

University of Nevada, Reno

**Legal Anthropology On The Battlefield: Cultural Competence
In U.S. Rule Of Law Programs In Iraq**

A thesis submitted in partial fulfillment of the
requirements for the degree of Master of Judicial Studies

by

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Abstract

The U.S. spent hundreds of millions of dollars and lost many lives to improve the rule of law in Iraq from 2003 through 2013. Earlier rule of law efforts by the U.S. in post-colonial and post-Communist environments have been criticized for a lack of cultural competence and understanding among those charged with the rule of law mission. Did U.S. rule of law efforts in Iraq suffer from the same lack of cultural competence?

This research is the first exploratory survey of rule of law officials in Iraq. Despite over a decade of effort and millions of dollars spent on rule of law and civil society programs in Iraq, little has been done to examine whether our rule of law efforts in Iraq were informed by a proper knowledge of the culture of Iraq and whether we learned lessons over time. This research begins that examination.

This research demonstrates that understanding of the indigenous legal and social culture is critical to the success of rule of law programs, that there are distinctive characteristics of the legal culture in Iraq, and that the rule of law programs of the U.S. in Iraq were not informed by an adequate understanding of the culture of Iraq. The author concludes that a new paradigm is necessary if the U.S. is to improve the chances of success for rule of law programs during and immediately after conflict.

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Legal Anthropology on the Battlefield: Cultural Competence in U.S. Rule of Law Programs in Iraq

The U.S. spent hundreds of millions of dollars and lost many lives to improve the rule of law in Iraq from 2003 through 2013. Earlier rule of law efforts by the U.S. in post-colonial and post-Communist environments have been criticized for a lack of cultural competence and understanding among those charged with the rule of law mission. Did U.S. rule of law efforts in Iraq suffer from the same lack of cultural competence?

Until September 11, 2001, promoting the rule of law abroad was important to the U.S., but not vital to national security interests. Since September 11, 2001 promoting the rule of law abroad, particularly in Islamic countries, has become vital to our national security ("The National Security Strategy of the United States," 2002). Promoting the rule of law at the strategic level is now considered a way to prevent social conditions that foster terrorism ("USAID Strives to Minimize Conditions That Foster Terrorism," 2003). At the operational level, promoting the rule of law in mid-conflict and post-conflict societies is critical to restoring security and defeating an insurgency ("Field Manual 3-24," 2006). In Iraq promoting the rule of law was a key component of U.S. foreign policy since the overthrow of the Saddam Hussein regime. Improving the rule of law in Iraq was a critical "line of operation" of the Joint Campaign Plan for Iraq developed by Ambassador Crocker and General Petraeus (Chesney, 2011). The national security strategy makes support of stability operations, including rule of law programs, a core mission of our military, comparable in importance to combat operations ("Directive

3000.05," 2005). Such programs, led by civilian agencies and supported by the military, were critical components of our efforts to create a legitimate and self-sustaining government in Iraq ("NSPD 44," 2005).

Today, rule of law programs are not only part of a post-conflict, nation-building mission. They are a critical aspect of ongoing military operations to defeat an insurgency mid-conflict ("Field Manual 3-24," 2006; Galula, 1964). The establishment of the rule of law through indigenous legal institutions is essential to the successful defeat of an insurgency (Morgan, 2010, p. 59). “ Law has a dual use in counterinsurgency, both as a tool for defeating criminal insurgents themselves (by imprisoning them) and as a means for governments to build legitimacy” (Nachbar, 2012, p. 142). Given this emphasis, efforts to operate effective rule of law programs have become a battlefield imperative (*Forged in the Fire: Legal Lessons Learned During Military Operations 1994-2008*, 2008, pp. 135-137). At the tactical level, after action reports of military attorneys assigned to Provincial Reconstruction Teams and tactical level units in Iraq indicate that rule of law programs were significant parts of the mission assigned to their units beginning in 2006-2007 (*Forged in the Fire: Legal Lessons Learned During Military Operations 1994-2008*, 2008, pp. 137-139).

The U.S. has devoted the lives of many soldiers and over a billion dollars to promote the rule of law in Iraq. From June 2003 through 2009 alone the U.S. spent \$1.23 billion to this end in Iraq ("Quarterly Report to Congress July 2009," 2009b, p. 48). On one project alone, construction of the Khan Bani Sa'ad prison, the U.S. spent \$40 million for a prison complex that was not completed and ultimately abandoned (*SIGIR Hard*

Lessons, 2009a, p. 209). In 2008 the Embassy Rule of Law Coordinator in Iraq estimated that the Department of Justice alone was spending \$100 million annually on rule of law programs in Iraq (Cucciniello, 2008). Costs have not only been monetary. Between June 2003 and July 2009 143 Iraqi lives were lost in judicial assassinations, including 47 judges, 6 judicial family members, and 99 judicial employees ("News From Iraq", 2011; "Quarterly Report to Congress July 2009," 2009b, p. 66). Countless other judicial families have suffered kidnappings. The number of U.S. and Iraqi service members and civilian employees killed and wounded while performing rule of law missions is unknown.¹ For the U.S., our coalition partners, and Iraq, promoting the rule of law was a deadly serious endeavor.

Meanwhile, as one anthropologist concludes, "in the Arab Middle East, the rule of law has not been a dominant or even evident factor in the establishment of public order and political control" (Salzman, 2008, p. 203). Salzman asserts that the distinguishing characteristic of Arab culture is the "balanced opposition" of competing groups and that this characteristic is fundamentally inconsistent with the rule of law as understood in the West (Salzman, 2008, p. 205). Authors in popular literature express similar skepticism about the compatibility of Arab culture with Western rule of law concepts (Pryce-Jones, 2009, p. 402).

¹ While returning with me from a rule of law mission in Baghdad on April 7, 2007, Commander Phillip Murphy- Sweet, USN, and three security personnel were killed when an improvised explosive device destroyed their vehicle.

Statement of the Issue

The rule of law efforts of the U.S. and its allies in Iraq have been described as both “a little known triumph” (McGrath, 2011) and, conversely, yet another example of the pattern of simplistic rule of law programs at their worst (Carothers, 2009, p. 59). Despite over a decade of effort and billions spent on rule of law and civil society programs in Iraq, little has been done to examine whether our rule of law efforts in Iraq were informed by a proper knowledge of the culture of Iraq and whether we learned lessons over time. This inquiry is especially relevant as we contemplate the daunting challenge of promoting the rule of law mid-conflict and post-conflict in other Islamic cultures with failed or failing national governments with a counter-insurgency strategy that has promoting the rule of law as a cornerstone of that strategy. However, at least one author suggests that the U.S. simply does not have the cultural, language, and comparative politics expertise to accomplish the rule of law mission (Fidler, 2011, p. 5257). A survey of twenty rule of law officials in Afghanistan found a common theme, namely that the respondents did not understand the history, culture and legal environment in Afghanistan (Alkon, *The Flawed U.S. Approach to Rule of Law Development*, 2013). “Seventy percent of the respondents had no training on Afghanistan or rule of law development before beginning their jobs in Afghanistan” (Alkon, *The Flawed U.S. Approach to Rule of Law Development*, 2013, p. 842)

This research demonstrates that understanding of the indigenous legal and social culture is critical to the success of rule of law programs, that there are distinctive characteristics of the legal culture in Iraq, that the rule of law programs of the U.S. in Iraq

were not informed by an adequate understanding of the culture in Iraq, and that a new paradigm is necessary if the U.S. is to improve the chances of success for rule of law programs during and immediately after conflict. The paradigm proposed here incorporates principles from the social sciences, rejects the policy of changing indigenous culture, and focuses on efforts that enable the local country to accomplish rule of law goals it chooses. Any new paradigm must ensure that rule of law programs do not have the insidious effect of entrenching a status quo inconsistent with U.S. objectives in the country. I label this new paradigm “Enablement Plus.”

Rule of Law Defined

The international community defines the term “rule of law” variously (Ringer, 2007). The diverse definitions carry different implications for rule of law practitioners (Belton, 2005). Several substantially different definitions are in use by the U.S. government (Stigall, 2006). The principle difference between the definitions is whether “rule of law” is primarily a matter of process and procedure (the “thin” definition) or whether “rule of law” is a matter of substantive law, including compliance with basic human rights norms (the “thick” definition). In Iraq, the range of activities falling under the rubric “rule of law” included everything from digitizing the Iraqi legal code to training judges, securing court houses, building prisons, and maintaining generators to provide electricity to courthouses (*SIGIR Hard Lessons*, 2009a, p. 289). The definition adopted in this thesis is that found by Stromseth, *et al.* to incorporate what most policy-makers mean when they use the term (Stromseth, Wippman, & and Brooks, 2006, p. 78).

The “rule of law” describes a state of affairs in which the state successfully monopolizes the means of violence, and in which most of the people, most of the time, choose to resolve disputes in a manner consistent with procedurally fair, neutral, universally applicable rules, and in a manner that respects fundamental human rights norms (such as prohibitions on racial, ethnic, religious and gender discrimination, torture, slavery, prolonged arbitrary detentions, and extrajudicial killings). In the context of today’s globally interconnected world, this requires modern and effective legal institutions and codes, and it also requires a widely shared cultural and political commitment to the values underlying these institutions and codes.

This research addresses rule of law programs within the justice and security sectors in Iraq- courts, police, and jails/prisons.

Rule of Law Lessons Learned

A significant literature analyzes lessons learned, or at least lessons observed, about rule of law operations during peacetime situations (*Promoting the Rule of Law Abroad: In Search of Knowledge*, 2006). Several studies address the more challenging task of promoting the rule of law in post-conflict societies (Stromseth et al., 2006; Call, 2007). One observation is consistent throughout the recent literature. A sound understanding of local culture, customs, and legal environment must inform rule of law programs. This thesis hypothesizes that the success of U.S. rule of law programs in Iraq was limited by an inadequate understanding of Iraqi culture, customs, and legal environment by the civilian and military rule of law practitioners responsible for designing and implementing the program. Specifically, I will examine whether rule of law operations of the U.S. concerning criminal justice were informed by a sound

knowledge of Iraqi culture and legal environment. Simply put, when we set out to promote the rule of law in Iraq, did we leave our anthropologists behind?

Counterinsurgency and Anthropology

As I begin this effort, I am mindful of the controversy among anthropologists concerning the proper role, if any, that anthropologic studies should have in aiding military counterinsurgency efforts (*The Counter-Counterinsurgency Manual*, 2009). As noted below, counterinsurgency strategy as articulated and employed by the “Petraeus generation” of strategic leaders emphasizes the importance of understanding local culture and the “human terrain” within which operations are conducted (Hevia, 2010, p. 176; Gonzales, 2010). Anthropologists have noted that there has been a sharp cultural turn in the War on Terror (Gusterson, 2010, p. 280). The debate concerning what role those who study culture should have in assisting military and nation-building operations began during World War II (Price, 2008) and continues today with concerns about “anthropologized counterinsurgency” (Mitchell & Kelly., 2010, p. 210). “Weaponizing anthropology” has caused considerable debate among anthropologists, with some arguing that counterinsurgency and anthropology are fundamentally incompatible (Wax, 2010, p. 162). That debate is beyond the scope of this research.

This research focuses not on the culture of Iraq, but on the understanding of that culture by those who were engaged in making and implementing rule of law policy and programs. As Gusterson (2010) suggested, an appropriate area for anthropological study is ethnography of the military and civilians who waged the war. This study provides

ethnography of the U.S. military and civilian leaders involved in rule of law programs in Iraq, not a study of the legal culture of Iraq. Nevertheless, understanding both what is meant by “rule of law” and the relationship between rule of law and the culture of Iraq are prerequisites to exploring the fundamental issue. How much did those charged with developing and implementing America’s rule of law programs in Iraq know about the culture and legal environment in which they were operating?

Indications and Consequences of Lack of Cultural Competency

The inquiry is important for two reasons. First, commentators have criticized rule of law operators in Iraq for a lack of cultural understanding (Carothers, 2009, p.59; Pilon 2009). Second, at least one author has observed that the last great Western power to attempt to influence the development of Iraq- Britain- failed because it did not understand Iraqi culture. In his study of the British Mandate in Iraq from 1920 and 1932, Dodge (2003) concludes that Britain failed because it applied inaccurate cultural stereotypes, assumed that the lessons learned in India would apply to Iraqi culture, minimized the importance of informal and highly personalized networks of influence, misunderstood the role of the rural sheiks, and adopted land reforms contrary to Iraqi history and culture. Dodge encouraged the U.S. to avoid the mistakes made by the British by gaining and applying a better understanding of Iraqi culture.

