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DEVELOPMENT AND REFORM OF THE IRAQI POLICE FORCES

Tony Pfaff

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FOREWORD

Nearly every week, newspapers carry stories of the failure of the Iraqi police to provide basic civil security for the citizens of Iraq. Despite millions of dollars in aid, equipment, education, and advisors, more than 4 years later police force development lags far behind the military. Numerous reasons are offered to account for this gap: corrupt practices left over from the previous regime, infiltration by militias, weak leadership, competition by better armed and organized criminal and militant groups, and so on. However, the military is also subject to these same influences, thus none of these explanations by themselves or in combination are satisfactory.

But such an explanation is critical if policymakers and advisors are going to successfully facilitate police reform. This paper argues that the poor political and security environment impacts social, political, and cultural factors in ways that are predictable, understandable, and, with external help, resolvable. By taking all these factors into account, policymakers and advisors can develop specific programs and strategies and target them where they will best facilitate reform. To this end, this paper offers valuable insights into the creation of such programs as well as a number of policies and practices advisors may adopt to best facilitate the creation of a just and effective Iraqi police force.



DOUGLAS C. LOVELACE, JR.
Director
Strategic Studies Institute

BIOGRAPHICAL SKETCH OF THE AUTHOR

TONY PFAFF, Lieutenant Colonel (P), U.S. Army, is a Middle East Foreign Area Officer who has spent two tours in Iraq, including one working as the Senior Advisor for the Civilian Police Assistance Training Team. Currently he serves as the Defense Attaché in Kuwait. He was also a graduate fellow at the Stanford Center for Conflict and Negotiation. Prior to becoming a FAO, Lieutenant Colonel Pfaff served as an Infantry Officer in the 1st Armored Division, with which he deployed to Operation ABLE SENTRY in Macedonia, and in the 82nd Airborne Division with which he deployed to Operations DESERT SHIELD and DESERT STORM. He has authored a number of articles on military and intelligence ethics and was a contributor to the U.S. Army and Marine Corps Counterinsurgency Field Manual. A former assistant professor at West Point, Lieutenant Colonel Pfaff received a graduate degree in Philosophy from Stanford University.

SUMMARY

This paper will seek to show how social, political, cultural, and environmental factors have combined to impede Iraqi police development in ways that are predictable, understandable, and, with external help, resolvable. The corruption and abuse found in the Iraqi police services cannot simply be explained by poor leadership, the actions of a few corrupt individuals, or even the competing agendas of the various militias that are fighting for influence in post-Saddam Iraq. Rather, one must explain why such practices occur despite the fact they are unacceptable according to Iraqi cultural norms.

Organizations are embedded in culture and society. Thus to understand the weaknesses as well as the strengths of an organization, one must understand how a culture's basic assumptions and espoused values shape organizational and individual behavior. Further, understanding how each of these factors relates to each other allows observers to understand as well as predict how environmental factors shape individual and collective behavior. This ability to understand and predict is essential to policymakers and advisors as it will allow them to better determine what kinds of programs they need to develop as well as where those programs need to be targeted.

Because they were not essential to the regime's survival, the Iraqi police were typically under-resourced and poorly paid, with the average policeman making around \$5 or less per month. Because of the poor pay and resources, police were not highly regarded and often supplemented their income through corruption. Further, police were typically hired because of their

family, tribal, or political affiliations, which created expectations regarding hiring practices which persist to this day. Though the police had a reputation among citizens for being able to maintain order, this security depended a great deal on their reputation for human rights abuse.

While these practices became habituated to a degree within the service itself, it would be wrong to conclude that Iraqi culture saw them as acceptable. Thus, in the face of considerable pressure from their own culture—as well as incentives from Coalition advisors—to reform, it is necessary to look elsewhere for a satisfactory explanation.

For a more complete account, one must understand how group ties affect individual identity and consequently, behavior. One's identity is often expressed by the ties one has to various groups, organizations, and institutions. Iraq is a country where these ties typically reinforce each other. Whether one is a Sunni, Shia, or Kurd, one tends to find others with those same identities in the other groups to which they belong, including family, political party, and region. Conflicts between communities of different sets of reinforcing ties tend to be very difficult to resolve, absent some external force which compels a resolution. As such, it is easy to mobilize these communities against each other, but harder to find ways to resolve conflicts between them.

By virtue of becoming an Iraqi policeman, an individual accepts a professional identity that cross-cuts these other reinforcing identities. But since in Iraq reinforcing ties are stronger than cross-cutting ones, police forces often become a battleground for these sects rather than a means to unify them. Further, as the ties that bind Iraqis together as *Iraqis* disintegrate,

individuals will turn to smaller and smaller groups for their basic social needs, especially security. This will further narrow the scope of loyalty of the Iraqi police.

The failure of the professional identity of “police officer” to transcend sectarian identity is further exacerbated by complex cultural factors that have created a difficult environment in which even dedicated Iraqi police officers and government officials find it difficult to make progress. This analysis of identity is important because in dealing with cross-cultural police reform, one must be able to distinguish between genuine moral dilemmas indigenous forces face from the distortion of values otherwise compatible with just, effective policing, from corrupt and abusive behavior. Iraqis will confront corruption, if properly supported. They are less likely to be willing or even able to break apart the close relationships which drive many other decisions, such as hiring, firing, disciplining, and promotions, even though those decisions may not always be compatible with the creation of a just and effective police force.

But it would be wrong to say that for these reasons it is not possible to reform the Iraqi police. What is important to note is that these behaviors are a product of the environment acting on the culture, not simply of the culture itself. In fact, Iraqi cultural norms find many of these practices unacceptable. What may be an important indicator of the potential of Iraqi police development may be found in a survey conducted by the Ministry of Interior’s Center for Ethics and Human Rights. According to this survey, Iraqi police officers rated themselves high with respect to certain moral and professional standards but others lower. This outcome suggests that Iraqi police understand what appropriate professional and ethical standards are expected but,

given the difficult operating environment, are either not able or not interested in upholding them.

While this analysis suggests reform can only come from within the culture, external parties can help motivate and facilitate reform. To this end, coalition advisors need to develop a strategy that includes building institutions, mentoring in the field, and establishing organizations capable of providing oversight of police and ministry activities and operations.

There are committed leaders within the Iraqi Ministry of Interior and police forces; however, the “culture of crisis” that has arisen since the fall of Saddam complicates their ability to make any headway in reforming the Iraqi police. Despite this, it would be a mistake to conclude that Iraqi culture is incapable of sustaining a just and effective police force. Developing it, however, will require sustained support from coalition advisors who do not compromise regarding practices which are incompatible with democratic policing.

DEVELOPMENT AND REFORM OF THE IRAQI POLICE FORCES

In July 2007, more than 4 years after the fall of Saddam's regime, a departing Coalition division commander told the author that the failure of the local police forces to provide a permanent security presence was the biggest obstacle to stability in Iraq. In explaining why this was the case, he cited now familiar problems associated with the Iraqi police: corruption, sectarianism, and intimidation by militias and criminal organizations. Nearly every week, newspapers carry stories of the failure of the Iraqi police to provide basic civil security for the citizens of Iraq. Despite the fact that a strong, democratic police force has been recognized since the beginning as critical to establishing a stable democracy in Iraq, its development appears to lag dramatically behind many other governmental and security institutions.

Given the millions of dollars in aid, equipment, education, and advisors the U.S. Government has spent, it is worth asking why, 4 years later, there seems to have been little progress. For many observers, in fact, the failure of the Iraqi police seems to be one of the biggest surprises of the war in Iraq, as, unlike the Army, the police were never attacked or disbanded by Coalition forces. As counterinsurgency expert Bruce Hoffman noted in his September 2006 congressional testimony, in the light of the significant improvements in the Iraqi military, the "lack of progress, and reversal of previous advances regarding the Iraqi police are all the more disappointing and disheartening."¹

The purpose of this paper is to offer an account of the difficulties of Iraqi police reform that takes into

account social, political, cultural, and environmental factors which, in combination, are impeding Iraqi police development. There are committed leaders within the Iraqi Ministry of Interior and police forces; however, the “culture of crisis” which has arisen since the fall of Saddam complicates their ability to make any headway in reforming the Iraqi police. Despite this, it would be a mistake to conclude that Iraqi culture is incapable of sustaining a just and effective police force. Developing it, however, will require sustained support from Coalition advisors who do not compromise regarding practices which are incompatible with democratic policing. This paper will conclude with suggestions for a way ahead for advisors that allows them to maintain their integrity while still making progress toward building an effective force.

A FRAMEWORK FOR CULTURAL ANALYSIS

Organizations are embedded in culture and society. Cultures and societies, like organizations, are made of individuals. Individuals manifest the norms of their larger social and organizational cultures on three different levels: the artifact, the espoused values, and the basic assumptions. Artifacts are those outward manifestations of culture, such as institutions, policies, rules, and behavior. Espoused values are what individuals say about their own culture’s sense of how things are “supposed” to work. Whether or not a particular individual acts in accordance with those values will depend on a number of things, some of them informed by culture, others by personal interests and individual character. Basic assumptions are those deeply held beliefs about how the world actually does function.²

Artifacts, being sensitive to many different kinds of considerations, are the easiest aspect of a culture to change, especially when one may appeal to other cultural norms to motivate that change. Espoused values are harder to change, but not impossible, especially if it may be shown that, in a particular context, an espoused value conflicts with a basic assumption. Basic assumptions, on the other hand are very difficult to change, since these are, by definition, widely and deeply held beliefs that inform the identity of the culture in question.³

Though difficult, with effort and time, even basic assumptions can be changed. Much of the racism manifested in the U.S. Armed Forces in the 1950s, was motivated by the basic assumption that, for a variety of genetic and environmental reasons, members of nonwhite races were inferior. However, eliminating racism in the Armed Forces has outpaced the larger society because U.S. military leadership attacked the problem at all three levels. In addition to rejecting the basic assumption, it espoused respect for all persons as an organizational value and punished any manifestation of behavior that failed to conform to that value. A similar strategy will be required if the Iraqi police are to be transformed into a just and effective police force.

