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Saving an Ancient Community: Christianity in Iraq

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I. INTRODUCTION

The Christian community in Iraq has survived conquests by Arabs, Huns, and Turks over the two millennia since the birth of Christianity. However, the latest danger to Iraq's Christians, who include Assyrians, Chaldeans, and Catholics, poses the largest threat that this community has faced yet. In post-Saddam Iraq, a lethal combination of a Western "other" Christian identity, Islamic extremism, and a depressed economy has taken an enormous toll on Christians in Iraq. Their communities all over the country have been devastated by violence against men, women, children, and community symbols like priests, bishops, and churches. Because they only numbered about 1.5 million before the fall of Saddam Hussein, these attempts to terrorize and scare away Christians threaten the very existence of Christianity in Iraq.

In response to violence inside Iraq, many Christians have fled the country or become internally displaced, fleeing to traditionally Christian areas in Northern Iraq. Though

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their situations outside Iraq as registered or unregistered refugees may be difficult, those who are a part of the Christian Iraqi diaspora are hesitant to return to their homeland due to the systematic violence and discrimination they have faced and may face again. Can international action or internal, government programs do anything to save Christianity in Iraq?

To answer this question, I will address a number of issues. First, I will explore the underlying causes of the historical violence against Christians, taking a deeper look at the construction of the Christian identity as the Western “other.” Second, I will consider the current situation facing Iraqi Christian refugees and internally displaced peoples. Finally, I will propose remedies that seek to encourage Christian Iraqis to either remain in or return to Iraq. These remedies include 1) deconstructing Christians’ “other” identity through constitutional changes and civil society initiatives, 2) creating a semi-autonomous “safe haven” for Christians inside Iraq, and 3) encouraging international economic assistance to revive devastated Christian communities. Though my suggestions are to promote a continuing Christian presence in Iraq, they are by no means a definitive solution. There is still time to save Christianity in Iraq, but it remains uncertain whether the community will ever fully recover from the devastation of the last ten years.

II. IDENTITY CONSTRUCTION: CHRISTIANS AS THE WESTERN “OTHER”

A. *Avoiding the “Other” Identity*

In the first three centuries after the Arab Conquest of Mesopotamia, the various sects of the Christian community prospered immensely.¹ Despite the *dhimmi* rules,² a collection of strict Islamic rules governing what “people of the book” (Christians and Jews) could and could not do, Christians played a large role in the public and cultural life of the Islamic Abbasid Empire.³ However, various caliphs started to enforce the

¹ SUHA RASSAM, CHRISTIANITY IN IRAQ 80 (2d ed. 2005).

² There are two sets of *dhimmi* rules, the first of which is obligatory and bars Christians from: 1) “denigrating or misquoting the book of Allah”; 2) “accusing the messenger of Allah of lying or speaking of him disparagingly”; 3) “mentioning Islam with slander or calumny”; 4) “approaching a Muslim woman to commit adultery with her or with a view to marriage”; 5) “undermining a Muslim’s faith or causing harm to his wealth or religion”; and 6) “helping enemies of or spies on Islam.” The second set of rules is recommended, and bars Christians from: 1) “erecting buildings higher than that of a Muslim”; 2) “allowing the sound of their bells or the talk of their book or Jesus to reach the ears of Muslims”; 3) “displaying their crosses or allowing their pigs to be seen openly”; 4) “openly burying their dead and mourning”; and 5) riding horses, but they are permitted to ride donkeys. Other rules required Christians to wear special clothes signifying their Christian identity and demanded surtax, the *jizyah*, for special protection from Muslims. *See id.* at 78.

³ *See id.* at 80–86.

dhimmi rules more strictly, prompting many Christians to convert to Islam because of the humiliation that the *dhimmi* rules wrought.⁴ These initial persecutions were often cut short by Christians who were in high positions in government or who had personal contact with Muslim leaders.⁵ As the ruling class began to rely less on educated Christians in government though, the ability of Christians to halt persecutions gradually declined.⁶ Thus, a meaningful Christian voice in government was a *critical* part of dissuading Muslim leaders from pushing harsher treatment of Christians.

B. *The Construction of the Western Identity for Christians*

Along with the decline of Christian voices in government, the Crusades served to facilitate the construction of an “other” identity for Christians. The invasions and assaults of European Christians on the Holy Land in the eleventh and twelfth centuries created a “polemical association of the Crusades with Christianity” which “continues to stigmatize the way in which indigenous Christians are perceived in Muslim countries.”⁷ Even though Iraqi Christians were far from the conflict in the Holy Land, they still suffered the consequences of this identity.⁸ This perceived allegiance or connection to the Christian West has helped create the identity of “other” that provides fertile ground for anti-Christian sentiment and, eventually, violence.

The outbreak of the First World War ignited anti-Christian violence across the Ottoman Empire. The Sultan’s 1914 declaration of a *jihad*, or holy war, “against the enemies of Islam”⁹ mobilized many across the empire to harass and kill local Christians, as well as the European Christian enemies the Ottomans faced in World War I.¹⁰ This reinforced the centuries-old association of indigenous Christians with European Crusaders and allowed the Ottoman authorities to mobilize the public in opposition to both Christian Europeans and troublesome Christian minorities within the empire. Figures of Iraqi Christians killed at this time are consistently around 250,000.¹¹

⁴ *Id.* at 89.

