



US Foreign Policy Habits in Ethnic Conflict*

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Individual political rights and civic national identity lie at the core of American democracy, and spreading democracy is a crucial component of American grand strategy. However, American policymakers have often supported the construction of rigid, group-rights-based institutions in ethno-religious conflicts even when the parties were not demanding such institutions. The pursuit of “ethnocratic” solutions not only runs contrary to American ideals, but it is also not pragmatic, in that it enables the creation of regimes that are fragile, divided, and often dependent on outside assistance to maintain peace. This article weighs hypotheses about the sources of foreign policy decision making stemming from three contending Weberian logics of social action: instrumental rationality, normative appropriateness, and habit. Drawing on causal-process observations during crucial decision moments in Bosnia and Iraq, I argue in favor of the plausibility of habit as a driver of U.S. foreign policy. This work furthers the theoretical development of the concept of habit, offers a means of studying social habits empirically, and suggests improvements for American foreign policy in ethnic conflict.

Individual political rights and civic national identity lie at the core of American democracy. Spreading democracy has long been a key component of American grand strategy (Doyle 1986; Diamond 2009). When mediating ethno-religious conflicts, however, US foreign policymakers often eschew their own country’s foundational values in favor of rigid, group rights-based regimes. Indeed, “ethnocratic” regimes enjoy a poor track record in terms of forwarding democracy and self-government. They often—as in Bosnia, Northern Ireland, Lebanon, and Iraq—prove institutionally fragile and prone to ongoing fractionalization and conflict (Howard 2012; Horowitz 2014). Nevertheless, many policymakers and analysts propose similarly rigid ethnic solutions for other ongoing conflicts, such as those in Syria, South Sudan, and Yemen.

Why have US policymakers attempted to pursue three central foreign policy goals—peace, democracy, and quick exit from ethnic conflict—by supporting the cre-

ation of fragile states, ethnocracy, and conditions that require long-term American commitment? I argue that the United States adopted the response of pursuing ethnocratic solutions from European partners and that this response became a “habit” in US foreign policy. Even when American decision makers had opportunities to propose other approaches for resolving ethnic conflict—ones more consistent with American interests and normative inclinations—they repeatedly endorsed rigid ethnic power-sharing solutions. In other words, even when the parties in question were not demanding—or lacked the military strength to demand—ethnocratic solutions, US officials nevertheless proposed and endorsed such arrangements. Their decisions to support rigid ethnic solutions occurred in the context of looming deadlines, a focus on military operations, and an absence of countervailing ideas about the centrality of individual political rights, civic national identity, and cross-cutting institutions in democratization processes.

Rigid ethnic solutions raise important questions about how we understand policy processes. Current theories of foreign policy decision making—rooted in the logics of instrumental rationality and normative appropriateness—struggle to make sense of Washington’s preference for ethnocratic regimes. My focus on the role of habit sheds light on broader processes of foreign policy decision making—a topic that receives “insufficient emphasis” in recent International Relations (IR) scholarship (Bennett and Ikenberry 2006:651). My argument also confronts a persistent trend in the literature on ethnic conflict that views ethnic groups as “like units” akin to states, an approach that may enable ethnocratic rather than democratic solutions (Posen 1993; Kaufmann 1996; Toft 2010:3). Moreover, this article provides a plausible explanation for why, as some have argued, democracies fail to consistently “externalize their internal norms of conflict resolution” (Rosato 2003:590).

Ethnocratic solutions undermine important American goals, such as advancing liberal ideals and reducing ethno-sectarian conflict. By uncovering the habitual, rather than well-considered, nature of US policy, I hope

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*Many thanks for helpful suggestions from audiences at: the Program on Intrastate Conflict, Belfer Center, Harvard University; Institute of Irish Studies, Queens University Belfast; the Munch Center, University of Toronto; the Kroc Institute, University of Notre Dame; the GUITARS workshop, Georgetown University; the Five-College Workshop on Statebuilding, Mt. Holyoke College; the Department of Political Science, University of North Carolina at Chapel Hill; and the annual conferences of the American Political Science Association, the International Studies Association, and the Academic Council on the UN System. For helpful comments and conversations, thank you also Consuelo Amat, Damir Arnaut, Andrew Bennett, Dom Bryan, Victor Cha, Anne Clunan, Chet Crocker, Keith Darden, Anjali Dayal, Larry Diamond, Richard English, Adrian Guelke, Laura Hatcher, Donald Horowitz, Dick Howard, Marc Howard, Ken Jowitt, Jeff Kopstein, Mark Lagon, Robert Lieber, Takaaki Masaki, Laurel Miller, Josh Mitchell, Ali Moghaddam, Denise Natali, Abe Newman, Dan Nexon, Elliot Posner- Jim Savage, Stephen Saideman, Leslie Vinjamuri, Erik Voeten, Jim Vreeland, Lucan Way, and Robin Wilson, three anonymous reviewers, and the ISQ editorial team. Thanks to the U.S. Institute of Peace for financial support.

to encourage the pursuit of alternatives that privilege individual rather than group rights, and civic or multi-confessional, rather than ethnic, notions of national identity.¹ Decision makers should consider adopting approaches that favor fluidity of political affiliation and “centripetal” politics, where political elites must seek the votes of citizens outside their own ethnic category in order to attain high office.² Such incentives tend toward institutional and national integration, rather than greater fragmentation. They hold out the possibility of greater stability and “positive” peace (Galtung 1976), which would enable third parties to avoid perpetual entanglement in the affairs of “post-conflict” ethnocratic states.

This study contributes to the growing body of literature that lies at the intersection of central debates in the fields of IR, Conflict Resolution, and Sociology, bringing together the literatures on foreign policy decision making, ethnic conflict, and Weberian logics of social action. It builds on and further develops the theoretical work on social habits, and offers a means of studying habits empirically. Based on extensive examination of historical records and over three dozen interviews with key decision makers, it employs the qualitative method of “causal process observations” in case studies to demonstrate the plausibility of habit as the source of the persistence of ethnocratic solutions (Brady and Collier 2004).

I begin by discussing the concept of ethnocracy and delineating alternative hypotheses about why the United States pursues ethnocratic solutions. I derive these alternatives from the Weberian ideal types of instrumental rationality, normative appropriateness, and habit. I then lay out my understanding of social habit and distinguish it from others. Next, I explain the methods I employ to answer the puzzle of why US decision makers repeatedly chose to support rigid ethnic power-sharing regimes as a solution to ethno-religious civil conflict. Finally, I demonstrate my claims by examining five crucial ‘decision moments’ during the mediation efforts in Bosnia and Iraq. Over the course of these case studies, I weigh and compare evidence of causal processes that stem from the three alternative logics. In the concluding section, I suggest several avenues for future research.