Ultimately, just as in the U.S. Armed Forces in the mid-20th century, real change will have to come from within the Iraqi police. Advisors cannot motivate this transformation on their own. But just as outside influences such as the growing civil rights movement motivated change within the U.S. Armed Forces, and laws and regulations prohibiting discrimination emerged, advisors can facilitate this change. To do this, advisors will need to be able to differentiate basic

assumptions from espoused values, and espoused values from artifacts, as well as understand how environmental factors affect the manifestation of these artifacts in any particular context. The complexity of these distinctions means successful advising will take both time and patience.

It is important to make these distinctions because it allows the advisor to determine what can be changed quickly and what cannot. Since approaches aimed at changing behavior are different than those required for long-term change, making these distinctions allows advisors to develop appropriate approaches for modifying behaviors which undermine the establishment of a just and effective police force. Developing these approaches requires advisors to understand how the multiple identities of Iraqi police officers and ministry officials impact which basic assumptions and espoused values they draw on and how those in turn affect the behavior they manifest.

One's identity is often expressed by the ties one has to various groups, organizations, and institutions. In no society, in fact, does an individual have a single social identity. Rather one has multiple identities which are expressed as ties, over varying strength, to different social institutions. In societies where those ties reinforce—that is where ties of family, religion, political affiliation, and so on, are largely made up of the same people—mobilizing the core group is very easy since few people within the group would have any interests represented by the other group with whom they are in conflict.⁴

Thus, in Iraq the identities Shia, Sunni, or Kurd reinforce themselves since they also, to a large extent, determine not only one's religious or ethnic identity, but one's familial and political identities as well. Conflicts

between communities of different sets of reinforcing ties tend to be very difficult to resolve, absent some external force which compels a resolution. As such, it is easy to mobilize these communities against each other, but harder to find ways to resolve conflicts between them.

In societies where cross-cutting ties are strongest, conflicts within the society are more difficult to sustain. This is because members of any particular group represent the interests of multiple other groups, thus complicating any effort to mobilize the core group.⁵ By virtue of becoming an Iraqi policeman, an individual accepts the cross-cutting ties associated with an organization intended to transcend the country's other, more sectarian, ties. But since reinforcing ties are stronger than cross-cutting ones, police forces become a battleground for these sects rather than a means to unify them.

UNDERSTANDING IRAQI POLICE FORCES

This paper will characterize the aim of efforts to reform the Iraqi police as the establishment of an effective, just police force. "Effective" in this context means a force capable of enforcing the rule of law, and "just" in this context means enforcing the rule of law in a way that respects the individual and collective rights of all Iraqis, as identified in the Iraqi Constitution. These are necessary, if not sufficient, conditions for the restoration of stability in Iraq.⁶ At the outset, it makes sense to briefly discuss how the police evolved into its current state in order to discern the best way ahead.

In Iraq, the dynamic relationship of culture and history, combined with current politics and social conditions, has created a "culture of crisis" where

cultural norms otherwise compatible with democracy and human rights drive some of the worst abuses and undermine the establishment of an inclusive, democratic government. This difficulty arises because crises rarely bring out the best in people and as a result efforts to reform the Iraqi police forces are routinely undermined by corruption, sectarianism, and human rights abuses.

To understand how this culture of crisis impacts police reform, one must understand how political, cultural, and operational factors contribute to the climate of abuse and corruption. The factions that compose Iraq's government also sponsor militias which compete with it and have not truly yielded the monopoly of the use of force to one central government. In some cases, elements of these parties have attempted to co-opt and intimidate security forces to serve their own sectarian ends. At the local level, conflicts between these interests are further complicated by political, economic, tribal, and even family concerns. At every level, culturally-driven loyalties further complicate efforts to establish a police force that serves the people, rather than the government as it did under Saddam's regime.

A Brief History.

The first Iraqi police academy was established by the British in Basra in 1914. In 1947, the Baghdad Police College was established which formalized the training of officers to command and administer the Iraqi police forces.⁷ As such, Iraqi police are accustomed to a centralized chain of command and practice a number of military traditions Westerners may not always associate with police forces. Despite this centralization

it is important to note that under Saddam, the Iraqi police were not the primary forces used to enforce regime policy. While they did monitor the population for political activism, enforcement of the Regime's suppression of dissent was left to the regime's security services.⁸ As such, they were perceived more as a corrupt force than an instrument of oppression, but were, by most accounts, capable of maintaining order and preventing crime.⁹

Because they were not essential to the regime's survival, the Iraqi police services were typically under-resourced and its personnel were poorly paid, with the average policeman making around \$5 or less per month. Because of the poor pay and resources, police were not highly regarded and often supplemented their income through corruption. Further, police were typically hired because of their family, tribal, or political affiliations, which created expectations regarding hiring practices which persist to this day.¹⁰ Despite this, the police had a reputation among citizens for being able to maintain order, even though there were reportedly fewer police then than there are now.¹¹ However, this security depended a great deal on their reputation for human rights abuse. The author personally watched archived films where Iraqi police pulled individuals suspected of some crime and severely beat them right on the streets where they were detained.

It is also worth pointing out that now for the first time in history, the purpose of the Iraqi police is to protect and serve the people, not the state. Few Iraqi police, however, have models of behavior they can rely on that are compatible with this paradigm shift. The same is, in fact, true of Iraqi citizens. Saddam's government maintained control of the police through its security services, which threatened violence, terror,

and death if police attempts to enforce the law got in the way of the regime's thuggery. This "might makes right" model has permeated Iraqi leadership culture over generations.¹² Replacing it will take time.

Following the fall of the regime, popular resentment of police corruption as well as their complicity with the regime led to the looting of police stations and as a result many police left their jobs.¹³ Since then, reconstituted police forces and their families have become a target for destruction, cooption, or intimidation by both insurgents and sectarian militias which correctly see these forces as critical to political control. As reported in the New York Times, a survey conducted in 2006 in the northeast of Baghdad "found that 75 percent of Iraqis did not trust the police enough to tip them off to insurgent activity."¹⁴

Today, the Iraqi police operate in one of the most brutal operational environments on the planet. Not only have many died while trying to enforce the law, they and their families have been the subject of a deliberate campaign of targeted killings since soon after the fall of the regime.¹⁵ According to an October 2006 assessment, between September 2005 and October 2006, a total of 2,842 police had been killed and 5,792 wounded.¹⁶ According to a separate Ministry of Interior estimate, 12,000 police had been killed between May 2003 and December 2006.¹⁷ These numbers do not include police hopefuls killed by suicide attacks while standing in recruiting lines. In addition to facing an extremely well-armed and organized opposition, police often are ostracized by the locals they are supposed to protect. According to one account, following an attack on a group of trainees, police took the wounded to a nearby village which refused them treatment, afraid of being associated with the police.¹⁸ Stories like this have played repeatedly throughout Iraq.

Political and Cultural Constraints.

These historical and environmental factors are not sufficient to account for all the difficulties and failures associated with Iraqi police reform. The historical disposition for corruption is exacerbated by a fractured government coupled with complex cultural factors that have created a difficult environment in which even dedicated Iraqi police officers and government officials cannot make progress. As each political party attempts to expand its power and political influence, it does so by attempting to increase its influence in Iraq's security forces. Not only is there high-level brokering for ministry leadership positions, at the lowest levels parties – as well as local tribes and other interests – compete for control over individual police stations and key officers. As a result, much of the cooption and intimidation of Iraqi police forces comes from sources external to the force and is aimed at mid-level commanders and other officials. In many cases, these mid-level officials are ill-equipped to defend themselves from retribution if they fail to cooperate.

What these external sources are depend on the locality. In the south, especially Basra, a number of Shia factions compete for influence, including Jaysh al Mahdi, Supreme Islamic Iraqi Council (SIIC),¹⁹ and Fadhila, as well as smaller militias and criminal groups.²⁰ In the west, the conflict with al Qaeda is often a cover for internecine tribal conflicts usually over smuggling routes. Conflict over smuggling routes has placed great pressure on border police who are threatened by local tribes as well as al Qaeda if they do not facilitate illicit cross-border operations.