⁵ *See id.* at 86–87.

⁶ *Id.* at 88–89.

⁷ *Id.* at 200.

⁸ *See id.*

⁹ *Proclamation of the Grand Council of Ulema*, LA TURQUIE, Nov. 16, 1914, *quoted in* HANNIBAL TRAVIS, GENOCIDE IN THE MIDDLE EAST 245 (2010).

¹⁰ *See, e.g.*, Jack Zakarian, *Introduction to THE ARMENIAN GENOCIDE: NEWS ACCOUNTS FROM THE AMERICAN PRESS: 1915–1922* i, xii–xxi (Richard Kloian ed., 1985).

¹¹ *E.g.*, SAMUEL TOTTEN ET AL., *DICTIONARY OF GENOCIDE: A-L* 26 (2008); *see also* *Chaldean Victims of the Turks*, THE TIMES (U.K.), Nov. 22, 1919, at 11.

Though there was some residual discrimination against Christians after the fall of the Ottoman Empire, the 1925 Iraqi Constitution¹² had “stressed the equality of all religious groups before the law,” and this created a less hostile environment in which Christians were able to prosper for decades afterward.¹³ Any anti-Christian policies under Saddam Hussein generally came as collateral damage in the Ba’ath regime’s struggles with the Kurds.¹⁴ Christians also served in high governmental positions both before and during Saddam’s rule, perhaps helping to encourage the regime’s general protection of the Assyrian and Chaldean minorities.¹⁵ Although the Christian situation in Iraq before the United States’ invasion was not ideal, the stability of dictatorship made life tenable.

C. Resurgence of the Identity of Western “Other” in Post-Saddam Iraq

The power vacuum after the fall of Saddam Hussein was filled by sectarian alliances, and the Christian minority soon faced threats from extremists from the exponentially larger Sunni and Shia sects. Extremists from both Muslim sects resorted to the language of calling Christians *dhimmis*, insisting that Christians follow Islamic practices or face the consequences.¹⁶ Some Islamic extremist groups even began referring to Christians as “agents of the occupiers” since some Assyrians worked as translators for Coalition Forces.¹⁷ Thus, radical sectarian groups started employing the centuries-old Western “other” identity as a pretext for attacking Christian communities throughout Iraq.

There are also structural barriers that have contributed to the resurrection of the “other” identity for Christians in Iraq. Article 2 of the 2005 Iraqi Constitution stipulates “Islam is the official religion of state and is a basic source of legislation,”¹⁸

¹² CONSTITUTION OF THE KINGDOM OF IRAQ Mar. 21, 1925, art. 2, *reprinted in* CONSTITUTIONS, ELECTORAL LAWS, TREATIES OF STATES IN THE NEAR AND MIDDLE EAST 151, 152 (Helen Miller Davis ed., 2d ed. 1953) [hereinafter IRAQ CONSTITUTION 1925].

¹³ RASSAM, *supra* note 1, at 154–55.

¹⁴ See Shak Hanish, *Christians, Yazidis, and Mandaeans in Iraq: A Survival Issue*, 18 DIG. OF MIDDLE EAST STUD. 1, 1–3 (2009). Though some Christian towns were destroyed during Saddam’s wars with the Kurds, he did not employ any particular, violent anti-Christian policies.

¹⁵ *Id.*

¹⁶ *Mahdi Army Orders Christian Women in Baghdad to Veil Themselves*, ASSYRIAN INT’L NEWS AGENCY (May 30, 2007), <http://www.aina.org/news/20070529235134.htm>.

¹⁷ Nimrod Raphaeli, *The Plight of Iraqi Christians*, MIDDLE EAST RESEARCH INSTITUTE (March 22, 2005), <http://www.memri.org/report/en/0/0/0/0/0/0/1342.htm>; see also Aqeel Hussein & Colin Freeman, *Leave, Crusaders, or Have Your Heads Cut Off*, THE TELEGRAPH (UK) (Dec. 24, 2006), <http://www.telegraph.co.uk/news/uknews/1537793/Leave-crusaders-or-have-your-heads-cut-off.html>.

¹⁸ CONSTITUTION OF IRAQ Aug. 28, 2005, art. 2 [hereinafter Iraqi Constitution]; see also Mohamed Y. Matter, *Unresolved Questions in the Bill of Rights of the New Iraqi Constitution: How Will*

which leaves open the door for the traditional approach to Christians as *dhimmis*, or second-class citizens. Despite clauses immediately following this, which bar laws contradicting the principles of democracy or the basic freedoms established in the constitution, it is uncertain how Iraqi judges and politicians will reconcile Islam with principles of democracy and human rights.¹⁹ At the very least, the prominent placement of Article 2 of the Constitution, which establishes Islam's foundational role in Iraqi law, serves to marginalize non-Muslim communities regarding the national ethos. Further, Christians only hold 5 out of Iraq's 323 parliamentary seats: a proportion less than that of Christians in the population.²⁰ Disproportionately small representation in government, a constitution that emphasizes the Muslim identity of Iraq instead of minority rights, and laws that can easily be used to implement anti-Christian policies leave Christians on the fringes of the governing process and the national character, thus increasing the likelihood of their treatment as an "other" in Iraqi national life.