Evidence supports the belief that Americans operating in post-Saddam Iraq lacked awareness of the culture of Iraq. Many of America’s first steps in Iraq were cultural missteps. From the conduct of our soldiers in the field to the decisions made at the

highest levels of government, the U.S. exhibited a lack of knowledge or concern about Iraqi cultural sensitivities in the security and rule of law arena. About the conduct of our troops, Iraq's former Minister of Defense and Minister of Finance has noted:

The searching of homes without the presence of a male head of household, body searches of women, the use of sniffer dogs, degrading treatment of prisoners, public humiliation of the elderly and notables, all contributed to the view that the Americans had only disdain and contempt for Iraq's traditions. These stories of American insensitivity to local customs grew in the telling and became in the hands of the insurgents and their sympathisers a deliberate programme on the part of the USA to undermine the religious and cultural roots of the country (Allawi, 2007, p. 186).

Another author who provided a view from inside the insurgency in Iraq observed that this cultural insensitivity added to the "toxic mix" that fueled the insurgency. Chehab (2005) claims that the rough treatment of notables and the use of dogs violated the cultural norms of the Iraqi community. Although dogs in homes and search dogs are part of life in the West, the use of search dogs in Iraqi homes violated cultural practices. Chehab (2005, p. 130) reports:

But the cultural implications for dogs performing a similar job in Iraq should have been considered. According to Islam, dogs are permitted only for hunting or to guard the home. In a hadith from the Holy Koran, the Prophet said: Whoever keeps a dog except for hunting or for guarding crops or cattle will lose one large measure of his reward every day.

Survey data of Iraqis in the early months of the occupation found that many Iraqis faulted the U.S. military for their ignorance of this mandate and similar aspects of Iraqi culture ("Iraqi Voices," 2004, p. 33).

Even more strikingly, it is difficult to overstate the damage done to the legitimacy of America's mission in Iraq caused by the pictures emanating from the U.S. detention facility at Abu Ghraib (Stromseth, 2008, p. 1462). Muslim cultures value physical modesty, reputation, and confidentiality. Islamic notions of privacy that have a basis in the Koran include practicing physical modesty, preventing public dissemination of unflattering personal information, and maintaining confidentiality (Reza, 2009, pp. 792-795). Although modesty required of Arab women is well known, modesty required of Arab males is not well known even though it is a widespread cultural practice (Baker, 2003, p. 85). The images of an American female in a t-shirt lording over a pile of naked Muslim men violated Iraqi cultural sensitivities and thereby damaged the legitimacy of the American mission. My personal experience in reviewing hundreds of Iraqi detainee files is that the Abu Ghraib images were well known even to detainees who were illiterate and from the most remote villages. These images were cited by many as motivation for participating in the "resistance against American occupation." Photographs of prisoner mistreatment were widely broadcast on Al Jazeera and used by enemies of the U.S. as proof of lack of respect for Iraqi culture and the rule of law (Jackson, 2005). The affront to Iraqi cultural norms was so great that one author suggests the Abu Ghraib scandal and its handling by the U.S. sounded the death knell for the legitimacy of the U.S.- led occupation and its claims regarding the rule of law (Bali, 2005, p. 467, fn 114).

The battlefield was not the only arena in which Americans demonstrated insensitivity to Iraqi culture and legal traditions. Cultural missteps occurred in the conference rooms of the Pentagon and the Green Zone offices of the Coalition

Provisional Authority (Nader, 2013). In its first order, the Coalition Provisional Authority decreed that members of the Ba'ath party would be banned from civil and military service in the new Iraq ("Order No. 1: De-Ba'athification of Iraqi Society," 2003). As a matter of public policy, this decision was widely criticized and later modified substantially (Hollywood, 2007, p. 120). De-Ba'athification violated the cultural aversion to collective guilt. The Qur'an in Sura 6:164 prohibits collective guilt and provides that no one should be required to carry the burden of another (Jones, 2007). Iraqis surveyed about the De-Ba'athification policy responded that only those who had been responsible for ordering violations of law or human rights should be banned from the new government. This response reflected both the practical experience that Ba'ath party membership was required by many to survive ("Iraqi Voices," 2004, p. 35) and cultural aversion to collective guilt.

The most notorious event in post-Saddam Iraq might well have been the most egregious rule of law cultural misstep. Bassiouni and Hanna (2006-2007, pp. 24-27) argue that the creation of a special criminal court to try Saddam Hussein was an ill-advised attempt to blend two distinct legal systems (American and Iraqi) into a single specialized institution. They assert that Iraqis viewed the trial as ineffective and illegitimate because the hybrid legal procedures did not reflect Iraqi legal traditions and introduced foreign (American) procedures into their courts. They place the blame on "occupation authorities who exhibited little interest in Iraqi culture or society" and on Department of Justice authorities who "had limited knowledge of the Iraqi legal system or its culture and traditions" (Bassiouni & Hanna, 2006-2007, pp. 24-27). Survey data

prior to the trial indicated that Iraqis wanted the trial of senior Saddam regime officials to be Iraqi in nature and would be skeptical of proceedings that had an American or even international overtone ("Iraqi Voices," 2004).

One provincial administrator under the Coalition Provisional Authority (CPA) described his frustration with the lack of cultural awareness of the leadership in Baghdad by means of a telling example. A local sheik had died and it was the custom that such a death should be honored by the slaughter of an ox. In the post-invasion economic environment, the tribe did not have the money to buy an ox and asked the coalition administrator for help. Seeing a great opportunity to win over the tribe for only about one thousand dollars, the administrator asked the CPA for the necessary funds. At a time when the CPA was spending millions in Baghdad, he was told this expense was not appropriate (Stewart, 2006). In a culture built on the reciprocity of relationships, such a small financial investment could have paid much more in dividends from the community.

Davis (2010) asserts that at the time of the invasion of Iraq neither the Army nor the Marines had a training policy or plan to prepare troops to serve in the Middle East. Her qualitative study of forty servicemembers who served in Iraq in 2007 reported that the interviewees believed the cultural training provided by the U.S. military was inadequate and not useful (Davis, 2010).

Initial rule of law efforts were plagued by a similar lack of cultural understanding. In testimony before Congress in 2003, a prominent Iraqi attorney stated that the Coalition Provisional Authority had largely left Iraqi lawyers and judges out of discussions about how to reform the country's legal system. He noted that not a single Iraqi legal

professional sat on the Department of Justice team assessing Iraq's legal system.

Inexperienced American officials were making arbitrary decisions affecting the future of Iraqi law without any Iraqi input (*SIGIR Hard Lessons*, 2009a, p. 209). This observation is distressing because the Iraqi Working Group on Transitional Justice in Iraq and the Iraqi Jurists' Association had earlier published a comprehensive blueprint for re-establishing the rule of law in Iraq. The report was titled "Transitional Justice in Post-Saddam Iraq: The Road to Re-establishing Rule of Law and Restoring Civil Society- A Blueprint" ("Transitional Justice in Post-Saddam Iraq: The Road to Re-establishing Rule of Law and Restoring Civil Society," 2003).

Literature Review

Past Rule of Law Efforts

Are these anecdotes indicative of a more widespread lack of cultural understanding that may have pervaded U.S. rule of law efforts in Iraq? A review of the history of earlier significant rule of law efforts over several decades, in many countries, demonstrates that a failure to understand local culture has been an enduring characteristic of Western rule of law programs.

In his comprehensive summary of rule of law programs since the end of the Second World War, Magen (2009) identifies four main movements, or "waves," of Western efforts to promote the rule of law abroad. The first wave began after the Second World War and ended in the mid-1960s. Magen characterizes this wave as primarily

focused on strengthening central government bureaucracies and state institutions based on American-dominated modernization theory.

The second wave, the Law and Development Movement, began in the 1960's and ended in the 1970s. This wave focused on post-colonial states. The Law and Development Movement emphasized the teaching of law through the Socratic method and with an American law school curriculum, advanced the sociological model of professional and academic lawyers as the agents of social change, and advanced a jurisprudential model based on American realism (Magen, 2009, p. 79). The wave died due to lack of practical results and under the academic criticism that the effort was ethnocentric, naïve, and imperialistic (Trubek, 2006).

The third wave emerged in the late 1970s and was based primarily on the efforts of the U.S. Agency for International Development (USAID) to improve human rights and advance democracy through improved administration of justice (Magen, 2009, p. 80). The fourth wave had a distinctly economic flavor as international development banks and related development institutions advocated rule of law programs as a means of advancing economic development, democratization, and globalization. Rule of law programs were essential components of international economic development programs and were components of the programs designed to transition post-Communist countries to market-based democracies (Magen, 2009, p. 82). The conceptual foundation of this wave of rule of law programs was that the rule of law was a necessary foundation for market economics and economic development (Brown, 1997, p. 9).

A dominant new paradigm for rule of law promotion emerged from the experiences, programs, and literature of the fourth wave. This paradigm is referred to as the Rule of Law Orthodoxy, or Rule of Law Enterprise (Upham, 2006, p. 75). Rule of Law Orthodoxy focuses on state institutions, particularly judiciaries, by educating the key elites of the bench and bar. Such programs focus on prosecutors, law reform, and other activities in which lawyers have a central role. They rely on foreign expertise and models and do not emphasize the development of civil society activities (Golub, 2006, p. 108).

Lawyers and judges, not development specialists, drive such Rule of Law Orthodoxy programs. The standard package of Rule of Law Orthodoxy programs include: drafting laws and regulations; constructing, renovating, and equipping courthouses; purchasing computing, communication, and case management technology for courts; training judges, court staff, prosecutors, and lawyers; supporting bar associations; and organizing international study trips for judges, court administrators, and lawyer. (Magen, 2009, p. 85). Rule of Law Orthodoxy programs presume that judicial reform is key (Golub, 2006, p. 117) and emphasize programs to promote judicial independence and impartiality ("Guidance for Promoting Judicial Independence and Accountability," 2002).

A fundamental criticism of the Rule of Law Orthodoxy is that it fails to take into account local culture. Upham (2006, p.75) is critical of the Rule of Law Orthodoxy because he believes it treats law as an exportable entity that can be detached and transplanted, without regard to the cultural and political roots that gave it life, and without regard to the soil to which it is transplanted. "One-size fits all" is a convenient shortcut for rule of law practitioners because it enables them "to offer legal advice

without having to go through the tedious, difficult, and often unrewarding task of understanding the societies they purport to help (Faundez, 2005, p. 574). In her summary of post-Communist legal reform programs in Eastern Europe, Alkon labels this approach as the “Cookie Cutter Syndrome” (Alkon, 2002, p. 328). She observes that the Cookie Cutter Syndrome describes the framework under which most legal reform efforts were organized and concluded:

The Cookie Cutter Syndrome is an approach that fails to look at the individual differences of the specific countries receiving rule of law development assistance. Instead, the Cookie Cutter approach is for aid providers to treat each nation as unformed dough, onto which the Cookie Cutter of a Western legal system is applied. Legal reform is one category of democratization work. Each legal reform program includes four basic components: re-writing laws; training programs for legal professionals; technological assistance and refurbishing courthouses; and institutional development. All of these components focus on developing and improving litigation-based dispute resolution systems. Yet corruption and chronic court inefficiency continue to plague the legal systems in many post-communist nations. Foreign assistance efforts are making little impact in many of these nations because these efforts fail to get to the fundamental reason or reasons that a particular society is not making lasting and meaningful legal reform. The fundamental challenge facing these programs is to provide assistance to change legal cultures so that people expect and demand that their systems of justice deliver more, and to then make those systems deliver.

In a survey of twenty rule of law officials, Alkon found that the rule of law programs in Afghanistan suffered from the same approach- standard programs applied with little regard for local institutions, culture, or preparedness (Alkon, *The Flawed U.S. Approach to Rule of Law Development*, 2013).

The Government Accounting Office concluded that after eight years of rule of law programs in the former Soviet Union impacts were limited and of doubtful sustainability.

One reason for this unfavorable conclusion was that rule of law reforms were initiated by the U.S. without local political consensus about the need for the reforms ("Former Soviet Union: U.S. Rule of Law Assistance Has Had Limited Impact and Sustainability," 2001). Transplanting rule of law reforms that do not reflect the local cultural and political environment did not and do not take (deLisle, 1999).

Although much of the literature analyzes rule of law programs in under-developed countries, rule of law programs in middle-income countries suffer from the same "Cookie Cutter Syndrome." In his analysis of rule of law programs in middle income countries, Peerenboom (2010) found that one of the key causes for project failure was the implementation of programs that were not tailored to the particular circumstances of the target country. Peerenboom (2010, p.102) concludes that "most development agencies continue to prescribe "off the shelf" blueprints, offering developing countries a checklist of international best practices based on summary reports of lessons learned from failed programs in the past.

