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Abstract

This paper argues that an informal consociational elite bargain was placed at the centre of post-invasion attempts at transition and peacebuilding in Iraq. It is this informal consociationalism that undermined the coherence of the state and delegitimized the political system. The paper critically examines the Consociational and Political Settlement literature. It concludes that Pierre Bourdieu's approach to competition in the political field provides an analytical framework that identifies the weaknesses in both sets of literature and identifies how the application of a consociational political settlement destabilized Iraq. The paper examines the role played by government formation, the constitution and informal consociationalism in the creation and undermining of the political settlement. It also looks at how different electoral rules helped and hindered the political settlement. It concludes by examining the causes and consequences of the mass anti-systemic protest movements in 2015 and 2019.

Keywords

Iraq; Consociationalism; Political Settlement; Elite Bargain; Symbolic Violence.

Introduction.

In the aftermath of invasion and regime change in 2003, the US-led occupation attempted to transition Iraq from an authoritarian to a liberal political system. This conscious policy of economic and political transformation was guided by the peacebuilding template developed in the increasing number of international interventions undertaken in the aftermath of the Cold War (Dodge 2013). As Shamiran Mako argues in this publication, a set of new institutions were built, in an attempt to make this liberal transition sustainable. One of the central institutions, aimed at bolstering democracy but also mediating tensions between Iraq's ethnic and religious communities, was a system of informal consociationalism, *Muhasasa Tai'fiya* or sectarian apportionment. However, in October 2019, mass demonstrations broke out in Baghdad and across the south of Iraq. The explicit target of these demonstrations, and those which preceded them in 2009, 2011, 2015 and 2018, was the *Muhasasa Tai'fiya* system, which has justified every governing body and government in Iraq since 2003.¹ The demonstrators explicitly blamed this system for the endemic corruption that dominates the Iraqi state and the institutional incoherence that has severely hampered service delivery. The protest movement, motivated by an overt secular nationalism and calls for equal citizenship, demanded that this system be abolished (Foltyn 2019). By January 2020, unsuccessful attempts by government-backed forces to suppress these largely peaceful protests had killed over 500 people (Kullab and Abdul-Zahra 2020).

How can Iraq's post-war system and its failings be understood? Clearly, the problems that post-regime change Iraq has gone through are multi-causal. The pre-intervention institutions of the Iraqi state were severely weakened by thirty-five years of Ba'athist rule and the post-1990 sanctions regime. The US-led occupation and its attempts to reconstitute Iraq's political system, 2003-2004, was under staffed, under funded and organizationally incoherent. The violence that dominated Iraq from 2004 until 2008, had both regional as well as domestic drivers. The rejuvenation of the Islamic State in Iraq, running up to its seizure of Mosul in 2014 was assisted by Syria's own descent into civil war.

This paper, as part of the extended debate into what has gone wrong in Iraq, argues that Iraq's informal consociational system and the elite bargain at its core undermined the capacity and coherence of the state and hence made the post-2003 transition highly unstable. Two dominant and intertwined academic approaches, consociationalism and political settlement theory, have been used to explain and justify the approach to transition and peacebuilding pursued in Iraq after 2003. However, both have difficulty in analyzing the system's failings. The paper develops a critique of these approaches and, as an alternative, deploys the 'thinking tools' of French Sociologist, Pierre Bourdieu, specifically his concepts of symbolic, social and economic capital. It uses this approach to explain why peacebuilding in Iraq after regime change has become the focus of such intense contestation from 2009 onwards.

Consociationalism, elite bargains and political settlements.

Iraq's post-2003 political system has been analyzed by academics as both an elite pact and a consociational democracy (Dodge 2012b, 147-174; McGarry and O'Leary 2007; Bogaards 2019). Both of these approaches have also had extended influence on policy practitioners working on or in Iraq, whether international diplomats, consultants or Iraqi politicians. Key advisers to senior Kurdish politicians during the negotiations that resulted in the Iraqi constitution of 2005 have argued that theories of consociational democracy played a central role in shaping the drafting process (McGarry and O'Leary 2007; Dixon 2011). North, Wallis, Webb and Weingast's work on 'limited access orders' was explicitly and frequently cited by international diplomats when explaining potential policy solutions for Iraq's problems in interviews carried out by the author in Baghdad in 2018 and 2019 (North, Wallis, Webb, Weingast 2007). Both theories of consociational democracy and North, Wallis, Webb and Weingast's work on 'limited access orders' are overtly elitist and rationalist. Elite cartels, placed at the centre of both sets of explanations, are formed through a mutual elite recognition that collaboration and a division of resources can deliver better outcomes for them than conflict.