III. FROM MINORITY TO REFUGEE: IRAQI CHRISTIANS ON THE MOVE

A. *Causes for Exodus*

After the fall of Saddam Hussein, extremists from both the Sunni and Shia communities began to target Christian communities in efforts to enforce stricter forms of Islam and rid areas of non-Islamic influences. Christians began receiving threats to convert to Islam or leave,²¹ and Christian churches, individuals, and businesses suffered numerous attacks.²² Christians did not start to truly flee from their homes until their priests and archbishops began to be kidnapped, killed, and sometimes mutilated or decapitated.²³ Because of the systematic attacks on symbolic Christian cultural property and community leaders, as well as the intimidation to leave, scholars and human rights officials began to make claims of ethnic cleansing

the Clash between Human Rights and Islamic Law Be Reconciled in Future Legislative Enactments and Judicial Interpretations, 30 FORDHAM INT'L. L.J. 126 (2006).

¹⁹ See *id.*

²⁰ See Hayder Najm, *Election Law Faces New Challenges*, NIQASH (Nov. 13, 2009), <http://www.niqash.org/articles/?id=2570&lang=en>.

²¹ RASSAM, *supra* note 1, at 235.

²² *Id.*; see also U.S. DEP'T OF STATE, 2004 COUNTY REPORTS ON HUMAN RIGHTS PRACTICES: IRAQ, (2005), <http://www.state.gov/g/drl/rls/hrrpt/2004/41722.htm>. See generally PETER BETBASOO, ASSYRIAN INT'L NEWS AGENCY, *INCIPIENT GENOCIDE: THE ETHNIC CLEANSING OF ASSYRIANS IN IRAQ* (2007), <http://www.aina.org/reports/ig.pdf>.

²³ See RASSAM, *supra* note 1, at 205–06.

and “genocidal intent.”²⁴ However, the international community did little, other than voice its concern about the situation.²⁵

By 2005, Western assessments of Iraq acknowledged systematic attacks against Christians²⁶ that forced about 300,000 Christians to flee their homes.²⁷ By 2011, between 500,000 and 700,000 Iraqi Christians, one-third to one-half of the Christian population of Iraq, had fled the country.²⁸ Despite accounting for only five percent of the total population of Iraq, Christians accounted for “nearly half the refugees fleeing Iraq.”²⁹ These figures do not include the number of internally displaced persons that anti-Christian attacks created.

B. *Current Conditions of Christian Iraqi Refugees*

As in most refugee crises, the vast majority of Iraqi refugees currently reside in neighboring countries: Jordan, Syria, and Lebanon.³⁰ Of the UNHCR-registered Christian refugees, there are 3527 in Jordan, 4856 in Lebanon, 12,889 in Syria, and 3388 in Turkey.³¹ These figures can be deceiving as to the nature of the exiled refugee communities, however, as the concentration of Christians is much higher in Lebanon and Turkey (51.5 percent and 44.4 percent respectively) than in Syria and Jordan (11.4 percent and 10.4 percent respectively).³² What is more, the numbers above reflect only a small fraction of the total number of the 400,000–700,000 (registered and unregistered) Christian refugees leaving Iraq for neighboring countries, as many refugees do not register with UNHCR.³³

²⁴ Massimo Calabresi, *Is Iraq headed for Genocide?*, TIME, Nov. 29, 2006, <http://www.time.com/time/world/article/0,8599,1564270,00.html>.

²⁵ *See id.*

²⁶ HANNIBAL TRAVIS, GENOCIDE IN THE MIDDLE EAST: THE OTTOMAN EMPIRE, IRAQ, SUDAN 532–41 (2010).

²⁷ Jack Fairweather, *Christians Flee Genocide as Fear Sweeps Iraq*, THE TELEGRAPH, Jan. 8, 2005, <http://www.telegraph.co.uk/news/worldnews/middleeast/iraq/1480705/Christians-flee-genocide-as-fear-sweeps-Iraq.html>.

²⁸ *Iraq: Christians Say Targeting by Extremists Amounts to Genocide*, RADIO FREE EUROPE/RADIO LIBERTY (Apr. 17, 2008), <http://www.unhcr.org/refworld/docid/4809ba35c.html>.

²⁹ *Id.*

³⁰ *Iraq Refugee Emergency: Displaced Families Face Ongoing Challenges*, U.N. HIGH COMMISSIONER FOR REFUGEES (Feb. 20, 2012), http://www.unrefugees.org/site/c.lfIQKSOWFqG/b.4950813/k.653D/Iraq_Refugee_Emergency.htm.

³¹ U.N. HIGH COMMISSION FOR REFUGEES, STATISTICAL REPORT ON UNHCR REGISTERED IRAQIS AND NON-IRAQIS (2011), *available at* <http://www.unhcr.org/refworld/docid/4e92a86d2.html> [hereinafter Statistical Report].