Ethnocracy and Alternative Explanations for its Promotion in US Foreign Policy

Ethnocracies are systems in which political organization and representation are based on the ethno-religious group.³ Poly-ethnocracies are founded on group rights as opposed to individual rights, and they exhibit several central features. In poly-ethnocracies, ethnic interests,

quotas, and segregation define political parties, the most important state positions (for example, President, Prime Minister), and key state institutions such as schools and militaries.⁴

As a system of government, ethnocracy suffers from significant problems. First, it precludes the emergence and growth of a single national identity because it lacks overarching, nationwide political institutions that support such an identity. Second, although ethnocracies attempt to compensate for discrimination toward minorities, they often exclude from political representation smaller minorities, people of mixed descent, and people with secular commitments. Third, where religious identity forms the basis of ethnicity, ethnocracies fuse religion with politics, governments, and state institutions. Thus, ethnocracy precludes the possibility of separating church from state. Fourth, by encouraging the separation of political and social institutions along ethnic lines, ethnocracies tend to similarly divide and inhibit economic exchange. For example, Bosnia’s economy lags far behind its neighbors’ because of the byzantine processes of securing and enforcing contracts along ethnic lines (King 2001; Smale 2014). Fifth, ethnocratic institutions render it difficult to transition from “centrifugal” to “centripetal” democratic politics because once they have secured their positions, elites have no incentive to transition toward democracy. (Horowitz 1985:301, 357–358, 425). Sixth, ethnocracies tend to produce “immobilism” and “outbidding” in ethnic group-based political discourse.⁵ For example, governments failed to coalesce for more than 1 year after elections in Bosnia and Iraq.

The institutionalized divisions and dysfunction often oblige third parties to mediate disputes in ostensibly post-conflict states. The British, for example, assumed such a role in Northern Ireland, NATO and the European Union in Bosnia and Kosovo, Syria and the UN in Lebanon, and the United States (and Iran) in Iraq. Ethnocratic regimes seldom function well without significant external mediation and influence. The failures of such regimes mean that far from facilitating third-party exit, ethnocratic regimes produce prolonged foreign entanglement.⁶ Moreover, ethnocracies institutionalize and formalize ethnic categories in ways that often give rise to future conflict (Lieberman and Singh 2012).

Why, then, would US policymakers promote the spread of ethnocracy? How can we evaluate the theoretical causes of what appear to be neither pragmatic nor just solutions? Most theories of foreign policy operate on one of two basic logics: instrumental rationality or normative appropriateness. Decision makers arrive at foreign policy *solutions* in order to resolve problems in foreign policy processes. Most solutions ought to follow a logic of, as Weber theorized,

⁴ Rigid ethnocratic regimes can be distinguished from consociational regimes in that the original consociations were not ethnically based, but rather based, at least in part, on political affiliation. The rules of the original consociations were also not as rigid, giving rise to greater voting fluidity than in the strict ethnic quota systems. On this debate, see, for example, Lijphart (1969) and Lustick (1997). For the sake of simplicity, hereafter, instead of “poly-ethnocracy,” I use the term “ethnocracy.”

⁵ In other words, moderates belonging to different groups find it difficult to compromise with one another because when they do, extremists from within their own group condemn them as disloyal (Horowitz 1985:346, 357, 566–576).

⁶ Historically, colonial powers *created* ethnocracies through policies of “divide and rule,” which were designed with the specific purpose of ensuring that the colonial regime would have an excuse to remain in place to mediate disputes.

¹ Civic nationalism provides the basis for multiethnic, liberal democracy in that citizens are treated as equal individuals, and swear allegiance to the state and its institutions (rather than to a national or sub-national ethnic group). See Greenfeld (1992:11–14).

² “Ethnicity” is defined here to be based on religion, race, language, common culture, or common history (Anderson 1991; Brubaker 2004). On models of centripetal politics and fluidity, see Horowitz (2013:34–35, 179).

³ This section is based in part on Howard (2012). The term “ethnocracy” has often been used to refer to mono-ethnic regimes, wherein one group rules over others. See, for example, Yiftachel (2006). Here, the term refers to rule by multiple ethnic groups, or poly-ethnocracy.

rational, instrumental means to achieve stated ends or preferences.⁷ Causal process observations of US policymakers articulating and executing policies that would advance the stated goals of peace, democracy, and quick exit indicate the causal weight of instrumental rationality. Even in a world of bounded rationality, satisficing, and bargaining, we would find causal process evidence of active attempts at devising means to achieve the stated policy goal, but then agreement to pursue suboptimal rigid ethnic policies given internal and external constraints during strategic bargaining processes (Simon 1991:125–134). Most notably, *we would expect to see ethnic elites demanding rigid ethnic solutions and American policymakers agreeing in order to keep the parties on board with the negotiations.*

In contrast to the instrumentally rational approach, some foreign policy solutions may derive from a logic of appropriateness. Explanations that look to beliefs (Goldstein and Keohane 1993; Western 1999; Saunders 2011), émigré pressure (Mearsheimer and Walt 2007), and epistemic communities (Haas 1992) often follow such a logic. Causal process observations of debates that indicate a belief in, for example, the appropriateness of the tradition of liberalism at home, but *realpolitik* abroad, would support this logic—that it is appropriate to view feuding ethnic groups in primordial or essentialist terms. Under such a logic, *we would expect to find evidence of advice about the appropriateness of rigid ethnic solutions from émigré groups, exiled elites, or experts forming an epistemic community.*⁸

While in most instances foreign policy solutions follow either a logic of instrumental rationality or normative appropriateness, in the cases examined here, neither logic can account for the repeated reliance on rigid ethnic solutions during the crucial decision moments. We must turn, therefore, to another domain of human behavior, habitual social action.

Social Habits

Individuals often acquire habits from friends. Similarly, states often share social habits. In this article, I propose that ethnocracy promotion became an American foreign policy habit that European allies introduced, even though the consequences were not well understood, ethnocratic solutions contradict American ideals of liberalism, and such solutions do not achieve the goals of peace, democracy, or speedy exit.

