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SPECIAL SECTION

The Iraqi state's legitimacy deficit: Input, output and identity-based legitimacy challenges

Jacob Eriksson[1] | Isaac Grief[2]

[1]Department of Politics, University of York, York, UK

[2]University of York, York, UK

Correspondence
Jacob Eriksson, Department of Politics, University of York, Derwent College, York YO10 5DD, UK.
Email: jacob.eriksson@york.ac.uk

Abstract

This article analyses the nature of the legitimacy deficits of the post-2003 Iraqi state and the grounds upon which alternative political orders have been proposed. The theoretical framework groups possible changes into three types: redistribution, regime change and secession. Empirically, the article illustrates these dynamics through two contemporary challenges to the Iraqi state: the Islamic State of Iraq and al-Sham (ISIS), and the Tishreen protest movement. The intention is not to compare and contrast the two, as they are widely divergent types of alternative orders, but rather to reflect on the nature of their grievances against the Iraqi state, and the role of identity in shaping their alternative visions. The article argues that identity is key to understanding both the perceived legitimacy failures of the state and the political alternatives proposed, but also efforts by the political elite to delegitimise these challenges to the state. Finally, the Iraqi case demonstrates that the role of identity in legitimation is fluid and contingent rather than static and deterministic, with the salience of different identities shifting over time and being affected by other forms of legitimacy.

1 | UNDERSTANDING REVOLUTIONARY MOVEMENTS AS STATE LEGITIMACY FAILURES

The Iraqi state that emerged following the fall of Saddam Hussein's Ba'athist government in 2003 has endured almost two decades of extreme political contestation. Following an initial post-invasion insurgency against foreign occupying forces, Iraq has suffered two periods of civil war (2006–2008; 2013–2017), and repeated anti-government protests across different parts of the country from multiple segments of society. All these processes of contention, whether violent or non-violent, have questioned the legitimacy of the Iraqi state. This paper analyses the nature of this legitimacy deficit using a theoretical framework centred around input, output, and identity-based legitimacy, and the grounds upon which alternative claims to legitimacy are made. Moreover, it considers the role of identity in shaping these alternative claims and the shifting salience of different identity markers in processes of contention.

Within the last 10 years, the Iraqi state has arguably faced two prominent challenges to its legitimacy which have articulated alternative political orders: the Islamic State of Iraq and al-Sham (ISIS), commonly referred to as Da'esh, and the Tishreen protest movement begun in October 2019. Existing research has tended to look at each phenomenon in isolation, for obvious reasons: they represent and embody radically different ideologies, values, methods, and goals. ISIS is a radical, violent, exclusivist Sunni jihadist movement which murdered thousands of Iraqis and brought tyranny and devastation upon the areas it controlled. The Tishreen movement is a moderate, non-violent, inclusive, anti-sectarian nationalist movement which seeks political reform to improve the quality of Iraqi democracy and the capacity of the state in the interests of all citizens. Given these differences, the analysis is not looking to make a direct comparison between the two. Rather, it seeks to understand both as responses to legitimacy failures, highlighting the failures of input and output legitimacy that have generated these challenges to

the state, and examining the nature of their alternative claims to legitimacy. In short, by looking at these together, we can more holistically understand the legitimacy deficit that the Iraqi state needs to address and the nature of identity-based responses to these legitimacy failures.