To a remarkable extent, consociational theory remains dominated by the work of Arend Lijphart. Lijphart's approach was shaped by a fear that societies he

perceived to be divided by ‘segmental cleavages’ of a ‘religious, ideological, linguistic, regional, cultural, racial, or ethnic nature’ would undermine the building of stable democratic systems (Lijphart 1977, 4). To overcome this problem, he proposed working with what he saw as the divided nature of a society through ‘segmental pluralism’. Under this rubric, a consociational democratic system would encourage political elites to mediate between the segmental groups that they represent, tying them together and to the status quo, using rational self-interest. At the heart of this prescriptive model are four key concepts that are reproduced throughout the vast majority of contemporary political science that scrutinizes, seeks to apply or tries to refine Lijphart’s original model (O’Leary 2001, 42). Most important is the call for a ‘grand coalition’ that includes all the political leaders of the major societal groups. Each group has a mutual veto that acts to protect the rights of minorities. The third characteristic is ‘proportionality’, not only in political representation but also in civil service appointments and the distribution of government resources. Finally, consociationalism demands federalism or ‘a high degree of autonomy for each segment to run its own internal affairs’ (Lijphart 1977, 33-41).

Like Lijphart’s work, political settlement theory, developed by North, Wallis, Webb and Weingast but also Mushtaq Khan, is seen as a way of building consensus amongst powerful elites, limiting violence and moving countries into sustainable post-conflict stability (Laws 2012; Bell 2015; Gray 2016; Pospisil and Menocal 2017). The epistemological underpinnings of this work,

comparable to Lijphart, are highly rationalistic and instrumental. However, unlike Lijphart, this rationalist epistemology and individualist ontology leaves the issue of identity unexamined. Elites simply compete and then align because it suits their personal interests, defined in terms of the maximization of power and wealth.

The political settlements literature provides instrumental answers to questions about the elite's vertical relations of power with their followers. For North, Wallis, Webb and Weingast, a limited access order functions without the 'generalized consent of the governed'. Members of the elite are both patrons and specialists in violence; hence their ability to gather and control their clientele depends on their ability to 'overawe' and to fund their patronage networks (North, Wallis, and Weingast 2009, 12, 19-20, 35-36). In Khan's work, the elite's constituency is held together through equally instrumental and materialist incentives, with non-elites caught in a cascading dyadic hierarchy of resource distribution, albeit one where violent enforcement plays a more peripheral role than in North, Wallis, Webb and Weingast's work (Khan 2012, 61, 63).

A rationalist elite cartel '... which transcends the segmental or sub-cultural cleavages at the mass level ...' also sits at the core of Lijphart consociational model (Lijphart 1977, 16; Lijphart 1969, 215). Electoral politics translate 'the salient social cleavages' into political parties run by elites. These elites, with a

‘common background and outlook’, develop a shared interest in a grand coalition, a stable status quo and the division of state resources (Lijphart 1977, 61-2, 83, 165, 170). Lijphart, however, spends little time examining what links the elites to their constituents beyond an assumed shared communal identity.

Although Lijphart argued that consociationalism ‘entails a rejection of social determinism’, his work up to 2001, does not investigate what causes segmental cleavages, where and how they originate (Lijphart 2001, 11). He has been criticized for his ‘primordial interpretation of conflict’, and a solution focused on ‘segregation and rule by elite cartel’ (Dixon 2011, 312). It is this critique that made his interpreters emphasize a distinction between what Lijphart termed ‘predetermination’ and ‘self-determination’, whether the segmental groups that were represented in a consociational system were predetermined or defined themselves. This has subsequently been codified by post-Lijphart consociationalists as corporate and liberal consociationalism. The final distinction that has arisen within the post-Lijphart consociational literature is between formal and informal consociationalism, between public, codified and written rules and informal agreements between the key elite actors in the system (McCulloch 2014, 503-509; Bogaards 2019, 1; McGarry and O’Leary 2007, 675-678). Both these distinctions, corporate / liberal and formal / informal, have been used to explain Iraq’s post-2003 system.

In contrast to Khan and North, Wallis, Webb and Weingast's work but in line with Lijphart's, the political settlement in Iraq has the largely unexamined concept of 'groupness' at its core (Brubaker and Cooper 2000). In line with consociational democracy, the dominant role of the elites at the centre of the political settlement and the division of state resources amongst them is justified by their claim to represent their different ethnic and religious communities. As such, the overt ideological justification for Iraq's political settlement is the claim that Iraq's political field has always been and will remain divided into ethnic and religious communities. The political settlement is meant to be the vehicle for peacebuilding, minimizing societal conflict and hence building a sustainable peace. However, if criticisms of Lijphart's work as being primordialist are to be overcome, analysis of Iraq's post-2003 system would have to explain the coherence of segmental constituencies and the link between them and the political elites that claims to represent them. It would also have to explain why, from at least 2009, this link appears to have broken down and the system itself become delegitimized.