The ministry's ability to deal with this corruption is further complicated by the decentralized nature of

the new Iraqi police system, where hiring and firing of individual police and their leadership is largely in the hands of the provincial government, rather than the Ministry of Interior. This new political reality, coupled with influence by outside sectarian forces, has made it difficult for reforms at the top to have significant impact at lower levels. In fact, it has set up parallel reform and reconstruction efforts, where ministry development—including improvements in the ability of the ministry to support police operations—are filtered through provincial governments which have their own interests and agendas. The ministry's inability to enforce its policies, rules, and regulations is a major contributing factor in the slow pace of Iraqi police development. Corruption by ministry officials only exacerbated this problem.²¹

The decentralized reorganization of the Iraqi police forces created a new institutional relationship between the provincial police forces and the Ministry of Interior. This has resulted in a confusing political environment where subordinates are uncertain which source of leadership they should follow. A basic assumption of Arab culture is to favor centralized authority, where subordinates follow the orders of their superiors.²² A system based on such an assumption will not function well when the institutional sources of leadership are divided and, sometimes, in conflict.

In such a context, other basic assumptions, such as the primacy of the group over the individual, will motivate subordinates to accept the leadership of the group with which they most strongly identify. Thus if the choice is between the central government and the local police chief, the local police chief will almost always win. This is not to say that the only way to control the Iraqi police is to reinstitute a strong central

authority. Arabic leadership styles usually rely more on consent, than force; thus building strong bases of support are critical to maintaining power, something even Saddam Hussein had to recognize.²³ Thus, even leaders with a strong sectarian identity may be motivated to reach out to other groups, if by doing so they will increase their hold on power. Thus it is important to realize the impact decentralization has had on the way Iraqi police leadership asserts, or fails to assert, control over subordinate organizations.

Because of this decentralization, as well as the ongoing divisions within the Iraqi government, the Iraqi police relate to the central government as amputees sometimes do to the phantom pains of a lost appendage. Just as the amputee may act like the missing appendage is still there, most police look to a central authority for guidance and support. But often that guidance and support fails to materialize, or in some cases, comes from conflicting sources within the provincial and central governments. Just as often, the police find themselves in competition for the monopoly on the use of force. The above discussion goes to one of the core problems in reforming the Iraqi police—the absence of a political solution to the question of Iraqi governance. As long as Iraq's factions treat the police as a battleground for control of the government, a national-level solution to Iraqi police development will remain elusive.

Paraphrasing Hobbes, when authority breaks down and a society collapses into a state of nature, “men will do anything to avoid being poor and solitary.”²⁴ *New York Times* columnist Thomas Friedman, when describing the situation in Beirut during the Lebanese Civil War, noted “man's natural state is as a social animal who will do anything he can to seek out and

create community and structures when the larger government or society disappears."²⁵

In Iraq, the police find themselves in a confusing array of social ties they must negotiate as larger social structures fail to coalesce. As in much of the Middle East, Iraqis are tied together by "interlocking bonds of family, friendship, and religion."²⁶ These bonds are then given moral, as well as practical, weight based on how the individual places values on the different elements of his identity. There is, of course, nothing incompatible with the demands of just, effective policing present in this prioritization of relationships. But understanding these values can help the advisor understand how individuals and groups will respond when under stress.

As social anthropologist Jeremy Boissevain notes, "in a situation of conflict persons will attempt to define the situation and align themselves in such a way that the least possible damage is done to their basic values and to their important personal relations."²⁷ For Iraqis, like most Arabs, relationships are valued in proportion to their proximity. Thus, they identify first with the immediate family, then the extended family or clan, then the village, and the tribe, followed by their country and their religious sect.²⁸ This concept of valuing the closer relationship more and the more distant relationship less, transfers into organizational norms as well.

In this cultural context, Maslow's hierarchy of needs suggests that at each level of social interaction – family, community, professional – individuals have to begin all over again meeting those needs in order to attain self-actualization. Thus, in each context, once basic survival and safety needs are met, individuals will find ways to meet higher order social needs such as feeling needed,

developing friendships, and achieving recognition and success, which are necessary for individuals to feel self-actualized. In the context of Iraqi culture, this suggests that the close group will always be the one that self-actualizes the individual.²⁹

This means in an organizational context, for any particular police officer or ministry official, the requirements of the local station or office will be given greater weight than the requirements of the larger—and more distant—authority. This means if one is forced to choose between one's immediate supervisor and adherence to a policy or regulation from a more distant authority, the immediate supervisor, all other things being considered, will win. Moreover, to the individual, deciding this way will seem like the morally correct thing to do.

This relationship is further complicated by the absence of a clear political solution to Iraq's governance. This is because, as noted earlier, any individual police officer will have multiple ties which both reinforce as well as cross-cut. Thus when the requirements of identities tied to religion and ethnicity, which are often reinforced by family ties, conflict, these sectarian interests will often win, even over the demands of the immediate supervisor. And again, this decision will seem like the morally correct one to the individual in question.

Further, as the ties that bind Iraqis together as *Iraqis* disintegrate, individuals will turn to smaller and smaller groups for their basic social needs, especially security. Thus, these values and considerations will impact the moral decisionmaking of Iraqi police and their leaders, especially as long as it is unclear that the government that will emerge will be one to which they will consent. In the current security and political

environment, this means Iraqis at all levels will give greater moral weight to the concerns of those closest to them and will have little incentive to give any weight to civic or even religious duties. In the Iraqi context, this means loyalty to parties, most of which are largely made up of those who share common identities, will often supersede loyalty to the government. For example, these interlocking loyalties enable the Shia parties to band together to win the national elections; but the weakness of these connections then drive them to violence in order to establish power bases at the local level, where these otherwise reinforcing bonds conflict.

An example of how these competing loyalties complicate police reform occurred in Amarah, the capital of the Maysan province. After the withdrawal of the British forces in October 2006, violence erupted in the city. The competition between the Badr Organization and its rival, Jaysh al Mahdi, both of which are part of the same Shia Alliance which won January 2006's national election,³⁰ resulted in a chaotic struggle which the police could not quell. According to a press report, the fighting in Amarah began when the head of police intelligence for the Maysan province, Qassim al Tamimi, who was also associated with the Badr Organization, was killed by a roadside bomb, believed to be planted by Jaysh al Mahdi (JAM), the militant faction loyal to Shia cleric Muqtada al Sadr. The Badr Organization, which had a significant presence in the police, then retaliated by kidnapping the brother of the JAM commander and demanding the handover of Tamimi's killers. This led to clashes between the groups – all of which had representatives in the local police force and provincial government. In these clashes, 22 civilians were killed.³¹

Another example of how this confused political atmosphere has complicated Iraqi police development occurred in Babil province. There the police chief, whose brother was reportedly a member of the Dawa Party, was profoundly politically neutral and pro-Coalition. By all accounts of U.S. personnel working with him, he was committed to democracy and a unified Iraq. He resisted efforts by the provincial council, which was heavily influenced by the SIIC, Dawa, and to a lesser extent JAM and other members of the Shia alliance, all of which wanted to increase their influence in the police. The council repeatedly tried to bypass standard recruiting practices to get loyalists into police training — displacing hundreds of Sunnis who had been promised spots at the academy through the appropriate process. If they were successful, they would increase sectarian control over an ethnically diverse province.

Eventually, in frustration, the council voted to fire the police chief, which it had the right to do in accordance with Iraqi law. If the firing had been successful, the council would have been able to solidify sectarian control over the province and isolate the Sunnis in the north, thus increasing the likelihood of unrest. In fact, in response to the previous attempts by the council, Sunnis in the province threatened demonstrations at the police academy should their candidates be displaced. However, the Minister of the Interior at the time, Bayan Jabr, himself a member of SIIC, intervened to prevent the police chief's dismissal.³² It is difficult to explain exactly why he did this. It could have been because he wanted to preserve a competent and experienced police chief. It could also have been out of deference to his senior U.S. advisors, with whom he enjoyed a good relationship.

Most likely, it was a combination. Jabr was under considerable pressure from other SIIC leaders to increase its presence, and thus influence, in the police forces, but he also seemed to understand the importance of continued Coalition support to developing Iraqi police forces. This patronage may have given him the political clout he needed within his own organization to stand up to those elements that wanted the police chief fired.

The Cultural Role of the Iraqi Leader.

To understand how to influence effectively Iraqi leader decisionmaking, one must understand the basic assumptions and espoused values associated with the role the Iraqi leader perceives himself as playing. In Bedouin tribal culture, a primary role of the leader is to increase the material resources available to the tribe. Further, this can be done at the expense of other tribes. As such, a leader's status is often determined by the ability to bring in resources while giving away as little as possible. This was best done by seeking patronage from external sources, such as a stronger tribe, trading partner, or central government.³³ In such arrangements, though the commitment to the patron was merely contractual, the requirement to maintain the relationship was moral, since it benefited the tribe. Saddam's ability to exploit this fact was a key element in his ability to maintain control over the country for more than 3 decades.³⁴

This dynamic transfers into other kinds of leadership as well. Just as under Saddam, the current Iraqi leaders instinctively look to external sources for patronage. To the extent one is perceived as a patron, one can enter into the Iraqi leader's moral decisionmaking

process as one becomes a means for him to fulfill his moral obligations to his group. How this patronage plays out in current Iraqi politics is complex, as many leaders' identities, and thus loyalties, cross over many social ties. While many of these leaders recognize that national, ministry, and party interests are inextricably entwined, they are also disposed to give greater weight to those closest to them. Thus they find themselves in a complex balancing act where often the greater good gets subordinated to the local interests.

Thus an important component of Iraqi leadership style is bringing these needs together. For this reason, it has long been a practice of Iraqi leadership to bring family members and close relations into the organization which they manage. Not only does this protect against possible betrayal, it also serves to enhance one's status within the group one most closely identifies with—whether that be family, clan, tribe or party. This practice also serves to bring the interests of the groups represented by reinforcing ties into alignment.