³² *Id.*

³³ *See id.*

The statistics also demonstrate two possible Christian motivations. First, Iraqi Christians may be trying to form diaspora communities large enough to provide effective support for those in need. Though whole communities may have been devastated and displaced, conflict has not destroyed internal bonds and communal structures. Second, the high concentration of Christian refugees in Lebanon and Turkey shows a preference for states without a single established religion. Though Turkey's population is overwhelmingly Muslim, the government is constitutionally required to be secular.³⁴ Lebanon's constitution, though not secular, does not have an established religion.³⁵ Further, Lebanon's large Christian population and that community's involvement in government provides Iraqi Christians the hope of not bearing the identity of a Christian or Western "other" from the state's point of view.

Unlike most refugee crises, the vast majority of displaced Iraqis are urban refugees, choosing to pursue life in various urban centers across the region.³⁶ Most of these refugees have temporary residence permits that they must renew once every few months and that bar them from working in the country.³⁷ Because of this lack of formal work opportunities, many Iraqi refugees have suffered "a drastic decline in their socio-economic status, with serious implications for their sense of self-worth and mental health."³⁸ Those Iraqis that are able to find informal work in Jordan, Syria, and Lebanon are often exploited by employers and exposed to dangerous activities.³⁹ Due to their prior experiences with the political and economic consequences of hosting a long-term refugee population, the host countries to Iraq's diaspora are unlikely to make life easier for refugees by granting broader legal rights.⁴⁰ As one scholar puts it, "those [refugees] who choose to remain in their countries of asylum have almost no prospect of local integration or gaining secure residency rights, both of which have been effectively ruled out by authorities."⁴¹

In 2007, the UNHCR announced that it would consider all Iraqis outside Iraq refugees on a *prima facie* basis, and it has since provided aid in the form of food, material, and cash assistance to those in need.⁴² However, long-term problems like

³⁴ CONSTITUTION OF THE REPUBLIC OF TURKEY Nov. 7 1982, art. 2 (declaring "[t]he Republic of Turkey is a democratic, secular and social state governed by the rule of law").

³⁵ CONSTITUTION OF LEBANON May 23 1926.

³⁶ *Iraqis*, UNHCR SYRIA, <http://www.unhcr.sy/index.php/en/unhcrsyria/peopleofconcern/iraqis> (last visited Nov. 24, 2011) [hereinafter UNHCR SYRIA].

³⁷ *Id.*

³⁸ UNHCR Policy Development and Evaluation Service, *Surviving in the City: A Review of UNHCR's Operation for Iraqi Refugees in Urban Areas of Jordan, Lebanon and Syria*, 27 (2009), available at <http://www.unhcr.org/4a69ad639.html>.

³⁹ *Id.* at 17.

⁴⁰ *Id.* at 13.

⁴¹ *Id.* at 1–2.

⁴² *Id.* at 36.

poor access to education, lack of access to formal employment, and lack of sufficient funds for establishing a life above subsistence levels will continue to plague refugee communities.⁴³ In other words, Iraqi refugees “have no opportunity to benefit from the solution of local integration, have very limited prospects for self-reliance and are confronted with the prospect of a steady decline in their standard of living.”⁴⁴ The current situation for Iraqis in neighboring countries is not disastrous, but neither is it tenable.

Even though the viability of a long term Iraqi presence in neighboring countries is questionable at best, the UNHCR does not currently encourage Iraqis to repatriate due to security problems in Iraq.⁴⁵ Resettlement seems to be a “driving force” behind UNHCR’s approach to the Iraqi refugee crisis.⁴⁶ Officials accept, however, that voluntary repatriation will have to play a major role in resolving the crisis.⁴⁷ Refugees have the option of voluntary repatriation with the benefit of UNHCR aid,⁴⁸ but the overwhelming majority is not willing to return in the near future. Iraqi Christians and other non-Muslim communities are even less likely to return, as studies have confirmed the low return rates of minorities after ethnic conflict.⁴⁹ Specifically, among Iraqi refugees granted asylum in the West,

Iraqi Arab refugees, even after numerous years in exile, consider Iraq as their homeland and have every intention of returning once the desired political changes take place. In contrast, the Iraqi Assyrian refugees have severed all contacts with Iraq since their flight. Although many would like to visit Iraq, they see their exile as permanent.⁵⁰

Thus, Christians that are able to assume decent lives outside of Iraq are far less likely to repatriate than their Muslim countrymen.

⁴³ *Id.* at 49.

⁴⁴ *Id.*

⁴⁵ UNHCR, *2012 UNHCR Country Operations Profile - Syrian Arab Republic* (February 20, 2012), <http://www.unhcr.org/pages/49e486a76.html>; *see also* David Romano, *IDP and Refugee Return to Northern Iraq: Sustainable Returns or Demographic Bombs?*, 24 REFUGEE 135 (2007).

⁴⁶ *See* UNHCR SYRIA, *supra* note 36, at 39.

⁴⁷ *Id.*

⁴⁸ *See* UNHCR Policy Development and Evaluation Service, *supra* note 38.