Deploying the work of Pierre Bourdieu can overcome the analytical shortcomings of both consociationalism and political settlement theory and help develop a better understanding of the dynamics at play in Iraq. Bourdieu saw competition between individuals and organizations within society as taking place in different fields of struggle, with prominence given to competition within the political field. It is within the political field that the contest to

impose ‘principle visions’ of what society is made up of takes place (Bourdieu 1991, 172). Competition within fields utilizes resources Bourdieu labels ‘capital’. Bourdieu certainly recognizes the power of money, what he calls economic capital and violence, for Bourdieu, coercive capital. However, he expands his notion of power within a struggle for domination to include a number of other capitals, including social and symbolic (Bourdieu 1986). Bourdieu sees social capital as the resources gained by elites through organizing an extended group or network (Bourdieu 1986).

Most importantly, Bourdieu developed the concept of symbolic capital and symbolic violence to focus on how people accept analytical categories unconsciously through conforming to institutional rules or repeated practices (Bourdieu and Eagleton 1994). This paper argues that symbolic capital is deployed by elites in a consociational system to naturalize their domination, to have the social categories that advance their own power seen as the natural order of things. Symbolic capital is also deployed to encourage political mobilization that solidifies and delineates the groups that support the elites (Bourdieu 1991, 160, 169, 170, 238). The deployment of symbolic capital persuades the population that the elites represent their best interests, that the groups the elites lead represent a societal common sense and its ‘natural’ divisions. The analytical deployment of Bourdieu’s concepts of capital can be used to develop a more nuanced explanation both of the relationship between the elite and their constituents and how it can break down.

It was the symbolic, financial and social capital wielded by Iraq's new governing elite, from 2003 onwards, which persuaded a section of Iraqi society that the country would benefit from recognizing ethnic and religious division as the key organizing trope for post-regime change politics. Alongside an instrumental exchange of loyalty for resources, a symbolic violence justified and naturalized the division of Iraq into separate communal blocs, Kurd, Sunni and Shi'a, designated in terms of religious and ethnic difference. This imposition of sectarian division naturalized the 'segmental cleavages', the consociational justification for the structure of the political settlement and the role of the elites at the top of the hierarchy. However, the political settlement in Iraq, far from moving the country into a post-conflict situation, as both Lijphart and North, Wallis, Webb and Weingast would have predicted, fuelled elite corruption and institutional incoherence. 'Proportionality' or the division of state resources amongst elites, placed at the centre of both an elite bargain and consociationalism, is meant to create a commonality of elite interest. However, it also encourages elite sanctioned corruption that undermines the formal institutions of the state, removing the government's ability to deliver public goods and thus build quiescence, if not legitimacy, amongst the population.

The consociational bargain in exile; the foundation of the Muhasasa

Tai'fiya.

What is unique about the *Muhasasa Tai'fiya*, as an elite bargain, is that its origins do not lie in negotiations by an Iraqi elite resident in the country, or initially in the actions of the United States post-invasion. Instead, it was negotiated by a group of politicians long exiled from Iraq. They then persuaded key American decision makers that this would be the best way to order Iraqi politics once the Ba'athist regime had been removed and they had been brought back to the country. The US certainly empowered them as a new ruling elite, but the bargain and the symbolic capital underpinning it had been developed a decade earlier.

The ideational cohesion, the symbolic capital, needed to create this elite bargain was fashioned in the aftermath of Iraq's invasion of Kuwait. In October 1992, the first conference held by the opposition on Iraqi soil met in the northern town of Salahuddin, recently liberated from Ba'athist forces. The political parties and personalities that would go on to dominate the struggle to remove Saddam Hussein and rule Iraq in its aftermath shaped the conference debate. The two main Kurdish parties, the Patriotic Union of Kurdistan (PUK) and the Kurdistan Democratic Party (KDP), curated the event. The two parties, which claimed to represent Shi'a opinion, the Dawa Islamic Party and the Supreme Council for the Islamic Revolution in Iraq (SCIRI) were also present along with Iyad Allawi's Iraqi National Accord (INA) or *al Wifaq* (Ismael and Ismael 2010, 344).

The 234 delegates accumulated symbolic capital by approving a broadly consociational agreement, the ‘Salahuddin quotas’, based on what was labelled, a ‘virtual census’ of Iraqi society. This divided the opposition’s new umbrella organization, the Iraq National Congress, (INC) along the same ethno-sectarian lines as the conference delegates perceived Iraqi society to be divided. The Salahuddin quotas allocated roles within the INC according to the size of ethnic and religious groups within Iraqi society, ‘... with Shi’a Arabs representing 55 per cent of the population, Sunni Arabs 22 per cent, and Kurds 19 per cent’ (Nawar 2003). It was at Salahuddin in 1992 that a small number of exiled politicians, guided by the leaders of the two dominant Kurdish parties, the PUK and KDP, agreed to the basis of the elite bargain, the consociational *Muhasasa Tai’fiya*, which would dominate Iraq from 2003 onwards. In doing this, however, they imposed symbolic violence on an Iraqi society most of them had been long exiled from, the ‘Salahuddin quotas’ and ‘virtual census’ assumed ‘segmental cleavages’ were an unchanging fact of Iraqi society. The leading policy entrepreneur amongst these exiles, Ahmed Chalabi, then aggressively promoted this vision of Iraq in Washington D.C., specifically to Neo-Conservative politicians who would become key members of the Bush administration, organize the invasion of Iraq and reorganize Iraqi politics in its aftermath (Bonin 2011, 137, 142, 160, 172-3; Roston 2008, 2,573, 2,593, 2,619).