Despite the dramatic differences between them, there are a number of parallels rather than symmetries to consider which make them eligible for inclusion in the same analysis. First, both fundamentally seek to alter the political system of Iraq, its underlying principles and the very nature of the state. In this, they are both revolutionary to varying degrees, which is reflected in the discourse surrounding them. Walt (2015) describes ISIS as a revolutionary state following in the footsteps of earlier 'state-building revolutionaries' in Cambodia, China, Cuba, France, Iran, and Russia, albeit with a Sunni Islamist bent. The Tishreen movement, meanwhile, is commonly referred to as *Thawrat Tishreen*, or the Tishreen Revolution. Even if Tishreen's moderate nature, non-violent methods and effective suppression to date make it less obviously revolutionary, they nonetheless have revolutionary ambitions to overhaul the Iraqi state from a corrupt kleptocracy organised along sectarian lines to a civic democratic state which is more representative of and responsive to the needs of its citizens (Halawa, 2021, 8). Second, as the article will show, both ISIS and Tishreen are products of certain shared conditions and grievances related to the failure of input and output legitimacy. Unemployment, corruption, sectarianism, failure of the rule of law and state-sponsored violence fuelled and sustains both challenges to the state. It is noteworthy that ISIS capitalised on government suppression of a non-violent protest movement in Sunni-majority areas in 2012–2013 which called for relatively modest political change and improved rule of law. To divorce ISIS from this causal context and view them merely as a terrorist organisation would be a mistake. Third, despite their differences, they have both emerged from Iraqi politics and each has a relational effect on the other. The reach of the Tishreen movement has been circumscribed by the legacy of ISIS, and concerns existed that the Tishreen protests would create an opportunity for ISIS to regroup. Fundamentally, these are both reactions to the same root problem of legitimacy failure, which also serves to underscore the point embodied by the inclusivity of the Tishreen movement: that the failures of the state affect all Iraqis, and that they may find common cause in their shared experience.

We are also interested in where these separate challenges to the state deviate. Considering both cases allows us to analyse how alternative visions of legitimacy are (in)formed, particularly by identity, as part of a dynamic process of contestation and incipient revolution. We propose a typology of challenges to legitimacy to analyse each movement's grounds for protest as well

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Policy Implications

- The Iraqi state suffers from a legitimacy deficit it must urgently attend to. Failure to respond to moderate demands can result in a complete rejection of state legitimacy, with the potential to generate extremism and armed conflict along any number of faultlines.
- Identities, such as sect and class, can affect the relationship between citizens and the Iraqi state, but they do not prescribe it. A reliance on identity politics to legitimise the state is not sustainable.
- Iraq suffers from a Catch-22. Systemic change to increase input legitimacy, such as abolishing the *muhasasa* system, will be violently resisted by the state and could lead to civil war. More modest reforms to address key failures of output legitimacy, such as reforming the rule of law to ensure accountability, are unlikely to be effective without systemic change.
- Policymakers should work productively with all protestors who demand the redress of similar grievances. This will be more effective in bolstering overall state legitimacy than trying to properly represent all communities via their sectarian elites.

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as its own claims to legitimacy. The analysis will also consider the relationship between different forms of legitimacy, and how these inform their alternative visions for political change. Methodologically, the analysis is based on secondary sources pertaining to the two case studies and, given the differences between them, is inspired by a 'most different systems design'. The article begins with a theoretical discussion, outlining sources of legitimacy and three different alternative responses to illegitimacy: redistribution, regime change and secession. The empirical analysis will begin by outlining certain common grievances in terms of input and output legitimacy, before presenting how each challenge to the state relates differently to these three alternative responses.

2 | LEGITIMACY AND ITS FAILURE

What constitutes a legitimacy failure? The idea of a 'failed state' is a problematic one because it elides alternative forms of politics into a single category of 'failure' (see e.g. Call, 2008; Caspersen, 2015; Eriksen, 2016). Still, it is a helpful starting point when looking at a particular political situation from the perspective of those

protesting against it. The legitimacy of a state can be broadly defined as an acceptance of the authority to govern and states may be said to fail where they lose it.

Such instances are precipitated by the failure to provide for 'input' and 'output' legitimacy. 'Input' legitimacy refers to questions of 'authorisation, representation and participation', while 'output' concerns the 'quality and effectiveness of policy outcomes' (Piattoni, 2010, 12–13). Liberal theory defines these in its own terms: a state has input legitimacy to the extent it has functioning representative institutions (Jeong, 2005, 84) and output legitimacy to the extent it delivers high-quality services (Brinkerhoff, 2007, 5). This is the root of the academic preoccupation with post-conflict elections (e.g. Dobbins et al., 2007, 191–2) and the involvement of international organisations in capacity-building (e.g. UNDP, 2011).