The review of past efforts at rule of law development has caused at least one commentator to observe that outsiders can have only minimal influence on rule of law development within a country due to the "Connectedness of Law Principle." This principle states that law reflects so much of a country's history, culture, political and economic systems, religion, ethnic composition, and language- that outsiders can have little influence (Tamanaha, 2011).

I suggest that we are experiencing a fifth wave of rule of law promotion- one in which we are promoting rule of law mid- and post-conflict. Much of the impetus for the

prior wave was economic. The fifth wave is based not on economic concerns, but on security imperatives. The principal actors are not the World Bank and International Monetary Fund, but the Department of Defense and a newly evolved expeditionary Department of Justice ("DOJ Fact Sheet- Iraq," 2008). Although the motivation for rule of law promotion differs from the economic interests which motivated earlier waves, this fifth wave employs the same methods of implementation. The after-action reports of the rule of law practitioners in Iraq indicate that the standard menu of Rule of Law Orthodoxy programs- the Cookie Cutter Syndrome- were the activities and programs that constituted most of the rule of law efforts of civilians (*SIGIR Hard Lessons*, 2009a, pp. 206-216), our European Union partners (Christova, 2010) and the military (Chesney, 2011; *Forged in the Fire: Legal Lessons Learned During Military Operations 1994-2008*, 2008, pp. 135-139; Scholtes, 2011; Banks, 2008).

As the fifth wave of rule of law programs evolves using the same methods as the Rule of Law Orthodoxy, the same criticisms apply. Carothers (1998) has chronicled the rise of the fourth wave of rule of law programs over the past two decades. He warns that rule of law practitioners in the current wave have not learned the lessons of earlier experiences in promoting the rule of law abroad and are bound to repeat the same cycle of mistakes. Carothers (2009, p. 59) notes:

It is enough to read the accounts of the simplistic sorts of rule of law building programs that the U.S. military put in place in Iraq after the ouster of Saddam Hussein- sending over groups of U.S. judicial experts with no experience in the Arab world and no grounding in the Iraqi legal culture to advise on a rapid rebuilding of the Iraqi judicial system- to see this pattern at its worst.

The literature concerning post- and mid-conflict rule of law programs presents a recurring theme: too often rule of law programs are developed and implemented without knowledge and concern for local culture and local legal environments. After reviewing rule of law efforts in the justice and security sector by Western countries after wars in El Salvador, Haiti, Guatemala, South Africa, Rwanda, Bosnia, Kosovo, and East Timor, Call (2007, p. 404) concludes:

The ambition of international organizations to refashion the military forces, the police forces, and the justice system of a nation reflects tremendous idealism and, indeed, hubris. These vital structures of a state rest on cultural and historical foundations whose features resist change.

In a comprehensive study of rule of law programs after military interventions in Bosnia, Haiti, Kosovo, East Timor, Liberia, Sierra Leone, Afghanistan, and Iraq, Stromseth, *et al.* (2006) identify several emerging best practices. They note “Perhaps most critically of all, we know from past failures that there is no- “one size fits all” - template for rebuilding the rule of law in post-conflict settings: to be successful, programs to rebuild the rule of law must respect and respond to the unique cultural characteristics and needs of each post-intervention society” (Stromseth, *et al.*, 2006, p. 10). With regard to Iraq, they conclude that the military and civilian officials working to reform the Iraqi legal and judicial system generally had little background in Iraqi law or even European style civil law systems upon which the Iraqi criminal justice system is modeled. This deficiency upset Iraqi judges and lawyers who were proud of their ancient heritage, the source of written law (Stromseth, *et al.*, 2006, pp. 323-324).

Several of the cultural mistakes that plagued rule of law programs in Iraq could have been avoided had advisors developed a minimum of cultural sensitivity (Stromseth, et al., 2006, p. 326). Rule of law programs that are not based on local culture usually fail after the intervention ends (Stromseth, et al., 2006, p. 378). The Rule of Law Handbook widely used by military and civilian rule of law officials in Iraq contains the warning to avoid “Cultural Blindness” or a “West is Best” mentality (Center for Law and Military Operations, 2009, p.214) This research will investigate how well prepared military and civilian rule of law officials were to heed that warning.

Rule of Law and Culture

Rule of law scholars understand that knowledge of the local culture is a prerequisite to successful programs. This conclusion also reflects the legal anthropology research which concludes that law is “inextricably entwined” with culture (Nelken, 1995). Unlike rational, extra- cultural disciplines, such as geometry or engineering, law reflects the culture in which it exists. In explaining the relationship between law and culture, Rosen (2006, p.7) observes:

In each instance, law is so inextricably entwined in culture that, for all its specialized capabilities, it may, indeed, best be seen not simply as a mechanism for attending to disputes or enforcing decisions, not solely as articulated rules or as evidence of differential power, and not even as the reification of personal values or superordinate beliefs, but as the framework for ordered relationships, an orderliness that is itself dependent on its attachment to all the other realms of its adherents’ lives.

Rosen (2006, p.52) notes that one risks failure if another’s legal form or procedure is borrowed without concern for its context, aims, or overtones and while

pretending that the procedures can be applied without regard to understanding the supporting structure, society, or history. Like Rosen, Kahn (1999, p. 83) also suggests that the study of law address anthropological and historical perspectives. Kahn explains that to understand law one must not attend a civics class, but explore its underlying culture. He concludes that it is difficult for Americans to understand the relationship between law and culture because of our ethnocentric view that, as there are true principles of science and nature, so too there are true principles of law and politics- the principles of our Founders. Just as the true principles of science and nature can be explained without reference to history or culture, so too we believe that the principles of our political and legal system are true without regard to history and culture (Kahn, 1999, p. 11). This understanding of law is founded in our deep-seated belief that our political and legal system is the product of reason. He notes that law is not the product of rational design, but reflects the history and culture of its origin (Kahn, 1999, p. 98). In their meta-analysis of cross-cultural studies concerning the concept of justice, Leung and Morris (2000, p. 344) found cross-cultural differences which affected perceptions of all aspects of justice- fair outcomes (distributive justice), fair processes (procedural justice) and fair sanctions for transgressions (retributive justice).

The lesson to be learned from Rosen, Kahn, and others is that law is not geometry. Promoting the rule of law, then, is more akin to teaching art in a different culture than teaching geometry. That the art of the student will reflect her culture is apparent. That the understanding of law will reflect the culture of the law student is less

apparent, but equally accurate. The point for the rule of law practitioner is that culture matters.

Quantitative research from the field of comparative economics points to the same conclusion as the qualitative research of Rosen and others: culture and law are “inextricably entwined.” Cultures that favor autonomy, egalitarianism, and mastery exhibit higher commitment to rule of law, less corruption, and more democratic accountability than cultures which favor embeddedness, hierarchy, and harmony (Guiso, Sapienza, & Zingales, 2006, p. 44).

Several studies in the area of comparative economics find a correlation between culture and good governance- rule of law, anti-corruption and democratic accountability. Although there are many comprehensive definitions of culture, I adopt the definition used in several major studies in comparative economics so that the statistical data from such studies may be utilized in a consistent manner. As defined in those studies, “culture” includes those customary beliefs and values that ethnic, religious and social groups transmit fairly unchanged from generation to generation (Guiso et al., 2006, p. 23). Survey data from fifteen thousand teachers in fifty-three countries indicated that countries which valued autonomy, egalitarianism, and mastery exhibited higher commitment to rule of law, anti-corruption, and democratic accountability. (Schwartz, 1999; Schwartz, 2004)

Applying the cultural values of Embeddedness/Autonomy, Hierarchy/Egalitarianism, and Mastery/Harmony developed by Schwartz, researchers have examined whether there is a causal connection between these cultural values and

good governance principles (rule of law, anti-corruption, and democratic accountability) (Licht, Goldschmidt, & Schwartz, 2007). The results of this cross-cultural analysis indicate a significant influence of culture on governance principles. Specifically, Licht, *et al.* found that a cultural emphasis on autonomy and a de-emphasis on embeddedness positively affect perceived levels of the rule of law, non-corruption, and the praxis of democracy.

The methodology of the Licht, *et al.* study is important to understand its relevance to the rule of law practitioner. The authors adopt a postulate of cross-cultural analysis: that all societies confront similar basic issues or problems when they come to regulate human activity. How societies respond to these issues reveals shared values of the culture. Licht, *et al.* used the three cultural value dimensions developed by Schwartz (1999). These cultural value dimensions are:

Embeddedness/ Autonomy: This dimension concerns the desirable relationship between the individual and the group. Embeddedness refers to a cultural emphasis on the person as embedded in the group and as committed to maintaining the status quo, propriety, and restraint of actions or inclinations that might disrupt group solidarity or the traditional order. At the opposite pole, autonomy describes cultures that view the person as an autonomous, bounded entity who finds meaning in his or her own uniqueness.

Hierarchy/ Egalitarianism: This dimension concerns the ideal way to elicit cooperative, productive activity in a society. Hierarchy refers to cultural emphasis on obeying role obligations within a legitimately unequal distribution of power, roles, and resources. Egalitarianism refers to an emphasis on transcendence of selfish interests in

favor of voluntary commitment to promoting the welfare of others one sees as moral equals.

Mastery/Harmony: This dimension concerns the relation of humankind to the natural and social world. Mastery refers to a cultural emphasis on getting ahead through active self-assertion, in other words through the effort to master, change, and exploit the natural and social environment. Harmony refers to an emphasis on accepting the social and physical world as it is, a desire to comprehend and fit in rather than to change or exploit that world (Licht *et al.*, 2007, p. 662).

The study compared the foregoing three cultural value dimensions with three social norms of governance- rule of law, anti-corruption and democratic accountability. As used in the study, rule of law means that power ought to be used only in ways allowed by law. Corruption means the use of public office or power for private gain. Democratic accountability is the norm of accountability that obliges holders of power to account for their decisions or actions (“transparency”) and to bear responsibility and make amends for misconduct (Licht *et al.*, 2007, pp. 664-665).

The results of the study of the relationship between culture and the governance principles of rule of law, anti-corruption and democratic accountability are significant for the rule of law policy-maker. Governance norms correlate strongly and systematically with the three cultural value dimensions identified above. Countries with high scores for prevalence of the rule of law and non-corruption were also high on autonomy and on egalitarianism, and low on embeddedness and hierarchy (Licht *et al.*, 2007, p. 669). The association among democratic norms, autonomy, and egalitarianism was even stronger.

Consistent in the data was significant correlation between rule of law and corruption and the Embeddedness/Autonomy dimension (Licht *et al.*, 2007, p. 673).

In a conclusion significant to rule of law policy-makers, the authors find that respect for the rule of law is associated with a distinct profile of cultural values and is not a universal principle of equal importance regardless of culture. Similarly, though perhaps less remarkably, the authors find that the anti-corruption norm was not a universal principle. Cultures that favor autonomy, egalitarianism, and mastery exhibit higher rule of law, less corruption, and more democratic accountability than cultures which favor embeddedness, hierarchy, and harmony (Guiso *et al.*, 2006, p. 44).

Licht *et al.* (2007, p. 673) note that the association between culture and governance principles does not establish causality, particularly reverse causality. To establish causality the authors test the Embeddedness/Autonomy cultural value dimension using the Sapir-Whorf hypothesis that language affects people's social inferences and value judgments. Specifically, the authors analyze the Embeddedness/Autonomy dimension using the linguistic phenomenon known as pronoun drop. This phenomenon refers to the grammatical license to drop person-indexing pronouns such as "I" and "you." Generally, this phenomenon is relevant because cultures that allow pronoun drop emphasize context over individuals and uniqueness. The results of this analysis indicated that culture significantly influences governance principles (Licht *et al.*, 2007, p. 673).

The results of the study were analyzed by cultural regions consisting of groups of nations. Unfortunately, the Middle East is not one of the regions studied. Nevertheless,

the researchers found that the world is divided into two mega-regions in terms of governance. The English-speaking and West European nations constitute one mega region and the African, East European, Far Eastern, and Latin American regions constitute the other (Licht *et al.*, 2007, p. 679). With regard to all three norms of governance, the nations of the English-speaking and West European mega region scored significantly higher than the nations of the other region.

Although Arab countries were not included in the foregoing studies, a review of the existing literature concerning Arab culture allows relevant components of Arab culture to be categorized using the Schwartz cultural dimensions discussed above. From this categorization and related research in legal anthropology, we can draw some inferences about the cultural issues that rule of law practitioners encounter in Arab countries such as Iraq and about which they should be informed.