The practice of using one's connections and influence to get close relatives and associates good jobs or promotions is prevalent in much of the Middle East. The better one is able to provide these opportunities, the greater is one's *wasta* which is roughly translated as "influence." The greater one's *wasta*, the better able one is to provide more opportunities for one's inner circle. In this way, one can continually increase one's status within the society.

In many places, this practice is limited by the rule that the person hired must be qualified for the job. Thus while the practice may not be optimal—since the best person often is not hired—it is also not dysfunctional. Being rooted in the basic assumptions and espoused

values of traditional Arab culture, it is also not a practice that will easily be set aside. In Iraq, however, the breakdown of social institutions forces leaders to put greater weight on surrounding themselves with people they can trust, regardless of their qualification, which displaces others who are qualified. This environmental factor then distorts the values associated with honoring one's close commitments in a way that is incompatible with just, effective policing in Iraq.

For these reasons, Jabr, as other Iraqi leaders, brought a number of his own party members (SIIC and Badr Corps) into the ministry – a fact he was very open about.³⁵ What Jabr ultimately failed to recognize was that those he brought on often continued to serve party interests over the ministry's and engaged in illegal and sectarian activity. This created a divisive atmosphere within the ministry that he was unable to overcome. Ultimately, he lost the support of the Coalition and his party lost control over the ministry.

Current Interior Minister Jowad Bulani, himself a one-time member of the Fadhila party, has by most accounts done a much better job balancing the needs of the ministry over those of any other competing interest. But his efforts to enact genuine reforms have been limited because he did not bring on a large number of loyalists into the organization. This dynamic of “damned if you do, damned if you don't” is a feature of Iraqi politics that will take years to overcome.

Because this prioritizing of the local good over the greater good can be perceived as moral, it is a difficult practice for advisors to deal with. Such practices are certainly incompatible with effective, just, policing but at the same time, telling an Iraqi leader at any level he must betray those closest to him will only alienate the advisor. While advisors must refuse to tolerate such

practices, they must also make space for culturally appropriate solutions that may run counter to Western policing norms.

By way of illustration, consider the following story told to the author by U.S. advisors to the Babil police department, which underscores the point that even a just policy may not always function in ways Coalition advisors might expect. In this incident, the police chief's brother was implicated in the murder of a member of a rival party. But rather than arrest him, the police chief paid "blood money" to the victim's family, in accordance with Iraqi custom. In a Western setting, this kind of familial favoritism would have been grounds to fire the police chief, if not prosecute him. In the Iraqi context, his actions can be considered skillful keeping of the peace which ultimately upheld both the duty of the police chief to maintain order and the deeply seeded communal values of Iraqi society.

Culturally-driven considerations also result in considerable variation in terms of how subordinates, even those accused of violating Iraqi law, are treated. In early 2006, U.S. advisors confronted the Minister of the Interior over allegations that a certain police brigade commander abused detainees.³⁶ This brigade was considered highly successful as its operations had substantially decreased insurgent activity in its area of operations. Eventually, the Minister agreed to relieve the commander. However, a few months later, the commander turned up on the ministry staff.

This failure to consistently apply Iraqi law in this commander's case did not conform to the expectations of many of the advisors and increased concern that the Iraqi leadership was not committed to reform. But these expectations did not fully take into account how cultural and political constraints impacted on the way

the Iraqi leadership could deal with the situation. In the West, justice is viewed in terms of holding individuals responsible for the rules they break. In determining how to handle violations, the only considerations Westerners typically take into account are those that pertain to the individual's ability to understand right and wrong in that particular case and his ability to avoid that wrong. This may not eliminate responsibility, but it does tend to mitigate judgments about the individual's liability. This is not true in Iraq.

As noted above, what will also matter to Iraqis is the relationship of the subordinate to the person in authority. The number and quality of overlapping ties that exist between the two individuals will affect how the person in authority punishes the subordinate. This is in large part due to the fact that in many Middle Eastern cultures, one is not viewed primarily as an individual, but rather as a member of a community, whether it is family, clan, or tribe. Thus, when harm comes to the individual, it is felt by the community, and the community then is obligated to redress the grievance.³⁷ When one shares the same community identity with the person being punished, one's relations with one's own community can be greatly complicated, especially if other communities or interests benefit from the punishment of the transgressor.

As a result, depriving the brigade commander of his livelihood could create a number of political enemies for the ministry, undermining its effectiveness and putting its members at risk.³⁸ This last point is important. What a Western advisor may view as crass favoritism may be justifiable to Iraqis as a proper expression of filial loyalties as well as the most efficient means to achieve the larger organizational and even moral goals. Advisors must not tolerate corruption or

abuses in any form, but they must be able to distinguish practices which the culture sees as justifiable – and thus not corrupt – from practices which the culture sees as corrupt, but tolerates. Each must be addressed, but they must be addressed in different ways. The latter is more often a matter for enforcement; the former more a matter of education.

While we will come back to this point later, it is important to note that making this distinction is critical in establishing expectations for reform. Just because a culture accepts a certain practice does not mean the practice is compatible with effective, just policing. But if those artifacts are compatible with the culture's espoused values and basic assumptions, then changing that behavior will take time. Thus, expectations regarding police reform need to reflect that fact. Further, the more these practices are bound up in meeting psychological and social needs determined by culture, the harder they will be to eliminate.

It is also important to understand that from the point of view of an Iraqi police or ministry official, accepted cultural practices applied in the current context may place him a situation where he is torn between what he perceives as competing moral demands. Such situations can be further complicated by an organizational culture that does not necessarily see the commander's behavior as wrong, or at least views it as justifiable given the circumstances.³⁹ To the extent the brigade commander's behavior is not viewed as unjust, his community would then have a cultural obligation to act, violently if necessarily, in response to the loss of one of their community member's livelihood.

Balancing these interests will often manifest itself in what will appear to be very inconsistent treatment of those suspected of corruption, human rights abuse,

or other illegal activity. Thus U.S. advisors should not be surprised when Iraqi leaders fail to impose similar punishments for similar offenses. This is not to say that U.S. advisors should leave such issues unaddressed, but they must recognize the social and cultural pressures that drive this inconsistency, and if possible, address them as well. In some cases, it may be appropriate to withhold support or even take enforcement into their own hands. As patrons, the threat of withholding support is often the most effective way to motivate Iraqi leaders to take action.

Withholding support can be difficult, especially when it is critical to the continued development of Iraqi police capabilities. The question is, then, how to wield this tool without compromising the successful development of Iraqi police forces. When used judiciously, it can have the positive effect of relieving pressure on the Iraqi leadership, allowing them to take action, without suffering setbacks which can undermine their position within the organization and ultimately their ability to lead. What this analysis suggests is that knowing when to threaten to withhold support or to tolerate some inconsistency will require judgment on the part of the advisor.

Advisors can also address those cultural and social pressures which drive the inconsistent behavior. They can do this by reinforcing decisions to uphold the rule of law and human rights with additional support or resources for the organization. While the western view may hold that leaders have a duty to consistently enforce the law, regardless of relationship, it is important to understand that Iraqis may see this duty as one among many. But if a leader's decision results in more resources for the group, then it is easier for that leader to make that decision. But if making such

a decision leaves a leader in a worse situation relative to his close relations, then it will be difficult for him to make that decision, regardless of his commitments to upholding the rule of law.

Organizational and Leadership Constraints.

Beginning with Abd al-Karim Qasim's seizure of power in 1958,⁴⁰ Iraq's decades of harsh dictatorship, resource limitations, and the brutality of current hostilities, has created conditions leading to human rights abuses which sincere efforts on the part of U.S. and Iraqi officials have not been able to eliminate. The occasional revelations of such abuses have gone a long way to stoke popular animosity towards the government and further divide the Iraqi public.⁴¹ In addition to a higher tolerance for abusive treatment, Iraq's authoritarian legacy, reinforced by basic cultural assumptions favoring centralized authority, has left many Iraqis with a leadership that respects authority but which does not accept responsibility for the behavior of subordinates who follow orders they did not give.

This decoupling of authority and responsibility has created a situation where Iraqi leadership, some of whom were victims of torture themselves, sincerely denounce torture, but also do not see themselves as responsible for eliminating it from their organizations. This is further complicated by the role confession plays in the Iraqi justice system.

There are numerous examples to illustrate the difficulty in getting a handle on detainee abuse in Iraq. In January 2004, the following story was related to the author by British soldiers in Basra. They had recently established a police intelligence unit whose responsibility was to assist local security forces in

targeting insurgent forces in the area. They reported that they had left the unit alone for a few weeks, and when they returned they found evidence of detainee abuse, including devices used in torture. When they told the intelligence unit this practice would not be tolerated, the incredulous Iraqis asked, "How else do you get a confession?" This story is important because it underscores the importance of how confession in law is influenced by Islamic jurisprudence and how an otherwise just concept can lead to abuse in Iraq's culture of crisis.