⁴⁹ *See, e.g.*, Marita Eastmond, *Transnational Returns and Reconstruction in Post-War Bosnia and Herzegovina*, 44 INT’L MIGRATION 141 (2006).

⁵⁰ Marwal Shoeb et al., *Living in Religious Time and Space: Iraqi Refugees in Dearborn, Michigan*, 20 J. REFUGEE STUD. 441, 444 (2007).

C. *Barriers to Repatriation and Avoiding Christian Flight*

The first main barrier to maintaining the Christian presence in Iraq is security. With violence still specifically targeting Iraq's Christian communities, those in exile have no reason to return to the dangerous situation from which they fled.⁵¹ Though the situation in their current countries of exile remains difficult, the sectarian violence that plagues Iraq has not followed refugees outside the country.⁵² If they returned to Iraq, Christians know that they would have no means of defense against Islamist or Kurdish militias.⁵³ Specifically, Christians in Iraq "have no ability to deter attacks because they are not able to become an effective part of the policing services in Iraq . . . [and] are not even able to establish formal, legitimate, representative policing forces in areas where they predominate."⁵⁴

Though the Western forces in Iraq are aware of the persistent violence against Christians, they adhere to a policy of not singling out any particular sect for security or development reasons. Such a lack of Western attention underlies Christian concerns both for physical and financial security, as they have had trouble with land and property reclamations in dealing with both Muslim Arabs and Kurds.⁵⁵ Even in Iraqi Kurdistan, which has been a relatively safe area for Iraqi Christians,⁵⁶ there have been reports of political intimidation for Christians to either join the Kurdistan Democratic Party (KDP) or not vote in local elections.⁵⁷ Without outside help, Iraqi Christians will have no ability to ensure their own security, and therefore many will opt either to leave or to never return.

Secondly, as mentioned above, the asylum countries in which the proportion of Christian refugees is very high (Lebanon and Turkey) either have secular governments or sizable Christian minorities that play a significant role in national politics.⁵⁸ However, repatriation for Iraqi Christians means returning to a political system whose constitution emphasizes the centrality of another religion. Unlike in Turkey and Lebanon, the role of minorities under an Iraqi constitution that is both Muslim and

⁵¹ See Aaron C. Davis, *Easter Attacks Near Churches Rattle Christians as Spike in Iraq Violence Continues*, WASH. POST, Apr. 24, 2011, at A05.

⁵² See UNHCR SYRIA, *supra* note 36, at 10 (noting that "fears that the Iraqi conflict might be exported . . . have been unfounded").

⁵³ See Michael Youash, *Iraq's Minority Crisis and U.S. National Security: Protecting Minority Rights in Iraq*, 24 AM. U. INT'L L. REV. 341, 346, 360–62 (2008).

⁵⁴ *Id.* at 349.

⁵⁵ *Id.* at 352–54.

⁵⁶ See RASSAM, *supra* note 1, at 213.

⁵⁷ See Youash, *supra* note 53, at 351–54, 373; see also *Iraq*, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, U.S. DEP'T OF STATE (Mar. 8, 2006), <http://www.state.gov/g/drl/rls/hrrpt/2005/61689.htm> (reporting the refusal of Kurdish security forces to allow ballot boxes to pass to predominantly Christian villages).

⁵⁸ See *supra* notes 34–35 and accompanying text.

democratic remains unclear. For many Christians, this uncertainty provides enough of a reason to avoid repatriation.

Finally, the economic situation in Iraq is simply not good enough to entice refugees into repatriation. Many Christians who have fled to Northern Iraq have not had success finding work for a number of reasons. First, many there do not have the connections to find or take advantage of local work.⁵⁹ Further, at least some Christians in the north of the country have been “unable to secure jobs unless willing to join the Kurdistan Democratic Party.”⁶⁰ Thus, just as Christians are encouraged to convert religiously in order to gain acceptance elsewhere in Iraq, they often must convert politically to make a life for themselves in Kurdistan. The overall unemployment rate in Iraq remains extremely high at 15.3 percent (as of 2009).⁶¹ The dismal economic environment and the sense of being national “outsiders,” combined with a lack of basic security for persons and property, create massive hurdles for efforts to maintain and restore Iraq’s Christian community.

IV. WAYS FORWARD: HOW TO SUPPORT THE CONTINUATION OF CHRISTIANITY IN IRAQ

There are 3 primary means through which the Iraqi government and the international community could encourage Christians to either stay in or repatriate to Iraq. First, the Iraqi government should act to deconstruct the “other” identity of Christians. This would entail, *inter alia*, enacting constitutional changes reflecting an emphasis on equal protection and meaningful minority voice in government, as well as using post-ethnic conflict reintegration methods that were effective in the Balkans.⁶² Second, the heavily Christian area in the Nineveh Plain in Kurdistan should be given a “safe zone” status, allowing the Christian villages there to assemble local police forces and governing councils to ensure security. Finally, the international community must invest in Iraqi economic improvement to help attract Christians back to Iraq. Targeted investment in the reconstruction of Christian villages and in general Iraqi industry would go a long way in keeping Iraq a viable option for Christians. These recommendations will be difficult to implement and will not guarantee a resurgence in the Christian community. However, they will work towards ensuring the most favorable environment possible for keeping Christianity alive in Iraq.

