
THE POSSIBILITY OF THE SUCCESS OF THE CIVIL STATE IN IRAQ

Hayder Ali Abdullah

Al Rafidain University College, Iraq.

haider.ali.87@ruc.edu.iq

Abstract

That political system differs from one state to another and from time to time in the same state, and that we are here in the process of clarifying the idea of the civil state, which is a system of government that may be optimal to apply in its correct form in a society of multiple religions, sects and nationalities, where we begin the idea of the civil state that it treats the individual with considerations of democracy, law, citizenship, a just judiciary, equality and social justice without referring to the branches and their name it attempts to achieve the proper distribution of the state's goods in its equitable form among the citizens and on the basis of the same considerations mentioned above, as it derives from the principle that human is a civil being by nature, a concept taken from many philosophers, including Aristotle, Ibn Sina, Ibn Khaldun, Montesquieu, John Locke and Jean-Jacques Rousseau. The idea of research to build a civil state in Iraq stems from John Locke's saying (I am the first to admit that civil rule is the original Processing for the pests of the natural phase, and they are really serious pests in those cases in which one is an opponent and an arbitrator at the same time. All who make up one group They live under a stable law and a just judiciary with which they are comfortable, and they can decide on disputes that arise between them and punish the criminal among them, for they live together in a civil society). There are several foundations on which the civil state in Iraq can be built. We mentioned in the research some of them: the existence of a democratic constitution, citizenship and activating its role, the rule and independence of law, the restriction of weapons in the hands of the state, achieving social justice and equality in the distribution of opportunities and resources, implementation of rights and freedoms enshrined in the Constitution. The study identified the most important obstacles that hinder the building of a strong, peaceful state that achieves the goals of popular sovereignty. The most important of these obstacles are the absence of effective democracy and law, the absence of citizenship, the activation of the clan's role, corruption, political money and political weapons. The study assumed that there were solutions to the problems facing building a civil state in Iraq, and these Processing are divided into: building political and security stability, economic construction, activating the role of civil society, and good democratic construction. The study recommends establishing a civil state according to the 2005 constitution that achieves security and stability and aims for tolerance and building educated generations that enjoy their rights and freedoms under the umbrella of social justice, equality and non-discrimination.

Keywords: Political system, civil state, Democracy, Iraqi constitution.

Introduction

The state is defined as a group of people living on a specific part of the land under a political system, and that political system differs from one state to another and from time to time in the same state, and that we are here in the process of clarifying the idea of the civil state, which is a system of government that may be optimal to apply in its correct form in a society of multiple religions, sects and nationalities, where we begin the idea of the civil state that it treats the individual with considerations of democracy, law, citizenship, a just judiciary, equality and social justice without referring to the branches and their name it attempts to achieve the proper distribution of the state's goods in its equitable form among the citizens and on the basis of the same considerations mentioned above, as it derives from the principle that human is a civil being by nature, a concept taken from many philosophers, including Aristotle, Ibn Sina, Ibn Khaldun, Montesquieu, John Locke and Jean-Jacques Rousseau. Iraq is a different model in terms of the history of the political systems that passed through it and its democratic transformation after 2003 until its constitution in the region and from the concept

of the civil state and the difference of Iraq from others and the extent to which the success of implementing such a model in Iraq started the importance of research in this study.

Research importance:

Iraq is facing a state of political and social conflicts and reluctance in general economic policies, as these conflicts and differences resulted in deterioration in all sectors and reluctance in forming the government and thus instability in all areas, which requires the adoption of a system aimed at overcoming these problems in the Iraqi reality, hence the importance of Research in this study to reach a solution that may be positive to stop this rolling down a steep slope in a loose political environment internally and externally.

Search questions:

Many questions are posed to the Iraqi reality through various topics because of what the country has been going through for decades. The important question here, which is divided into several questions, is what is the possibility of implementing a civil system and transforming into a civil state in Iraq? Which is subdivided into what is the civil state? And what are the components of its construction? How can the democratic reality in Iraq be described? Is Iraq heading to a civil state? We will try to reach a solution to these questions through research and research hypothesis.

Research Hypothesis:

The study in this title assumes that Iraq is going through harsh conditions of instability in all sectors, resulting from instability in the system applied in Iraq and non-compliance with the 2005 constitution and its foundations, if applied, it would have established an advanced civil state, and thus the success of the civil state in Iraq faces several obstacles And challenges that must be overcome to meet these circumstances.

Research Methodology:

In order to employ ideas and find solutions to the questions raised in the research problem, the researcher takes the descriptive approach to describe the Iraqi democratic reality under the 2005 constitution and follows the systemic analysis approach to identify the problems facing the application of democracy in Iraq, and the most important obstacles and challenges of building a civil state in Iraq.

Research structure:

The research was divided into two sections, for each topic, two demands came in the first topic, which was titled The nature of the civil state and its components. In the first requirement of this topic, we got to know the concept of a civil state, and the second requirement was to define the foundations of building a civil state. As for the second topic, which was divided into two demands, the first requirement identified the obstacles to building a civil state in Iraq, and the second requirement came to predict the future of democratic construction and the extent to which it can be applied in Civil State.

⁽¹⁾The nature of the civil state and the elements for its construction

The application of the civil state has expanded in many countries of the world since the nineteenth century and its application has achieved wide successes, and it has become a target for many political systems that are trying to build a strong state based on the values of democracy and away from the coups of military rule. In order to clarify the idea of the civil state, its system and the basis for its application, I will try to divide this topic into two demands, explaining the concept of this term in language and idiomatically in the first requirement, and as for the second requirement, I touch on the most important foundations upon which the civil state is built.