My framework for understanding different logics of social action derives from Max Weber's *Economy and Society*, wherein he delineates a four-part typology of such action. Weber sets out one type as traditional, "that is, determined by ingrained habituation" (Weber 1978:24–25). In order for action to be "social," it must be "confined to cases where the actor's behavior is meaningfully oriented to that of other" people—not inanimate objects, or toward the self (Weber 1978:23). In other words, while habit is sometimes conceived as an individual characteris-

tic oriented toward the self, when it involves collective action toward others, it becomes "social."⁹

On an individual level, habits, particularly how they are formed, have long fascinated behavioral psychologists. Whereas Weber and Pierre Bourdieu see habits as deep, enduring, and structural, contemporary psychologists posit that habits can form and change rapidly and easily (Bargh, Chen, and Burrows 1996; Wood and Neal 2007). Habits can be acquired in many ways, most often from friends, and frequently from an initially rationally or normatively driven decision. There is tremendous cognitive relief when habits form, since active reflection is no longer necessary. Habits—whether individual or social—produce behavior that happens automatically and certainly, without weighing options in a rational or normative manner. Individuals and governments alike rely on habits in order to function efficiently because habits provide shortcuts when faced with obstacles and little time for reflection about solutions.

Bringing Weber, Bourdieu, and the psychological research together, Ted Hopf is the first scholar in contemporary IR to study the logic of habit, asserting "social theorists from Weber to Dewey believed that habits account for what most of us do, most of the time." Yet he also stresses that current scholarship has sorely understudied habit (Hopf 2010:9). This article builds on Hopf's insights, differing only in the conceptualization of habit formation, depth, and endurance. Hopf, in line with Bourdieu, sees habits as long-forming, stable, and durable. This view may stem in part from his empirical focus on long-standing interstate habits of rivalry, amity, and enmity. In my shift to an empirical focus on foreign policy, I conceive of habits as potentially more easily formed and less sticky, but still persistent, structure-like, and of fundamental causal importance. Even if the habits studied here may be more brittle, we are, nevertheless, "in a zone of no rationality, no agency, and no uncertainty" (Hopf 2010:11).

The foreign policy literature in particular, and social science in general, has often overlooked social habit. However, there are four areas of contemporary social science research that attempt to account for phenomena that are similar to habits, and thus must be differentiated from the concept proposed here. The four literatures include (i) the work on bureaucratic politics and organizational pathology in IR; (ii) path dependency; (iii) the cognitive psychology-based research on foreign policy decision making; and (iv) the emerging "practice turn" in International Sociology. I explore each literature briefly below.

First, social habits as cause are similar to arguments about bureaucratic politics and organizational pathologies in that they look to collective solutions that may "produce undesirable and self-defeating outcomes" (Barnett and Finnemore 2004:ix).¹⁰ They differ, however, in three fundamental ways. The ethnocratic habit observed in the cases I examine here was not devised or maintained in consistent, formal, bureaucratic, or organizational settings, and thus, it cannot be the result of organizational politics. Furthermore, the habit does not represent for-

⁷ In Weber's words (1978:26), "Action is instrumentally rational when the end, the means, and the secondary results are all rationally taken into account and weighed. This involves rational consideration of alternative means to the end, of the relations of the end to the secondary consequences, and finally of the relative importance of different possible ends."

⁸ Émigré pressure could follow a consequentialist logic if the émigrés had a substantial voting bloc in the U.S. In the cases here, however, there are not enough former Yugoslav or Iraqi émigrés in the U.S. to constitute substantial pressure groups. Their pressure, therefore, can only be categorized in terms of appropriateness.

⁹ Pierre Bourdieu builds on Weber's insights on social habit, depicting *doxa* as a deeply structural phenomenon, where responses to the world appear so automatic that they are "natural" (Bourdieu 1977:164). See also Adler-Nissen (2012).

¹⁰ See also Allison and Zelikow (1999:143–196, 225–324). Models II and III rely on a coherent organizational structure.

mal, reflective routinization of ideas or norms, but rather iterated, informal action. Finally, it has not given rise to standard operating procedures because those, too, are formal and written—habits are not policies.¹¹

Second, similar to organizational and bureaucratic politics arguments, studies in path dependency rely on formal institutions (or other physical manifestations, such as the QWERTY keyboard) for evidence. Path-dependent explanations in Political Science focus on crucial historical events or critical junctures “that lead to continuing institutionalized relationships” (Mahoney 2000:535; see also Collier and Collier 1991; David 1985; Thelen 2004). One of the main criticisms of path-dependent arguments is that they too loosely adhere to the truism that “history matters,” rather than specifying the mechanisms by which certain historical events occur (Pierson 2000). Moreover, the problem of falsifiability led many scholars in this tradition to turn away from such arguments. The logic of habit follows a path-dependent reasoning in that it begins with an initial decision that then carries on into the future, but the locus of action is in the mind and behavior, not the institutions. Moreover, unlike path-dependent arguments, it is much easier to falsify the habit thesis with evidence of instrumental or normative action.

Third, several avenues of research in cognitive psychology and foreign policy decision making prove helpful for understanding the phenomenon of interest here. Arguments about the causal weight of heuristics, “cognitive closure,” “cognitive consistency,” schemas, and historical analogies are all generally oriented toward understanding non-rational motivations similar to habits.¹² However, the concept of “social habit” differs in two fundamental ways, the latter more important than the former. First, these concepts are grounded in an empirical focus on individual, top-level decision makers, especially the US President. The concepts are used to explain very important decisions, such as whether or not to wage war, when rational and normative causes also often operate. In the cases I examine in this article, the decision makers are not necessarily of the highest level, and the object of the decision making—the post-civil war domestic political structure—is clearly of second-order importance.¹³ Second, the cognitive literature does not analyze *collective* decision-making processes (with the exception of Irving Janis’ *Groupthink*). This study, similar to organizational and bureaucratic studies, is based on collective or “social” decision-making processes. We can claim that a policy habit is “social” not only when it affects others, but also when we observe solutions that are iterated across cases, and more importantly, from one presidential administration to another, especially

across party lines (demonstrating that the phenomenon is not one of individual cognition).

Fourth and finally, the “practice turn” in International Sociology and IR theory represents a move toward a new way of understanding political action (Pouliot 2008; Adler and Pouliot 2011). Adler and Pouliot specify the definition of practice as “competent performances...[that] simultaneously embody, act out, and possibly reify background knowledge and discourse in and on the material world” (2011:4). Practices and habits share some qualities. Both are iterated, have patterned existences, and are forms of action that occur singularly or socially. They may also be conceived to have similar ontological status as processes (Jackson and Nexon 1999).