The imposition the elite bargain in Baghdad.

United States' policy towards post-war Iraq went through a number of substantial changes from the initial planning for the invasion in the aftermath of 9/11, to the decision to hand power over to a group of handpicked Iraqis in November 2004 (Dodge 2010). However, the Iraqi individuals and parties who gained prominence in exile successfully fought to retain their dominant influence throughout these policy debates and it was they and their plan for a consociational elite bargain that triumphed.

In early June 2003, Paul Bremer, Iraq's American civilian administrator and head of the Coalition Provisional Authority (CPA), planned an interim government (IGC) that would, he hoped, give regime change legitimacy amongst ordinary Iraqis (Bremer 2006, 84). The six parties that had played a central role in opposition; the PUK, KDP, the Dawa Islamic Party, SCIRI, the INA and INC, lobbied successfully for the 'Salahuddin quotas' to be the basis upon which the membership of the new governing body would be chosen. The six parties amassed symbolic capital in their struggle to dominate Iraq's political field by arguing it was they who represented Iraq's ethnic and religious communities. They also put extended pressure on Bremer's staff, not only to expand the role that they had in what was to become the Governing Council but also for them to have a veto power over who else could join (Clover 2003; Chandrasekaran 2003).

When the membership of the IGC was announced in mid-July 2003, the success of elite lobbying was apparent. The senior leadership of the six parties dominated its membership and the whole twenty-five-person council was balanced according to the consociational ‘Salahuddin quotas’, using the ethnic and religious origins of its members. The triumph of the elite bargain or consociational ‘grand coalition’, and the symbolic violence behind it, was exposed when Hamid Majid Mousa, the Iraqi Communist Party’s representative on the IGC, was counted as a member of the ‘Shi’a block’ of 13 (Dodge 2012b, 41).

Iraq’s new elite bargain, born in the aftermath of Iraq’s invasion of Kuwait, given its ideational justification at the Salahuddin Conference of 1992, had come to dominate the first post-regime change governing body through supplying the symbolic capital needed by the US to order Iraq. The ‘Salahuddin quotas’, the consociational division of Iraqi society into religious and ethnic groups, provided the symbolic capital for the governing system the US were building. The party leaders augmented their power within the IGC by adding social and economic capital. The ICG’s main role was to pick and oversee the work of cabinet ministers. The six party leaders insisted that the ministerial positions were allocated through the same consociational ethno-sectarian formula that had been used to pick the ICG itself. They then negotiated amongst themselves on the allocation of the ministries with the most

economic and coercive capital, the ministries of Finance, Oil, Interior and Defence. Finally, as Mako argues in this publication, they accelerated the process of de-Ba'athification, thus exacerbating sectarian tensions, imposing symbolic violence on the whole of Iraqi society so it would more closely resemble the vision of Iraq that the exiles had agreed to in Salahuddin (Sissons and al-Saiedi 2013, 14, 22).

The production of consociationalism through elections.

The first national elections in post-regime change Iraq were held on 30 January, 2005. The elections were run under a closed list system, with Iraq as a single electoral district. At the time the United Nations recognized that this system would help those seeking to mobilize the electorate along communal lines (Hamoudi 2014, 49-50; Daragahi 2004). Voters could only vote for coalitions, not individual candidates. Policy issues and people were side-lined as large coalitions deployed the symbolic violence of ethnic and sectarian rhetoric to define their constituencies, divide them against other communities and mobilize them for the ballot box.

How were these large ethno-sectarian coalitions built, how was symbolic violence imposed on Iraq through electoral mobilization? A key player in this process was Grand Ayatollah al-Sistani, the most influential religious figure in Iraq. Having fought so hard with the US occupation authorities to ensure

national elections preceded the drafting of a new constitution, Sistani developed a coherent plan to use the symbolic, social and cultural capital that he had amassed in the religious field to shape Iraq's political field. In September 2004, he called a meeting of the four senior Ayatollahs in Iraq where they agreed to set up a six-person committee to choose candidates for the Shi'a coalition that would fight the elections (Allawi 2007, 343). To join what was to become the United Iraqi Alliance (UIA) all prospective candidates had to agree to maintain voting discipline within the coalition, 'not change the Islamic character of the Iraqi people' and not support any legislation that opposed the Sharia (Clover 2004). Although it was clearly not Sistani's aim to divide Iraq along ethno-sectarian lines, the Dawa Islamic Party and SCIRI quickly dominated the UIA. They deployed Sistani's symbolic, social and cultural capital to maximize the UIA's vote and the ethno-sectarian vision they had of Iraqi society.

