggles that could easily have had a different outcome were. British mandate policies in Iraq did not arise in a vacuum: they were shaped both by British experiences earlier and elsewhere and – at least equally importantly – by Iraq's recent past as part of a rapidly changing Ottoman Empire and an extremely volatile regional environment. Likewise, local reactions were shaped by the newly pluralist and increasingly polarised political climate of the Young Turk era, in which various Ottomanist, nationalist and pan-Islamic doctrines and movements competed for popular support. The eventual victory of secular (or more correctly, Sunni-dominated) Arab nationalism in Iraq was as much due to the activities of King Faysal as to British divide-and-rule policies. Especially in his dealings with the tribes and the Shiite population, Faysal appears as a shrewd politician, who against various other local actors – and in part against British wishes – managed to establish the kind of Arab Sunni rule in Iraq that was to last until 2003.

Against political-economy-based analyses like Al-Khafaji's (2003), one may argue that the rise of Iraq as a secular and Sunni-led Arab state – let alone the repressive rentier state that emerged under Saddam Hussein – was by no means the inevitable result of anonymous historical processes or structural factors. Rather, it was the result of very specific and often fiercely contested policy decisions by individual actors both inside Iraq and abroad. Likewise, the decline of the political influence of Iraq's Shiite ulama after 1920 and the rise of more secular Arabic (and Kurdish) nationalist ideologies can be attributed to very concrete, and in part contingent, causes.

The dramatic changes and developments of the 70-odd years between the establishment of an independent Iraqi state and the ousting of Saddam would deserve a study of their own, but present-day religious mobilisation appears to be qualitatively different from the kind discussed above. The reason for these differences is, obviously, the new forms of party organisation initiated by the Iraqi Communist Party, which were subsequently copied by other parties, and the experience of totalitarian attempts at dominating both public and private life in post-revolutionary Iraq; internationally, we can point to the development of Islamic ideas into full-fledged political ideologies. The post-2003 re-emergence of the Shiites as one of the most powerful (if not the most powerful) social and political forces in the country was due in part to the suppression of all secular alternatives (most importantly, the Iraqi Communist Party and the independent trade unions) by the Baath, in part to the new political activities of respected religious leaders like, most importantly, Al-Sistânî, and in part to the continuing activity of Iranian-backed Shiite political movements like the Da'wa and the Supreme Council of the Islamic Revolution in Iraq (SCIRI). The political assertion or reassertion of religion may be a worldwide phenomenon, but the particularly violent shapes it has taken in Iraq reflect that country's special, if not unique, post-colonial and post-totalitarian experience. The emergence of sectarian politics, however – and even more, the sectarian urban violence that peaked between 2004 and 2007 – are qualitatively novel phenomena in Iraq and defy explanations in terms of domestic structural factors.

Notes

- 1 For an overview of twentieth-century political developments, see Tripp (2003). A good account of developments under the Baath is Farouk-Sluggett and Sluggett (1987).
- 2 See Van der Veer (2001), who is especially indebted to Said (1993); but comparable tendencies may already be found in works by earlier anthropologists, most famously Wolf (1982).

- 3 For criticism that such approaches boil down to denying the effects of imperialism see, for example, Chatterjee (1993: 27-29).
- 4 See Longrigg's old but still influential history of Ottoman Iraq (1925), which presents a depressing and monotonous litany of dynastic incompetence and tribal infighting; but a similar imagery of stagnation still informs recent overviews like Polk (2005: 61), which argues that nineteenth-century Iraq had disintegrated into a 'primitive, almost pastoral society'.
- 5 See the papers collected in Owen (2000).
- 6 See, for example, Abou-Manneh (1994). In arguing that the reforms were shaped and justified by a traditional Islamic sense of justice, Abou-Manneh slightly overstates his case and downplays the novelty of legal equality for Muslims and non-Muslims.
- 7 This has been argued for Kurdish tribes in the Ottoman and the Qajar Empires by Van Bruinessen (1992), but it also applies to tribes in other parts of the Ottoman Empire.
- 8 For a comparative sociological study of the early twentieth-century constitutional movements worldwide and of their failure, see Kurzman (2008).
- 9 For an even more detailed account of the political activities of the Shiite mujtahids in Iraq, see Luizard (1991).
- 10 Abrahamian (1993, especially chapter 1; Zubaida 1993, especially chapters 1-2).
- 11 For the Arabic and, in part, English texts of the successive Iraqi Constitutions, see <http://www.niqash.org>. For a translation of the 1925 Constitution, see *British and Foreign State Papers* (1926, part I, Vol. CXXIII, London, 1931: 383-402).
- 12 As quoted in Al-Wardi (1992).
- 13 Surprisingly, a detailed attention to things Kurdish is virtually absent in Dodge's (2003) otherwise meticulous study of British policies in Mandate Iraq.
- 14 See especially 'Umedy Istiqlal', No. 14 (13 December 1923) concerning the abolition of sharia courts and No. 19 (20 March 1924) concerning exile of the Ottoman caliph.
- 15 Thus, Haj's (1994) argument that ethnic and sectarian divisions were basically British creations *ex nihilo* is as overstated for Iraq as it would be for India.
- 16 Al-Wardi (1992) actually emphasises that the political mobilisation of the Iraqi masses (the *amma*) did not take shape until the two decades following the constitutional revolutions.
- 17 See Sluglett (2007: 85-86). In 1992, on the basis of this document, chapter co-author Michiel Leezenberg interviewed several Iraqi Kurdish tribal leaders, organised in the Kurdistan Conservative Party, who were pushing for a UN protectorate over the Mosul vilayet.
- 18 See, in particular, Eisenstadt and Mathewson (2003). Likewise, the concluding chapter of Dodge (2003) discusses the enduring legacy of British mandate policies in Iraq.
- 19 See Meouchy and Sluglett (2003).
- 20 Isam al-Khafaji (2004) has challenged the oft-repeated claim that Iraq is an arbitrary and unworkable amalgamation of Kurds, Sunni Arabs and Shiites, instead arguing that it has long been an economically integrated whole. He overstates his case, however, downplaying the significance of mercantile, cultural and religious connections between the Shiite shrine cities and Iran and India, between the Kurdish centres and the Iranian world and between Mosul and its trade partner, Aleppo.

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