But beyond these features, the two concepts diverge in several crucial ways. Most importantly, practice seeks to overcome the main ontological divides in that it mediates between the material and ideal, as well as structure and agency. In contrast, I examine cause–effect relations, in Weberian fashion, where habit is a causal form of social action. Practice involves agency, competence, intentionality, and background knowledge, whereas habit does not. Habit eliminates uncertainty, whereas practice often involves deliberation. Finally, practice life cycles are more similar to norm life cycles than habits. Most notably, whereas practices may “fade” at the end of their life cycle, in order for habits to change they must be broken (Adler and Pouliot 2011:19).

Habit-breaking occurs when powerful stimuli—often an external shock and an internal change—work together to dislodge the habit (Rosenau 1986:864). In most cases, the additional step of consolidating “some new replacement set of ideas” is necessary in order to achieve change (Legro 2000:254).

How can we detect the logic of habit at work? What causal process observations can we expect to see? Evidence of rational or normatively driven decision making precludes a logic of habit. Patterns of decisions that are not propelled by strategic necessity indicate the work of habit. When habit causes action, decision makers do not actively discuss or analyze the content of the habit. During key decision-making moments, there will be little evidence of sorting through alternative options because only one option will be perceived as sufficient. In complex decision environments, with significant time constraints, when experts are absent, and many decisions of consequence must be made, especially for problems deemed to be of second-order importance at the time, social habit often prevails. Agents reserve the effort of instrumentally or normatively driven thought for decisions deemed to be of higher consequence, and repeat habitual solutions for less pressing problems.

Methodological Approach

For case selection, I chose the population based on the United States’ interest in leading the international efforts, using both diplomatic and coercive means, to bring peace and democracy to violent ethno-religious internal conflict. There is a population of precisely two countries where the United States has led such military and diplomatic efforts—Bosnia and Iraq.¹⁴ Within this

¹¹ Citing Neumann (2007), Hopf suggests that foreign policy bureaucracies “are likely cites for the operation of the logic of habit” (2010:9). This article takes up his suggestion.

¹² On the “availability heuristic,” see Tversky and Kahneman (1974); on “cognitive closure,” see Jervis (1976:193–194, 280); on “cognitive consistency,” see Lebow (1981:222–228); on schemas, see Larson (1985:50–57); and on analogies, see Khong (1992). Janis’ *Groupthink* (1972) is the only work in this category that is not individual but collective-oriented; however, *Groupthink* relies on the existence of a coherent group. In my cases, the situations vary and administrations change, yet the habit remains.

¹³ When this author floated a somewhat complex-sounding cognitive psychology label at a conference, US Ambassador Ronald E. Neumann (who served for many years during the wars in both Afghanistan and Iraq) offered the following suggestion: “Don’t give us some complex term. What we have here is a *habit*, plain and simple. We have it; there’s no doubt about it.” Comments made at the conference, “Building Coalitions to Build States: The Lessons of the Balkans, Afghanistan, and Iraq,” Mt. Holyoke College, MA. (October 15, 2010).

¹⁴ An earlier version of this article included Northern Ireland in the population. I have excluded Northern Ireland from this version for two reasons: first, because the United States did not have the coercive power of the US military backing its diplomatic solutions, and second, for space considerations.

population, there are five cases or decision moments—two in Bosnia, and three in Iraq.¹⁵ At each of these moments, changes in the politico-military situation on the ground prompted key US decision makers to actively search for new foreign policy solutions. During peace negotiations to end violent conflicts, generally very few openings emerge when Presidents and their advisors feel that they can change policy course. I focus on the rare moments when such openings arise. The dependent variable in this study is the American solution of supporting ethnocracy or democracy (but not the outcome of regime type, which has a much more diverse array of causes). In the first four cases, US mediators supported ethnocracy. In the fifth and final case, American decision makers broke the pattern, providing important variation on the dependent variable.

Choosing the population based on American-initiated solutions is the best way to test for internally driven hypotheses of US foreign policy, since such decisions are a result of dynamics *within* the United States and not of multilateral deliberation. The vast majority of US foreign policy literature assumes or argues that internal US dynamics drive decisions. In other mediation efforts in ethnic conflicts (e.g. Kosovo, Macedonia, Afghanistan, and Kenya), the United States worked very closely with international partners. Thus, multilateral, coalition behavior, not internal, domestic decisions, often drove foreign policy (McMahon and Western 2012). It is necessary to choose cases where the leading hypotheses “most likely” determine the outcomes.¹⁶ In other words, the domestic audience-focused, unilaterally driven population would have the most likely cases of decision points where the leading hypotheses would hold.

Given the limited set of cases, the methods I use to evaluate competing causal explanations are within-case and across-case comparisons, along with process tracing to home in on “causal process observations” (Brady and Collier 2004; George and Bennett 2005). Causal process observations are “diagnostic pieces of evidence that yield insight into causal connections and mechanisms, providing leverage for adjudicating among hypotheses” (Collier, Brady, and Seawright 2010:506). Brady and Collier (2004:260) further explain, “qualitative research uses causal process observations to...slowly but surely rule out alternative explanations until they come to one that stands up to scrutiny.” In this article, I single out evidence that confirms or disconfirms the plausibility of hypotheses stemming from three alternative logics in the cases where these hypotheses would most likely hold.

I draw evidence from hundreds of primary source documents and written accounts by the lead decision makers and those involved in the institutional design processes, secondary analyses, and over three dozen author interviews with key advisors and decision makers. I find that standard explanations in the foreign policy decision-making literature—that decisions are either instrumentally rational or normatively driven—do not adequately capture the causal processes in these cases. We must therefore turn to other types of plausible explanations—what I call foreign policy habit. In the following case studies, I

offer causal process observations that help evaluate the plausibility of the three contending logics during crucial decision moments.

Bosnia

In Bosnia, US mediators sought, for the first time since the end of the Cold War, to resolve an ethno-religious, violent conflict. There were two moments during the final months of the war when the United States’ approach to ethnic institutional solutions could have aligned more directly with US interests in furthering peace, democracy, and speedy exit—after the near military defeat of the Bosnian Serbs, and during the Dayton peace negotiations.

In neither case is there “smoking gun” evidence that the (former) Yugoslav parties to the conflict left US decision makers no choice other than to promote rigid ethnic institutions. In both instances, instrumental and normatively driven decisions were reserved for other problems such as military strategy and border placement. Governing institutions were of secondary importance, and ethnocratic solutions were promoted in ways that indicate the work of habit.