The role of representing the Sunni section of Iraq, within the consociational system after 2003, was given to the Iraq Islamic Party (IIP), the Iraqi branch of the Muslim Brotherhood. However, the IIP, lacking the social and cultural capital of the Shi'a religious authorities, the *Marji'yya*, or the economic and social capital that had been given to the KDP and PUK by the international community after 1992, failed to accrue the various capitals needed to mobilize Iraqi Sunnis to its cause. The widespread outrage against the US military assault on the town of Fallujah in April 2004, forced the IIP to partially join the

successful boycott of the January 2005 elections in Sunni majority areas of Iraq (Wong 2004).

Those parties who did join the elite bargain gained access to the economic capital of the state, had their symbolic capital, their right to rule, bolstered by the *Muhasasa Tai'fiya*, and thus obtained a dominant position in Iraq's political field. By excluding themselves from the January 2005 elections, under the terms of the *Muhasasa Tai'fiya*, the IIP minimized their ability to gain resources from the state and influence the writing of Iraq's new constitution. Realizing the dangers of political isolation, in October 2005, ahead of the December national elections, the IIP formed a larger electoral coalition, *Jabhat al-Tawafuq al-Iraqi* (the Accord Front), with the specific aim of re-joining the elite bargain and mobilizing the Sunni section of Iraqi society within the terms of the consociational system.

Drafting the Iraqi constitution.

The Iraqi constitution was to become the key document in founding the formal institutions of Iraq's new political system. It was hurriedly written in the summer of 2005, after the January elections. The assembly elected the chair of the drafting committee, Sheikh Humam Hamoudi, in May. However, after the committee became deadlocked around issues of federalism in early August, a group of politicians, Masoud Barzani, head of the KDP, Jalal Talabani, the

Iraqi President, and head of the PUK, Ibrahim al-Jaafari, the Iraqi Prime Minister from the Islamic Dawa Party and Abdul Aziz al-Hakim, head of SCIRI, moved negotiations into a much smaller ad hoc group. It was this group which negotiated the drafting of the constitution during August. Their document was the one that was agreed to by the Transitional National Assembly in September and passed by national referendum on 15 October, 2005 (Morrow 2005; Deeks and Burton 2007, 4-5; Hamoudi 2014, 60).

Like most constitutions, the document passed by referendum represented a snapshot of the relative power and coherence of the groups struggling to define Iraq's post-invasion political field. The three dominant party players in this process, those with the most coherent vision of what they wanted from the constitution, were the PUK, KDP and SCIRI.² Brendan O'Leary, who advised the KDP and PUK during the drafting process, has argued that the constitution exhibits strong liberal consociational traits, focused centrally on the units that can claim federal powers. Articles 118-123 of the constitution allows existing, administratively and geographically defined governorates, to choose whether they remain as governorates under central authority or move towards regions with much greater autonomy (McGarry and O'Leary 2007, 686-7). In retrospect, the argument that the constitution represents a liberal approach to consociationalism appears to run counter to the stated aims of those who dominated the drafting process, the KDP, PUK and SCIRI.

The KDP and PUK set out to draft a constitution that defended the autonomy that the Kurdish Regional Government had built up since 1991, they did this through promoting their symbolic capital as representatives of one ethno-national group, the Iraqi Kurds. They were joined in their desire for a high degree of federal autonomy, justified in ethno-sectarian terms, by SCIRI. On 11 August 2003, at a crucial point in the constitutional negotiations, SCIRI's leader, Abdul Aziz al-Hakim, publically announced his party's plans for a nine province region in the south of Iraq, this would hold within it the majority of Iraq's oil reserves, its only access to the sea, as well as the Shi'a holy cities of Najaf and Karbala (Hamoudi 2014, 79). Both of these plans, for the defence of Kurdish regional autonomy and the creation of a southern region, were not driven by a liberal consociationalist rhetoric or intent but by the assertion of corporate consociationalism, in Iraq's case, federalism explicitly justified in terms of ethnic and religious identity.

Vehement opposition came primarily from those chosen to represent Iraq's Sunnis in the constitutional drafting process. It was driven by the fear that it heralded the breakup of Iraq as a state and nation (Hamoudi 2014, 93). In addition, the demands for maximum federalism were not supported by the other politicians claiming to represent the Shi'a population of Iraq. Divisions over the federalism issue caused the constitutional negotiations to breakdown, with the new constitution and the political settlement it represented treated with suspicion and resentment by those whose views it excluded. The extent of this

exclusion was underscored by the fact that although the constitution was passed by 78.4 per cent of those who voted in the referendum, ‘96.96 percent and 81.75 percent of voters from Sunni Arab–dominated Anbar and Salahaddin governorates voted no’, seeing it as a vehicle for the partition of Iraq (Morrow 2005, 3, 12).