The first requirement: the concept of the civil state

The expression of the civil state is not recent as it was established by ancient civilizations and this is what we saw in the manuscripts and monuments of the Mesopotamian civilization and the Paranoiac civilization, as well as many philosophers pointed out, especially the philosophers of social contract theory, where John Locke mentioned in his defense of the success of civil rule: (I am the first to He acknowledges that civil judgment is the original remedy for the afflictions of the natural phase, and they are truly grave afflictions in those cases in which a person is an opponent and an arbitrator at the same time. All those who form a single group and live under a fixed law and a just judiciary enjoy them, and they can decide on the disputes that arise between them and punish the criminal among them, but they live together in a civil society.... Although each individual waives upon joining the society his own right to punish crimes Which is considered a violation of the natural year as he himself begs him, for in his waiving to the legislative authority the right to consider crimes in all cases in which he can resort to the legal ruler, he has given the state the right to harness his power to implement its provisions whenever it calls for that, since those provisions His judgments is because it is in his situation or the situation of his representatives.

This concept is largely consistent with democracy, because democracy is a cornerstone of civil governance, and the goal of a civil state is to ²distribute resources in a sound and equitable manner and to protect members of society without religious, ethnic or national discrimination.

Civil language means against Bedouin. In politics, the term "civil state" is used in contrast to the religious state, which some still advocate for. The civil state is not against religion, but rather against the political project whose owners claim that it governs in the name of religion. Far and near testified that a project is completely devoid of the purposes of religion and the morals of religion, as well as the civil state against any political project whose owners seek or think that they can establish again in the name of religion.

Civilized and civil corresponds to in the English dictionary the word Civil and civil corresponds to civic As for the word Civics it means the science of civic education and the science of the rights and duties of citizens Civilization means civil and civil service means civil service...Civil Society means a civil society Civil Democratic State means a civil democratic state ⁽³⁾ .

From the aforementioned, the word civil and civic does not refer to secularism or non-religion. As for the word Secularism in the dictionary, it means the system in which religion does not play any role in education or the organization of society in the sense of separating religion from the state, which is secularism as in Europe and most English words that start with the syllable Sec mean separate, cut, sequester, protection.

⁽¹⁾ John Locke, *Two Essays on Civil Governance*, translated by Majid Fakhry, Beirut, International Committee for the Translation of Al-rawayie, 1959, pp. 144-145-188-189.

⁽¹⁾ Jamal Idris Al-Kinin, *The Civil State*, in language and idiomatically, Al-Rakoba newspaper, article, publication date 10/22/2012. For more information, visit the website www.alrakoba.net

The second requirement

Foundations of building a civil state in Iraq

There are several components and foundations established for a civil state in the world, and in an attempt to find out the extent to which these components match the 2005 Iraqi constitution? Did the constitution refer to it? The most important of these factors are:

1- Existence of a civilian democratic constitution

and if some believe that the existence of the constitution is not related to the establishment of a civil state, because every political system at the present time has its own constitution, regardless of the form of that system, but not every constitution is considered the basis and guarantee of building a successful civil state because the constitution that rises to this capacity is the constitution that Its source is the people, not the ruler, in which the rights and freedoms of individuals are determined, as well as the means for their protection, and social justice is guaranteed. In this regard, the Iraqi constitution of 2005 referred to a number of articles that established a civil, democratic state in Iraq that respects rights and freedoms. The foundations of this constitution are to respect partisan, racial and ethnic pluralism. But the question that is raised here and which is answered in the second topic of the study is (What is the extent of the application of civil constitutional rules and their effectiveness in the Iraqi reality?)

From reading and researching the Iraqi constitution, we deduce some of the articles that the Iraqi constitution came with and established the civil state as follows:

- A. The constitution affirms that Iraq is a federal, democratic and representative state
- B. This constitution guarantees the preservation of the Islamic identity of the majority of the Iraqi people. It also guarantees the full religious rights of all individuals to freedom of religious belief and practice, such as Christians, Yazidis, and Sahibs.
- C. Iraq is a country of many nationalities, religions and sects, and it is part of the Islamic world, and the Arab people in it are part of the Arab nation.
- D. Iraqis are equal in law without discrimination based on gender, race, nationality, origin, color, religion, sect, belief, opinion, economic or social status.
- E. Iraqis are free to abide by their personal status according to their religions, sects, beliefs or choices, and this is regulated by law.

The Iraqi constitution attempted to reconcile the principle of the religion of the majority of Iraqis, Islam, and the rights of Iraqi religious minorities. So that there is no conflict between them, for it is true that the Constitution recognizes that Islam is the official religion of the state. And that a law should not be enacted that contradicts the principles and constants of Islam, but he returned and said at a later place that it is also not permissible to enact a law that contradicts democracy, the constitution also continued that the Islamic identity of the majority of the Iraqi people should be preserved, as well as apportioning the full religious rights of all individuals to freedom of belief and religious practice, such as Christians, Yazidis, and Mandaean Sabians.⁽¹⁾

2- **Citizenship:** The essential concept of citizenship can be defined as the relationship that binds the individual to his state and belonging to it, and this relationship is reciprocal whatever the state has given to the individual of civil rights, we see that the majority of individuals will enjoy citizenship. And the state, in turn, will impose duties that individuals will abide by their will. Loyalty to the state and granting internationally agreed political, civil and social rights, also referred to in Chapter Two of the Iraqi constitution, establishes a successful civil state provided that it is implemented in its legal form.

3- **The rule of law and its independence:** It is one of the constitutional principles and it results in that no public authority, no party or person can exercise its powers except in accordance with written laws issued in accordance with constitutional procedures, and that ⁽²⁾, the most important pillar of civil democratic governance is the rule of law and its application to All individuals regardless of their political, social, economic, security and religious status. The Federal Constitution of the Republic of Iraq gave great importance to the rule of law and emphasized this in Articles (5, 14, 15, 17), and that if the rule of law was applied as stated in the Iraqi Federal Constitution, Iraq would have been comparable to developed countries. As for the independence of the judiciary, it is the exercise of the function without interference from other authorities, and

⁽¹⁾ Iraq's constitution in 2005.