Embeddedness/Autonomy.

One author has suggested that Arab culture is highly collectivist, so much so that sixty percent of Arab values, attitudes, and behavioral patterns derive from the collectivist nature of the culture (Al-Omari, 2008, p. 33). Similarly Barakat (1993, p. 201) states "... collectivity rather than individuality serves as the basic unit of, and the source of the dominant value orientations in, Arab society." A culture is collectivist when its members are driven by relationships, integrated into strong, cohesive groups, and guided by the interests, opinions, and decisions of the group over the interests and rights of individuals. This definition aligns well with the embeddedness component of the

Embeddedness/Autonomy dimension. Family, tribe, honor, and hospitality are key components. Individual rights, goals, and interests are much less important. Quantitative studies confirm that Arab cultures are collectivist when compared to American culture (Buda & Elsayed-Elkhouly, 1998). Nydell (2006, p. 15) observes that the basic values of Arabs include placing a high value on protecting personal and group honor and reputation and being loyal to one's family over individual preferences.

Arabs define themselves and others by the various relationships in which they are embedded. Rosen (2004) observes the relationships that a person creates and services determine that person's social identity. To deal in a specific world one must try to know as much as possible about relationships there and how those relationships may fit into one's own network of associations (Rosen, 2004, p. 111). The network of relationships described by Rosen is not a static network of family or clan, but a dynamic network, the result of the individual's effort to negotiate reciprocal relationships. Thus, Arabs define themselves and others by the networks in which they are embedded.

Hierarchy/ Egalitarianism.

Analysis of Arab culture concerning the Hierarchy/ Egalitarian dimension is somewhat more complex. This dimension concerns the ideal way to elicit cooperative, productive activity in a society. Hierarchy refers to cultural emphasis on obeying role obligations within a legitimately unequal distribution of power, roles, and resources. Egalitarianism refers to an emphasis on transcendence of selfish interests in favor of voluntary commitment to promoting the welfare of others whom one sees as moral

equals. Although Arab culture cannot be readily categorized within this dimension, understanding the characteristics of the culture that defy categorization in this dimension is instructive for the rule of law practitioner.

Some authors and studies conclude that Arab culture is hierarchal. Hofstede has indicated that hierarchical relationships are a salient factor in organizational conflicts in Arab countries (Buda & Elsayed-Elkhoully, 1998, p. 488). Al-Omari advises that Arab culture exhibits all the key features of high power distance (hierarchical) cultures where bureaucracies are plagued with numerous layers and power brokers, and where exclusive privileges and perquisites are expected for those at the top (Al-Omari, 2008, p. 33).

While decision-making within the Arab world may well exhibit the attributes described above, both Rosen and Lindholm identify a contradictory component of Arab culture- ambivalence to authority. Lindholm quotes the Arab proverb: “Deference is humiliating, to whomever one defers, and all yokes, however slight, are too heavy to bear with honor” (Lindholm, 2002, p. 269). Rosen observes that ambivalence to power and ambivalence generally are key components of Arab culture. Essential to understanding Arab culture, as Rosen (2004, p.31) notes, is the concept that the inter-connected web of negotiated relationships in numerous social and political relationships defines a man. “Something that is not ambivalent falls into one and only one culturally prescribed set.” (Rosen, 2004, p. 37). Being prescribed into one culturally prescribed category deprives Arab males of the essential component of manhood- the ability to negotiate to form his inter-connected web of reciprocal relationships. Rosen observes that the fundamental nature of ambivalence in Arab culture is demonstrated in Arabic grammar and linguistic

forms that includes many terms which mean both a thing and its opposite. Rosen finds ambivalence not only with regard to Arabs and power but also with regard to Arabs and law, where indeterminacy of situation and characterization are prevalent (Rosen, 2004, p. 30).

Rosen also finds that the tribal ethic that remains significant in Arab culture contributes to a culture of egalitarianism. According to Rosen (2008, p. 157), two central features compose the tribal ethic- internal leveling and moral equivalence. Leveling devices undercut the role of rank within the tribe based upon descent or position and have the effect of dispelling the felt disadvantages of hierarchy. Similarly, egalitarianism within tribal culture is fostered through moral equivalence of the tribes and its members. Moral equivalence means that no one family or lineage is inherently and permanently of greater moral worth than any other (Rosen, 2008, p. 158). Thus, the game of developing power and legitimacy is always open to those who excel at creating the all-important network of reciprocal relationships.

Al-Omari provides an explanation for the apparent inconsistency of Arab culture with regard to the Hierarchy/ Egalitarianism value dimension. He acknowledges that tribal culture and Islamic teachings foster egalitarian values. However, he also acknowledges that hierarchy is an accurate description of Arab organizations and bureaucracies. He explains that this apparent contradiction is the result of several centuries of Ottoman hierarchical systems of government that have left a permanent mark on Arab culture. Thus he concludes that while Arab organizations reflect the hierarchical

structure of the Ottoman institutions, Arab society in general is more egalitarian (Al-Omari, 2008, p. 40).

Arab culture does not fit neatly into the Hierarchy/ Egalitarianism dichotomy. Some describe Arab culture as hierarchical. Others note a distinctly egalitarian aspect of Arab culture. For the rule of law practitioner Arab culture presents the most challenging aspects of both parts of the dichotomy: bureaucracies plagued with numerous layers and power brokers, where exclusive privileges and perquisites are expected for those at the top (Al-Omari, 2008, p. 33), and a culture wherein legitimacy is recognized not as a result of institutional position but as the result of personal power achieved through a vast network of reciprocal personal relationships fluid and always open to further negotiation (Rosen, 2008, pp. 32, 163). Sfeir (1998, p. 227) concludes:

In varying degrees, political authority in the Arab states has all the external symbols of modernity, from separation of powers to bureaucratization of governmental functions. In reality however it is very much the product of personal and social relationships which most often transcend the institutional structure of government.

Those seeking to develop legal institutions with legitimacy apart from the personal power of the current office-holders will find this to be a challenging environment.

Mastery/Harmony.

As noted above, this dimension concerns the relation of humankind to the natural and social world. Mastery refers to a cultural emphasis on getting ahead through active self-assertion, or the effort to master, change, and exploit the natural and social

environment. Harmony refers to an emphasis on accepting the social and physical world as it is, trying to comprehend and fit in rather than to change or exploit this world.

Arab culture does not fit easily within this dichotomy. However, understanding why Arab culture is not an easy fit provides some valuable cultural insight for the rule of law practitioner. As discussed above, the important, if not essential, attribute of Arab culture is defining a man as the resultant sum of his negotiated, reciprocal relationships. This active participation in the ongoing “game” of developing reciprocal relationships aligns well with the Mastery dimension.

Nevertheless, Arab culture also exhibits a significant component of the Harmony dimension with its emphasis on fate and fatalism. Although he disapproves of the assessment, Barakat (1993,p. 191) concludes “Western scholarship has reached an almost unanimous conclusion that the Arab world, in contrast to the West, views the universe (including human life) as having a predestined course.” Indicative of Barakat’s assessment, Lewis (1995, p. 16) states that in the great debate in Muslim theology between free will and predestination, predestination has been victorious. Nydell (2006, p. 28) observes that “fatalism, or a belief that people are powerless to control events, is part of traditional Arab culture.” She indicates that fatalism is “based on the belief that God has direct and ultimate control of all that happens. If something goes wrong, people can absolve themselves of blame or can justify doing nothing to make improvements or changes by assigning the cause to God’s will. .. The legacy of fatalism in Arab thought is most apparent in the ritual phrase: Inshallah” (God willing, primarily relating to promises

concerning the future,) (Nydell, 2006, p. 28). Fatalism is inconsistent with Mastery.

Harmony appears to be the predominant value in the Mastery/Harmony value dimension.

The foregoing brief analysis of Arab culture using Schwartz' cultural value dimensions is not intended to be a comprehensive inventory of Arab cultural characteristics. Rather, two themes have been developed. First, because my premise is that culture matters, Schwartz allows us to identify salient aspects of the culture of Iraq that the rule of law practitioner should consider. Second, within the Schwartz cultural value dichotomies, there is good reason to believe that the Arab world would be in the mega region including Africa, East Europe, the Far East, and Latin America. As the research of Licht, *et al.* (2007) concludes, with regard to all three norms of governance (rule of law, anti-corruption, and democratic accountability), the nations of this mega region score significantly lower than the nations of the other region. When we analyze the Arab culture of Iraq in light of the cultural dimension values of Embeddedness/Autonomy, Hierarchy/Egalitarianism, and Mastery/Harmony developed by Schwartz, there is sound basis to conclude that Iraq would be within the "other mega-region."

Governance norms correlate strongly and systematically with the three cultural value dimensions identified above. Countries with high scores for prevalence of the rule of law and non-corruption also scored high on autonomy and on egalitarianism, and low on embeddedness and hierarchy. With respect to the predominant cultural values of embeddedness, hierarchy in organizations, and harmony, the literature indicates that Iraq

is a garden in which the seeds of Western rule of law ideas will grow, if at all, only with careful and knowledgeable cultivation.

The foregoing assessment causes the rule of law practitioner to address the question of whether U.S.-led rule of law programs in an Arab country such as Iraq are a fool's errand. One commentator with many years of experience studying rule of law programs in the Middle East concludes: "Thus, there is little reason to believe that American lawyers can bring the rule of law directly to Arabs" (D. M. Mednicoff, 2005, p. 344). The literature provides an assessment based on history. If by "rule of law" we mean a system that reflects liberal Western legal culture and the principles that law serves as the protector of individual rights against the power of the state, history provides no basis for optimism. In his comprehensive analysis of the rule of law in the Arab world, Brown (1997, pp. 241-244) finds that the rule of law has served to solidify the power of the central state, rather than to protect the rights of individuals against the power of the state. Political institutions that include principles of democracy, separation of powers or related Western legal and political concepts that some implicitly include within the definition of the rule of law are not common in the Arab world. Esmaeili (2011, pp.339-340) addresses this fundamental cultural issue as follows:

The essence of rule of law theory in a liberal system is to protect an individual's liberties against the arbitrary power of the State and powerful individuals. This makes absolute sense in Western societies and in societies where individuals are the basis of society. In those societies, individuals, through professional or political associations or parties, create support networks against the State. But in societies where tribal structures and traditions define most individuals and their roles, and where the State is a confederation of certain tribes, how can an effective rule of law system be created? ... One important question in relation to the

establishment of the rule of law system in Muslim countries in the Middle East is whether such a system can be established in countries with different conceptual constructs than those found in Western liberal democracy, particularly where the concept of law is not the same.

The different conceptual construct identified by Esmaeili is that Western legal tradition holds the State accountable to its citizens, based on rights of the individual, while Islamic theories of the State bolster the power of the state and emphasize the obligations and duties of citizens (Esmaeili, 2011, p. 354). Esmaeili observes that the sudden introduction of secular law into the Muslim world as happened after the collapse of the Ottoman Empire and during the subsequent era of colonization was not successful (Esmaeili, 2011, p. 364). He concludes that a limited (thin) rule of law system can be established in the Middle East, but it must be developed from within Arab culture by a slow and gradual process (Esmaeili, 2011, p. 366).

Context of Arab Legal Culture.

Mednicoff (2005, p. 349) argues that the effectiveness of American rule of law practitioners in the Middle East is limited by their lack of awareness of four key components of the Arab legal experience. First, American lawyers do not understand that current Arab legal culture reflects a mixture of Islamic, Ottoman, European, and post-colonial laws (Brown, 1997). This patchwork of legal systems produces different outcomes that does a unitary legal system of long standing growth as experienced in the U.S.. The norms established in Arab legal systems subordinate law to imperial political power and prevent judicial interpretation of constitutional issues to limit the power of the state.

The second component of the Arab legal experience is the authoritarian legacy of colonialism. Mednicoff (2005, p. 350) summarizes this legacy as an emphasis on control backed by force not meant primarily to serve the best interests of indigenous citizens. “The level of discontinuity between the rational, legalistic values preached by European administrators and their practice of resource extraction and police rule tainted the very ideal of the rule of law in a way that is unlikely to resonate with the socialization of many American lawyers” (Mednicoff, 2005, p. 350). He concludes that the effect of the legacy of colonialism is, “In short, many Arabs view the rule of law in a manner similar to American legal scholars on the left, as an ideology of political control, not as a check in political abuse” (Mednicoff, 2005, p. 350). The legacy of authoritarian colonialism has caused Arabs to be skeptical of Western rule of law practitioner (Mednicoff, 2006, p. 270).