While Islamic law (Sharia) accords confession a special evidentiary status, it does not permit judges to accept confessions which are coerced.⁴² However under Saddam's regime, this reasonable constraint was perverted, and torture was frequently used to obtain confessions in order to provide a veneer of legitimacy for otherwise unjust legal proceedings. Today, because of limited investigative and forensic capabilities as well as poor record keeping, confession is often the only evidence available to the judges of the barely-functional Iraqi courts. Poor record keeping and inexperienced police investigators, coupled with a great deal of distrust between Ministry of Justice investigators and the police, have made it difficult to provide comprehensive and compelling forensic evidence to the courts. This often means confession will be the most reliable means to a conviction.

Given the pressure resulting from the current poor security environment, it is not surprising some interrogators will go to extreme lengths to ensure a conviction. This is because values associated with protecting the group represented by the strongest set of reinforcing ties do not extend to those outside the group, even if there are some cross-cutting ties. In fact, for

those within the immediate group, there are a number of ways to deal with violations, even betrayal, that will not involve law enforcement, as noted in the case of the Babil Police Chief's brother. Consequently, eliminating detainee abuse will be greatly facilitated by increasing the capacity of the Iraqi courts and investigators, thus eliminating the need for what is culturally deemed an unfortunate but necessary practice.⁴³

How the Iraqi police leadership interprets their duties and responsibilities also affects the efforts to eliminate detainee abuse. The following incident illustrates this point. When the previously mentioned abuse was uncovered at a detention facility near the ministry headquarters known as "Site 4," U.S. advisors confronted the National Police commanders who were responsible for the units which operated the site. At first, the senior National Police leadership rejected any responsibility for the incident since they had not, in fact, authorized the abuse. In fact, while the abusive treatment was facilitated by members of the National Police, it was actually conducted by interrogators who belonged to a separate organization, which made them difficult to identify. Thus in the view of the National Police leadership, their organization was not responsible for the abuse since they had not ordered it nor were the personnel under their direct control responsible for it, despite the fact the detainees remained in National Police custody throughout the time of the abuse. Therefore, they were slow in taking action against the perpetrators and facilitators until U.S. officials threatened to withhold support.

From the perspective of the individual guards involved, they were simply following orders. That such a rationale holds moral force is not surprising given that surveys conducted by the Ministry indicate that police

hold the values of loyalty and duty higher than justice, even justice by their own standards.⁴⁴ This is especially so in the Iraqi context, where failure to follow orders historically could have severe consequences for one and one's family. In fact, because it is a basic assumption of Iraqi culture that one will give the most weight to family ties, the family is an especially vulnerable point for Iraqi police, who will often betray other espoused values and loyalties in order to protect them.

In such an environment, orders, even unjust ones, enter the moral decisionmaking process weighted equal to or better than the rules of justice which they then displace. Thus where following orders is the highest value, the maxim, "do not torture," which many will readily accept as an espoused value, does not necessarily translate as "do not permit torture," especially when other authority figures are present.

This organizational climate creates a kind of "responsibility vacuum" where those at the top have all the authority, but only consider themselves responsible for what they order others to do, and then only if they were the originator of the order. At the bottom, the individual has all the responsibility for ensuring they accomplish assigned tasks successfully, but no responsibility (or authority) to question or modify those orders. In such an environment, it is not hard to see how persons in intermediate or lateral authority can undermine genuine reforms emanating from the top.

In fact, a number of new police have entered the force, taking the lessons of ethics they received at the academy to heart. One student at the Baghdad Police College told an American instructor that he wanted to be ethical, but his superior, a police major, made him go collect bribes from around the district. Given the

importance of submission to authority, he felt he had no choice. This kind of story is also repeated many times in Iraq. This bifurcation of “right” results from the twin imperatives to maintain a cohesive group and obey the law. When the two imperatives conflict; the needs of the group win. But this should not be taken to mean that Iraqis do not see just enforcement of the law as right. Rather, despite understanding the right thing, and desiring to do the right thing, a strong culturally informed disposition to submit to authority, can conflict with this understanding and desire to make reform difficult.

For this, as well as other reasons, true reform can only occur if there is will within the Iraqi leadership to make it happen. It makes sense, then, for advisors to identify influential people within the organization as well as the larger culture and enlist their efforts to communicate the need for and path to abandoning corrupt practices. Further confusing the situation was the elimination of the laws for disciplining the police. Without a law or regulation covering a particular practice, police commanders and supervisors are unsure how or even whether to hold their subordinates accountable for corrupt practices.

As of 2006, new laws had been submitted to parliament, but it may take some time for them to translate into a clear set of procedures by which Iraqi police may be prosecuted. Further, under Saddam, police fell under a separate legal system, administered much like the Uniform Code of Military Justice, with a separate court system and detention facilities for police found in violation of laws, rules, and/or regulations. Today, police who are accused of corruption or abuse are tried under the already overtaxed civilian legal system, which has a poor record for swift justice.

In such a confused situation, the only recourse is to raise the issue to the ministry level. But then any ensuing investigation becomes one more burden for an overly taxed administration to manage. This almost guarantees that despite the best intentions of the investigator, the investigation itself will take a long time to complete and will probably not begin before those guilty of abuse and corruption have had time to cover up any evidence. In such an environment, it is extremely difficult to distinguish between sincere but under-resourced efforts to investigate wrong-doing and half-hearted attempts to appease the Coalition need for accountability.

At this point it is worth mentioning some of the difficulties in addressing specific allegations of abuse. The author once received a phone call from a member of the U.S. military who worked on the U.S. Embassy staff. The staff member had just received a phone call from a high ranking member of the Ministry of Defense (MoD) who reported that three close relatives were arrested on suspicion of being insurgents and were being held at “the MoI hospital” in Yarmuk since they were injured during the arrest. The official added that they were being denied treatment by “MoI intelligence.” He reported that one had died and the others would die as well.

In investigating the incident, the author discovered that the Yarmuk Hospital was under control of the Ministry of Health (MoH), which, at the time, was headed by a minister close to the radical Shia cleric Muqtadah Sadr. The confrontation was not between the Ministry of Interior and the Ministry of Defense, but between the MoD and the Facilities Protection Service (FPS) forces of the MoH. The Iraqi had misidentified the security service as MoI because under Saddam,

FPS forces did fall under the MoI and wore uniforms closely resembling police. They were moved to control of the individual ministries by the Coalition Provisional Authority (CPA) in order to prevent too much power accumulating under one ministry, but outwardly, they still looked very much like Iraqi police.

This was not an isolated incident. The author received a number of calls to investigate illegal detention or abuse by MoI forces only to find that the accusations were baseless. This does not mean there were not a number of times when the allegations were accurate, but Iraqis are all too quick to cry "Wolf Brigade,"⁴⁵ when confronted with the increasing violence in Iraq. This can make holding MoI forces accountable difficult. Accusers typically pin the blame for abuse on units which have a public reputation for such abuses. But absent evidence, or being caught in the act, Iraqi police leaders will typically blame such abuse on units that either look like the police (such as the FPS) or which have disguised themselves as police. Because both explanations are equally plausible, it is difficult for advisors to sort out the competing claims and effect reforms.

Despite this confusion between authority and responsibility, it would be wrong to conclude that MoI leadership does not take eliminating human rights abuses seriously. Current Minister of the Interior Jowad al Bolani, who had just taken over as Minister when the Site 4 incident occurred, visited the detainees. During the visit he apologized to the detainees, spent time discussing with the detainees their role in a future Iraq, and instructed the National Police leadership present to provide the detainees with food, water, and other necessities they were lacking. Of particular note, he told the senior police officer present that there were

good people in the cells and they should be treated as such. The author was present at this incident and was struck when the detainees applauded the minister when he departed the facility. Apparently, certain nationalist themes do resonate across sects.

What may be an important indicator of the potential, as well as the pitfalls, of the ethical development of Iraqi police are the results of a survey conducted by the MoI's Center for Ethics and Human Rights. As part of the survey, Iraqi police officers rated how well they and others upheld professional and moral standards of (1) taking responsibility for one's actions; (2) standing up for what is right by taking action when in the face of moral and legal violations; (3) acting honestly, and maintaining integrity; (4) demonstrating openness by accepting others' perspectives and points of view; and (5) upholding high moral standards which allow citizens to live together peacefully. They consistently rated themselves high with respect to these standards and others lower, though still relatively high. This survey suggests that Iraqi police understand what appropriate professional and ethical standards are expected but, given the difficult operating environment, are either not able or not interested in upholding them.

Further, as noted earlier, the survey indicated that Iraqi police valued loyalty, service, honor, and duty over justice, religious commitment, and trust. This further accounts for why many otherwise committed Iraqi police will stand by while others commit gross violations. Loyalty, service, and duty must have an object. One is loyal to, serves, or has a duty to someone or something. Honor is bestowed when one fulfills the obligations to the object of loyalty, service, and duty. When those objects are individual leaders or organizations and not objective inclusive norms

derived from well-formed notions of justice, religious commitment or trust, corruption will likely result.

These difficulties are to be expected in autocratic organizations where initiative is stifled and decisions about right and wrong are only for those at the top. But the fact that this survey was conducted by Iraqi police for the purpose of developing programs to address these shortcomings indicates a realization on the part of many police that they are not currently living up to their own ideals of justice, as well as indicating willingness to reform. Realizing there is a problem is critical to enacting any solution. A number of Iraqis have told the author that they recognize the ethical shortcomings of the police but do not know how to reform the current institutions to address those shortcomings.