⁽¹⁾ Tarek Hammou, The Civil State under the 2005 Constitution, the official website of the Civil Dialogue Foundation, Published Date 3/21/2007, Issue 1861, More information visit the website www.ahawar.org

this is achieved through the judiciary as a unit to settle disputes between individuals with each other or between the individual and the authority, and no party may interfere in judicial decisions or pressure him.

4- **Restricting weapons to the hands of the state:** One of the features of the civil state is that weapons are restricted to security institutions only, without their proliferation in the hands of parties, sects, clerics, militias, and non-governmental institutions, because this is a major reason for the collapse of the civil state building.

5- **Social justice:** The truth is that this point is considered a component and goal of the civil state at the same time, that what the individual enjoys and feels is a decent life, social justice, equality before the judiciary and the law, and equality in employment opportunities, without discrimination on the basis of race, sectarian, sectarian, and others.

The second topic

The future challenges of building a civil state in Iraq

Every process of building and future transformation has challenges and obstacles that differ from one place to another and from time to time. Talking about Iraq and the obstacles to building a future for a civil state has many dimensions, both internal and external. In this topic, which is divided into two demands, we will try to Processing some of the obstacles that are of great importance in building a civil state in Iraq, as well as identifying in the second requirement the most important visions that are established for a civil state in the event that they are achieved.

The first requirement

Obstacles to the success of the civil state in Iraq

⁽¹⁾The civil state faces many challenges to its success, and the talk is long when talking about the Iraqi case, where roles and positions overlap and the legitimate and illegitimate power are intertwined in the struggle for power. Here, in this axis of the study, we will show some of the obstacles that hinder the building of a civil state in Iraq, which are:

1- The absence of effective democracy and law:

We see from the above that the Iraqi constitution of 2005 established democracy and the civil state in a very sophisticated manner, as it is considered one of the best democratic constitutions in the region. Democracy and law because they are two cornerstones of the civil state. Law is often associated with democracy, and we always say and describe the rule of law with democracy. But what raises the debate is whether democracy produces law that protects rights and provides justice, or is the law that belongs to democracy and immunizes it from transgressing dictatorship, individualism and totalitarianism? In order to find the answer or approach it, we must know the two concepts of law and democracy so that you can know which of them produces the other and which of them protects the other and according to the following democracy: The concept of democracy is one of the most flexible concepts, as a clear concept, there is nothing wrong with its connotation, i.e. in terms of form, but it poses multiple problems when it is employed towards individual or factional interests, as well as in terms of the cultural, cognitive and social structure of each society, nation or people. The founder of this dispute is the multiplicity of ideological references for each group. Islamism is the essence of Islam because it includes the principles of democracy and human rights, but in a way that does not contradict the Islamic Sharia, even if these Islamic principles contradict the other and violate his rights, which is the first right that must be assigned to the democratic system of government, while we find in the democracy applied in the West that individual freedom Protected and respected by law The term democracy is a Greek term made up of two words, the first from the word demos, meaning common people, and the second from the word Kratia means rule, and it becomes Democratia. It means rule by the ⁽²⁾people. It is a form and method of ruling in countries, according to which the people are rulers for themselves through the elected parliamentary majority to administer their affairs by the people, but there is another conception of democracy in a free society, which means that the individual enjoys the right of individual private and public property Civil and

⁽¹⁾ Judge Salem Rawdan Al-Moussawi, *The Role of Law in Combating Corruption*, Second Edition, Year 2011, p. 205.

⁽¹⁾ Judge Salem Radwan Al-Moussawi, *op.cit*, for the year 2011, pg. 206

political rights and duties Law: the word of law and according to what some books in jurisprudence legal, including Dr. Munir Lutri in the book entitled (The Law), the second edition of it was issued in 1989, if it was shown that the word law is not Arabic but rather a copy of the Latin word *Kanan*. The meaning of the rule or systems. Therefore, we see that the word “law” is not a derivative of the Arabic language and was not used in all other languages. Rather, the Arabs believed in it and used it, and it became a means of training on reality, and they made it a synonym for democracy for the sake of prosperity, as the ruling regimes considered it as a means to strengthen the democracy in which they believe and think that they are its sponsors and leaders. The law has taken multiple descriptions and different forms from one legal system to another, but the common accusation is the binding force that it enjoys, and every rule is so that it is legal and constitutes with its counterparts a law. It must be accompanied by the obligation that results in its violation of punishment, in addition to the fact that the law that must be applied and subject to all individuals in the state, must contain three elements or elements as follows:

The first pillar is the legal rule: the frequency of work and characterized by commission.

The second pillar: to regulate the relations between individuals with each other, between individuals and institutions, or between states and the like.

The third pillar: It is the obligation appointed by the citizen and abiding by the law, whether voluntarily or not.

Here, it must be noted that the issue is related to man-made laws that are made by humans exclusively, and we have nothing to do with other rules.

After defining the two concepts (democracy and law), we find that the interdependence between them exists and overlaps, and they form an overlapping circle. The first starts from where the other ends, which makes it difficult to truly separate any of them from the other.

Democracy cannot be disturbed by the breach of democratic institutions represented by parliament, regardless of their names, and these institutions are only considered if they are formed under the law. As some ruling regimes received power and rule under the force of weapons, and despite the fact that the peoples were overpowered, and were not under the mechanisms of the regimes and democratic methods that are in conflict with them through free and democratic elections, and the law is not considered unless it is issued by an authority that has the right to issue legislation regardless Whether or not this body that issued it legitimately achieves popular sovereignty, or that it seized power by force of weapons, police methods, and violence ⁽¹⁾.