However, critics rightly argue that input and output legitimacy depends on the specific expectations of a state's population. Schmelze and Stollenwerk (2018, 450) insist that only services delivered in line with pre-existing expectations will conduce to output legitimacy—services that do not can in fact reduce it (Mcloughlin, 2018, 531–3). As for input, Barnett (2006, 89–102) argues that 'the use of proper means to arrive at collective goals' does not necessarily mean liberal democracy. It all depends on the perspective of groups within the context. Moreover, there are relevant types of informal governance aside from 'the state' (Wennman, 2010, 26–7) but we will continue to use the term because of our empirical concern with the Iraqi one. Inspired by this kind of critique, emancipatory peacebuilders have targeted changing the relationship of people with their governance rather than building institutions (Mac Ginty & Richmond, 2016; Mitchell & Richmond, 2012; Richmond, 2019).

In short, a state will fail in its input legitimacy where it does not provide a *mechanism for its authorisation that its people consider appropriate* and will fail in its output legitimacy where *the services it provides do not match its people's expectations*. Identity influences, first, what groups within the state consider to be the necessary services and the appropriate authorisation and, second, their response to state failure. Contrary to those who emphasise the importance of output legitimacy above all else (Risse & Kleine, 2007, 74), even a political order that fails to deliver on this count can legitimate itself in terms of shared identity, particularly when compared to other out-group alternatives. However, this is not a linear relationship as identities are not fixed but relational, with the relevance of different identities varying over time due to context (Brubaker, 2002; Haddad, 2013, 116). As such, identity interacts with other forms of legitimacy and does not deterministically produce a specific response to legitimacy failure. We typologise these responses into three categories, all of which have a substantial body of peacebuilding

research: redistribution, regime change and secession. Each perception of failure and response to that failure relates to group identity.

One strand of the literature concerns itself with fissiparous states of many, competing groups, where little sense of an overall identity exists, and group elites conceive of themselves as entrepreneurs, using (the threat of) violence to negotiate access to resources. Major concepts in this line include 'political settlements' (Di John & Putzel, 2009), 'warlord politics' (Reno, 1999), and 'the political marketplace' (De Waal, 2015). In such contexts, the state is a resource and a method of distributing resources (e.g. De Waal, 2015, 37–8). Bell and Pospisil (2017, 578–80) present two forms of attempted redistribution. The first is within the bounds of some *modus vivendi*, within an accepted kind and level of violence in negotiating access to resources. The second is where some group perceives the very *modus vivendi* to be excluding them from their desired resources and thus seek to overturn it entirely. This latter may be said to be a failure of output legitimacy (i.e. the expectations of a group) and a consequent challenge. The character and borders of the state are irrelevant because of the perceived role of the state as a resource distribution network, not as the representative of shared identity.

Attempts at regime change occur on the contrary situation. Where a group's identity attaches it strongly to the state, they will have expectations about the character of that state, including how its policies ought to be authorised (input) and what citizens are entitled to it (output). Should it deviate, the group will feel incited to (radically) correct it. Their means will also be appropriate to the group's identity.

Secessionist movements are unlike regime change counterparts because they do not identify with the recognised 'parent' state. Rather, they seek to remove themselves and their territory from it, based on an assertion of separate identity—often in terms of nationalist self-determination (Caspersen, 2015, 187–8). The movement does not consider the 'parent' state to be the appropriate political representative of their identity and hence it lacks input legitimacy. Just as the feeling of separate identity generates the perception of the illegitimacy of the state, so too does it impel secessionist movements to respond by building an alternative state, unlike a redistribution response. Secession may be pursued through peaceful or violent means. It is worth adding here that secession is only a common way of disputing a state's control of territory; a movement might want to destroy a state and rewrite its borders entirely.

Group identity is key to legitimacy at every stage. First, it mediates definitions of a legitimate state, both what counts as authorisation to rule and what it must provide for its citizens. Second, where these expectations are not met, it influences the kind of challenge the group will mount. Analysts must therefore consider

questions of state legitimacy in terms of the identities of the groups within it. As a final word, this typology is meant as an introduction, not a concrete scheme. Identities and expectations are mutable. So, the different elements may influence one another—a point we will return to in the conclusion. For example, an identity group may feel more inclined to separatism if a state fails to fulfil output expectations. Still, understanding identities within a state, how they relate to expectations of it, and responses to its failure are useful entry points when considering legitimacy.