As with many habits, friends introduced the ethnocratic habit in US foreign policy. The earliest attempt at achieving an accord in Bosnia was the Lisbon Agreement proposed by the European Community’s (EC) representative, Jose Cutileiro, in March 1992 (before the fighting in Bosnia started). The EC did not allow non-ethnic parties or elites to be represented at the talks, though there were several in power at the time; thus, “there was no discussion of rights and identities that could exist independent of (ethno-) territorial administration” (Woodward 1995:281). The EC representatives proposed what they thought was a pragmatic and “simple rule of thumb—the ethnic community that constituted a plurality or majority according to the 1991 census” would rule that canton (Burg and Shoup 2000:110). This agreement was the first to officially introduce the links between ethnic dominance, territory, and national group rights as a solution to the budding violent conflict in Bosnia. Cutileiro and the other EC commissioners seemed to be unaware of the essentialist nature of the solutions, or the potential problems that might arise from it. While some Bosnian institutions had previously been loosely divided along ethno-religious lines in the Communist era, and even under Ottoman rule, never before had territory been directly linked to ethnic group rights in Bosnia. Radical Serb leaders supported the link, which unintentionally served to fuel their ambitions for ethnic cleansing so that newly created Bosnian Serb regions might one day join greater Serbia (Woodward 1995:279).

The solution of linking ethnic groups with territorial boundaries assumed ethnically pure regions and ethnically pure peoples, neither of which existed in Bosnia. First, in terms of geographical patterns, ethnic group distributions across Bosnia were often referred to as “leopard prints.” It would be impossible to separate and consolidate ethnic groups without widespread population shifts, otherwise known as the war crime of ethnic cleansing. Second, the assumption of ethnically pure people was highly questionable. The reality of the bloodlines in Bosnia is that of mixture over centuries of coexistence and inter-marriage (Woodward 1995:36–38; Gagnon 2004:40–43). Survey data from before the war indicate strikingly high levels of ethnic tolerance (Burg and Shoup 2000:29). While the option of a “Bosnian” identity had never been offered in the census, strong arguments indicate a popular will to institutionalize

¹⁵ On the difference between a population and a case in qualitative research, see Gerring (2007: chapter 2).

¹⁶ “Most likely” research designs are good for plausibility probes, accounting for difficult-to-measure variables, and for falsifying alternative hypotheses (Eckstein 1975). Kosovo, Macedonia, Afghanistan, and Kenya can thus be considered “least likely” cases because decision making was multilateral.

such an identity (Gagnon 2004:39–43). In other words, in Bosnia before the war, there were undoubtedly forms of ethnic tensions, but territories and bloodlines were ethnically mixed, and the institutions endorsed by the EC in Portugal at the outset of the war in 1992 did not take this reality into account.

The Lisbon plan was devised in a context where popular Bosnian leaders making non-ethnic appeals, and broadly informed area experts, were absent from the negotiations. Under these conditions of limited information and representation, echoing the colonial policies of divide and rule, the rigid ethnic approach appeared in the earliest European proposals. While the habit formed outside the United States US foreign policymakers would later adopt it when Europeans were no longer in charge of the decision making. The habit would become the default solution in the final Dayton Accords and beyond. Even though some members of President Bill Clinton's administration—along with others in Bosnia, not only Muslims—favored a multi-ethnic, central state, their views did not prevail. The approach and subsequent plans institutionalized “the de facto division of Bosnia, long the aim of the [extremist] Serbs and a premise of European effort, but antithetical to the idea of a multiethnic and territorially intact Bosnia” (Daalder 2000:30).

There were two moments in 1995 when both the political landscape in Bosnia and US foreign policy were open for re-shaping: in the summer, when the military situation on the ground was shifting rapidly against Serb extremists; then after the cease-fire, in November, during the Dayton negotiations. In both instances, Americans sought rational, means-ends solutions to military goals. A normative desire to help the victims of war (most often Bosnian Muslims) drove the United States, but the specific institutions that they proposed and supported contradicted the short- and long-term goals of peace, democracy, a unitary Bosnian state, and quick exit (Chollet 2005:191). These observations indicate the work of habit, rather than reflective decision making.

Decision Moment #1: Upholding the 49–51% Ethno-territorial Split

In the summer of 1995, the future shape and governing structures of Bosnia were far from certain. External powers had largely determined the arc of the war. Serbia and Croatia enflamed different sides; European powers added fuel to the fire (Rathbun 2004); and to some extent, the United States aided the Bosnian Muslims and helped to impose international sanctions against Yugoslavia/Serbia (Woodward 1995: chapter 6). By July, President Clinton decided the United States would take the reins of the negotiations. He looked actively for new solutions to promote the end of conflict in Bosnia, and he “threw the policy window wide open. . . it is not often that presidents call for a wholesale review of policy” (Daalder 2000:167). Within Clinton's cabinet, Madeleine Albright and Anthony Lake, whose views in this instance prevailed, supported the use of NATO airpower to tip the balance of military power on the ground against extremist Serbs. By mid-August 1995, Serb military positions were extremely weak, crippled by NATO attacks, defections, and the ethnic cleansing of hundreds of thousands of Croatian Serbs from Croatia. In late August, Bosnian Serb extremists gave President Slobodan Milosevic of Yugoslavia “virtually total power over the fate of the Bosnian Serbs” and

granted him the authority to negotiate on their behalf (Holbrooke 1999:106).

Approximately one year earlier, under American pressure, the Bosnian and Croat forces aligned militarily. The United States also helped to form a small “Contact Group,” including the United States, France, the UK, Germany, and Russia (and eventually Italy). In October 1994, the members of the Contact Group agreed among themselves to support a plan endorsing a 49–51% ethno-territorial split with 51% for a Muslim–Croat federation, and 49% for what would come to be called the “Republika Srpska,” the Serb Republic. Compromises made among external powers thereby further institutionalized the rigid ethnic approach for ending the conflict. There is no recorded evidence indicating that any of the parties requested the 49–51 ethno-territorial split. Rather, external powers agreed to it. At the time that the plan was devised, the Bosnian Serb Army held about 70% of the territory, making it appear to be a good deal for the Muslim–Croat alliance.

However, by mid-September 1995, the Muslim–Croat forces over-ran more than 50% of the territory of Bosnia. Exactly how much territory is a question of some debate, but for the first time during the war, the Muslim–Croat forces were poised to take the Serb stronghold of Banja Luka, and defeat the Bosnian Serbs outright (CNN 1995; Pomfret 1995).