Ironically, because of the use of large ethno-sectarian voting coalitions in Iraq’s first and then second national elections of January and December 2005, the popularity of SCIRI and its ethno-sectarian plans for southern federalism were not tested until the provincial elections of 2009. In these elections, the party, now renamed the Islamic Supreme Council of Iraq (ISCI), saw its vote share collapse, as voters turned away from their overtly sectarian election campaign (Dodge 2012b, 150). Facing hostility from its core constituency, ISCI dropped its commitment to federalism and overt election campaigning on the basis of a divisive religious identity. The lack of electoral success of one of the key promoters of federalism and its disavowal of the policy along with its ethno-sectarian justification, begs the question about how popular it was, even amongst the Shi’a majority in Iraq.

Beyond the electoral fortunes of ISCI, the federalism outlined in Articles 118-123 of the constitution came to personify the political settlement imposed on Iraq after 2005. This represented the high point of an alliance between the KDP, PUK and SCIRI. This alliance and the policies it pursued were justified

through ethno-sectarian rhetoric and made the Sunni section of Iraq's population feel excluded from the post-war state. This 'victor's peace', the marginalization of a key group in the grand coalition and their lack of a mutual veto, undermined or rejected two of Lijphart's four pillars of consociational democracy. It gave rise not to an inclusive elite bargain but an exclusive one that heavily contributed to Iraq's descent into civil war (Lindemann, 2008; Dodge 2011, 143-144; Dodge 2013, 147).

Elections and the decline of ethno-sectarian symbolic capital.

The different electoral systems used in Iraq clearly contributed to the fluctuation in ethno-sectarian identity and its ability to justify the consociational elite bargain. The December 2005 elections marked the high point in electoral sectarianism. Again the elections were fought under a closed list system. Voters chose between different coalitions competing within eighteen constituencies. Large electoral coalitions running primarily on ethno-sectarian platforms once again mobilized their voters on the basis of communal identities, juxtaposed and defined against rival ethno-sectarian groups.

The elections of 2010, however, saw one coalition challenge the symbolic capital that had shaped the electoral system in 2005. The electoral law was changed to allow for an open list proportional representation system, with voters now being able to vote for individual candidates across coalition lists.

This accelerated the fracturing of the large ethno-sectarian coalitions that had dominated the previous two elections. The main vehicle for the mobilization of the Shi'a vote split into two coalitions, the United Iraqi Alliance and the State of Law. The vehicle for the electoral mobilization of Sunnis, specifically as Sunnis, *Jabhat al-Tawafuq al-Iraqi*, likewise divided (Ottaway and Kaysi 2012). Iyad Allawi, the leader of the Iraqi National List (*Iraqiya*), set out to exploit this new plurality in the political field, building his own symbolic capital around a secular nationalism and juxtaposing this against the sectarian politics that was perceived to have driven the country into civil war. In doing so, he won a third of the vote (Shadid 2010).

In 2014, the national elections proved that Iraq's political field had fractured to an even greater extent. All the parties that had previously sought to mobilize along ethno-sectarian lines did not manage to build vote maximizing coalitions. Symbolic capital diffused across Iraq's political field as smaller organizations set out to contest the vote. Again in 2018, elections saw the two dominant, post-2005 trends continue and accelerate, first there was a further fracturing of the ethno-sectarian electoral blocs and secondly, for all but a minority of coalitions, ethno-sectarian campaign rhetoric was dispensed with and replaced by policy based debates about how best to solve Iraq's economic problems (Mansour and Burlinghaus 2018). From 2010 onwards, the 'segmental cleavages' placed by Lijphart as the core of his consociational democracy

increasingly failed to accrue symbolic capital in Iraq's political field and thus became irrelevant to those seeking to mobilise voters.

Overall, the voting system used in Iraq's national elections, specifically the use of a closed list proportional representation system in the two elections of 2005 and then the move to an open list system from 2010 onwards, shaped the coherence and legitimacy of the consociational elite bargain. In 2005, the dominant parties at the centre of the elite bargain found the closed list system conducive to their amassing of ethno-sectarian symbolic capital. It allowed them to form large and exclusive multi-party coalitions based on identity politics. However, the move to an open list system facilitated the fracturing of these coalitions and led to the diffusion of different and competing types of symbolic capital across the political field.

The consequences of Iraq's political system.