⁵⁹ Romano, *supra* note 45, at 142.

⁶⁰ See Youash, *supra* note 53, at 142.

⁶¹ Iraq, CIA WORLD FACTBOOK (Feb. 21, 2012), <https://www.cia.gov/library/publications/the-world-factbook/geos/iz.html>.

⁶² See Huma Haider, *(Re)Imagining Coexistence: Striving for Sustainable Return, Reintegration and Reconciliation in Bosnia and Herzegovina*, INT’L J. TRANSITIONAL JUST. 91, 107 (2009).

A. Deconstructing the “Other” Identity of Christians in Iraq

The ability to be a part of a national identity is incredibly important for Christian Iraqis. As discussed above, the highest concentrations of Iraqi Christian refugees are in Turkey and Lebanon, which either have strictly secular governments or have incorporated Christians into the national identity.⁶³ It may be impossible to make Iraq a completely secular state,⁶⁴ but incorporating the egalitarian emphasis from the Iraqi Constitution of 1925 may begin to lay the groundwork for broader inclusion of religious minorities into Iraq’s social fabric. Specifically, Article 6 of that constitution stated, “There shall be no differentiation in the rights of Iraqis before the law, whatever differences may exist in language, race or creed.”⁶⁵ As the sixth article, this clause was much more prominent in the former Iraqi constitution, coming well before the clause establishing Islam as the state religion (Article 16).⁶⁶ The clause establishing equality before the law does not appear until Article 14 of the 2005 constitution, which is outside of the “Fundamental Principles” portion of the constitution and well after the establishment of Islam as the religion of state and a foundational source of legislation in Article 2.⁶⁷ Full legal equality for all citizens should not only be a fundamental principle in the Iraqi constitution; it should be *the* fundamental principle. This is necessary not only for Christians, but for all minorities (religious, ethnic, and political) in Iraq who fear persecution.

Incorporating Article 6 of the 1925 constitution into Article 2 of the 2005 constitution (which establishes Islam as the religion of state) would produce more confidence in minorities as bearers of equal rights in Iraqi society. The special emphasis on minority equality in the old constitution created an environment in which Christians could live and prosper,⁶⁸ and this was not mutually exclusive with the foundation of Islam as the official state religion.⁶⁹ Islam’s place in the 2005 constitution will not be diminished or threatened by reaffirming rights that minorities used to enjoy. Even if Christians and other minorities are guaranteed equal rights under the current constitution, further emphasizing full legal equality for minorities may strengthen minorities’ trust in the state.

⁶³ See Statistical Report, *supra* note 31.

⁶⁴ See Nathan J. Brown, *Debating Islam in Post-Baathist Iraq*, CARNEGIE FOUND. FOR INT’L PEACE (Mar. 2005), <http://www.carnegieendowment.org/files/PO13.Brown.FINAL.pdf> (noting that most Iraqis do not argue whether Shariah law should be used with respect to personal status law, but how it should be used).

⁶⁵ IRAQ CONSTITUTION 1925, *supra* note 12, art. 2.

⁶⁶ See *id.*

⁶⁷ See Iraqi Constitution, *supra* note 18, art. 2.

⁶⁸ RASSAM, *supra* note 1, at 154–55.

⁶⁹ See CONSTITUTION OF THE KINGDOM OF IRAQ, *supra* note 12, art. 13 (declaring “Islam is the official religion of the state”).

Encouraging minority voices in government is also a key aspect of ensuring that leaders are keenly aware of the issues facing minorities. As discussed above, Christians under the early Islamic Caliphates, as well as under Saddam Hussein, were able to ensure the security of their community by having reasonable access to the local rulers. The current political system does not provide for a Christian voice in government that is strong enough to ensure that Christian problems are resolved.⁷⁰ This problem goes as far as local police departments, where some Christians have been beaten or stoned once their Muslim colleagues discovered their religion.⁷¹ Thus, a constitutional amendment calling for *meaningful non-Muslim participation in local and federal government* might provide Christians and other minorities with the leadership positions, from police officers to local and national office, they need to ensure that minority rights are protected. This would not function as a quota system, but rather as a flexible benchmark that would seek more than token Christian representation. The “meaningful participation” amendment would seek only to create more fertile ground for Christians to take positions in local and national government. Christians do not need to be in the most powerful office or have a disproportionate amount of places in government institutions to influence decision-makers; they only need adequate access to those decision-makers to ensure that their voices are heard. Besides providing more employment and leadership opportunities for Christians and other minorities, this amendment would strengthen the almost nonexistent Christian trust in government and encourage Christians to stay in Iraq.