3 | THE FAILURE OF INPUT LEGITIMACY IN IRAQ

This section will start by analysing why the post-2003 Iraqi state has failed to accrue input legitimacy from different constituencies that have risen to challenge it. Following the fall of Saddam Hussein, the US-led Coalition Provisional Authority (CPA) initially wielded all executive and judicial authority in Iraq and preferred to appoint advisory and interim Iraqi governance bodies, which suffered from a number of weaknesses. First, these were predominantly made up of Iraqi exiles who had fled Ba'athist Iraq and consequently lacked domestic political constituencies and recognition. Second, the organising principle of appointment to these bodies was sectarian identity, with numerical quotas reflecting approximate Iraqi ethnic and sectarian demographics (Dodge, 2018). This gave birth to an informal consociational power-sharing system (*muhasasa ta'ifiya*, or sectarian apportionment) that institutionalised sectarian identity into the Iraqi body politic, reinforcing denominational political cleavages (Dawisha, 2008, 222, 227). The consequent lack of input legitimacy generated calls from influential voices such as Ayatollah Ali al-Sistani that the Iraqi people should elect a constituent assembly to craft their own constitution rather than relying upon Iraqi exiles favoured by the CPA, an issue with particular historical relevance given the British role in creating the 1925 constitution (Al-Ali, 2014, 75–78).

However, the Sunni minority's dissatisfaction with their diminished role in the new Iraqi state prompted a widespread Sunni boycott of the January 2005 elections for a Transitional National Assembly. Additional Sunni members were unilaterally appointed to the constitutional committee, but this did little to assuage concerns, not least as their role was ultimately circumscribed. Al-Ali (2014, 84–98) describes a chaotic drafting process, which was dominated by US officials and a select group of Iraqis while marginalising most elected representatives and neglecting public input. Moreover, the contents were poorly communicated to the Iraqi people prior to the October 2005 constitutional referendum and alterations were made to the text after public dissemination, creating multiple layers of uncertainty as to whether citizens knew exactly what they were voting for. Approval of the constitution split largely along sectarian lines, with Shi'as and Kurds voting in favour as it was written in a way that benefitted their respective interests, and Sunnis against (Katzman, 2006, 4). Although Sunni electoral participation improved in the December 2005 parliamentary elections, the resulting Shi'a- and Kurd-dominated government lacked legitimacy in the eyes of many Sunnis who felt unrepresented.

A broader absence of input legitimacy has since become evident across all constituencies. Institutional checks on executive power remain limited, with a weak judiciary and ineffective legislative branch. Constitutional and democratic norms may be invoked by the political elite when it suits their needs but rarely restrict behaviour. Faith in the power of elections to produce political change has declined significantly due to the machinations of a corrupt political elite. The rule of Prime Minister Nouri al-Maliki (2006–2014) has been characterised as a return to authoritarianism (Dodge, 2012, 2013), with the 2010 parliamentary elections illustrative of systemic democratic weaknesses. Despite his State of Law coalition losing to the nationalist, non-sectarian Iraqiyya bloc, the incumbent Maliki manipulated state institutions to retain his role. The ostensibly independent Federal Supreme Court was influenced to produce rulings favourable to Maliki, for example by disqualifying Iraqiyya candidates on questionable grounds through de-Ba'athification laws (Nordland, 2010).

Since then, voter turnout has steadily declined, reaching a new low in the 2021 elections with 36% of eligible voters participating. This apathy is driven in part by the *muhasasa* tradition of negotiating a consensus government to include the same major parties regardless of their electoral performance (Mansour & Stewart-Jolley, 2021). Election integrity is frequently questioned, with a 2018 recount marred by a fire at a warehouse storing ballots in Baghdad. The aftermath of the 2021 elections saw a turbulent government formation process even by Iraqi standards. Muqtada al-Sadr, a leading Shi'a cleric whose movement won the most seats, sought to exclude his rivals in the Coalition Framework, including Maliki and the Fatah coalition, headed by leaders of the pro-Iranian Hashd al-Sha'bi militia groups, who in turn rejected the 'fabricated' election results which saw them lose 31 Parliamentary seats (Cornish, 2021a). Fatah supporters staged protests and engaged in violence to make clear the potential costs of their exclusion from the government (Ahmed, 2020; Yuan, 2022), eventually securing a Federal Supreme Court ruling on Parliamentary processes to elect a President to block Sadr's ability to form a government. Sadrists in turn occupied Parliament and other government buildings in Baghdad, with violence breaking out in the Green Zone on 30 August 2022 as part of this intra-Shi'a struggle for political dominance (Chulov, 2022;

Foltyn, 2022). The ability to mobilise supporters and militia on the streets, the instrumental use of violence, and the manipulation of institutions thus remain consequential to secure power within government, evidencing a lack of trust in the means of the state to represent their interests.