Having accomplished the objective of tipping the military balance against the Serbs, the Clinton administration prepared to make some important, lasting decisions not only about how to end the fighting, but also about the political shape of Bosnia. The future governing structures of Bosnia were at their most malleable point. But, rather than drawing on liberal democratic ideals of political order in multi-ethnic states, including civic actors in the peace process, or devising institutional solutions that would tend toward cross-ethnic cooperation, the Clinton administration stuck to prior solutions introduced by the Europeans and supported by extremist Serbs.¹⁷ The negotiating parties devised these policies when the military situation on the ground favored the Serbs, unlike in August/September 1995. Just when it appeared that the situation on the ground provided a context that would facilitate a challenge to the ideas of rigid ethnic division, the United States ordered the Muslim and Croat troops to halt the military advance and to uphold the 49/51% ethno-territorial split.¹⁸

What overall type of logic does this decision-making processes follow? What specific observations support or disconfirm the contending logics of rational, normative, or habit-driven decision making? While it was rational to seek to halt the killing, the United States was under no obligation to uphold the ethnocentric 49/51 split. The extremist Serbs were all but defeated, and the Europeans were not dictating solutions. This was a moment when American decision makers could have chosen among an array of future institutional solutions, based on a vision of a single Bosnian nation, wherein political institutions would be secular based. Support for cross-cutting institutions—institutions that were already in existence in Bosnia, such as non-ethnic-based cantons—would have been an efficient route to quick exit (see Sisk 1995 and Reilly 2002).

¹⁷ On the exclusion of civic actors, see Udovicki (1997:279–316).

¹⁸ Holbrooke later expressed regret about this decision. See Holbrooke (1999:166, 363) and Chollet (2005:113).

Normative logic supported such instrumental logic: American leaders—both Republicans and Democrats—had thrown their support behind the Bosnian Muslims because the Muslims were the main victims of the war, and because they were the least nationalistic group. Indeed, two important Bosnian Muslim leaders, Muhamed Sacirbey and Haris Silajdzic, had studied in the United States, and admired the US ideas of individual political rights and secular institutions in multi-ethnic societies—coupled with important guarantees for non-discrimination against minority citizens—and civic conceptions of nationalism. But their views did not prevail.

Maybe there was an opposing normative justification that explains the decision to support the rigid ethno-territorial split. Maybe there was a *belief* among foreign policy-makers that Americans *ought* to support liberalism at home, but not abroad? Maybe area experts, academics, or people in the think tank community were advocating the *appropriateness* of ethnic power-sharing, consociationalism, or soft partition as solutions to end the war at a time when US decision makers were unsure of how to proceed?

There are two causal process observations that demonstrate the implausibility of such hypotheses. First, I did not find evidence that US foreign policymakers believed in the promotion of illiberalism abroad. To the contrary, President Clinton, Warren Christopher, Madeleine Albright, and Anthony Lake all publicly favored preserving a united, peaceful, and democratic Bosnia (Chollet 2005:40). Holbrooke proved adamant about his desire to use US power as a positive force in the world.¹⁹ In other words, it would seem the United States' support of ethnocracy was not intentional, and none of the lead policy-makers *believed* in promoting illiberalism abroad. They all often spoke of promoting not only peace, but also democracy. Nevertheless, the promotion of illiberal ideas became an iterated solution.

Second, in terms of the *appropriateness* of the primordial idea and the solution of rigid ethnic institutions as promoted by experts, while it is true that at the beginning of the war President Clinton and Warren Christopher read Robert Kaplan's *Balkan Ghosts*, and appeared to agree for a time with Kaplan's essentialist view of the conflict, their views changed with experience. As Jim O'Brien, one of the principal drafters of the Bosnian Constitution explains, "By 1995, no respected foreign policymaker thought in primordial terms. As our intelligence improved over time, we realized that instrumental elites were the cause, and possibly the way out."²⁰ Another longtime policy expert notes that Holbrooke "got rid of all" of his academic advisors, as he found them unhelpful.²¹ In other words, no experts—either those endorsing rigid, primordial views of the conflict or those opposed to such views—played a significant role in the creation of policy solutions.

Leaders in Washington focused on the military picture: balancing forces on the ground, the size of the NATO force, how long it would stay, and who would be responsible for the implementation of a future agreement. The details of the 49/51% ethno-territorial calculation "were

distinctly secondary. . . . Washington essentially ignored the details of the negotiations" (Daalder 2000:139, 174).

Neither the warring factions nor Europeans dictated the US solution of advancing rigid ethnic federalism as the only possible option. The choice to hold onto the 49–51% ethno-territorial split, and halt the advance of the Bosnian Croat forces beyond 51% of the territory, did not further American goals for a viable peace, nor was it advanced as a normatively appropriate solution. Instead, in a context with no experts present, it represented non-reflective crisis decision making of a second-order problem, based on social habits—habits that formed earlier among European allies as manifest in the Lisbon and Contact Group proposals, and adopted by US mediators.

Decision Moment #2: Dayton

A second chance to change US foreign policy and introduce new governing solutions arose during the Dayton peace process in November 1995. European partners were delighted that Clinton decided during the summer to take the lead in bringing peace to Bosnia. As one of the drafters of the Bosnian constitution reflected, "by the early fall of 1995, the international community had a unified voice, and it spoke with an American accent" (O'Brien 2005:95). Americans led a "single text" mediation, where they proposed solutions and the parties agreed, disagreed, or asked for revision. This type of mediation gave significant power to the United States to propose solutions.

Richard Holbrooke led the negotiations. An experienced member of the US Foreign Service and former US Ambassador to Germany, he enjoyed a reputation as a forceful negotiator. Holbrooke and his team had almost complete control over the details of the constitution: "Negotiating decisions—even ones as important as the basic principles of Bosnia's constitution—did not flow from Washington. They were not approved by formal meetings of the NSC. They were made by Holbrooke and his delegation" (Chollet 2005:74).²² While some parameters existed before the negotiations at Dayton (namely, the rigid 49–51 ethno-territorial split), Holbrooke and his team were in charge of both the mechanics of the peace negotiations and the constitutional details; the degree of control "over both the process and substance of these negotiations was rare" when compared to other negotiations (Chollet 2005:189–190; see also 125–126).²³

Moreover, the positions of the warring factions did not constrain the American team in charge of drafting the Bosnian constitution. Milosevic, who wanted the economic sanctions against his country lifted more than anything else, represented the Bosnian Serb extremists. The President of Croatia, Franjo Tudjman, represented the Bosnian Croat leadership. He was happy to have "liberated" Croatia of hundreds of thousands of its ethnic Croatian Serb minority, and he focused on negotiations over the Croatian territory of Eastern Slavonia. He and his delegation did not pay particular attention to the details of the institutions under which the Bosnian Croats would have to live. As Chollet explains, "The Croats were willing to be flexible on many details" (2005:145).²⁴ The

¹⁹ Author interview with Dr. Anthony Lake, former National Security Advisor for President Clinton, Washington, D.C. (October 4, 2009).