U.S.-IRAQI INTERACTION

On the surface, the above description of the state of Iraqi police services paints a bleak picture for the hope of genuine reform. With something like this description in mind, many U.S. advisors have held back developing the necessary relationships required to build an effective and democratic police force. Others have limited their interaction to making demands on Iraqi officials and police to conform to internationally recognized standards regarding human rights and corruption and then monitoring their compliance. In other cases, some have succeeded in convincing Iraqis to adopt those standards, but were later undermined by the poor ethical climate in the Iraqi police forces. This sometimes “conflicted” interaction has created a great deal of miscommunication and unmet expectations between U.S. advisors and Iraqis alike.

When advisors present reforms or recommendations as a “higher” standard that the Iraqi police officer should adopt in order to fulfill his obligations, they are usually met with resistance at worst or misunderstanding at best. While Iraqis will recognize their organization’s shortcomings, they are resentful of outside pressure to reform, particularly when that standard does not recognize how the basic assumptions of Iraqi culture are manifested in the current political and security environment. Thus, much of this resentment is due to a failure on the part of the advisor to recognize and engage the Hobbesian world in which the Iraqi officer lives. Iraqi police officers are rarely choosing between upholding democratic ideals and corruption; rather, in the zero-sum game of Iraqi politics, they are choosing between life and death. In such cases, like most people, most will choose life, even if that means participating in or turning a blind eye to corruption and human rights abuse.

The kind of interaction that results in more lasting success is when advisors create conditions that bring out the positive aspects of the indigenous culture, rather than trying to impose one on their own. This is difficult to do and requires exceptional understanding of the culture, which even many experienced advisors do not possess. Often the best advisors can do is to encourage the creation of institutions within the police forces which are responsible for professional and ethical development, but institutions in which the Iraqis are invested.

Institution Building.

In fact, the absence of any positive Iraqi model of ethical policing is one of the biggest obstacles to effective police reform.⁴⁶ This suggests that exposing

Iraqi police to positive models of police behavior, whether through education or exchange programs, is an essential element to police reform. Iraqis need time to watch and learn how other police forces protect and serve their people. But mere exposure will not be sufficient. Strict enforcement of the rules that support a positive model of policing is also required. Police guilty of corruption and abusive behavior will also need to be held accountable.

Advisors will also have to deal with abuses within their own respective forces. Iraqis are quick to juxtapose their own failures with known and reported instances of U.S. abuses. Such abuses on the part of U.S. forces send a conflicting message to Iraqi police who sometimes conclude the advisors are merely paying lip service to human rights considerations and do not genuinely accept the reforms they are trying to motivate. Most Iraqis cannot separate the few “bad apples” from the good ones. This dynamic suggests prosecuting one’s own cases of corruption will be a necessary condition for any serious police reform. It also suggests that advisors would do well to resist feelings of moral superiority: Given similar circumstances, no society is immune from such corruption nor is any society incapable of sustaining a just and effective police force.

An example of such institution building was the creation of the Ministry of Interior’s Ethics Center. The purpose of the center was to promote ethics education at the institutional level as well as in the field. Prior to the creation of the center, ethics education was conducted by American police trainers relying on curriculum developed by the United Nations. As evidenced by continued accounts of corruption and abuse, for reasons previously discussed, these efforts had little impact.

So to increase Iraqi “buy-in” to ethics education, Coalition advisors offered to support the creation of an ethics center that would be staffed by Iraqi police officers with experience in the field as well as in education. Numerous Iraqi leaders with whom the author worked to establish the center were enthusiastic about having a venue through which their ideals, often religiously motivated, could be communicated.

Shortly after its inception and in the wake of detainee abuse scandals associated with the National Police, the center produced curriculum specifically aimed at eliminating detainee abuse and even completed an ethical climate survey of the Iraqi police mentioned previously. What is most remarkable is that these events occurred despite the kidnapping and murder of the center’s director, Brigadier General Osama Badri, who was killed shortly after visiting a Baghdad school where he was extolling the virtues of community policing.⁴⁷

Remarkably, despite this setback, the center has still been able to recruit qualified Iraqis to serve on the staff, though it has yet to fully recover from the loss. In fact, the executive officer of the center was also kidnapped and held for 45 days before being released. Despite that, he returned to work. The Iraqis who have stood up to join the center understand the damage corruption does and are working to develop educational materials to combat it, despite the risk to their families.⁴⁸ They keep stepping up to the plate for three reasons: (1) it is *their* ethics center; (2) they believe it will be supported by the Ministry; and (3) most importantly, its success will guarantee continued patronage by the Coalition. It will take time, however to tell if it will also have a positive impact. But the fact it seems to be enduring is reason to be encouraged.

In the Field.

What the previous analysis suggested is that simply turning out trained, committed police will be insufficient to reform the force. Yet, U.S. efforts from 2003 to 2005 were largely focused on institution building—that is, creating and developing national level institutions capable of training, employing, and sustaining police forces—but leaving police out in many of the provinces largely on their own.⁴⁹ As a result, a large number of trained, but inexperienced police entered the Iraqi police forces and were quickly co-opted by criminal and sectarian elements and faced the choice of participating in corrupt and/or sectarian activities or at best expulsion from the force or at worst, death. As a result, some were co-opted, some quit, and others were not hired at all.

What they specifically had to deal with—whether sectarian pressure, insurgent intimidation, or corruption—depended largely on where they were assigned. According to one Coalition advisor working with the police academy in Hilla, a video of a police squad confronted by better-armed members of the Mahdi militia showed one lone newly minted police officer standing up to Jaysh al Mahdi intimidation despite the capitulation of his colleagues. In the video, the militia members cornered the police squad and demanded they turn their weapons over to them. After a bit of arguing, the officer in charge agreed. The new recruit made an impassioned plea to his squad to stand their ground, and when he failed, threw the weapon at the Jaysh al Mahdi commander and left. Had there been somewhere else to turn for support, this engagement may have turned out differently.⁵⁰

This suggests that close partnership between Iraqi police forces and Coalition troops and advisors out in the field is necessary to sustaining the training conducted at the academies.⁵¹ This point has not been lost on the current Coalition leadership in Iraq, which, since 2005 has been increasing the number of police trainers in the field.⁵² According to press reports, 17,000 additional U.S. troops were distributed to Baghdad's nine police districts during the Spring of 2007.⁵³ It must also be noted that this is the most risky element of Coalition efforts to reform Iraqi police. As such, its sustainability is directly affected by the number of casualties and the political will to sustain them.

Policing the Police.

Partnering with Iraqi police is a means to institutional success, not an end. Critical to ending the need for close partnering with police in the field is the creation of an independent internal affairs and inspector general. Here again, there has been moderate success, but external pressures make it difficult to make lasting reforms. According to the June 2006 In-Stride Assessment, the Ministry of Interior's Internal Affairs Division (IAD) "investigated more than 96 cases, completing 61, of which 28 resulted in court convictions and 16 resulted in internal discipline." According to the document, investigations involved "blackmail, abuse of authority, extortion of civilians, as well as aiding terrorists and insurgents."⁵⁴

Further, the director of the IAD continued to press cases despite numerous assassination attempts against himself, the successful assassination of his brother, and pressure from other directors in the ministry who saw him as a threat. Despite these pressures, he continued

to vigorously investigate cases which did lead to action against corrupt elements of the ministry and police forces.

Despite his willingness to investigate, his ability to turn investigations into actual prosecutions was limited by a number of factors, the most important of which was an unreliable enforcement arm, especially out in the provinces. Given the decentralization of control over the police forces to the provinces, efforts to conduct investigations outside the Ministry were met with resistance, especially where individuals with strong local connections were involved. For example, despite attempts to establish a viable internal affairs office in Basra, local forces, loyal to either to local politicians or the Jaysh al Mahdi, continually undermined these efforts and even established competing offices.

A FRAMEWORK FOR ADVISING WITH INTEGRITY

While this paper has described the nature of the difficulties involved, it has also described reasons for hope that change, over time and with continued engagement, is possible. This paper has also attempted to convey that while advisors would be naïve to believe that they understand Iraqi culture, they can learn to observe cultural practices and discern between those which reflect basic assumptions and espoused values and those which are merely tolerated.

This is important because in dealing with cross-cultural police reform, one must be able to distinguish between genuine moral dilemmas indigenous forces face from the distortion of values otherwise compatible with just, effective policing, from corrupt and abusive behavior. Iraqis will confront corruption, if properly

supported. They are less likely to be willing or even able to break apart the close relationships which drive many other decisions, such as hiring, firing, disciplining, and promotions, even though those decisions may not always be compatible with the creation of a just and effective police force.

More importantly, the advisor/advisee relationship creates its own culture with its own etiquette and expectations. Iraqis have expectations of their advisors based on their own understanding of the advisors' culture. Despite occasional revelations of Coalition abuses, Iraqis expect Coalition advisors to condemn corruption and human rights abuse and often look to them to take action to eliminate it. This dynamic can be both positive and negative. On the positive side, this dynamic allows the advisor to provide Iraqi leaders with additional moral and political support to overcome competing interests of closer relations. On the negative side, advisors run the risk of becoming a crutch, achieving short term ends without engendering any real development.

Finally, the worst thing advisors can do is turn a blind eye to any practice incompatible with just, effective policing. Doing so is perceived by Iraqis as an endorsement of the practice, which will then quickly spread, especially if it is perceived to yield immediate practical benefits. What remains to be discussed is how U.S. advisors can effectively resolve clashes of their own values with practices of Iraqi police forces, and create a new set of norms around which advisors and Iraqis alike can set expectations and reduce frustration.

