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Why an Iraq ruled by law is becoming more hopeful

By Haider Hamoudi

Almost precisely four years ago, having worked for nearly two years as a law professor with Iraqi law schools, I left Iraq in a fit of disgust and despair, convinced that a national disaster was looming. A period of troubles followed, but it eventually abated, and I have had the opportunity to come to Iraq, and Baghdad, once more. I arrived about six weeks ago, to participate in a broad legal consulting project with Iraq's Council of Representatives, and will remain for the balance of the year.

I have in the past few weeks begun to consider how the Iraq of today differs from the Iraq I abandoned four years ago. There are many changes of course – restaurants are open later, people are less fearful, there are far fewer mortar rounds fired into the Green Zone – but what perhaps has been most encouraging has been the commitment of so many Iraqis to elemental notions of the rule of law, in a manner that was absent in earlier times. A recent example concerning alcohol consumption demonstrates this amply.

Last month, in an address to the Iraqi Parliament, the controversial Islamist cleric Jalal al-Din al-Saghir alleged a vast conspiracy to increase alcohol consumption in Iraq, funded by "foreign entities" and aided by civil service organizations. Other voices in Parliament immediately rose to challenge or aid Saghir's cause. Ibrahim Ni'ma largely supported Saghir and urged that the laws permitting the widespread consumption of alcohol be limited. Nasir Al-Saadi called for a committee of members of the Tourism and Interior Ministries to be created to investigate the granting of alcohol licenses. Layla al-Khafaji said that members of these ministries were often themselves the problem, frequenting as they did establishments that serve alcohol even in government cars.

As would be expected, secular forces challenged this notion that alcohol consumption had suddenly become a problem. One pointed out that alcohol has been permitted in Iraq since its founding, and is hardly is a post 2003 phenomenon. The Islamist voices were the more prevalent, however, and it does seem as if the government was paying some attention. Days later, it announced the implementation of a so-called "covenant" with hotels and coffeehouses serving alcohol that required them to discontinue the practice. The sale of alcohol in shops for consumption in the home remains legal.

To those familiar with the Middle East, and unfamiliar with Iraq's recent turbulent history, this quite possibly seems unremarkable. Iraq's population is overwhelmingly Muslim, and like most Muslim countries, some of its citizens take the religious ban on alcohol more seriously than

others. That this leads to some alcohol restrictions, and not others, and that Islamist and secular forces contest this at some length, should not be a surprise.

Yet what is a surprise, and a pleasant one, is less the content of the dispute than the manner in which is it being carried out. I was in Baghdad in 2004 when Muqtada al-Sadr's Mahdi army began an impromptu campaign to shut down liquor stores in parts of Baghdad. This did not involve a parliamentary allegation of an international conspiracy. Nobody rose to ask a minister to investigate. No changes to the law were sought or made. Rather, a group of thugs dressed entirely in black would enter a liquor store, steal furniture and air conditioners (apparently the Muslim ban on theft was of lesser concern) and burn the place to the ground. Such was how disputes were handled in those earlier times, and this was the reason that I left. I am a lawyer, and any social order that holds law and legal process in such little regard has no need for me, nor I any need for it.

Iraq suffered through some number of years like this, whether in the Al-Qaeda-dominated Anbar or the Mahdi Army-dominated Basra. That the populations offered at their most generous lukewarm assistance to such movements is amply demonstrated by the quick fall of the movements when finally challenged by the Iraqi army, and the resounding victory of Prime Minister Maliki in the provincial elections after these triumphs. Maliki specifically highlighted his military accomplishments in his campaign, and named his party the "Alliance for the Nation of Law". If these results prove anything, it is the immense popularity of law among Iraq's populace.

Iraqis certainly do not agree on the extent to which alcohol should be permitted in society. The uproar caused by Saghir's comments in the Parliament, on media outlets and throughout the blogosphere make this quite clear. What they do increasingly agree upon, however, is the means through which these problems should be addressed. Ministries not militias, commissions, not combat, and discussions, not destruction. Given the continued difficult security, one could hardly ask for more.

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