4 | THE FAILURE OF OUTPUT LEGITIMACY IN IRAQ

We turn now to the lack of output legitimacy, which is in many ways linked to the failures of input legitimacy. Beyond political representation, less access to the offices of state means less access to state resources and coveted public sector employment, with significant socio-economic repercussions. Patrimonial networks become difficult to sustain, weakening these social authority structures. Unemployment has long been pervasive in Iraq, and a lack of economic opportunity has created widespread poverty and extreme vulnerability (Shuker, 2020, 6). The inability of the state to provide economic opportunity and effective governance, both at a local and a central level, is a critical failure associated with political elites. In key areas of public service provision, not only in security and the rule of law but also in education and health, the state is either ineffective and riddled with corruption, or absent entirely and replaced by non-state actors.

The immediate political environment post-2003 serves to illustrate the relationship between output legitimacy, input legitimacy, and identity. In its first governance acts, CPA Orders 1 and 2 dismissed scores of Ba'ath era government employees and dissolved defence and intelligence institutions, notably the Iraqi army, threatening livelihoods and pensions. While the political transition necessitated the removal of the Ba'athist leadership and key organs of state associated with decades of abuses, the execution of these processes had a disproportionate impact on Iraqi Sunnis, and a deleterious impact on state capacity, sectarian relations and stability. Together, they amounted to collective punishment of Sunnis for the crimes of Saddam Hussein's regime, many of whom felt economically, politically and socially excluded from the new Iraqi state, prompting the January 2005 election boycott. Reflecting on legitimacy under Saddam, Haddad (2011, 39) observes that '[w]hat was noticeable between 1990 and 2003 and beyond was that Arab Sunnis, whilst often critical of what they saw as an unjust and dictatorial regime, were more likely to accord it a measure of legitimacy as a flawed but nonetheless legitimate Iraqi regime'.

The state's failure to provide security also reduced output legitimacy, strengthening sub-national sectarian, tribal, and more localised identities (Dawisha, 2008, 222–223). Capitalising on this lack of legitimacy and capacity, Al-Qaeda in Iraq (AQI) raced to fill the security vacuum in Sunni areas like Anbar and provoked a civil war by attacking Shi'a civilians and religious sites, such as the al-Askari shrine in Samarra. During the 2006–2008 civil war, many Sunnis came to view the state not just as illegitimate but as an active threat: state security forces were co-opted to pursue sectarian agendas, with Shi'a militia under the authority of the Ministry of Interior operating as sectarian death squads, committing crimes with impunity (al-Ali, 2014, 104–106). The turning point in the civil war was the cooperation between the US military and Sunni tribal militia known as the Sahwa (Sons of Iraq) movement, who rejected the extremism of AQI and fought them effectively.

This successful partnership unravelled when the US handed it over to the Iraqi state in an attempt to institutionalise it. Rather than seeing the Sunni Sahwa as partners to be integrated into the state, Prime Minister Maliki saw them as a potential threat to his authority, persecuting its leaders and failing to provide sufficient alternative employment, and thereby reinforcing the perception of the state as exclusionary and predatory toward elements of the Sunni minority (Benraad, 2011, 123–125; Dodge, 2012, 98–101; Mabon & Royle, 2017, 90–91). As part of his centralisation of power, Maliki loyalists dominated the security sector and wielded it against political challengers with clear sectarian overtones, persecuting prominent Sunni Iraqiyya politicians (Dodge, 2012, 157–169; Wicken, 2013, 19, 24). Framing himself as a Shi'a protector against a resurgent AQI and Ba'athist threat, this use of sectarian identity bolstered his regime's legitimacy despite the manifest failures of output legitimacy during his tenure (Ottaway & Kaysi, 2011). Maliki's excesses prompted a series of mass protests across Anbar and other Sunni-majority areas in 2012–2013 which were violently suppressed, precipitating further violence with a sharp rise in civilian casualties over the summer of 2013 (Weiss & Hassan, 2015, 96–98; Iraq Body Count (IBC), n.d.).