The third component of the Arab legal experience that differs from that of American lawyers concerns constitutional law. Mednicoff (2005, p. 351) finds that constitutions in the Arab world have been subject to less institutionalization and independent interpretation than has the U.S. Constitution. Similarly, in his history of judicial review in Arab legal systems, Brown (2002, pp. 158-159) concludes that judicial interpretations of constitutional issues has not contributed substantially to the growth of the rule of law in Arab countries because the courts have not been free from political dominance. Mallat (2006, p.p. 213-214) finds that the failure of the courts to have financial independence from the executive has also limited the development of the rule of law and judicial review.

The fourth aspect of Arab legal culture that challenges American rule of law practitioners is the relationship between law and religion. Early on in my time in Iraq, I was engaged in a conversation with a senior, well-respected Iraqi judge concerning the purpose of law and government. He was clear that the purpose of law and government was to create an environment in which Iraqi citizens could be good Muslims. American lawyers would recoil at such a fundamental violation of our principles concerning separation of religion and state and the freedom of religion. Mednicoff (2005, p. 351) observes that the assumption that Islam should inform the political and social order has caused misunderstandings and difficulties for American political reformers in the region. The relationship between Islam and the state in Islamic countries is a matter of considerable debate and beyond the scope of this research (An-Na'im, 2008; Mernissi, 2002). Still we must recognize that the issue confronts the rule of law practitioner in the Middle East (Hamoudi, 2009, p. 812).

Characteristics of Arab Legal Culture.

In addition to characteristics of Arab culture discussed above concerning broad cultural values, rule of law practitioners should be aware of specific aspects of Arab legal culture.

A distinguishing characteristic of Arab legal culture is the emphasis on oral testimony in court. Warnock (2010, pp. 17-19) observes:

Iraqi praxis and the Code (Iraqi Criminal Procedure Code) have both evolved to disfavor consideration of forensic or other non-testimonial evidence. . . . However, the primacy of testimony is firmly entrenched. . . . So compelling is the preference for witness testimony that, while the rules

regarding physical evidence are minimal or hardly referenced in the Code, the details regarding calling of witnesses are extensive.

Similarly, Rosen (2000, p. 180) notes that “To this day, one finds that Islamic judicial practice is rich in techniques for determining a person’s relationships and hence his credibility while being rather poorly developed in terms of assessing facts independent of persons.” Rosen (1996) observes that Islamic law prides itself on elaborate techniques for assessing persons in contrast to the Anglo-American emphasis on assessing facts through scientific techniques. During many trials and judicial investigative hearings I observed that Iraqi judges devote much time to understanding the background and social connections of a witness. Frank (2006) also made this observation. Such character type evidence would generally be inadmissible in an American court. This emphasis on the social context of a witness and his testimony reflects a culture in which truth is determined in large part by the character and social context of the witness (Rosen, 2006, p. 99). Rosen (2000, p. 51) compares this approach with Western jurisprudence as follows:

Anglo- American common law imagines itself to be exquisitely sophisticated in the determination of facts- whether by adversarial inquiry, statistical analysis, or forensic investigation. By comparison, Islamic law officials imagine they are particularly adept at the determination of persons. They believe that if they know a person’s origin, they can describe his characteristic relationships and actions, and, as we have seen, experts in physiognomy were even attached to the courts to help determine where a person really came from.

While an emphasis on the character and social connections of the witness may appear irrelevant and unreliable to the Western legal professional, it is consistent with Arab culture. As noted above, Arabs define one another by the inter-connected network

of reciprocal relationships they have developed. When a judge learns that the witness has been able to develop a large network of such relationships, that context is a very persuasive indication that the person is reliable because many others have found him to be reliable enough to include in their network. Such a person is credible because he has much to lose in the community if he is exposed as not credible. Rosen (2000, p. 189) describes this decisional process as “relational legitimatization”- the believability of a witness is based on his adherence to the social bonds of the network of reciprocal relationships he has developed. Therefore, the real purpose of the inquiry concerning the character and connections of the witness is not to determine whom the witness knows, which Westerners might perceive as related to political or economic influence, but who *trusts* the witness. The judge uses the degree of trust to determine how widely the community accepts the witness as a credible person (Rosen, 1989, pp. 24-25). As we will see below, this emphasis on personal testimony and character evidence over forensic evidence has resulted in frustration and misunderstanding on the part of Western rule of law practitioners who have dealt with Iraqi criminal courts (Frank 2006). More than one Iraqi judge told me that fingerprints were not as important as knowing the social background and history of the witnesses.

Closely related to the importance of oral testimony is the critical role of the investigative judge in acquiring evidence and determining facts. Iraqi criminal procedure reflects the criminal procedure codes of Egypt and continental European systems. In such systems, an investigating judge who is responsible for interviewing witnesses, collecting evidence, preparing the record to be forwarded to the trial court, and leading the criminal

investigation. The trial takes place before a panel of three judges. The primary role of the trial judges is to review the evidence collected by the investigating judge. My experience in the Central Criminal Court of Iraq is consistent with that of other observers in that most felony trials, including capital cases, last less than two hours. (Warnock, 2010)

It would be preposterous for Iraqis to believe that lay people uneducated in the law would be given the task of determining facts in a criminal case. I have found the concept that juries would decide guilt and innocence in criminal cases to be very difficult to explain to Iraqi judges. In one training session with Iraqi judges in Baghdad, one judge told me that if American juries had the power to determine facts, guilt, and, in some states, even the sentence, then American judges were nothing more than high level clerks.

Cultural Aspects in Dealing with Iraqi Executives.

Much of the work of rule of law practitioners in Iraq consisted of meeting with Iraqi leaders in the police, judicial, human rights, and corrections sectors. Three cultural characteristics of Arab leaders are relevant to this study. The first is nepotism. One of the elements of good governance as defined above is the absence of corruption. For Western minds, nepotism is a form of corruption. In 2007, many of the senior officials within the Iraqi Corrections Service (ICS) were from the same tribe as the chief of the ICS, Director General Juma'a. The Juma'a sub-tribe is a very large branch of the major Al-Dulaymi tribe. (Stolzoff, 2009, pp. 269-270) I was present at one meeting in which Department of Justice officials unsuccessfully tried to convince ICS Director General Juma'a that he needed to hire ICS wardens and senior officers from outside of the Juma'a tribe.

American efforts to convince the Director General of the perceived evils of nepotism not only were ignored, they were not understood. Anyone working with the Iraqi judiciary in 2007 and 2008 will have devoted much effort to obtaining weapons permits for security personnel guarding Iraqi judges. Security personnel often were members of the judge's family. In Arab culture, nepotism is not looked upon with disfavor. In fact, the member of a family or tribe who obtains a position in which he can influence the hiring of other members of his family or tribe would be viewed with disfavor by his tribe and others *if he did not use* his position to share the benefits with the other members of his family and tribe, thereby increasing his network of reciprocal relationships (Rosen, 2004, p. 13).

Nepotism is one aspect of the second characteristic that rule of law practitioners might encounter- a leadership culture and style described as sheikocracy. Ali (1995, p.7) defines this leadership culture as follows:

The characteristics of sheikocracy include hierarchical authority, rules and regulations contingent on the personality and power of the individuals who make them, an "open-door" policy, subordination of efficiency to human relations and personal connections, indecisiveness, informality among lower-level managers, and a generally patriarchal approach. Nepotism is often evident in the selection of upper-level managers, but qualifications are emphasized in the selection of middle- and lower-level personnel. Chain of command . . . and division of labor are also characteristics of the sheikocracy. They are not as strictly observed as in the West.

Neal and Finlay (2008) explain that power and authority relations between a leader and a follower are systemic and multifactorial rather than dyadic and linear. "For example, a Bedu (Bedouin) tradition common to the Arab world is that any tribe member, no matter how humble, is able to secure an audience with the sheik. At such interviews, the supplicant seeks favor, money, marriage, or action, and it is understood that the sheik

will do everything in his power to oblige” (Neal & Finlay, 2008). Citing several studies, Neal and Finlay (2008, p. 42) conclude:

The Arab understanding of work is very much an open-systems analysis, where external collective factors such as family, tribe, friendships, and “wasta” can take precedence over procedures, practices, and action within the organization, ... It is not surprising, then, that Ali found that to get things done, Arab executives used traditional management styles that were highly influenced by history and culture. (citations omitted)

The third cultural characteristic of Iraqi executives is that they are much more polychronic than their American counterparts. Polychronic cultures are characterized by complex management of time where several tasks are managed simultaneously and diplomacy can override the need for urgency (Al-Omari, 2008, p. 33). “The most important characteristic of polychronic cultures is multi-tasking, or the tendency to do several things simultaneously. In the real world, this manifests itself in frequent interruption from sub-ordinates, colleagues, visitors and naturally the telephone” (Al-Omari, 2008, p. 53).

I mention polychronicism because this characteristic frequently caused misunderstanding by American rule of law officials when they met with Iraqi government leaders. More than once, I heard senior American officials comment that they were disappointed that they did not receive the full attention of the Iraqi official after risking considerable danger to travel to the Iraqi official’s office for an important meeting, only to be interrupted by numerous subordinates and many telephone calls. American officials unaccustomed with the culture were quick to conclude that they had been slighted when they did not receive the full and undivided attention of the Iraqi leader during a meeting.

The review of the literature indicates that, for the rule of law practitioner in Iraq, culture matters. The importance of cultural understanding by the rule of law practitioner is well-recognized in the current operational and theoretical literature. The strategic framework and guiding principles for rule of law operations of the U.S. directs rule of law practitioners to act only with an understanding of the local context ("Guiding Principles," 2009). Rule of law programs should be designed in relation to informal rules, traditions, and culture rather than universal templates. Professional journals acknowledge the importance of cultural understanding for senior military leaders generally (Abbe & Halpin, 2009) and for rule of law practitioners in particular (Alcala, 2011; Center for Law and Military Operations, 2009). Yet, despite the substantial literature that recognizes that understanding indigenous culture is fundamental to success for a rule of law program, American rule of law efforts in Iraq efforts are widely criticized for lack of understanding of the local culture. Are these criticisms valid? How well informed about Iraqi culture and legal traditions were those charged with designing and executing U.S. rule of law programs in Iraq? Did the presence or absence of cultural competency affect the U.S. rule of law program in Iraq? These questions are addressed in a survey of rule of law executives and practitioners who were responsible for designing and executing America's rule of law programs in Iraq.

Method

An exponential, non-discriminative snowball sampling was used to collect the data. The survey instrument was available on Survey Monkey between July 2014 and April 2015. The link was provided to prospective respondents through personal contacts, professional groups of rule of law professionals with service in Iraq, the International Network for Promotion of the Rule of Law, online communities of rule of law professionals, and Linked In communities of rule of law professionals, military civil affairs officials, and civilian officials who served in Iraq.

Anyone who had worked with the Iraqi criminal justice system- courts, police, or prisons- between 2004 and 2013 was asked to respond. Responses were anonymous. Respondents were encouraged to provide the survey link to anyone they knew who had performed rule of law work in Iraq.

Sample

One hundred eighty-six people responded. The largest groups of respondents by agency were Army (36.9%, $n=62$), other military services (22%, $n=73$), Department of State/USAID (16.7%, $n=28$), and Department of Justice/ FBI (11.3%, $n=19$). Respondents were from all levels of operations in Iraq- provincial, regional, and national. By level of operations, respondents were at the national level (59.8%, $n=95$), the regional level (24.7%, $n=43$), and the provincial level (15.1%, $n=24$).

Respondents identified themselves as military attorneys (43.1%, $n=72$), civilian attorneys (19.8%, $n=33$), rule of law/development professionals and diplomats (14.4%, $n=29$), and police consultants/trainers (13.7%, $n=27$).

Respondents identified the areas of their duties as Courts (33.9%, $n=56$), Prisons/Jails (23.0%, $n=38$), Police (21.8%, $n=36$), and All of the Above (49.0%, $n=81$).

Responses included all years addressed in the survey, 2004 through 2013. The years with the most respondents were 2007 (26.7%, $n=44$), 2004 (23.6%, $n=39$), and 2005 (14.6%, $n=24$).