Broad cultural reintegration after traumatic, religion-based ethnic cleansing will require more than a constitutional changes, however. Iraq needs a widespread, post-ethnic conflict reconciliation campaign, which will help increase communication and interaction between Iraq’s various religious sects and include Christians as part of a national dialogue. In post-conflict Bosnia-Herzegovina, programs like Imagine Coexistence increased inter-ethnic social contact and repaired community relationships through inter-sectarian projects with an economic focus.⁷² A similar program focusing on Christian-Muslim relations could be similarly successful in Iraq, as the various sects there have historically coexisted there as in the Balkans. Such a program would propose business partnerships between Christians and Muslims, encouraging cross-sectarian interaction and reliance. These mutually beneficial business partnerships would hopefully be able to create lasting relationships and inter-sectarian civil society. Once economic livelihoods become intertwined, members of the larger sects will start to experience the negative consequences of anti-Christian oppression and violence. Ideally, this would produce a broader societal pressure for decent treatment of Christians. At the very least, a program like Imagine Coexistence would further incorporate Christians into the Iraqi social fabric, helping to deconstruct their “other” identity at a grassroots level.

⁷⁰ See RASSAM, *supra* note 1, at 220.

⁷¹ See George F. Will, *An Iraq Caucus of One*, WASH. POST, June 17, 2007, at B07.

⁷² See Haider, *supra* note 62.

Some scholars have expressed doubt about the success of minority reintegration programs in former Yugoslavia.⁷³ They note that rates of minority return after the sectarian strife of the 1990s have been “discouraging,” as “initiatives to stimulate return [of Bosnian refugees in Sweden] have come far too late and have not offered the necessary safeguards to be a real incentive to taking the leap.”⁷⁴ The same does not necessarily have to apply to the case of Iraqi Christians. First, very few have actually won asylum in Western countries (as had minorities from the Balkans), and their uncomfortable situations in neighboring countries produce more pressure to repatriate.⁷⁵ Second, unlike the ethnic conflict in the Balkans, Christians have generally blamed religious extremists, not general sectarian militias or ordinary Muslim civilians, for anti-Christian violence.⁷⁶ A general lack of ongoing sectarian conflict among Iraqi refugees in countries of asylum supports this hypothesis.⁷⁷ At the very least, the above evidence demonstrates that broad, sectarian relations may not be as great of a barrier as they were in former Yugoslavia. Because broad societal trust was not completely destroyed by generalized anti-Christian violence, Iraqi Christians may be more willing to repatriate than their counterparts in the Balkans.

B. A Christian “Safe Zone” in the Nineveh Plain

In addition to reintegrating Christians into the Iraqi national identity, Iraqi authorities must simply do more to create a secure environment in which Christians can prosper. Obviously, this includes neutralizing the extremists and extremist sentiments that have instigated the Christian flight, but countering extremism and violence is only a first step to creating an environment secure enough to entice Christians to live in Iraq. There is a growing amount of support for creating a Christian safe zone in the Nineveh Plain, a small region in northern Iraq that has traditionally had a large Christian population.⁷⁸ The safe zone plan has support from some Christians, Shia, and Kurds⁷⁹ and would include a semi-autonomous province where Christians and other minorities would compose a significant portion of the local government and

⁷³ See Eastmond, *supra* note 49, at 157.

⁷⁴ See *id.*

⁷⁵ See UNHCR SYRIA, *supra* note 36.

⁷⁶ See, e.g., Kathleen Ridolfo, *Iraq: Christians Say Targeting by Extremists Amounts to Genocide*, REF WORLD, Apr. 17, 2008, <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=updates&docid=4809ba35c> (reporting that Christians blamed the Islamic State of Iraq, an extremist group with ties to Al-Qaeda, for a campaign of genocide targeting Christians).

⁷⁷ See UNHCR SYRIA, *supra* note 36.

⁷⁸ Michael Youash, *At The Tipping Point: A Nineveh Plain Province and Related Solutions to Iraq’s Indigenous Minority Crisis*, IRAQ SUSTAINABLE DEMOCRACY PROJECT (2010), <http://www.assyrianamericancoalition.org/documents/policy/AtTheTippingPoint-NPPProvinceSolutionFull.pdf>.

⁷⁹ See RASSAM, *supra* note 1, at 215.

police force.⁸⁰ Iraq's federal system allows for this under Article 122 of the Constitution, which guarantees administrative and political rights to minorities.⁸¹

The establishment of a semi-autonomous Nineveh Plain Province would attract Christians to stay in Iraq for a number of reasons. First, the strong Christian presence in local government and security forces would ensure Christian security as a priority, creating confidence in a stable environment in which Christians could live peacefully. Second, the Kurds have generally been welcoming of Christian migration to Nineveh, which is in Kurdistan, and Christians have flourished in other towns in the Kurdish region, like Zakho and Arbil.⁸² Finally, Nineveh is a historically Christian region, and many displaced Christians have settled there with their friends and family.⁸³ This would make the migration and integration process easier on Christians considering life in Nineveh.