Interviews with ISIS members and their families show how these failures of output legitimacy spurred the need for an alternative to the state. Unemployment, underemployment, and an inability to improve socio-economic status due to corruption and sectarianism were key factors, together with a desire for governance that would deliver rights and security for Sunnis (Speckhard & Ellenberg, 2020, 95, 101). Displaced Sunni women have described how financial struggles together with their treatment by Iraqi authorities and associated militia, including arbitrary arrests and forced displacement, drove their male relatives to join ISIS (Salihy, 2019, 93–94).

It is noteworthy that many of these grievances resonate with those of the Tishreen movement. Survey data collected by the Enabling Peace in Iraq Centre (EPIC, 2021, 34, 36) show the factors that initially

motivated protesters to take to the street included a lack of jobs, corruption linked to the *muhasasa* system, a lack of public services, and weak rule of law, with corruption identified as the biggest problem facing Iraq. Although October 2019 is the widely noted start date, the movement is a continuation of years of protest (Halawa, 2021; Jabar, 2018). The triggers for major protests across southern Iraq in 2018 revolved around service provision, specifically electricity and water, the scarcity of which had been a cause of protests for years. Corruption and government incompetence meant that a major water project for Basra was years behind schedule, while dependence on Iranian electricity supplies left no affordable domestic alternatives when Iran ceased supplying the Iraqi grid that summer (Al-Rubaie et al., 2021; EPIC, 2021, 32). After security forces killed protestors in Basra, mobilisation spread across the southern provinces and protestors torched the offices of political parties and militia. A continued inadequate government response combined with the further suppression of protests against unemployment in Baghdad in September 2019 and the dismissal (for political reasons) of the lauded commander of the liberation of Mosul from ISIS, Abdul Wahab al-Asadi, precipitated the outbreak of the largest protests to date in Baghdad in October 2019.

The Tishreen movement has also suffered violence by state actors to silence critical voices. A campaign of intimidation and assassination by government security forces and affiliated militia, specifically the pro-Iranian factions of the Hashd, has seen over 700 Tishreen activists murdered, with thousands injured (UNAMI, 2021). Despite government promises, there has been no serious accountability for these acts at a senior organisational level (Al Jazeera, 2021; Neuhof, 2021). Having enjoyed a measure of legitimacy for their role in the war against ISIS, pro-Iranian Hashd groups are now losing legitimacy among multiple constituencies, viewed as part of the corrupt ruling elite pact (Newlines Institute, 2021).

5 | REDISTRIBUTION, REGIME CHANGE AND SECESSION

Even though there are clear consistencies in these failures of input and output legitimacy, there is significant variation across the alternatives proposed by different groups. This demonstrates the changing role of identity politics in Iraq, the role of identity in processes of legitimation, and how these claims are affected by relations to the existing political system.

The Sunni protest movement of 2012–2013 called for a redistribution of power rather than wholesale systemic change. Notably, it did not call for the end of the *muhasasa* system. Rather, demands included: more balanced representation in government through the inclusion of more Sunnis in positions of power; the removal of external militias from Sunni areas and the empowering of local police to provide security; the prohibition of sectarian slogans in state institutions such as the security services; the reintegration of military officers expelled under de-Ba'athification; and the release of suspects detained without charge under Article 4 of the counter-terrorism law, together with the freezing of this law (Griffin, 2016, 62; Wicken, 2013, 25). These demands, together with the geographic concentration of protests, reflected the explicitly Sunni-centric nature of these protests (Sowell, 2014), and a Sunni Iraqi nationalism distinct from a parallel Shi'a Iraqi nationalism (Haddad, 2011) and Kurdish separatist nationalism.