Instrument

The survey instrument consisted of twenty-four Likert scale items pertaining to Iraqi culture, legal culture, amount of knowledge and preparation concerning Iraqi culture and legal culture. The instrument also obtained biographic data concerning amount and nature of contact with Iraqi criminal justice professionals and length, location and dates of service in Iraq. The survey instrument was designed to determine whether the rule of law practitioners agreed with the conclusions in the literature that there are distinctive characteristics of Iraqi culture and legal culture relevant to rule of law programs. Data was collected concerning how much knowledge the respondents had concerning Iraqi culture and legal culture and the sources of that knowledge. Rule of law practitioners with experience in Iraq were asked to assess how well informed they were about Iraqi culture, customs and legal environment before they started their service in Iraq. Data was collected to determine how much training they had and how they received the

information. Respondents were asked to assess how their knowledge of Iraqi culture and legal culture affected their effectiveness and what areas of additional knowledge or resources would have improved their effectiveness in accomplishing rule of law objectives. (See Appendix).

Variables

The predictor variables were Agency, Level of Service, Professional Background, Nature of Duties in Iraq, Length of Service in Iraq, Percentage of Duties Related to the Iraqi Criminal Justice System, Frequency of Meetings with Iraqi Criminal Justice Officials, and Year of Service in Iraq. All were categorical except Year of Service in Iraq, which was a single, scalar variable.

Agency. Respondents were asked to identify the agency for which they served in Iraq. Options included all the military services, Department of State, USAID, Department of Justice, FBI, other U.S. government civilians, and foreign entities (NATO, UN, EU, and other). Because the numbers of respondents in certain categories were too few for statistical analysis, some groups were collapsed to create categories that are more meaningful. Department of State ($n=26$) and USAID ($n=2$) were combined. All military services other than Army were combined ($n=37$). Department of Justice ($n=18$), FBI ($n=1$), and other US government civilians ($n=2$) were combined. Analysis of respondents in categories NATO/EU ($n=6$), United Nations ($n=2$), and Other ($n=12$) were not analyzed because the response numbers were inadequate and there was insufficient reasoning to allow for a rational combination.

Level of service. Respondents identified their level of service in Iraq by indicating whether they served at the provincial (tactical) level, regional and military corps (operational) level, national with specific missions(operational level), or national (strategic) level. Provincial level included the Provincial Reconstruction Teams and the Embedded Provincial Reconstruction Teams. The regional level included the military divisions and the Multi-National Corps-Iraq (MNCI). Generally, MNCI was responsible for the operational level military activities, command, and control of the U.S. forces in Iraq. The national level with specific missions included the prison and police training programs, the Central Criminal Court of Iraq (CCCI), and the Law and Order and Order Task Force (LAOTF). CCCI and the LAOTF were assistance and liaison programs with the mission to improve the capability of the Iraqi criminal justice system to prosecute high level criminal cases-terrorism, insurgency, kidnapping, murder, and corruption. The national level entities were the U.S. Embassy and the Multi-National Force- Iraq (MNFI), which were responsible for strategic level activities and coordination with allies, non-governmental organizations, and the national government of Iraq.

Because the numbers of respondents in certain categories were too few for statistical analysis, some groups were collapsed to create categories that are more meaningful. The categories of Provincial Reconstruction Team, Embedded Provincial Reconstruction Team, and Regional/Military Division were collapsed into one group. MNCI, LAOTF, CCCI and Police or Prison Training were collapsed into one group. The third group was Embassy/ MNFI.

Professional background. Respondents were asked to identify their professional background. Options included civilian attorneys, military attorneys, judges, diplomats, internal development professionals, prison/jail consultants/trainers, police consultants/trainers, and rule of law professionals. Because the numbers of respondents in certain categories were too few for statistical analysis, some groups were collapsed to create categories that are more meaningful. Police, Prison, Jail, and Legal consultants/trainers were combined into one group. Judges, military attorneys, and civilian attorneys were collapsed into a group. Diplomats, international development professionals, and rule of law professionals were collapsed into one group.

Nature of duties in Iraq. This variable asked respondents to identify the general nature of their duties in Iraq. The options were courts, police, prison/jails, or all of the above.

Length of service in Iraq. Respondents were asked to identify the length of their tour of duty in Iraq. If there were multiple tours, respondents were asked to answer this and all other questions based upon the initial tour of duty. Options were less than 6 months, 6 months but less than 1 year, at least 1 year but less than 2 years, at least 2 years but less than 3 years, and 3 years or more.

Percentage of duties related to Iraqi criminal justice system. Respondents identified what percentage of their duties related to the Iraqi criminal justice system. The categories were less than 10%, 10% or more but less than 25%, 25% or more than 50%, 50% or more but less than 75% and 75% or more.

Frequency of meetings with Iraqi criminal justice officials. Respondents stated how many meetings a month they had with Iraqi Criminal justice officials. The categories were less than once a month, 1 to 3 meetings a month, once a week, 2 to 4 meetings a week, 5 to 7 meetings a week, and more than 8 meetings a week.

Year of service in Iraq. Respondents were asked to select a single year between 2004 and 2013 that identified the majority of their service for their first assignment in Iraq.

Outcome variables. The outcome variables concerning cultural preparation for service in Iraq were hours of training about Iraqi culture and hours of training about the Iraqi criminal justice system. Respondents were asked how many hours of training about Iraqi culture and the Iraqi criminal justice system they received prior to beginning their duties in Iraq. The outcome variables were dichotomized into two categories: the first being 0-8 hours of training and the second being all other categories combined (9+ hours). The outcome variables were dichotomized due to the ordinal nature of the categories available. Ordinal or nominal regression was not feasible, as the data would have violated the parallel lines assumption. Dichotomization allowed logistic regression to be used.

Analysis was conducted for two other outcome variables. Respondents were asked how satisfied or dissatisfied they were with the sufficiency of cultural training they received before they served in Iraq. A Likert scale was used and respondents identified their satisfaction/dissatisfied with the sufficiency of their knowledge about Iraqi culture

and the Iraqi criminal justice system. Using a similar method, respondents were asked whether greater knowledge of Iraqi culture and the Iraqi criminal justice system would have improved their performance for rule of law missions.

Analyses and Results

Characteristics of Iraq Culture and Criminal Justice System

Respondents were asked about several components of Iraqi culture and Iraqi legal culture. These characteristics were developed from the literature review discussed above. Respondents confirmed that family relationships, tribal relationships, reputation, honor, nepotism, devotion to Islam, and developing a network of personal relationships were key characteristics of Iraqi culture. Respondents agree that the following were important characteristics of Iraqi culture: family relationships (93.3%, $n=168$), tribal relationships (92%, $n=168$), reputation (87.8%, $n=159$), personal honor (86.3%, $n=158$), group honor (89.8%, $n=157$), nepotism (87.8%, $n=159$), devotion to Islam (64.8%, $n=118$), and negotiation (64.8%, $n=117$). (See Table 1)

Respondents were asked to agree or disagree with several possible characteristics of Iraqi legal culture that were developed from the review of the literature above. Qualitative research in the literature review indicated that the following characteristics were important aspects of Arab legal culture: emphasis on oral testimony, emphasis on reputation of witnesses, emphasis on the social status of witnesses, and emphasis on the community impact of decisions, and lack of emphasis on forensic/scientific evidence.

Respondents confirmed in substantial numbers that these characteristics were aspects of the legal culture in Iraq, except emphasis on forensic/scientific testimony. (See Table 2). The one characteristic contradictory to the literature review, emphasis on forensic, scientific testimony, was found not to be a characteristic of Iraqi legal culture by 74.6% of the respondents ($n=134$).

Cultural Preparation for Service in Iraq.

Model 1- Hours of training about Iraqi culture.

Respondents were asked how many hours of training about Iraqi culture they received prior to beginning their duties in Iraq. Overall, 54.5% of respondents received 8 hours or less of training about Iraqi culture prior to service in Iraq ($n= 97$). (See Table 3).

A logistic regression model was used to analyze the data concerning hours of training about the Iraqi culture. The Cox and Snell R square result was .191, indicating that 19.1% of the variance in the data was accounted for in the model. The Hosmer and Lemeshow test was non-significant ($p=.845$), indicating that the model was an acceptable fit. The classification table demonstrated that Model 1 was able to discriminate correctly between the two outcome categories 73.3 % of the time compared to the null model at 56.3%. The outcome variable of number of hours of training about Iraqi culture was analyzed with the predictor variables outlined above.

This analysis resulted in one statistically significant finding. The group consisting of military attorneys, civilian attorneys, and judges was more likely to have training of 8 hours or less in Iraqi culture than the reference category consisting of international

development professional, diplomats, and rule of law professionals ($B = -1.858$, $p = .029$).

There were no statistically significant differences between the two groups (8 hour or less and more than 9 hours) when compared by the predictor variables—agency, level of service in Iraq, duties in Iraq, length of service in Iraq, frequency of meetings, percentage of duties, and year of service in Iraq (all p 's $> .14$).

Model 2- Hours of training about the Iraqi criminal justice system.

Respondents also identified how much training about the Iraqi criminal justice system they had prior to beginning service in Iraq. The results in Table 4 indicate that almost 80% of those working with the criminal justice system in Iraq had eight hours or less of preparatory training concerning that system and culture ($n = 141$).

A logistic regression model was used to analyze the data concerning hours of training about the Iraqi criminal justice system. The Cox and Snell R square result was .223, indicating that 22.3% of the variance in the data was accounted for in the model. The Hosmer and Lemeshow test was non-significant ($p = .967$), indicating that the model was a good fit. The classification table demonstrated that Model 2 was able to discriminate correctly between the two outcome categories 86.8 % of the time compared to the null model at 83.1%. The outcome variable of number of hours of training about the Iraqi criminal justice system was analyzed with the predictor variables outlined above.

This analysis, Model 2, produced three findings of statistical significance. First, the group consisting of respondents who worked at the level of the Central Criminal

Court of Iraq, the Law and Order Task Force, national police or prison training programs, and the Multi- National Corps were more likely to be in the category of 9 hours or more of training concerning the Iraqi criminal justice system than the reference group consisting of those who worked at the US Embassy and the Multi-National Force- Iraq ($B=1.877, p=.028$).

The second finding of statistical significance is that the group consisting of police and prison/jail consultants and trainers was more likely to have 8 hours or less of training concerning the Iraqi criminal justice system than the reference group consisting of international development professionals, diplomats, and rule of law professionals ($B=-3.176, p=.009$). Third, the group consisting of military attorneys, civilian attorneys and judges was also more likely to have 8 hours or less of training concerning the Iraqi criminal justice system than the reference group consisting of international development professionals, diplomats, and rule of law professionals ($B=-2.914, p=.013$).

Sufficiency of Knowledge

Respondents were asked whether that had sufficient knowledge about Iraqi culture and the Iraqi criminal justice system to accomplish their mission.

Model 3 – Sufficiency of knowledge about Iraqi culture.

Over half of the respondents ($n=96$) strongly or somewhat disagreed with the statement that they had sufficient knowledge about Iraqi culture to accomplish their mission. Thirty-four percent of the respondents ($n=60$) agreed or somewhat agreed with the proposition.

Statistical analysis of this data was conducted with linear regression. The outcome variable was the agree/disagree scale concerning sufficient knowledge on Iraqi culture. The model summary yielded an R-squared of .257, meaning that 25.7% of the variance in the data is accounted for by the model. The omnibus ANOVA test was significant ($p=.015$), indicating that the model was predictive. The assumptions for linear regression were checked and were acceptable. Additionally, no outliers were found or removed.

Three findings of statistical significance result from the linear regression. First, the respondents who worked at the local/provincial level were more likely to agree that at the beginning of their duties in Iraq they were sufficiently knowledgeable about Iraqi culture to accomplish their mission than the group consisting of US Embassy and Multi-National Force- Iraq respondents ($B=.677, p=.026$). Second, the group who worked in Iraq for the duration of at least six months but less than one year were significantly less likely to agree that they had sufficient knowledge about the culture than the group consisting of those with three years or more experience in Iraq ($B=-.772, p=.049$). Finally, the group with 8 hours or less of training about Iraqi culture was less likely to agree that they had sufficient knowledge about the culture than the group consisting of those with 9 hours or more of training ($B=-.649, p=.006$).

Model 4- Sufficiency of knowledge about the Iraqi criminal justice system.

Respondents were also asked about the sufficiency of their knowledge about the Iraqi criminal justice system. Over half of the respondents ($n=97$) strongly or somewhat disagreed with the statement that they had sufficient knowledge about Iraqi criminal

justice system to accomplish their mission. Twenty-nine percent of the respondents ($n=52$) agreed or somewhat agreed with the proposition.

Statistical analysis of this data was conducted with linear regression similar to Model 3 above. The outcome variable was the agree/disagree scale concerning sufficient knowledge about the Iraqi criminal justice system. The model summary yielded an R-squared of .341, meaning that 34.1% of the variance in the data is accounted for by the model. The omnibus Anova test was significant ($p<.001$), indicating that the model was predictive. The assumptions for linear regression were checked and were acceptable. Additionally, no outliers were found or removed.