The central difficulty for many advisors is that while they themselves may not have witnessed corruption or abuse, they know that the support they provide police forces has contributed to such crimes.

Unfortunately, simply withholding support does not resolve the problem as much as postpone it. Such support is critical for police force development and withholding support discourages reforms. Thus any successful framework will find a way to maintain the integrity of commitments to well-founded values of fairness and human dignity with the strong possibility that those commitments will be violated by those the advisor supports.

To establish institutions capable of developing and administering an ethical police force, implementing an approach that is sensitive to the culture and environment is more important than strict compliance with specific norms, applied without consideration of the context. But as noted above, successful reform of the police force will require sustained will on the part of the Iraqis, increased institutional capacity for administration as well as self-policing, and relatively open access to Iraqi police facilities and operations. It will also require an accurate and acceptable process for providing appropriate models to learn a form of noncorrupt, ethical policing.

Dealing with Corruption and Abuse.

When confronted with particular instances of corruption or abuse, advisors must first determine to what extent the behavior is culturally driven or if it is an aberration. If the latter, then enforcement of the relevant law, regulation, or policy is the most appropriate way to deal with it. If the Iraqi leadership one is dealing with lacks the will to do so, then advisors may consider withholding support, or in the case of participation in sectarian killings, detaining the suspected violators themselves.

If advisors determine that the behavior is driven by cultural considerations, they must then break apart which among those drivers are basic cultural assumptions and which are espoused values, and devise approaches to deal with each. Since behavior is often manifested as a result of the combination of multiple assumptions and values, it is beyond the scope of this paper to discuss how this could be done in every possible instance. Further, because of the context sensitivity of such behavior, it will ultimately be up to the individual advisor to take into account the range of cultural, political, and environmental factors when determining how best to proceed.

By way of example, we will consider the case of detainee abuse. The basic assumptions which seem to drive this behavior are the beliefs that (1) rights of members of one's group supersede the rights of outsiders; (2) one has a moral obligation to protect the member's of one's own group; and (3) detainees are assumed guilty until proven innocent. This last consideration is a feature of the Iraqi legal code which places the burden on the suspect to prove his innocence.

Though these considerations often drive such abusive behaviors, they are not the only considerations which may be brought to bear on the issue. As noted earlier, what is valued in Islam is justice; confession is merely a means to justice and thus must not be obtained unjustly. Doing so violates a number of other assumptions and values associated with Iraqi culture.

Now it would be naïve on the part of advisors to believe that based on such an argument they can convince Iraqis to abandon such practices. But understanding that such a culturally based argument is possible should then lead advisors to seek out

culturally respected sources to address the issue themselves. The more culturally aware the advisor is, the better he will be able to determine what and who those sources are. This can be done institutionally, as in the creation of the Ethics Center, or on an individual basis where respected religious, political, or police leaders undertake an effort to eliminate the practice.

Given the current security environment and the perceived high cost of failure, change will not be easy. Such environmental conditions distort otherwise just values, making it hard to change the behavior without changing the environment, which in the Iraqi context, is not often possible. But even in our own culture, where values associated with individual rights are much stronger, there has been a great deal of struggle over determining what are and are not appropriate interrogation techniques – a fact Iraqis will occasionally remind advisors of.

Despite our own debate, we are able to discern between violations of the law and debates about what the law should be. Dealing with the former requires vigorous enforcement of the law. Dealing with latter takes much more time and requires the efforts of those who wield authority within the culture to affect real change. But since such practices are not only antithetical to Islam but also prohibited by Iraqi law, resources are available within the organization to effect reform.

It should be obvious, however, that any such reform will take time. Unlike in the case of aberrations, it may not be the best practice to withhold support simply because the institution, as a whole, is unable to constrain practices incompatible with just, effective policing. But just because such practices may be rooted in culturally driven considerations, it also does not mean that advisors must continue to provide support

unconditionally. It is still within the scope of the role of the advisor to motivate the change necessary to eliminate or at least shape the practice so it is not an obstacle to police reform.

As noted earlier, successful cultural transformation requires addressing the culture at the levels of artifact, values, and basic assumptions. Doing so successfully will not only require education programs aimed at articulating new values and basic assumptions, but also the adoption of new laws and regulation coupled with a willingness to enforce them. Without such programs, support for Iraqi security ministries and police will not result in a just and effective police force. This analysis suggests, then, that continued support for police reform should be contingent on the following:

1. Identification of culturally accepted practices not compatible with effective, just policing, and cooperation with indigenous institutions to develop educational programs aimed at either eliminating or shaping the practices in such a way that they are compatible with just, effective policing. Such practices will include privileging, hiring and promotions of close relatives, party members, or other associates as well as removal of competent, but not close subordinates.

2. Identification of culturally tolerated, but not accepted, practices and development and implementation of an enforcement mechanism capable of eliminating them. Such practices include human rights abuses and corruption.

3. Effective Coalition doctrine, policies, and training which account for how cultures interact in crisis environments. This will include developing strategies aimed at mitigating (or eliminating) the negative effects of crisis on otherwise just application of cultural norms.

4. Support by senior Iraqi leadership for reforming the ethical and human rights culture of the police assessed in terms of willingness to devote resources to enforcing Iraqi law and regulations as well as establishing and maintaining an ethnically and confessionally balanced force.

5. A functioning, independent internal affairs and inspector general as evidenced by measurable increases in arrests and prosecutions of Iraqi police suspected of sectarianism, abuse, and/or corruption. The negative behavioral model currently persistent within the police forces will not be broken until persons acting in accordance with it are held accountable.

6. Continued development and support for ethics training and education. Despite high-level support, other factors can undermine the development of the requisite educational and training institutions necessary to acculturate a new generation of Iraqi police to democratic and humane policing. If these factors overwhelm or undermine execution of robust ethical training programs, then support should be withheld until the situation can be rectified.

7. Increased levels of partnership between Iraqi police and Coalition forces. At a minimum, every Iraqi police station in major population centers should receive daily, substantive visits by Coalition forces. Such visits should focus on identifying and resolving conditions which promote corruption and human rights abuse. It is beyond the scope of this paper to develop this completely, but the purpose of the Coalition presence will be to ensure transparency, and to limit sectarian or criminal influences from overwhelming local police forces.

8. Unconditioned access for U.S. partners as well as nongovernmental organizations to all levels of Iraqi

police and MoI organizations and facilities. This is necessary to ensure a positive obligation not to tolerate injustice.

CONCLUSION

The underlying assumption of this paper has been that Iraqi culture can sustain a just, effective police force, capable of enforcing the rule of law in a democracy. It seems racist to think otherwise. However, it is naïve to think that such reforms will occur overnight or even at all, as long as the current breakdown of political and social institutions continues.

The ability to discern which practices are driven by culture and which are driven by environment is critical to developing any comprehensive strategy for reform. Further, any such strategy must recognize that reforming the Iraqi police is ultimately the job of Iraqi leadership. The best Coalition advisors can do is to encourage progress in the right direction and expose those moments when Iraqis choose wrongly.

A journalist noted that when he was in Vietnam, he was often told by U.S. officials—both military and civilian—that corruption is “their way of life,” and as such, must be tolerated. But such misguided cultural relativism only serves to undermine one’s own cause. As he noted, the victims of corruption and abuse were not so forgiving. Wounded soldiers who did not get treatment because their leaders sold their medicine, or innocents arrested but not released until families paid ransom, contributed to rising resentment directed at the government. Ultimately, this corruption and abuse directly contributed to the perception of illegitimacy and the eventual collapse of the government. Many of these same practices occur in Iraq today.

Weaning Iraq's security forces away from such practices has proven to be one of the most complex tasks undertaken by the U.S. military. To resolve successfully the tensions that have emerged, military commanders working with Iraq's nascent security ministries must directly confront corruption and human rights abuse. But to do this effectively, they will require latitude to account for political and cultural complexities in dealing with these forces. This latitude, however, should not be used as an excuse for turning a blind eye to abuses. Otherwise we lose sight of the larger moral aims we hope to achieve.

Perhaps the best indicator of hope is evidenced by a conversation the author had with a senior MoI official who had a reputation for corruption. During a discussion about resourcing the ethics center, the official enthusiastically agreed to support it. This is, of course, easy to dismiss as bluster for the benefit of the Coalition members present and would have been dismissed as such had he not added his reasons for his endorsement. He stated that he had lived in Europe for over a dozen years after fleeing Iraq in the 1980s. He stated that he noted a difference between the way the European police and Iraqi police treated their citizens, and he preferred the European way. The United States may not be able to rid the Iraqi police of all corruption and abuse, but this brief conversation indicates that Iraqi leaders do have a vision of what good, democratic policing looks like. It will just take U.S. and Coalition support to get it there.

ENDNOTES

1. Bruce Hoffman, "Iraq: Democracy or Civil War?" *Testimony Before the Subcommittee on National Security, Emerging Threats, and*

International Relations, Committee on Government Reform, U.S. House of Representatives, Washington, DC, September 11, 2006.

2. Edgar H. Schein, *Organizational Culture and Leadership*, 3rd Ed., San Francisco: John Wiley and Sons, 2004, pp. 25-27.