2- Absence of citizenship: One of the most important challenges facing building a strong civil state in Iraq is the absence of the spirit of loyalty and belonging to the homeland. This great pit falls into which everyone who does not possess an intellectual originality stemming from a solid political and social upbringing established for the principle that the homeland transcends all sub-categories, factional and external, does not belong to any state other than the state of Iraq, and we do not seek to build any state but the homeland. The absence of citizenship is a major cause of conflicts within the public authorities, in the political system, and in society.

3- Activating the role of the clan at the expense of the law: Among the obstacles to the success of the civil state as well (the clans and their role after 2003) there is no doubt that there is an inverse relationship linking the two forces of the state and the clan until that relationship became an irrevocable rule, as the weaker the state and the weaker its role in governing individuals becomes stronger The role of the clan and the stronger the role of the state, the weaker the role of the clan and its retreat as a secondary or even non-existent authority in the case of the rule of law and the prestige of the state. This can be clearly investigated through our review of the history of Iraq that society’s acceptance of resorting to the clan cannot be called a desire as much as we call it a need, a need To an authority capable of settling disputes and issuing decisions that are enforceable due to its prestige and its audible word. When we know the clan, we know it as a primitive social unit that has been overtaken by many peoples that struggled towards civility and the rule of law and institutions on their way to a more civilized society, but in Iraq it seems that the matter is different because Iraqi society is a relatively tribal society that is still in a state of conflict and unstable in this regard, or even taking a decision

⁽¹⁾ Dr. Salem Radwan Al-Moussawi, op.cit, pp. 207-208.

regarding the matter from where the first attempt to get rid of the influence of the clans and their lack of favoritism in a strict manner. Sometimes it is curative at other times ⁽¹⁾.

It was the period of the 1958 revolution, when there was a political will to get rid of the role of the clan and resort to the law and restore the prestige and authority of the state, and this was manifested in many works, the most important of which is agrarian reform and attention to education, helping to raise public awareness of the importance of law and civil over the reactionary role of the clan. Add to that the state of economic growth What Iraq achieved at that time, which helped in the involvement of many clansmen in the various economic sectors as workers in them, with the growing role of political parties and their ability to spread a transient awareness of the word clan and its abhorrent meanings and negatives towards a broader and more comprehensive concept, which is (homeland) and also the migration factor The cities played a strong role in the disintegration of the clans in the countryside, even if they tried to rearrange themselves in the cities, they would not be as powerful as they were in America this stage, which we are living in, is considered a very important stage in the history of the clans due to the presence of a political will that enjoys full satisfaction and acceptance towards the clan. This is manifested in several aspects, the most important of which is the Constitution, where Article (43) states in its second paragraph (The state is keen on the advancement of the Iraqi tribes and clans, takes care of their affairs in a manner consistent with religion and the law, and promotes their noble human values in a way that contributes to the development of society tribal customs that are inconsistent with human rights are prohibited. Likewise, the Directorate of Clans Affairs was created in the Ministry of Interior in 2003, but it was activated during the rule of Prime Minister Nuri Kamel al-Maliki to take care of the issue of clans as a reserve force on the line until the matter escalated and the clans became a state within a state, as is the case with many other secretions produced by the distorted political situation in Iraq. There are many scenes that predict that the clan in Iraq is in a growing role, and there is no ability to stand against it or limit it in the event that the level of awareness of the community remains at the state and the political will accept the growth of this role as it is also, such as the phenomenon of subjugation of investment companies in areas with tribal influence The rule of the clan, the phenomenon of killing, kidnapping, displacement, the subjection of a doctor who fails to treat his patient to the rule of the clan, the phenomenon of forcible expropriation of land and water distribution, and the worst picture that can definitively indicate the growing role of the clan is the case of the abhorrent clan separation that took place in the city of Basra, which claimed the lives of 50 women as a clan separation To turn into a problem and an issue of public opinion that civil society organizations, the Human Rights Committee in the House of Representatives and the Ministry of Human Rights in Iraq were unable to prevent its implementation and the case of the intervention of Prime Minister Dr. Haider al-Abadi to solve the decennial problem and try to settle between its two parties in Maysan Governorate, and we summarize from the above that the lack of authority Strong, bearing the will to build a civil and legal state, one of its most important goals is social justice and the restoration of the Iraqi judiciary as a sober and fair judiciary as before, a giant for the established Arab judiciary War, instability and steadfastness of power, and lack of will to build a sound educational system, one of its goals is to spread progressive civil awareness. The clan's role will continue to grow and grow more and more unlimitedly ⁽²⁾.

4- Corruption, money and political weapons: Political money has spread and radicalized significantly in recent times, as it has come to dominate commercial centers (malls), colleges and institutes newly established, and it has become a front for money laundering and earning the largest money and other active activities in society, and political money shares with the problem of corruption in a way It is a result and a reason for it, as the widespread and rooted phenomenon of corruption in Iraq is one of the most important obstacles to building a civil state that achieves social justice, non-discrimination and discrimination in the distribution of the country's goods. As a result of all of the foregoing, it reflects the reality of Iraq that this political money stemming from corruption needs protection and protection comes from outlaw weapons and government security institutions, which establishes a force comparable to the strength of the state, and this intersects and significantly impedes the building of a valid civil state.

⁽¹⁾ Manal Hamid Ghanem, *Some Milestones of Transformations in the Social-Class Structure in Iraq after 2003*, Dar Al-Ruwad, Al-Muzdurmah, p. 363.

⁽¹⁾ Dr. Manal Hamid Ghanem, *op.cit*, pp. 262-265-366.