Consociational theory, post-Lijphart, makes two distinctions, between liberal and corporate consociation and between formal and informal consociation. Formal consociationalism focuses on legally enshrined rules, whereas informal consociationalism is built on unwritten rules, personal agreements and shared understandings of how the system functions (Bieber, 2019, 2; Bogaards, 2019, 28-30). It is the informal rules of the post-2003 political settlement that provide ample evidence of long-running and durable informal consociationalism, based

on two of Lijphart's four consociational pillars, grand coalitions and proportionality. A form of grand coalition making has produced every post-election Iraqi government since regime change, twice in 2005, then in 2010, 2014 and 2018.

After each of Iraq's five national elections, the process of government formation quickly developed a predictable sequencing, only partially guided by the Iraqi constitution. After vote counting is completed, Article 55 of the constitution stipulates that negotiations within the ruling elite towards the formation of a government begin with the appointment of a Speaker of Parliament. The informal consociational rules stipulate this has to be a Sunni. Negotiations then continue until a presidential candidate, formally mandated by Articles 70 and 72 of the constitution, is chosen. Informally, the President has to come from one of the main Kurdish parties. The President is then formally voted into office by the Council of Representatives. Under Article 76 of the constitution, it is the President's role to ask a representative from the largest bloc in parliament to become Prime Minister designate and move on to form the government as a whole (Constitution of Iraq, 2005). The informal rules of the Iraqi system stipulate the Prime Minister has to be a Shi'a.

In the name of consociational proportionality, Ministries, and the budgets they control, are then awarded to the parties that took part in the elections in a hybrid approach that balances their success at the ballot box with their claims

to represent the main ethno-sectarian groups within society. This practise has led to the dominance of payroll corruption. New ministers set about putting their party followers and faction members on ministerial payrolls. The extent of this practice since 2003 can be seen in the expansion of the state payroll from 1.2 million in 2003, to 3 million in 2018. After the start of electoral democracy, in the aftermath of for national elections from 2005 to 2019, the cost of the government payroll expanded from \$3.8 billion to nearly \$36 billion (Al-Mawlawi 2019, 9).

Proportionality in government formation was extended from cabinet positions to the appointment of senior civil servants. Interviews carried out in Baghdad suggest that in the aftermath of the 2018 election, for example, formal government negotiations amongst party bosses focused not only on ministerial positions but also on the awarding of approximately 800 senior civil service jobs, spread across all ministries, to Iraq's main political parties (Iraqi Government Minister 2019, Iraqi Party Advisor 2019).

The division of these senior civil servant posts facilitated the spread of party sanctioned corruption, allowing the resources from contract fraud across all ministries to reach the ruling elite (Dodge 2019). Judge Radhi Hamza al-Radhi, the most senior government figure responsible for pursuing corruption from 2008 to 2011, identified the government's contracting process as '... the father of all corruption issues' (Special Inspector General for Iraq Reconstruction

2011, 8). Contracts are awarded to companies run by or close to senior party members. The companies are then paid handsomely but complaints about poor or non-existent delivery are ignored as the same senior politicians and party-aligned civil servants who ensured they won the contracts protect the companies they and their parties financially benefit from (Saqr 2019). It is this contracting fraud that underpins the majority of government corruption while also providing the economic capital to fund the dominant political parties. Confidential interviews carried out by the author with senior government figures in Baghdad suggest that as much as 25 percent of public money in the Iraqi budget is lost through financial corruption (Iraqi Minister 2019). As the majority of academic and journalistic writing on this issue suggests, this theft certainly funds personal enrichment, tying members of the ruling elite together, creating a community of complicity at the centre of government. In line with consociational theory and North, Wallis, Webb and Weingast and Khan's work, it provides the economic capital to tie elite political actors together. It motivates them to maintain the system by financing the parties operating budgets, giving them the economic and the social capital needed to dominate the political field (Ismael and Ismael 2015, 116, 122).

Although this limited access order bonded the elite together into a financially rewarding status quo, it did not 'tame politics', limit politically motivated violence, as the work of Lijphart and North, Wallis, Webb and Weingast and political settlement theory more generally would have predicted. The number

of violent civilian deaths steadily rose from 2003 until 2006, at the same time as the elite bargain was established and institutionalized. By the time of the Iraq's first national elections in 2005, the conflict undoubtedly met the standard and widely accepted scholarly definition of civil war (Henderson and Singer 2000, 284). In 2006, Nicholas Sambanis argued, 'The level of violence is so extreme that it far surpasses most civil wars since 1945' (Wong 2006).