Within the Sunni protest movement, a number of separate currents existed, divisions that were exploited by extremists. Multiple groups, comprised of secularists and moderate Islamists with different geographic representation, advocated and engaged in negotiations with the Maliki government, but Maliki was unable to meet their most basic demands on rule of law and de-Ba'athification reform due to pressure from rival Shi'a parties and their constituents. The legitimacy of Sunni elites who co-operated with Maliki receded after it became clear that some were simply co-opted through patronage, such as the governor of Anbar who was willing to close protest sites in exchange for new local construction projects and new police appointments to benefit him economically and politically (Sowell, 2014; Wicken, 2013). After violence against protestors in Hawija on 23 April 2013 left over 40 dead, radical revolutionary and Islamist factions advocating armed insurgency against the state such as Jaysh Rijal al-Tariq al-Naqshbandi (JRTN) gradually started gaining the upper hand as violence continued (Mabon & Royle, 2017, 92–94; Sowell, 2014; Wicken, 2013, 31–33). This growing insurgency provided a fertile environment for the extreme secessionist vision of ISIS. In other words, having failed to effect what they perceived as a more legitimate power distribution within the state, a number of protestors increasingly withdrew legitimacy from the state itself and turned elsewhere.

The so-called Islamic State alternative was exclusively Sunni in its political and religious ideology, implementing a strict takfiri approach that deemed Shi'a Muslims to be infidels (Kadivar, 2020). Minority groups such as Christians, Shabak, and Yazidis were subject to displacement, (sexual) slavery, murder and genocide. AQI, the progenitor of ISIS, had long viewed the post-2003 state as an external construct by two sets of usurpers: the Shi'a (often referred to disparagingly as Safavids to connect them to Persian Iran) who came to dominate the Iraqi state, and the international occupying forces who enabled them. To AQI leader Abu Musab al-Zarqawi, they were both evil unbelievers, colluding to deprive Sunnis of their rightful pre-eminence (McCants, 2016, 10), while for

ISIS, Shi'a Muslims were 'religiously void, deceitful, and only marked for death' (Weiss & Hassan, 2015, 124). Such an exclusivist and radical approach meant that ISIS always had a limited target constituency in Iraq (and Syria), and would never be considered legitimate beyond a relatively small proportion of Sunnis (Walt, 2015, 48). Broad swathes of Iraqi Sunnis rejected both the radicalism of AQI and ISIS in favour of redistributive visions, with those tribes involved in the Sahwa being continuously targeted by these groups (Whiteside, 2018, 14–16). However, without committing to it ideologically, some did afford ISIS a measure of output legitimacy due to improvement in governance and public services (Callimachi, 2018), although this too dissipated for many as the brutality, arbitrariness, corruption and eventual devastation of ISIS rule gradually became clear (Aarseth, 2021, 68–69).

In stark contrast to sect-based redistribution or secession, the Tishreen movement has called for transformational political regime change. It denounced *muhasasa ta'ifiya* as an ordering principle of the political system for two main reasons. First, it is viewed as a tool to divide the Iraqi people along sectarian lines (Dodge, 2021). The movement is underpinned by an inclusive Iraqi nationalism and seeks to promote a new national consciousness, explicitly rejecting sectarianism. *Muhasasa* is seen to benefit foreign interests, and protesters have been vocal in their rejection of decades of extensive Iranian and US influence in Iraq. With protests demographically focused in the overwhelmingly Shi'a southern provinces, this has nothing to do with sectarian identity but rather a nationalist objection to the diminution of Iraqi sovereignty. The popular slogan '*nurid watan*' ('We want a homeland') arguably reflects a broader level of national consciousness, one which resonates beyond the Shi'a-majority south, connecting to historical notions of communal and territorial Iraqi identity (Halawa, 2021, 15; Visser, 2007).

Second, the Tishreen movement explicitly rejects *muhasasa* not just because it essentialises sectarian identities and thereby divides the people, but because it continues to consolidate a class of corrupt and unaccountable political elites. Protestors were not mollified by the resignation of Prime Minister Adil Abdul-Mahdi, aware that remaining elites would merely produce a new compromise candidate to take his place. The focus is thus on class as an identifier, the stratification of Iraqi society, and vertical rather than horizontal inequality. Although the CPA bears a great deal of responsibility for institutionalising *muhasasa*, such a consociational system was also envisioned by the Iraqi opposition in exile (Dodge, 2021, 463–465; Haddad, 2020, 276–277), showcasing the importance of elite capture and how sectarian identity has been used to consolidate elite power.