The second requirement

Towards building a democratic civil state in Iraq

Concern for the future has been inherent to man since its appearance and the number of cases of identifying it, i.e. the future, according to historical circumstances.

The first was the initial state: which is based on contact with gods or spirits, and other forces of the unseen and the inference of natural conditions. The second is the ideological state: which is based on beliefs and comprehensive theories of the universe and life. And the third: the imaginary state: which is based on drawing an ideal picture of life in Potrihia, and the fourth: the scientific case: which moves away from the imagination and adheres to the logical method, which is the product of science, and is attached to reality by examining the active variables in society, their interactions and trends, and extending this direction to the future ⁽¹⁾

Thinking about the future intensified and spread due to the crises faced by peoples:

Section one: The reality of the democratic state in Iraq: This scene assumes that the status quo at the various political, social, economic and cultural levels remains as it is. The embodiment of this scene requires several hypotheses. But since the present is not a continuation of the past, the future will not necessarily be a mirror image of the present, and then this scene does not negate the possibility of creating chances for the success of the democratic transformation process, as well as an assumption that the continuation of the current situation will lead to deterioration and then lead to the failure of the democratic transformation process. There are several points in this regard:

A. The process of political change on 9/4/2003, and the formation of the new political system did not crystallize independently, that is, it was not the result of a development of the subjective and objective conditions of Iraq, but rather through the intervention of foreign powers, the most important of which are: the United States of America and the United Kingdom, which led to the occupation of According to Security Council Resolution 1483 in 2003, as happened in Haiti, Panama, and Somalia during the nineties of the twentieth century through direct military intervention, as the previous political regime issued a statement that there was no necessity to make any kind of change in policy, and any claim in this regard remained⁽²⁾ in the field of conspiracy and betrayal, and this reality is not surprising as the regime adopts the theory of the leader party in the absence of freedoms with its free partisan press to express the opinions of the people in general, and as a kind of catharsis for the aspirations of the Iraqi people.

B. Although the drafting of the permanent Iraqi constitution of 2005 and the referendum on it on October 15, 2005, is constitutionally different from most of the previous Iraqi constitutions, the 1925 constitution, the 1958 constitution, the 1964 constitution, the 1968 constitution, the 1970 constitution, and the 1990 constitution, at the level of the political system and defining The powers in the three presidencies are the presidency, the ministers, the presidency of the republic, the presidency of the parliament, the work of the legislative and judicial authority, and rights and freedoms. However, there are weaknesses and loopholes that respond to it, and it is also noted that not only constitutional loopholes, but even that many of the important articles that establish a civil and democratic state have been disrupted, such as the suspension of the Federal Council and the maintenance of Parliament as the sole representative of the legislative authority in Iraq.

C. The pluralism and the national, religious and sectarian diversity that prevails in Iraqi society still raises the problem of belonging to the state - the homeland - the nation the ethnic issue that finds its expression in the Iraqi reality is based mostly on loyalty, class affiliations, nationalism, religion, sect's doctrine, before belonging to total loyalty to the state - the nation - the homeland. It summarizes that tribalism and sectarianism are two sides of one thing. The sect is a kind of tribal affiliation that is based on tribal affiliation, which is based on belonging to a group and loyalty to it before loyalty to the homeland. Sectarianism, as in tribalism, is an individual's upbringing from his childhood and imbued with its values and rituals, bringing his loyalty⁽³⁾ to it to the point of absolute religious belief. In this sense, the sect does not differ from the religious doctrine in terms of the individual's belief. In addition to the pluralism that covered the Iraqi culture, tribalism versus civil for many years posed major problems for the central government, and tribal values and practices remained in place despite attempts to modernize and during more than half a century after the emergence of the modern state of Iraq, and various governments tried to overcome this problem by applying a policy targeting Breaking the thorn of loyalty to the tribe in favor of loyalty to the state, the homeland by emphasizing education and

⁽¹⁾ Dr. Faleh Abdul-Jabbar, Democratic Transition in Iraq, Egypt Mortada Foundation for the Iraqi Book, Deposit No. in the dar Al-kitab and Documents, Baghdad, 564 for the year 2009, p. 319.

⁽¹⁾ Dr. Faleh Abdul-Jabbar, op.cit, p. 322.

⁽¹⁾ Dr. Faleh Abdul-Jabbar, op.cit, p. 323.

civic values, expanding the army and making democracy, despite the growth of political awareness that forms part of social awareness, there is a difference between political awareness and democratic awareness, as political parties and currents reached their peak in The rise of the political without being linked to democratic awareness, because democracy is not only related to the horizontal growth of political awareness, the numerical spread among people, but also to its vertical growth in content. This requires that political awareness is based on an intellectual understanding and an actual practice of the political process in its comprehensive concept, developed for it in a sound manner for governance and social interaction⁽¹⁾.

D. The lack of clarity in the Iraqi economic policy and the impact of the occupation's conditions on the structure of the Iraqi economic system and the absence of the Iraqi development project. After the occupation, the conversation shifted from the Iraqi development project to the reconstruction and work of the country in an engineering concept devoid of any social, economic and political implications without dividing the actions of the stage requirements or interdependence Between projects and their effects among themselves and in relation to the macro economy and dumping the market with consumer goods without regard to the revival of the public sector and the development of its production and directing the private sector to produce local goods, in addition to the attempt by the occupation authority, through its issuance of Resolution No. 29 during the first year, to allow full foreign ownership in Iraqi industries All except oil and other natural substances.