3. *Ibid.*, pp. 28, 31. I am grateful to Julia Pfaff for her assistance in developing this framework for cultural analysis.

4. Marc Howard Ross, *The Management of Conflict*, New Haven, CT: Yale University Press, 1993, pp. 38-39.

5. *Ibid.*, p. 40.

6. Noah Feldman, *What We Owe Iraq*, Princeton, NJ: Princeton University Press, 2004, p. 73.

7. Ali Ghalib, Deputy Minister for Police Services, conversation with author, November 4, 2006.

8. Hanah Batatu, *The Old Social Classes and the Revolutionary Movements of Iraq*, Princeton, NJ: Princeton University Press, 1978, p. 1231.

9. Sheko Meko, *Sheko Meko in Iraq: The Policeman from an Iraqi Perspective*, shekomakoiniraq.blogspot.com/2007/03/police-man-from-iraqi-perspective.htmlcite.

10. Sheko Meko. This history was compiled from a number of interviews with Iraqi police officials and Coalition advisors.

11. According to Ilario Salucci in *A People's History of Iraq*, there were 188,000 police forces under Saddam. According to the Brookings Institute *Iraqi Index*, there were approximately 194,000 as of August 2006. See Ilario Salucci, *A People's History of Iraq*, Chicago: Haymarket Books, 2005, p. 84. See also Michael E. O'Hanlon and Jason H. Campell, *The Iraq Index: Tracking Variables of Reconstruction and Security in a Post-Saddam Iraq*, Washington, DC: The Brookings Institute, August 2007, p. 34.

12. Dr. Wayman Mullins, email to author, August 19, 2007.

13. Ali Allawi, *The Occupation of Iraq: Winning the War, Losing the Peace*, New Haven, CT: Yale University Press, 2007, p. 94.

14. Michael Moss, "Iraq: How Police Reform Became a Casualty of War," *New York Times*, May 22, 2006.

15. Allawi, pp. 180, 373.

16. U.S. Department of Defense, Civilian Police Assistance Training Team, *In-Stride Assessment*, June 2006, Baghdad, Iraq, p. 5.

17. Linda Frayer, "Study: 12,000 Iraqi Police Slain," *The Associated Press*, December 25 2006.

18. Moss.

19. Formerly known as the Supreme Council for the Islamic Revolution in Iraq (SCIRI). This organization changed its name in May 2007 to reflect the political reality that the "revolution" – understood as the overthrow of Saddam Hussein – had succeeded.

20. Allawi, p. 422.

21. According to Allawi, by the end of 2003, "Iraq was governed by a hodgepodge of authorities; the formal and increasingly remote occupation powers at the 'Palace'; the Governing Council that felt suffocated by the CPA's restrictions and conditions; and a Cabinet that was controlled by the CPA's purse. There were also the parallel, often dangerous, networks inside the government that continued to function, that owed their loyalties to the former Ba'ath regime, to political parties, to criminal gangs or to themselves alone." Allawi, pp. 202-203.

22. William Wunderle, *Through the Lens of Cultural Awareness: A Primer for U.S. Armed Forces Deploying to Arab and Middle Eastern Countries*, Santa Monica, CA: Rand, 2006, p. 42.

23. Raphael Patai, *The Arab Mind*, New York: The Hatherleigh Press, 1976, p. 253. See also Efraim Kharsh and Inari Rautsi, *Saddam Hussein*, New York: The Free Press, 1991, p. 176.

24. Thomas Friedman, *From Beirut to Jerusalem*, New York: Anchor Books, 1989, p. 30.

25. *Ibid.*, pp. 42-43.

26. *Ibid.*

27. Jeremy Boissevain, "Values and Interaction in a Conflict Setting," in *Friends of Friends, Networks, Manipulators and Coalitions*, New York: Basil Blackwell, 1974, p. 50.

28. Wunderle, p. 63. See also Patai, pp. 82-83. Patai argues that the closer the group is to the individual, the stronger the bond. He further argues that the larger the social aggregate produced, the smaller the cohesion among the subordinate groups, and occasions were rare when these groups could bind together for common action.

29. A.H. Maslow, *Motivation and Personality*, New York: Harper and Row, 1954.

30. It is important to note that the Badr Corps, now called the Badr Organization, and the Jaysh al Mahdi have different legal statuses in Iraq. In accordance with CPA 91 (Regulation of Armed Forces and Militias in Iraq), the Badr Corps was permitted to integrate 1,000 members into Iraqi's security forces in exchange for disbanding. While many times that number have joined both the police and the Army, the organization has claimed to have renounced its role as a militia and become a political organization. Jaysh al Mahdi was not a part of the agreement. See Coalition Provisional Authority #91, www.iraqCoalition.org/regulations/#Orders for a complete text of CPA 91.

31. Kim Sengupta, "Bloody Battle for Amarah: A Glimpse of the Future," *The Independent*, news.independent.co.uk/world/middle_east/article1916342.ece 21 October.

32. At the time this event occurred, CPA Order 71 governed the hiring and firing of police chiefs. For the complete text of CPA 71 (Local Government Powers), see www.iraqCoalition.org/regulations/#Orders.

33. See Patai, pp. 82, 86. Patai notes that outside the traditional bedouin “wandering unit” – often consisting of the family and maybe the next larger kin group – “there was no power structure, no authority, and no protection on which the individual could count.”

34. Amatzia Baram, *Building Towards Crisis, Saddam Husayn's Strategy for Survival*, Washington, DC: The Washington Institute for Near East Policy, 1998, p. 7.

35. Hoffman, p. 8. The author personally witnessed a negotiation between Jabr, the Ministry of Defense, and the head of the Badr Corps, Hadi al Amiri, to bring approximately 5,000 into the Ministry of Defense and 500 more personnel into the Ministry of the Interior.

36. I was present at several meetings between U.S. and Iraqi officials regarding detainee abuse allegations referred to in “U.S. Threatens to Cut Back IP Funding,” Reuters, September 30, 2005.

37. This has precedent in recent Iraqi history. Saddam exploited family relations to arrange the assassination of his son-in-law, Husayn Kamel, whose defection to Jordan deeply embarrassed Saddam. To avenge this embarrassment, Saddam called on Kamel's *khams* – the five-generational unit within which every adult male is responsible for avenging the group's honor – to resolve the matter by killing Kamel when he returned to Iraq, despite having been forgiven by Saddam. See also Baram, pp. 8-15.

38. Anne Bobroff-Hajal, “Why Cousin Marriage Matters in Iraq,” *Christian Science Monitor*, December 26, 2006, www.csmonitor.com/2006/1226/p09s01-coop.html.

39. *Ethical Climate Survey for the Iraqi Ministry of Interior*, unpublished survey data and analysis, Center for Ethics and Human Rights, Iraq Ministry of the Interior, November 2006. According to these polls, while most Iraqi soldiers and police report they value humanely treating detainees, they rate others in their organizations low regarding that value.

40. Charles Tripp, *A History of Iraq*, Cambridge, England: Cambridge University Press, 2000, p. 148.

41. Allawi, p. 421.

42. Muhammad Abdel Haleem, Kate Daniels, and Adel Omar Sherif, *Criminal Justice in Islam: Judicial process in the Sharia*, London, England: IB Taurus, 2003, pp. 66-67.

43. Michael O'Hanlon and Jason Campbell, *Tracking Variables of Reconstruction and Security in Post Saddam Iraq*, Washington, DC: Brookings Institution, August 2007, p. 11. According to this study, in Iraq as of January 2007 there were 870 judges out of an estimated 1,500 needed. Additionally, there were only 99 trained judicial investigators, and poor security conditions make it difficult for judges and judicial investigators to get to detention facilities where they conduct initial screening of a case. This limited ability to prosecute cases has created huge overcrowding conditions in facilities designed to hold suspects for only 48 hours.

44. *Ethical Climate Survey*. According to the survey, loyalty and duty were valued at 93 percent and 90 percent respectively. Justice was valued at 10 percent. Also, in the poll, police consistently rated loyalty and duty higher than justice and religious commitment. This indicates a culture ready and willing to follow orders, but not capable, at least at lower levels, of determining if orders conflict with the demands of justice and morality.

45. The Wolf Brigade, later renamed the "Freedom Brigade," had become closely and publicly associated with detainee and other human rights abuses. Despite the veracity of many of these accusations, there were numerous accounts in the Iraqi press of Wolf Brigade "atrocities" which occurred in areas where the brigade did not operate. These accounts were so widespread that over time, the "Wolf Brigade" became synonymous with the Iraqi police.

46. Dr Wayman Mullins, email to author, August 13, 2007.

47. Brigadier General Osama Badri was kidnapped and likely killed on December 28, 2006.

48. Christopher Mayer, email message to author, March 26, 2007.

49. Moss.

50. Allawi, p. 273. According to Allawi, the "Iraqi police force disintegrated, or at least did not resist when confronted by the Mahdi Army." The presence of competing systems of authority is a persistent problem in some areas of Iraq.

51. Dan Murphy, "New Commander, New Plan in Iraq," *Christian Science Monitor*, February 9, 2007, www.csmonitor.com/2007/0209/p01s03-woiq.html.

52. U.S. Department of Defense, Memorandum for Commander Multi-National Force-Iraq: CPATT Year of the Police Summary, October 8, 2006.

53. Murphy.

54. In-Stride Assessment, p. 17.