The class-based reframing of contention and the fact that these are predominantly Shi'a protests against a Shi'a-dominated government minimises the relevance of sectarian identity (Hasan, 2019). Sunni-majority communities have not seen a similar level of Tishreen mobilisation, for a number of reasons. Although some consider this an intra-Shi'a issue, this dynamic is likely due to fatigue from the brutality of ISIS and the subsequent war, together with a desire to protect their relative economic and security gains through co-operation with the Hashd and/or the state (Badawi, 2020). For example, Mohammad Halbousi, the Sunni speaker of Parliament and former governor of Anbar, struck a political bargain with the militias of the Fatah coalition to ensure effective local security in Fallujah and Ramadi and is credited with transforming these cities through central investment and reconstruction projects (Cornish, 2021b). Authorities have also suppressed protests, with activists deterred by security concerns (Alshamary & Maqsoud, 2022, 6–7). However, following past patterns of elite behaviour, sectarian identity remains a tool to falsely delegitimise Tishreen, with Fatah leader Hadi al-Ameri dismissing the protests as 'driven by inveterate Ba'athists aided by outsiders [the US]' (ICG, 2021, 23). Consequently, many Sunni activists are concerned that their mobilisation may tarnish the overall movement by association and allow elites to delegitimise and mischaracterise it through appeals to sectarian prejudice, reflecting a further lack of trust in the state (Alshamary, 2020, 5; Badawi, 2020). In parallel to aforementioned Sunni attitudes toward Ba'athist Iraq, such appeals may resonate with some Shi'a who, despite the state's failings, nonetheless accord the state a measure of legitimacy thanks to decades of Shi'a-centric statebuilding (Haddad, 2016).

6 | CONCLUSIONS

This article has sought to analyse the nature of legitimacy, and how conceptions of (il)legitimacy and alternative visions of legitimacy are affected by identity. In the Iraqi case, commonly held grievances in terms of input and output legitimacy have created substantially different responses, ranging from redistribution, to regime change, to secession. For ISIS and the Tishreen movement, contrasting claims regarding the legitimacy or illegitimacy of the Iraqi state are grounded in different sub-national, national, and trans-national identifiers, yielding vastly different visions. The post-2003 salience of sectarian identification, particularly for the growth of ISIS, has necessitated a focus on how this prism has mediated legitimacy, but this is not to essentialise this difference. Indeed, the Tishreen movement's abandonment of sectarian identifiers, to frame legitimacy in civic terms of an elite strata betraying all

citizens, seems to demonstrate what Haddad (2019, 2020) has described as the waning relevance of sectarian identity, notwithstanding continued elite appeals to such identifiers.

As the analysis has shown, multiple identities remain relevant to the (de)legitimation of political movements and alternative orders, and their respective impact cannot be predetermined. Broad identifiers do not automatically prescribe a particular kind of response. Identity can be mobilised by political actors but responses are impacted by many other factors, including the actions of others within an identity group and those outside it. Multiple forms of legitimacy and their interaction within the relevant context need to be considered in order to understand outcomes, as both case studies illustrate. Legitimacy, and responses to illegitimacy, must also be seen as a historical process, in which ideas about rightful governance shape action, while simultaneously, actions shape ideas about rightful governance. If Iraqi policymakers are serious about addressing the state's legitimacy failures, focusing on what unites such protest movements is the key to doing so in a genuinely progressive way.

DATA AVAILABILITY STATEMENT
Data sharing is not applicable to this article as no datasets were generated or analysed during the current study.

ORCID
Jacob Eriksson https://orcid.org/0000-0003-0124-7219

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AUTHOR BIOGRAPHIES

Jacob Eriksson is a Lecturer in Post-war Recovery Studies in the Department of Politics, University of York. Jacob's research focuses on conflict resolution and peacebuilding in the Middle East. He is the editor, together with Ahmed Khaleel, of *Iraq after ISIS: The challenges of post-war recovery*, published by Palgrave in 2019.

Isaac Grief recently completed a PhD thesis (University of York), proposing a theory of political legitimation that can model its development in interaction with multiple and mutable processes in post-war contexts. He is particularly interested in further research into the role of legitimation in political settlements.