E. The weak role of civil society in Iraq and its penetration, and the reason for this is not due to the current situation only, but to the historical, conceptual and executive heritage in the weakness of the awareness and assimilation of civil society, especially in light of Iraq's subjection to long decades under political regimes either deviated from democratic formulas as was the case in the monarchy political system The Iraqi or the individual political systems and the totalitarian political systems in Iraq⁽²⁾, whose effects were concentrated in the failure to establish civil society institutions in Iraq and the building of their role and penetration it reduced the state and civil society as a whole and did not give it an appropriate role, as it is a society that struggles with thought and looks forward and honors its future. Despite the presence of a large number of civil society institutions in Iraq today, the Iraqi mentality is still related to the role of a person and a single leader instead of collective work, as well as the goals and objectives of some institutions In civil society associated with profit work or linked to an external factor, this does not mean, in return, that there are no institutions that play a role to defend the interests and serve the public interest.

F. The weak role of the middle class: The middle class in Iraq is historically different from its counterparts in European countries, as the emergence and development of liberal democracy in Europe is linked to the emergence and development of the middle class. The formation of this class began with the commercial revolution that appeared in Europe in the Renaissance and contributed to changing the political, social and economic system towards the establishment of a democratic political system. Despite the opportunity for the growth of the middle class in the modern Iraqi state, it was mostly⁽³⁾ supportive of the British occupation And then the Iraqi monarchy political system to obtain financial privileges and ministerial and parliamentary positions, meaning that the democratic culture did not infiltrate the mentality and thought of this class on the one hand and its lack of sense of its importance in the process of democratic transformation, with the exception of some segment of the intellectuals who called for the establishment of a political and democratic system and society.

The second section - the content of the democratic transition in Iraq after 2003 ⁽⁴⁾.

A. Since Iraq was under a totalitarian political authority 1968-2003, which made it difficult to find an explanation for any attempt at a democratic transformation process, we did not notice initiatives from the previous political regime to bring about a process of democratic transformation, and we did not perceive a broad internal opposition to the political authority in the call To a democratic transition and foreign interference may change the balance in favor of the democratization process. If the external factors are influential and sometimes decisive, and this happened in Germany and Japan in 1945, when the United States of America imposed democratic and liberal institutions and mechanisms.

B. If the weaknesses and loopholes that were involved in writing the permanent Iraqi constitution in 2005 persist, it may lead to the disruption of political and constitutional life, as there are laws in the constitution

⁽²⁾ Dr. Faleh Abdul-Jabbar, op.cit, p. 324.

⁽¹⁾ Dr. Faleh Abdul-Jabbar, op.cit, p. 325.

⁽²⁾ Dr. Faleh Abdul-Jabbar, op.cit, p. 326.

⁽³⁾ Dr. Faleh Abdul-Jabbar, op.cit, pp. 327-328.

that have not yet been removed. Without enacting a law numbering 72 articles, which requires the necessity of constitutional reforms and amendments, and the most important weaknesses:

1. Federalism: Despite the importance of the central aspect of power and powers and their distribution and their connection to democracy, it is represented by chaos and political, social, cultural and economic obligations due to the weakness of the central state, weak law enforcement and the absence of political and cultural awareness of democracy because federalism grants the region or regions power, money and power, so how is it dealt with These sources in the absence of weak state, law and awareness.
2. The confirmation of the existence of two official languages is an unusual issue. There is one official language for each state and one is scientifically recognized, and this does not prevent the linguistic groups from using their own language in practicing their rituals and reviving their heritage. This confirmation in the constitution is closer to the confederation and not to the federalism, as each state retains in its official language.
3. There is a contradiction and contradiction that the constitution brings together between religious values and democratic values. Religious values are closer to stability, while democratic values are changing and developing.
4. Oil wealth: The constitutional formulation with regard to national wealth contains negative implications and effects, the most important of which are:
 - The task of distributing oil wealth in a more just manner does not call for the dismemberment of oil, but rather the provision of services, distributions and development projects in an appropriate geographic manner, population distributions or the level of productivity of the specific geographical area.
 - The absence of a clear vision of oil to the limits of chaos in the circumstances of the loss of central decision-making⁽¹⁾.

Section Three: processors for the Success of Building a Civil State in Iraq:

First: Building stability: One of the first results of political, social and economic stability is the building of a strong state, meaning a state of institutions and law, and not a state of oppression, domination and tyranny. According to Barrington Moore, the paths of democracy are characterized by a state of power balance between the state and the relatively independent classes. The state is not so strong that it dominates the classes on the one hand, nor is it so weak that it is a tool for the aristocracy on the other hand. Therefore, the strong state is the state of institutions such as: the legislative, executive, and judicial bodies, the military, and the organization of elections, and the structure of Party systems and civil society organizations, considering that the nature of the interaction between institutions and between them and the state and the class structure, helps explain how institutions form the political outcomes resulting from similar relations of the state and the class structure that democracy needs a strong and coherent state, when the state weakens or loses confidence in itself, the Its first victim is democracy, how⁽²⁾ that any change to achieve democracy must take into account its organic relationship with the nature of the state and its level of development, and the degree of its willingness to do so, otherwise, it is a construction outside of history, for that the mitigation of democratic systems borrowed from abroad because they do not integrate into the organic composition of the state and its society, that is, they are not counted locally. Thus, we find that the political situation in the race between the state and democracy is conflicting with contradictory and contradictory variables: The first: my objective, which relates to the necessity of building the state and consolidating it in this stage. The second: subjective: related to the general desire to improve the political situation and change it for the better, and to achieve a reasonable degree of freedom and democratic practice.

Second: Economic construction: There is a link between the economy and democracy, and the economy and development are two variables in the process of democratic transformation the greater the economic development, the greater the opportunity for democratic transformation due to the effects that this development and economic development exert on the privacy of citizens and on the structure of civil society. It influences education, education and culture, the expansion of the middle class, the civic structure and the plurality of self-organizing groups and associations in civil society providing the confidence to defend its exploitation against the abuses of power. But it is wrong to conclude that democracy cannot always be strengthened except in the light of an economy that has reached a high stage of development. There are examples of countries that have maintained open electoral competition and civil and political liberties for decades despite the low levels of economic development compared to the total national production of each Individual, these countries emphasize the importance of education, reducing conflicts and improving productive sectors, which is a catalyst in the context of democratic transition. If the development efforts in

⁽¹⁾ Dr. Faleh Abdul-Jabbar, op.cit p. 329.