²⁰ Author interview with Jim O'Brien, Washington, D.C. (October 5, 2009).

²¹ Author interview with Daniel Serwer, Washington, D.C. (September 19, 2009).

²² See also Nystuen (2005:12). In other words, bureaucratic politics did not play a role, because the formal bureaucracies were not involved.

²³ See also Daalder (2000:139)

²⁴ However, Tudjman and his team did want to ensure that there would not be institutionalized discrimination against the Croat minority in Bosnia.

leader of Bosnia, Alija “Izetbegovic was as easily swayed by one argument as he was by another” (Silber and Little 1996:219).²⁵ All of the parties, according to several eyewitnesses at Dayton, were obsessed with the map and the status of Brcko, and did not focus on the constitution or the governing structures it would create. As one eyewitness summarized, “The content of the Constitution could not really have mattered very much to the parties in the final analysis” (Nystuen 2005:17).²⁶ In sum, the preferences of the parties or allies to propose rigid ethnic institutional solutions did not strategically confine the American mediators. Nevertheless, Americans offered only ethnocratic solutions.

Several causal process observations indicate the plausibility of habit. The mediators were under significant time pressure to draft a final constitution within the space of a few days. The negotiations had to end by the Thanksgiving holiday in late November so that the Clinton foreign policy team could begin the 1996 campaign year with an important foreign policy achievement. After spending weeks on the military, the map, and implementation provisions of the Accords, the constitution came under discussion only in the last two to three days; the parties viewed governing institutions as of second-order importance. The drafters of the constitution realized that they had flexibility on the content of the constitution, and although they sought to introduce “human rights” provisions, there is no mention of a debate between individual versus group political rights in any of the firsthand accounts of the Dayton peace process.²⁷

Another important observation: The US mediators had adopted the habitual solution of ethnic group-based institutions with such automaticity that they did not propose non-ethnic solutions. For example, at one point, American mediators proposed splitting the capital city Sarajevo along ethno-religious lines. However, the person assumed to be the chief supporter of ethnocratic solutions—Slobodan Milosevic—rejected such a division as unnecessary (Chollet 2005:145). With the exception of this episode, the multiple firsthand accounts of the Dayton negotiations indicate that the Serb and Croat representatives generally supported the rigid ethnic proposals, but not that they insisted on them. The Bosnian Muslims objected, but they wanted peace above all else and agreed to what they viewed as an “unjust peace” (Holbrooke 1999:311; Chollet 2005:162). In the end, the American-drafted Bosnian constitution created structures that recognized group rights over individual rights and introduced rigid ethnic quotas in all of the state’s basic institutions.

Since 1995, the Dayton Accords have brought about many years of cease-fire in Bosnia, which is an important and uncontested contribution. But this peace could be characterized as “negative” rather than “positive,” in large part because of the institutional structures that Dayton created. The Dayton Constitution institutionalized the

two main political entities, the Federation of Bosnia-Herzegovina and the Serb Republic. It also ushered in a remarkably rigid system of ethnocratic governance as McMahon and Western observe:

Almost every public office—including low-level administrative jobs—is allotted according to an ethnic quota, a spoils system that has led to extensive patronage networks, corruption, and inefficiencies...the framework is tailor-made for those who wish to stoke ethnic antagonisms for political gain (2009:73).

Today, unlike its neighbors, Bosnia cannot join the European Union in part because its constitution and basic state institutions are considered discriminatory. For example, Bosnians who are not of Serb, Croat, or Muslim ethnicity may not run for high office. A popular movement to overturn the structures is taking shape, but institutions are very difficult to change once they are in place, and only the people of Bosnia, not its politicians, have an incentive to change them (Vachudova 2014).

In sum, under time pressure, with no moderates or constitutional experts in divided societies present during the two crucial decision moments, and no discussion of individual rights or cross-cutting institutions, the default mode of supporting ethnocratic solutions held. The rigid ethnic habit formed among Europeans as an ostensibly simple and pragmatic way to regulate ethnic affiliations and territory, before Americans entered the negotiation process. Americans then adopted this approach and it became habitual. In retrospect, “Holbrooke regretted that the [Dayton] agreement gave so much power to ethnic groups instead of encouraging issues-based, inter-ethnic political processes” (Chollet 2005:193). The parties did not dictate the rigid ethnic solutions as the only choice, nor the instrumentally rational choice. The solutions were not perceived as normatively desirable. Habit drove the foreign policy decisions. After these negotiations, the ethnocratic habit continued to hold, most notably in Iraq.

Iraq

In 2003, shortly after the US invasion and the fall of Saddam Hussein, President George W. Bush chose Ambassador L. Paul Bremer III to lead the United States’ Coalition Provisional Authority in Iraq. Bremer, an expert on terrorism with a distinguished foreign service and business résumé, proved a “forceful, articulate, and authoritarian” figure who sought a deliberate and planned US exit from Iraq (Diamond 2005:37). The centerpiece of his plan lay in an interim “Iraqi Governing Council,” which would write an interim constitution, help conduct elections, and pave the way toward the establishment of a democratic, unified, sovereign Iraq before the US presidential elections in November 2004. Similar to the processes in Bosnia, two related matters having to do with ethnicity and governance were under debate: issues of introducing ethno-federalism where it did not exist previously, and the distribution of state positions proportionately by ethnic group.

Many puzzling decisions were made regarding Iraq in general (Lake 2010/11). However, once the United States decided to invade, there were three crucial moments when US policymakers were in a position to offer solutions about the types of governing institutions in Iraq. The first came at the outset of the CPA, during the establishment of the

²⁵ In his memoir, Richard Holbrooke (1999:97, 165) confirms that Izetbegovic was not sure of his goals, and Holbrooke felt that he had the opportunity to shape the Bosnian leader’s preferences.

²⁶ This point was corroborated in an author interview with Jim O’Brien, October 5, 2009. A final decision on Brcko governance was not made at Dayton. Brcko today is the most integrated region of Bosnia and has a separate, more flexible governing structure than the two Dayton entities.