In this area there are two findings of statistical significance. First, the group consisting of police and prison/jail consultants and trainers was more likely to agree that they had sufficient knowledge about the Iraqi criminal justice than the reference group consisting of international development professionals, diplomats, and rule of law professionals ($B=.935$, $p=.006$). Second, the respondents whose duties were 50% or more related to the Iraqi criminal justice system were more likely to indicate that they disagreed with the statement that they were sufficiently prepared about the Iraqi criminal justice system than the reference group who devoted 75% or more of their duties to the Iraqi criminal justice system ($B=-.726$, $p=.009$)

Effect of Cultural Understanding on Mission Performance

Respondents were asked whether greater understanding of Iraqi culture and the Iraqi criminal justice system would have improved their ability to perform their duties.

Model 5- Effect on Mission Performance- More Knowledge About Iraqi Culture

Over 54% ($n=92$) Strongly Agreed and over 31% ($n=54$) Somewhat Agreed that greater cultural understanding would have improved their ability to perform their duties. Statistical analysis of this data was conducted with linear regression similar to Models 3 and 4 above. The outcome variable was the agree/disagree scale concerning the effect on knowledge about Iraqi culture on mission performance. The model summary yielded an R-squared of .306, meaning that 30.6% of the variance in the data is accounted for by the model. The omnibus Anova test was significant ($p<.002$), indicating that the model was predictive. The assumptions for linear regression were checked and were acceptable. Additionally, outliers were identified and removed.

This analysis revealed two findings of statistical significance and one finding of marginal significance. The group who identified their background as police, prison, jail and legal consultants and trainers were more likely to disagree with the proposition that increased knowledge about Iraqi culture would have improved their ability to accomplish their rule of law mission ($B=-.674$, $p=.001$) than the reference group of diplomats, international development professionals and rule of law professionals. All groups identified by length of service in Iraq ($n=145$) were more likely than those who worked in Iraq more than three years ($n=22$) to agree that more knowledge about Iraqi culture would

have improved their mission performance. The values were significant for all groups: for those with less than six months service in Iraq ($B=.586, p=.018$), for those with at least six months but less than one year ($B=.434, p=.048$), for those with at least one year but less than two years ($B=.492, p=.021$), for those with at least two years but less than three years ($B=.595, p=.024$).

Those groups who identified their duties with courts ($B=-.329, p=.053$) and with prisons and jails ($B=-.293, p=.053$) were marginally more likely to disagree with the proposition that more knowledge about Iraqi culture would have improved their mission performance than the group who worked with all categories (courts, prisons/jails, and police). There was no statistical significance for this outcome variable when analyzed by amount of training on Iraqi culture and the Iraqi criminal justice system. Finally, year of duty had no effect of significance on this outcome variable.

Model 6-Effect on Mission Performance- More Knowledge About Iraqi Criminal Justice System

Almost 58% ($n=98$) Strongly Agreed and over 30% ($n=51$) Somewhat Agreed that greater understanding of the Iraqi criminal justice system would have improved their ability to perform their duties. Statistical analysis of this data was conducted with linear regression similar to Models 5 above. The outcome variable was the agree/disagree scale concerning the effect on knowledge about the Iraqi criminal justice system on mission performance. The model summary yielded an R-squared of .260, meaning that 26.0% of the variance in the data is accounted for by the model. The omnibus Anova test was significant ($p<.023$), indicating that the model was predictive.

The assumptions for linear regression were checked and were acceptable. Additionally, outliers were identified and removed.

Those who identified their duties were with prisons/jails were significantly more likely to disagree with the statement that more knowledge about the Iraqi criminal justice system would have improved their mission performance ($B=-.413, p=.006$) when compared to the reference group of those who worked in all areas of the criminal justice system. Those who had meetings once a week with Iraqi criminal justice officials were significantly more likely to disagree that with the statement that more knowledge about the Iraqi criminal justice system would have improved their mission performance ($B=-.546, p=.009$) than the reference group who met with Iraqi officials more than eight time per week. There was no statistical significance for this outcome variable when analyzed by amount of training on Iraqi culture and the Iraqi criminal justice system. Finally, year of duty had no effect of significance on this outcome variable.

Discussion

Sample

Of the one hundred eighty-six respondents, one hundred thirty-five were with the Department of Defense (73%). This high number may reflect the fact that rule of law operations in Iraq during 2004-2013 were an integral aspect of the counter-insurgency strategy of the military or that such operations were conducted largely in a hostile environment, which is not the ordinary domain of civilian employees of non-military

departments. However, such conclusions cannot be drawn from this exploratory research because the sampling method obtained responses only from volunteers contacted, which was not random. Further research would be necessary to determine the relative contribution of military and civilian agencies to the rule of law effort in Iraq.

Over 56% percent of respondents identified themselves as attorneys ($n=104$). Only 14.4% identified themselves as rule of law professionals/ international development professionals, or diplomats ($n=27$). Whether this distribution reflects who actually conducted rule of law programs or bias in the sampling method should be explored in further research. This exploratory research presents an area of further inquiry concerning whether rule of law programs should be conducted primarily by attorneys and judges or rule of law/ international development professionals. As noted below, the attorneys who responded to the survey were less well prepared concerning Iraqi culture and the Iraqi criminal justice system than their counterparts who identified themselves as rule of law/international development professionals and diplomats.

Characteristics of Iraqi Culture and Criminal Justice System

Respondents were asked about several components of Iraqi culture and Iraqi legal culture. These characteristics were developed from the literature review discussed above. Respondents confirmed that family relationships, tribal relationships, reputation, honor, nepotism, devotion to Islam, and developing a network of personal relationships were key characteristics of Iraqi culture. (See Table 1).

Respondents were asked to agree or disagree with several possible characteristics of Iraqi legal culture. Four characteristics of Arab legal culture were developed from the literature review. These characteristics are emphasis on oral testimony, emphasis on reputation of witnesses, emphasis on social status of witnesses, and emphasis on the community impact of decisions. Respondents identified each of the four characteristics developed from the literature review as important characteristics of Iraqi legal culture in substantial numbers. (See Table 2). The one characteristic contradictory to the literature review, emphasis on forensic, scientific testimony, was found not to be a characteristic of Iraqi legal culture by a substantial number of respondents.

Overall, the respondents confirmed that the characteristics of Iraqi culture and criminal justice system that were developed from the literature review were accurate components of the culture and system.

Cultural Preparation to Serve in Iraq

Those who received eight hours or less of training about Iraqi culture prior to service in Iraq represented 54.5 % of the respondents ($n= 97$). (See Table 3). Overall, almost 80% of the respondents had eight hours or less of training about the Iraqi criminal justice system prior to serving in Iraq ($n=141$). This level of training appears to be minimal and more importantly, as discussed below, was not satisfactory for the respondents.

Statistical analysis revealed two findings- one anticipated and one disappointing. Not surprising is that the group consisting of rule of law/international development

professionals and diplomats was much more likely to have more than with 8 hours of training in Iraqi culture than the group consisting of attorney and judges. Of concern is that the data above indicates that much of the rule of law effort in Iraq was performed by the less well prepared group consisting of attorneys and judges.

Analysis of the data revealed that there was no statistical difference between the group with 8 hours of less of training in culture and the group with 9 hours or more of culture training when compared by year of service in Iraq. For those who responded, the minimal amount of preparation concerning Iraqi culture did not increase during the decade of rule of law operation in Iraq. There was no indication in the data that the need for more training about culture became apparent and was rectified over the ten year period of rule of law operations in Iraq addressed in this research.

The data concerning preparation about the Iraqi criminal justice system indicates that those who worked most closely with Iraqi criminal justice system- the group who worked at the Central Criminal Court of Iraq, the Law and Order Task Force, Multi-National Corps and national police and prison training programs- were more likely to be in the category of 9 hours or more of training about that legal system. As with the data concerning training about Iraqi culture, the data concerning training about the Iraqi legal system revealed that the group consisting of rule of law/international development professionals and diplomats was more highly trained about the Iraqi criminal justice system than the group consisting of attorneys and judges. As with the data concerning training about Iraqi culture, there was no indication in the data concerning training about the Iraqi criminal justice system that the need for more training became apparent and was

rectified over the ten year period of rule of law operations in Iraq addressed in this research.

Sufficiency of Knowledge

The answers to the survey questions about whether respondents believed they had sufficient knowledge about Iraqi culture and the criminal justice system provide further insight into the preparation for cultural competence. In statistically significant numbers, the group with 8 hours or less of training about Iraqi culture was less likely to agree that they had sufficient knowledge about the culture than the reference group consisting of those with 9 hours or more of training. Similarly, the group with 8 hours or less of training about the Iraqi legal system was less likely to agree that they had sufficient knowledge about the culture than the reference group consisting of those with 9 hours or more of training. These facts suggest that increased amounts of training about Iraqi culture and the criminal justice system improved the respondents' belief about how well prepared they were to perform their rule of law missions.

Effect of Cultural Understanding on Mission Performance

Respondents overwhelmingly agreed that greater understanding of Iraqi culture and the Iraqi criminal justice system would have improved their ability to perform their duties. This data suggests the conclusion that greater cultural competence would have improved the effectiveness of rule of law efforts in Iraq. Improved cultural competence may have reduced frustration and the resulting lack of trust U.S. rule of law actors had with the Iraqi criminal justice system. For example, Chesney (2011, p. 618) reports that

U.S. military were frustrated with Iraqi judges concerning trials of insurgents captured by U.S. military forces because the Iraqi judges would not rely on forensic evidence, placed inordinate weight on purported eye-witnesses, and placed little weight on the out-of-court statements of military witnesses. Frank (2006) reported similar concerns. I heard similar frustration. This frustration led some to conclude that Iraqi judges would not believe the evidence presented by U.S. military forces or that the Iraqi criminal justice system had been corrupted by sectarian influences (Frank, 2006). However, these issues may have much more to do with Arab legal culture and traditions than with U.S. military forces. As noted above, many of these issues reflect important characteristics of Arab legal culture.

Statistical analysis of this data found that the group who worked with prisons and jails were more likely to disagree with the statement more knowledge about Iraqi culture and the Iraqi legal system would have improved their mission performance than the group who dealt with all aspects of the criminal justice system. This data suggests the conclusion that culture the Iraqi criminal justice system may have less impact on the operation of jails and prisons than other aspects of the criminal justice system or the conclusion that those who worked in the prison/jail area were less aware of the cultural aspects of their duties.

As noted above in other areas, the year of service in Iraq does not affect this outcome variable. Perceptions about the effectiveness of cultural understanding did not change over time.

Limitations

The survey method used a non-probability sampling technique. Sampling bias may occur in that those who were contacted were members of groups who identified themselves as rule of law practitioners in Iraq, many of my contacts were military rule of law practitioners, and there was no control over to whom the survey was distributed. Because much of the solicitation of respondents was conducted through members of groups who identify themselves as having an interest in Iraq and/or rule of law issues, the data may tend to under represent those who had limited continuing interest in the rule of law mission in Iraq. Additionally, the data collected requested respondents to remember facts from as long ago as 2004. Finally, during the period in which the data was collected there was substantial turmoil within Iraq that may have had an effect on the memories and perceptions of the respondents.

Conclusions

In summary, respondents indicated a minimal number of hours of training about the culture and legal system they were sent to work with, were not satisfied with their level of training about that culture and legal system, and generally believed that their effectiveness could have been improved with greater cultural understanding. The data indicates that these conclusions did not change over the course of the ten year period examined in this research.

Despite the extensive literature that concludes that cultural knowledge of the indigenous culture and legal system is critical to the success of rule of law missions, this

research indicates that the military and civilian rule of law officials in Iraq did not learn and apply the lesson. More importantly, this research suggests that over the decade of our involvement with rule of law missions in Iraq the U.S. did not improve in preparing the rule of law officials to understand and deal with the culture and criminal justice system of Iraq. Not only was the importance of cultural preparation for our rule of law officials not learned initially, we did not learn the lesson after several years of experience.

Recommendations

This research invites further research into at least two areas. A similar survey of rule of law practitioners in Afghanistan would be a valuable comparative study. Second, a survey of Iraqi criminal justice professionals who dealt with American rule of law practitioners to obtain the Iraqi perspectives on the cultural knowledge of the American rule of law professionals and their effectiveness would be a valuable extension of this exploratory research.