⁽²⁾ Dr. Faleh Abdul-Jabbar, op.cit, p. 372.

Iraq led by the state failed to achieve its goals over the previous decades, for reasons said by political tyranny, it did not result in new efforts based on exploitation⁽¹⁾ economic and dependency Economic and random planning and from a comprehensive perspective of the democratic state that embodies the work to achieve social equality and the approach to achieving equal opportunities for all requires development in Iraq after the change on 8/4/2003 linking political independence to economic independence by rebuilding productive structures and an independent national economy and linking political freedom with the aim of achieving social justice in the context of improving the path and distribution of income and wealth for the benefit of the poorest groups. If the economic disparity is large at the social level whenever the difficulty becomes greater than achieving equality, an effective policy because the accumulation of wealth may be used as an important means for determining political results in the most extreme cases, according to the opinion of the rich, in the votes of the poor, a threat to their interests, so they resort to manipulating the electoral process or sabotaging it in return if the poor do not expect an improvement in their fate through the means Democracy, they will consider it unworthy to defend it, so it is assumed that the attention of democratic countries should focus on mitigating the political impact of this inequality or its importance through strict legislation that limits the sums of money that can be spent on electoral campaigns by political parties or independent candidates on this one hand, and on the one hand, and to secure the limit On the other hand, the minimum means of subsistence for citizens is a condition for the actual exercise of the right of citizenship⁽²⁾.

In discussing this reform model of the Iraqi economy, it is necessary to note and emphasize the following⁽³⁾ :

- 1- Ending the occupation, establishing a constitutional government, and encouraging foreign investments for the public interest.
- 2- The necessity of emphasizing that investments are directed to the establishment of new factories and institutions that represent a real addition to the productive capacities of the state in a way that positively affects the increase in employment, production and income, as they are the most important types of investments that Iraq needs in the current and future period, and it should focus on them primarily.
- 3- Studying the possibility of applying a general investment principle towards foreign capital with a pivotal relationship to the issue of managing the Iraqi economy, which is that the share of the national capital should not be less than 51% of the project's capital.
- 4- Any strategy for economic development in Iraq requires defining and committing to a set of principles that it offers: the priority of the poorest groups, sectors and regions, the least productive, according to the principle of bottom-up development, and continuity between the state, ensuring the minimum standard of living for citizens, including their basic needs, emphasizing the embrace of Iraqi experiences and accelerating the development of the rest of the non-oil sectors towards achieving the most difficult, which is rebuilding and diversifying the structure of the national economy.

Third: Activating the role of civil society: There is a viewpoint on the idea of civil society. The first is negative: it is represented in limiting the hegemony of the state so as to prevent it from controlling social activity or interfering in all areas of life, and absorbing it for initiatives and talents that exist in all society, and the second is positive. It is an idea that says that there are independent foci of self-organization within society, through which the people can work collectively to solve the private problem, and we can also act as channels for public opinion and put pressure on the government, and it can also work to protect society from its excesses. And that the existence of an active civil society means that it has a role in the process of making public policy, and that depends on the nature of the relationship with the state. It is based on a crystallized relationship based on trust and mutual dependence between the two parties, because the origin of the relationship between the state and civil society is one of integration and mutual dependence.

And the distribution of roles and not a relationship of contradiction or antagonism. Civil society is only one of the manifestations of the modern state that provides the conditions for its establishment by assigning a system of rights that regulates the practices of parties and groups within society as a whole. Civil society is the product of the power of the state and in order to balance its strength, as the state can themselves Strengthening civil society by setting clear applicable laws for the work of this society and providing incentives for it as well. On the other hand, civil society institutions become more effective in participating in the public policy-making process if the state has coherent authorities capable of setting and implementing policies, and that the ability of civil society to influence In the public policy-making process, many things are

⁽¹⁾ Dr. Faleh Abdul-Jabbar, op.cit, p. 375.

⁽¹⁾ Dr. Faleh Abdul-Jabbar, op.cit, p. 376.

⁽²⁾ Dr. Faleh Abdul-Jabbar, op.cit, pp. 381-382.

required: the first is related to the state, the second is related to non-governmental organizations, and the third is related to the relationship between the two parties ⁽¹⁾.

With regard to the first: the success of non-governmental organizations in influencing the public policy-making process is linked to the legal framework established by the state to regulate the existence of the activity of these organizations, meaning: is it a regulated or restricted legal framework? The same thing is related to the extent to which the state, with its various institutions, responds to the demands and pressures coming from the society and its institutions: The second is related to the ability to build a balance of power and influence through the success of establishing alliances and networks between governmental organizations, each other and also with the various actors in the development process, whether at the national or global level. And the third: it is in fact an issue related to all the things that have already been referred to, and it is a cooperative relationship based on interdependence and the distribution of roles, and it is a successful and effective partnership relationship between the state and civil society in the process of making public policy as a result, civil society will be presented to reach a platform to exert pressure and influence in the course of political action, which is the logical result or outcome of the development of civil society and become effective and a partner in decision-making and bear responsibility later ⁽²⁾.

Fourth: Democratic construction: that democracy is not just ballot boxes, but rather a system of life, and in order for it to be like that, there must be a contributing political culture that believes in participation in decision-making and bearing responsibility.