There are a number of drawbacks to the establishment of a Nineveh Province, however. Administratively, the role of the Kurds remains unclear. Many Christians believe that the Kurds are welcoming Christian migration simply to boost numbers and territorial claims in preparation for an independent Kurdistan.⁸⁴ To support this, there has been evidence that Kurds have forced Christians to back Kurdish political parties in elections.⁸⁵ What is more, some Christian leaders do not support the idea of an autonomous Christian region, fearing that it will turn into a ghetto.⁸⁶ They also argue that an autonomous region would further isolate the country's Christians, and such isolation is not a long-term solution for reintegrating Christians into the Iraqi social fabric.⁸⁷

These are strong arguments, but the urgent situation facing the country's Christians necessitates immediate action to guarantee their security. Even if Kurdish politicians are using Christian immigration as a means to gain political strength, their current inclusion of Christians as Members of Parliament in the Kurdistan Regional Government and the relative prosperity of Christians in Kurdish towns represent a better alternative than facing extremists and extinction in other parts of Iraq.⁸⁸ For Christians who want to continue life in Iraq's major cities like Baghdad and Mosul, the establishment of a Nineveh Province would not compel them to move. However, it would offer them a fallback option inside Iraq if anti-Christian violence escalates to

⁸⁰ See Youash, *supra* note 78, at 4–5.

⁸¹ See Iraqi Constitution, *supra* note 18, art. 122.

⁸² See RASSAM, *supra* note 1, at 213.

⁸³ See *id.* at 216.

⁸⁴ *Id.* at 213–15; see also Romano, *supra* note 45, at 138.

⁸⁵ See Youash, *supra* note 53, at 347.

⁸⁶ See RASSAM, *supra* note 1, at 218.

⁸⁷ See *id.*

⁸⁸ See *id.* at 213–20.

unacceptable levels. A strong Christian voice in an autonomous local government will allow Christians to curb violence and give Iraqi Christians a safe alternative to fleeing the country.

C. *International Economic Assistance*

Any strategy to save Christianity in Iraq must include international economic assistance. This assistance should come in the form of targeted investments in infrastructure and economic development projects. Besides simply providing desperately needed work, rebuilding Christian churches and villages will breathe life back into communities whose infrastructure and religious losses played a large role in the decision to flee.⁸⁹ Further, jumpstarting local economies with direct investment in industry, projects like Imagine Coexistence, and education will address some of the major concerns that Iraqi Christians abroad have about repatriating.⁹⁰

However, intense sectarian feelings in Iraq could distort the meaning of investments in “Christian infrastructure,” drawing the familiar trope of Christians as Western agents. To combat this, the international community should make it clear that, like the Balkans, international assistance is going to help rebuild a community that is the victim of devastating ethnic cleansing and arguably genocidal violence.⁹¹ Though Sunnis and Shia can both claim more dead than Christians, attacks have disproportionately targeted and affected the smaller, defenseless Christian communities.⁹² In this light, other sects may be more likely to see the international community’s investments as helping to save a community on the verge of extinction, rather than just Christian favoritism.

The United States in particular should reconsider its current policy of avoiding any kind of sect-based agendas in Iraq for several reasons. First, as mentioned above, any aid to the Christian community would be in response to the genocidal violence that has caused the disappearance of a third to a half of Iraq’s Christians.⁹³ There are many precedents of beleaguered and victimized ethnic communities receiving international aid, and the United States should not make an exception here. Second, as a policy matter, Iraq’s minorities are “Iraq’s best sources for directly leveraging forces of moderation in the face of extremism and the extremist threat.”⁹⁴ Now that American troops have withdrawn, it is in the best interests of the United States and the international community to ensure that these moderate voices continue to speak and influence the national dialogue. Whether through rebuilding Christian villages in a

⁸⁹ See *id.* at 220.

⁹⁰ See UNHCR SYRIA, *supra* note 36, at 54.

⁹¹ See Calabresi, *supra* note 24; see also TRAVIS, *supra* note 26, at 534.

⁹² See RASSAM, *supra* note 1, at 220–21.

⁹³ See TRAVIS, *supra* note 26, at 537–38.

⁹⁴ See Youash, *supra* note 53, at 359.

Nineveh Plain Province or simply sponsoring programs like Imagine Coexistence, international aid will be a vital part of the survival of the Christian community in Iraq.

V. CONCLUSION

It is too early to tell whether Christianity in Iraq will survive the instability and violence that followed Saddam Hussein's fall. However, the Iraqi government, along with the international community, can create conditions that are conducive to Christians remaining in or repatriating to Iraq. In order to accomplish this, there are three barriers to overcome: 1) the "other" identity for Christians; 2) the security situation; and 3) the bleak Iraqi economy. To address these barriers, I have proposed a few solutions. First, to deconstruct the "other" identity of Christians, the Iraqi government should amend the constitution to emphasize the legal rights of minorities, ensure meaningful minority participation at all levels of government, and establish post-conflict ethnic reintegration programs that create cross-sectarian ties. Second, the government should grant Christians a semiautonomous region in the Nineveh Plain to give them a "safe zone," as well as a fallback option if life in Iraq's main cities becomes unbearable. Finally, the international community needs to invest funds in rebuilding Christian communities in Iraq, not only because there are precedents for such efforts in other ethnic disputes, but also because a moderate Christian voice is healthy for Iraqi society and politics. Though these proposals do not ensure success, they create more suitable conditions for the survival of Christianity in Iraq.