The literature review and findings of this research do not support the recommendation by Cao (2007) that we should endeavor to change the culture if indigenous culture is incompatible with U.S. national objectives. This preliminary research does support the recommendation of Scholtes (2011) that the military attorneys develop expertise in rule of law development and comparative law. This research confirms the observations of Rosen and others that law and culture are inextricably connected. Sending attorneys and judges trained in Western thought processes and the adversarial method of legal fact finding to an Arab legal culture without adequate

understanding of the culture is akin to sending New York City artists trained in minimalism to teach art to Native American artists. It is apparent that the art of the Native American artists reflect their culture. It should be equally apparent that the legal traditions and culture of the criminal justice system in Iraq reflect that culture.

The review of literature and this research suggest a new approach to U.S. rule of law efforts, particularly with regard to post-conflict and mid-conflict programs. When I returned from my service in Iraq, I frequently was asked what U.S. rule of law efforts would have a lasting effect. I responded that the programs that had the greatest chance for long-term success were those programs that enabled the Iraqis to accomplish a goal they had developed. The programs with the least chance of long-term success were those that were our “good ideas” imposed upon the Iraqis. Thus, our goal should be to enable, not reform, the indigenous legal system. The limitation to our enabling efforts should be that we do not enhance activities that are contrary to the U.S. security interests in the country. I label this approach “Enablement Plus.” This approach will focus on helping the local country do what it wants to do in the rule of law area (Enablement) with a watchful eye toward ensuring that such programs do not have the insidious effect of undermining U.S. security interests (Plus). This paradigm will emphasize the role of anthropologists, judicial administrators, planners, program managers, development experts, and budget experts and may de-emphasize the substantive law role of U.S. attorneys and judges.

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Table 1

Characteristics of Iraqi Culture

Q1 Do you agree or disagree that the following are important characteristics of Iraqi culture?					
Answered: 183 Skipped: 3					
	Strongly Disagree	Some what Disagree	Neither Agree Nor Disagree	Some what Agree	Strongly Agree
Family Relationships	2.78% 5	0.56% 1	3.33% 6	20.00% 36	73.33% 132
Tribal Relationships	2.75% 5	1.10% 2	3.85% 7	26.37% 48	65.93% 120
Reputation	1.10% 2	4.97% 9	6.08% 11	34.81% 63	53.04% 96
Personal Honor	1.09% 2	4.37% 8	8.20% 15	28.42% 52	57.92% 106
Group Honor	0.55% 1	2.19% 4	11.48% 21	39.34% 72	46.45% 85
Nepotism	2.21% 4	1.10% 2	8.84% 16	37.02% 67	50.83% 92
Devotion to Islam	1.10% 2	14.29% 26	19.78% 36	39.01% 71	25.82% 47
Negotiation	0.56% 1	9.44% 17	25.00% 45	39.44% 71	25.56% 46

Table 2

Characteristics of Iraqi Legal Culture

Q4 Do you agree or disagree that the following are important characteristics of Iraqi legal culture? Answered: 181 Skipped: 5

	Strongly Disagree	Somewhat Disagree	Neither Agree Nor Disagree	Somewhat Agree	Strongly Agree
Emphasis on Oral Testimony	2.22% 4	8.33% 15	6.67% 12	36.67% 66	46.11% 83
Emphasis on Forensic Scientific Testimony	28.89% 52	45.56% 82	14.44% 26	9.44% 17	1.67% 3
Emphasis on Reputation of Witnesses	2.22% 4	5.00% 9	13.33% 24	42.78% 77	36.67% 66
Emphasis on Social Status of Witnesses	0.55% 1	3.87% 7	7.18% 13	40.88% 74	47.51% 86
Emphasis on Community Impact of Decisions	2.78% 5	11.67% 21	20.56% 37	39.44% 71	25.56% 46

Table 3

Hours of Training About Iraqi Culture

How many hours of training about Iraqi culture did you have prior to beginning your duties in Iraq?		
Answer Options	Response Percent	Response Count
0-8 hours	54.5%	97
9-20 hours	20.8%	37
21-40 hours	12.9%	23
41-60 hours	5.1%	9
More than 61 hours	6.7%	12
answered question		178
skipped question		8

Table 4

Hours of Training About Iraqi Criminal Justice System

Q8 How many hours of training about the Iraqi criminal justice system did you have prior to beginning your duties in Iraq?

Answered: 177 Skipped: 9

Answer Choices	Responses	
0-8 hours	79.66%	141
9-20 hours	12.43%	22
21-40 hours	3.39%	6
41-60 hours	1.69%	3
More than 61 hours	2.82%	5
Total		177

Appendix

Survey Instrument

Introduction

UNIVERSITY OF NEVADA, RENO
JUDICIAL STUDIES PROGRAM

Thank you for devoting a few minutes of your time to answer questions concerning your service in Iraq. This survey is designed to collect data from anyone who dealt with any aspect of the criminal justice system in Iraq- courts, police, and prisons and will take less than 10 minutes to complete. The survey will inquire about your preparation to work with Iraqi criminal justice professionals, particularly in the areas of Iraqi culture and Iraqi legal culture. Your responses are anonymous.

I served as the Rule of Law Advisor to Task Force 134 at the US Embassy in Baghdad in 2007. From that experience I became interested in the legal culture of Iraq. This post-graduate research grows out of that experience. I will include the data collected in this survey in my thesis for the Master of Judicial Studies degree from the University of Nevada, Reno in partnership with the National Judicial College.

If you served in Iraq for more than one assignment, please answer the survey pertaining to your first assignment only.

If you receive more than one request to complete this survey, please complete the survey only once.

Please forward the survey link on to anyone you know who worked in the criminal justice system in Iraq.

<https://www.surveymonkey.com/s/Iraqlegalculture010514>

Thank you for your assistance.

David L. Shakes
COL (Ret), USAR
District Judge, State of Colorado
Candidate, Master of Judicial Studies Degree, University of Nevada, Reno.

Cultural Characteristics- General

1. Do you agree or disagree that the following are important characteristics of Iraqi culture?

	Strongly Disagree	Somewhat Disagree	Neither Agree Nor Disagree	Somewhat Agree	Strongly Agree
Tribal Relationships	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Negotiation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Devotion to Islam	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Nepotism	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reputation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Personal Honor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Group Honor	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family Relationships	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2. Do you agree or disagree that Iraqi culture emphasizes the importance of developing a network of personal relationships?

- Strongly Disagree
- Somewhat Disagree
- Neither Agree nor Disagree
- Somewhat Agree
- Strongly Agree

3. Do you agree or disagree that Iraqi officials place a greater emphasis on timely accomplishment of a task over taking the time to develop consensus?

- Strongly Disagree
- Somewhat Disagree
- Neither Agree nor Disagree
- Somewhat Agree
- Strongly Agree

Preparation for Assignment in Iraq

The following questions ask you questions about how you were prepared to do your assignment working in the Iraqi criminal justice system. If you served in Iraq for more than one assignment, please answer the survey pertaining to your first assignment only.

5. How many hours of training about Iraqi culture did you have prior to beginning your duties in Iraq?

- 0-8 hours
- 9-20 hours
- 21-40 hours
- 41-60 hours
- More than 61 hours

6. How helpful was the information you received concerning Iraqi culture prior to beginning your duties in Iraq from the following sources?

	Extremely Helpful	Very Helpful	Moderately Helpful	Slightly Helpful	Not At All Helpful	Not Applicable
Agency Sponsored Training	<input type="checkbox"/>					
Self-Study/Reading	<input type="checkbox"/>					
Prior Experience in the Region	<input type="checkbox"/>					
After Action Reports of Predecessors	<input type="checkbox"/>					
Meetings with Predecessors	<input type="checkbox"/>					
Academic Classes	<input type="checkbox"/>					

7. Do you agree or disagree that prior to beginning your duties in Iraq you had sufficient knowledge about Iraqi culture to accomplish your mission?

- Strongly Disagree
- Somewhat Disagree
- Neither Agree nor Disagree
- Somewhat Agree
- Strongly Agree

8. How many hours of training about the Iraqi criminal justice system did you have prior to beginning your duties in Iraq?

- 0-8 hours
- 9-20 hours
- 21-40 hours
- 41-60 hours
- More than 61 hours

9. How helpful was the information you received concerning the Iraqi criminal justice system prior to beginning your duties in Iraq from the following sources?

	Extremely Helpful	Very Helpful	Moderately Helpful	Slightly Helpful	Not At All Helpful	Not Applicable
Agency Sponsored Training	<input type="checkbox"/>					
After Action Reports of Predecessors	<input type="checkbox"/>					
Self-Study/Reading	<input type="checkbox"/>					
Meetings with Predecessors	<input type="checkbox"/>					
Academic Classes	<input type="checkbox"/>					
Prior Experience in the Region	<input type="checkbox"/>					

10. Do you agree or disagree that prior to beginning your duties in Iraq you had sufficient knowledge about the Iraqi criminal justice system to accomplish your mission?

- Strongly Disagree
- Somewhat Disagree
- Neither Agree nor Disagree
- Somewhat Agree
- Strongly Agree

15. How helpful to performing your duties with the Iraqi criminal justice system would each of the following have been?

	Extremely Helpful	Very Helpful	Moderately Helpful	Slightly Helpful	Not At All Helpful
Longer Time in Country to Develop Relationships	<input type="checkbox"/>				
Better Understanding of Iraqi Culture	<input type="checkbox"/>				
Greater Financial Resources	<input type="checkbox"/>				
Better Understanding of Islam	<input type="checkbox"/>				
Better Understanding of Program Priorities of Iraqi Officials	<input type="checkbox"/>				
Better Understanding of Rule of Law Development Principles/Programs	<input type="checkbox"/>				
Better Understanding of Arabic Language	<input type="checkbox"/>				
Greater Access to Cultural Advisor	<input type="checkbox"/>				
Better Understanding of Iraqi Criminal Justice System	<input type="checkbox"/>				

Demographics

Your responses are anonymous. However, please provide some background information to allow me to more fully analyze the data.

16. Your duties with the Iraqi criminal justice system were in what area(s)?

- Courts
- Police
- Prisons/Jails
- All of the above

17. How long did you work with the criminal justice system in Iraq?

- Less than 6 months
- At least 6 months but less than 1 year
- At least 1 year but less than 2 years
- At least 2 years but less than 3 years
- 3 years or more

18. About what percentage of your duties in Iraq related to the Iraqi criminal justice system?

- Less than 10%
- 10% or more but less than 25 %
- 25% or more but less than 50%
- 50% or more but less than 75 %
- 75% or more

19. In a typical month, how many meetings did you have with an Iraqi criminal justice official?

- Less than once a month
- 1 to 3 meetings a month
- Once a week
- 2 to 4 meetings a week
- 5 to 7 meetings a week
- More than 8 meetings per week

20. In what year was the majority of your service in Iraq? If you had multiple tours, select the year of your first tour.

2004

2005

2006

2007

2008

2009

2010

2011

2012

2013

21. Please identify the choice that best describes your agency/employer while serving in Iraq?

USAID

Department of State

Army

Air Force

Coast Guard

Marines

Navy

Federal Bureau of Investigation/Legal Attache

Department of Justice

Department of Homeland Security

US Government- Other

NATO/EU

22. At what level did you perform your duties?

- Provincial Reconstruction Team
- Expanded Provincial Reconstruction Team
- Regional/Military Division
- Multi- National Corps
- National- Law and Order Task Force
- National- Police or Prison Training
- National- Central Criminal Court of Iraq
- National-Embassy /Multi-National Force Iraq/United States Forces-Iraq

23. Which of the following best describes your background?

- Police Consultant/Trainer- Civilian
- Police Consultant/Trainer- Military
- Prison/Jail Consultant/Trainer-Civilian
- Prison/Jail Consultant/Trainer-Military
- Diplomat
- International Development Professional
- Judge
- Attorney- Civilian
- Attorney-Military
- Rule of Law Professional
- Legal Consultant/Trainer- Non-Attorney

24. Your duties with the Iraqi criminal justice system were in what area(s)?

- Courts
- Police
- Prisons/Jails
- All of the above

Thank You.

Thank you for your time in completing this survey. Your responses are anonymous. To ensure confidentiality, please close your web browser following completion of the survey in a public location or delete cookies from your private location.

I need your assistance forwarding this survey on to colleagues who worked with the criminal justice system in Iraq so I may obtain as many responses as possible. Please forward this URL <https://www.surveymonkey.com/s/iraqlegalculture010514> to anyone you know who worked with the criminal justice system in Iraq. Or, if you prefer, please send me the email addresses and I will contact them directly.

Please send me an email if you would like a copy of the results.

Thank you again,

Dave Shakes
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Colorado Springs, CO 80917

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