Political culture expresses itself in two ways: The first curve: by conceiving the political process as a healthy social competition. Raising the principles of consensus and compromise as a basis for political conflict between political parties, which gives political culture the status of politics, and then frees the concept of politics from its negative meaning, that is, to define politics as an applied civil competition to obtain rights and manage the balance between interests. As for the second curve: it is what gives it the status of novelty in terms of its development of the instinct of exclusivity and monopoly in politics in order to possess the values of justice in the distribution of power, and that the political culture imposed by the democratic transformation process is the culture that replaces the relative tendency in political awareness and political ignorance for absolute inclusivity and compatibility. Consensus, contract, and mutual concession replace the rules of authoritarianism, monopoly and exclusion. Thus, the political field falls in front of the natural participation of all, and with it, power is opened to the will of its peaceful deliberation. And that the opportunity for democratic transformation in Iraq increases within the society with the increase of its cultural integration, that is, the existence of a civil culture that transcends bold sub-cultures and helps in good communication between the population otherwise, the nervous societies that consist of related and antagonistic groups are present, competing and mutually exclusive, such as ideological groups with extremism. It is natural that this cultural climate does not allow the emergence of a political culture that develops with the requirements of democracy, intellectual pluralism, dialogue values and respect for personal identity, so it is not possible to separate the real maturity in democratic awareness On the growth of this national culture, and there is no democratic development possible without a political culture that allows for the assimilation of basic democratic concepts and values and makes their achievement a social goal. Rather, they all work under common denominators, pioneered in this by the values of citizenship and Iraqi national integration ⁽³⁾.

Conclusion:

In conclusion, we can say that this research seeks to establish ideas that may lead to new studies in the field of building a civil state in Iraq because it is, from our point of view, the most appropriate solution to many of the problems facing the country. In the conclusion, we mention the most important results of these ideas in the research:

1- The idea of research to build a civil state in Iraq stems from John Locke's saying (I am the first to admit that civil rule is the original Processing for the pests of the natural phase, and they are really serious pests in those cases in which one is an opponent and an arbitrator at the same time. All who make up one

⁽¹⁾ Dr. Faleh Abdul-Jabbar, op.cit, p. 383.

⁽²⁾ Dr. Faleh Abdul-Jabbar, op.cit, p. 384.

⁽³⁾ Dr. Faleh Abdul-Jabbar, op.cit, pp. 387-388.

group They live under a stable law and a just judiciary with which they are comfortable, and they can decide on disputes that arise between them and punish the criminal among them, for they live together in a civil society).

2- There are several foundations on which the civil state in Iraq can be built. We mentioned in the research some of them: the existence of a democratic constitution, citizenship and activating its role, the rule and independence of law, the restriction of weapons in the hands of the state, achieving social justice and equality in the distribution of opportunities and resources, implementation of rights and freedoms enshrined in the Constitution.

3- The study identified the most important obstacles that hinder the building of a strong, peaceful state that achieves the goals of popular sovereignty. The most important of these obstacles are the absence of effective democracy and law, the absence of citizenship, the activation of the clan's role, corruption, political money and political weapons.

4- The study sheds light on the reality of the democratic system and its problems in Iraq, where the birth of democracy in Iraq is a hasty and distorted birth to Processing the reality of oppression and the suppression of freedoms and poverty in the political system before 2003. Although the constitution after 2005 is considered the best constitution in the region, it still suffers Some of the gaps and weaknesses. Talking about weakness here is divided into weaknesses in formulation and interpretation, and weaknesses in application by disrupting the materials that contribute to building a strong civil democratic state. Pluralism and the weakness of citizenship is a problem facing the building of a civil state. The problem of sub-communal, factional, national and sectarian affiliations is higher than belonging to the homeland. The Iraqi reality also reflects the lack of clarity in the economic policy, which ultimately affects democracy in its outcomes. And that the weak role of civil society constitutes a major obstacle to the success of democracy in Iraq.

5- The study assumed that there were solutions to the problems facing building a civil state in Iraq, and these Processing are divided into: building political and security stability, economic construction, activating the role of civil society, and good democratic construction.

The study recommends the following:

1- Establishing a civil state according to the 2005 constitution that achieves security and stability and aims for tolerance and building educated generations that enjoy their rights and freedoms under the umbrella of social justice, equality and non-discrimination.

2- Relying on the constitution and addressing the weakness it suffers through the amendment, and this is the duty of the next parliament and subsequent parliamentary sessions.

3- Activating the role of civil society through education and consolidation of the principle of citizenship and control of corruption, weakness and reluctance in the performance of government institutions.

Sources and references

1. Faleh Abdul-Jabbar, Democratic Transition in Iraq, Maser Mortada Foundation for Iraqi Books, deposit number in the Dar Al-kitab and Documents, Baghdad, 564 for the year 2009.
2. Jamal Idris Al-Kanin, The Civil State, language and idiomatically, Al-Rakoba newspaper, article, published 10/22/2012. For more information, visit the website www.alrakoba.net
3. John Locke, Two Essays on Urban Judgment, translated by Majid Fakhry, Beirut, International Committee for the Translation of Al-rawayie, 1959.
4. Manal Hamid Ghanem, Some Milestones of Transformations in the Social-Class Structure in Iraq after 2003, Dar Al-Ruwad, Al-Muzmura.
5. Salem Roudhan Al-Moussawi, The Role of Law in Combating Corruption, Second Edition, Year 2011.
6. Tarek Hammo, The Civil State under the Constitution of 2005, the official website of the Civilized Dialogue Foundation, Publishing Date 3/21/2007, No. 1861, More information visit the website www.ahawar.org
7. The Constitution of Iraq in 2005.
8. Wassan Hamid Rashid, Rights and Freedoms in the 2005 Constitution, Baghdad University Journal of Human Sciences, Publication Date 2013, Vol. 21, No. 3.