There are certainly multiple causes for the rising tide of violence in Iraq, an insurgency against the US occupation, the rise of both domestic and regional radical violent Salafism and finally the influence of the Syrian civil war. However, the structure of the political settlement and the symbolic capital used to justify it centrally contributed to Iraq's descent into civil war. Within Lijphart's own definition of consociationalism, the grand bargain at the centre of the Iraq's elite pact was not inclusive in 2005. Key sections of Iraq's population, defined by the symbolic violence of the consociational system as Sunnis, were excluded from constitutional negotiations and felt unfairly targeted by de-Ba'athification (Mako in this volume; Dodge 2012a). This led to their resentment and alienation from the post-2003 political system and certainly contributed to the violence. Secondly, the symbolic violence, central to the consociational system, used to divide Iraq into different and mutually hostile communal groups, was then used to justify the conflict.

Finally, as the work of Karl, Schmitter and Whitehead would have predicated, the imposition of an elite bargain had a deleterious influence on Iraq's newly created democratic system (Karl 1986, 198). The negotiation of the *Muhasasa Tai'fiya* amongst a small number of elite politicians placed very clear limits on democracy and certainly created a legitimacy deficit. Personified by the fate of Iyad Allawi's coalition after the 2010 elections, those parties seeking to run for office by rejecting or circumventing the ethno-symbolic capital developed to justify the bargain, face coercive, institutional and economic sanctions which make their influence over government minimal (Dodge 2012b, 148-163). Overall, as O'Donnell, Schmitter and Whitehead suggest, the outcome of a successful bargain means a group of parties are guaranteed their access to the spoils of government thus reducing their need to interact with, respond to or even mobilize wider society (O'Donnell and Schmitter 1986, 42). This is reflected in the steady decline in electoral turnout from a high of 79.6 per cent in December 2005, to a low of 44.5 per cent in 2018. More importantly, widespread and widely publicized elite corruption has been linked in popular discourse to the inability of the state to deliver basic services like clean running water and reliable electricity (Dodge 2012, 136-139). This has steadily delegitimized the governing elite. It has also given birth to a powerful and sustained protest movement.

Conclusion.

After regime change in 2003, a consociational elite bargain was placed at the centre of Iraq's political system. This was meant to push liberal peacebuilding forward by facilitating the country's transition from authoritarian rule and mediate between the newly empowered elites who claimed to represent Iraq's ethnic and religious communities. The political settlement was successful in that it brought Iraq's post-2003 elite together and committed them to a new mutually beneficial status quo. The symbolic capital that justified the settlement, the division of Iraq into competing and mutually hostile communal groups, successfully mobilized the electorate and drove them to the ballot box twice in 2005. It also secured the referendum vote that successfully passed the constitution.

However, this success was bought at the expense of the coherence of the state. The 'proportionality' envisioned by Lijphart or the division of state resources amongst elites advocated by North, Wallis, Webb and Weingast gave rise to a corrosive system-wide corruption. This directly undermined the institutional coherence of the state and its ability to deliver services. The failings of the post-2003 consociational elite bargain has generated widespread popular discontent against the system. In 2009 and 2010, this took the form of sporadic and disconnected protests during the summer months. However, this movement reached a new ideological and organizational peak in 2015. Faleh Jabar estimated that a million people took to the streets of Baghdad in September that year (Jabar 2018). This movement's symbolic capital was

secured through a critique of the system that linked the symbolic violence of sectarianism to elite sanctioned corruption. In 2015, the demonstrators famously chanted, ‘In the name of religion the thieves have robbed us’ (Jabar 2018). The protests that started in October 2019, represented another step change in the numbers mobilized, the geographical spread of the demonstrations and the length of time they lasted. Over a million Iraqis repeatedly went onto the streets of Baghdad and cities and towns across the south of the country in a series of protests specifically driven by opposition to *Muhasasa*. This movement represented the largest grassroots political mobilization in Iraq since 2003 and, as such, the greatest challenge to the post-regime change order that the ruling elite had faced. As the movement grew and was subjected to extensive and extended state sanctioned violence, their demands radicalized and expanded to encompass a programme for the transformation of the whole system. The protest movement demanded that the major political parties renounce power. They also developed a coherent and overtly secular nationalism, demanding an equal citizenship for all, overtly challenging the symbolic violence of the political settlement (Hasan 2019; Foltyn 2019).

The declining utility of the ethno-sectarian symbolic capital used to justify the system after 2005 raises a central question for consociationalism, if the segmental cleavages identified by Lijphart and his followers are not primordial, what happens when the assumed communal solidarity between the elites and

their constituencies break down? In the case of Iraq, the ruling elite, empowered after 2003, have clung on to their roles at the top of the state. Bereft of an ideological justification for their roles, they have increasingly resorted to use of coercion, placing the goals placed at the centre of regime change, a transition to democracy and liberal peacebuilding, in mortal danger.

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¹ *Muhasasa Tai'fiya*, frequently shortened simply to *Muhasasa*, is the phrase most frequently used in Iraqi popular and political discourse to describe the post-2003 political settlement. See, for example, Al-Mawlawi, 2019, 7.

² The party changed its name to The Islamic Supreme Council of Iraq (ISCI) in May 2007.