²⁷ Holbrooke did not once mention a discussion about individual rights in his otherwise very detailed memoir. Similarly, Chollet’s 2005 book is based on hundreds of classified documents and interviews with every major American player in the process; it too does not mention individual rights.

Iraqi Governing Council and the Transitional Administrative Law in 2003; the second occurred during the drafting of the 2005 Constitution; and the third took place during the process of political re-thinking in late 2006 and early 2007, which led to the military surge and the overturning of the rigid ethnic approach. What is surprising, prior to that point, is the tenacity of the ethnocratic solution among some US foreign policymakers, even while many Iraqis, who feared the “Lebanonization” of Iraq, rejected that very idea. During the key decision moments, the debate focused on military strategy and the role of Islam in the state. Federalism and ethnic quotas in governing structures were less central (although still contentious). The major decision moments are examined below, in light of the contending logics of instrumental rationality, normative appropriateness, and habit.

Iraq, Decision Moment #1: The Iraqi Governing Council

Although a strong, centralized state had been the historical model of governance in both Iraq and in the region, US decision makers proposed the solution of an ethno-religious federal structure accompanied by strict ethnic quotas for high state offices. There is evidence that support for these policies stemmed from two sources: some Iraqi expatriates and Americans who served in or observed the negotiations in Bosnia and Northern Ireland, where rigid ethnic institutions were adopted.

Regarding the first source, shortly after Gulf War I in 1992, the United States sought to help create an Iraqi leadership forum of expatriates who could take over governing the country after the expected, eventual fall of Saddam Hussein. One of the centerpieces of the new governance structures was that Iraq would become a federal state. As Kanan Makiya, a member of the leadership forum explained, “The origins of the [federal] idea began in 1992, when the Kurdish parliament voted in favor of it. A few months later, the Iraqi National Congress adopted this policy” (Makiya 2003:6). Many Kurdish leaders in exile pushed for an ethno-federal structure for Iraq that would secure their group’s cultural and political rights as well as control over northern oil supplies. They argued that this structure would work to correct for previous, well-documented grave abuses of the population. However, they considered themselves to be liberal and refused to endorse rigid ethnic quotas in state institutions. Thus for over a decade, American foreign policymakers heard ideas of about the appropriateness of future ethnic federal divisions for Iraq, but they were in no way strategically beholden to these ideas; the ideas were strongly contested by Iraqis in Iraq; and ethnic proportionality in governing structures was not a part of the discourse.

In terms of the source for the idea of ethnic proportionality, of Bremer’s three key advisors on his Governance Team, one had experience in the Balkans, and another had worked on US policy in Northern Ireland.²⁸ Even though both favored democracy promotion for its instrumental and normative attributes, they wound up supporting the creation of rigid ethnic institutions, similar to the American experience in Bosnia (and Northern Ireland).

When Bremer came into office, he received “largely oral” instructions, and no clear direction or plan from Washington other than that he should direct the political occupation of Iraq until sovereignty could be transferred, as soon as possible, to Iraqis (Dobbins et al. 2009:xxi, 31–47). During this decision moment, it was impossible to engage in instrumental, means-ends decision making because the ends were simply not clear (neither were the preferences of Iraqis in Iraq). Was the overall goal that sovereign Iraq be democratic and peaceful? Or merely that WMDs—and Saddam Hussein and his regime—be found and dismantled? Who would run Iraq and how would the leaders be chosen? By what time frame should Americans exit?

In this context where instrumental rationality could not guide decision making, with no Arab-speaking governance advisors and no experts in constitutional reform, Bremer was given one month to choose an interim Iraqi Governing Council to help him administer the country before the transfer to full Iraqi sovereignty (Bremer 2006:86–103). Bremer chose the members of the Iraqi Governing Council along ethnic lines, roughly according to each group’s proportion of the population, what he called “Iraqi math”: thirteen Shiites, five Kurds, five Arab Sunnis, one Assyrian Christian, and one Turkoman.

While many non-ethnic bases of political cleavages in post-invasion Iraq existed (socialist-liberal, secular-religious, tribal, regional), the CPA largely ignored them. The American governance advisors supported the ethnocratic solution, even if in fact many aspects of political identities were in flux after the fall of Saddam. The ethno-religious groupings were a quick and automatic choice for organizing at that time, though the Americans were not strategically obliged to propose such a solution nor did they consider it to be normatively desirable.

An emerging epistemic community of experts on Iraq and constitutions swiftly criticized this early solution of basing political participation on ethnic identity rather than on other political factors. As Saad Jawad, a professor of Political Science at Baghdad University explained, “We never saw each other as Sunnis or Shiites first. We were Iraqis first. . . . But the Americans changed all that. They made a point of categorizing people as Sunni or Shiite or Kurd” (Chandrasekaran 2006:222). John Agresto, the CPA’s lead advisor for higher education elaborated, “Iraqis hadn’t focused on ethnic and religious divisions before the war. . . . it was the CPA’s quota system that had encouraged them to identify themselves by race and sect. [Bremer’s approach] magnified rather than muted the very divisions that so many Iraqis rejected” (Ibid:322–323). Constitutional experts warned against the dangerous precedent: “To grant specific political privileges to various minorities merely on the basis of their religion or ethnicity in a country so relatively heterogeneous as Iraq would surely be a recipe for disaster, since it will only cement the differences and lock the groups into a zero-sum game” (Kurrlid-Klitgaard 2004:25). Daniel Byman, an expert on the Middle East, also cautioned: “There may be a tendency to overstate the fault lines within Iraq’s population. . . . many tribes span ethnic groups and religious sects, creating a form of pluralism. . . . a federal system based on ethnic or religious divisions would worsen [the] identity crisis” (Byman 2003:65). Later, reflecting on this time, former CPA Governance Advisor Meghan O’Sullivan (2010) further explained: “I was struck by how vehemently they [Iraqis] opposed the notion of designating particular jobs for members of particular sectarian or

²⁸ Author interview with Scott Carpenter, former Director of the Governance Group for the CPA (July 27, 2010), and author interview with Meghan O’Sullivan, former member of the Governance Group and Deputy National Security Advisor on Iraq and Afghanistan (March 15, 2011).

ethnic communities.” Thus, although some members of the Iraqi leadership in exile were supportive of ethnic federalism, there is important evidence that Americans knew that large numbers of Iraqis vehemently opposed the creation of ethnic-based institutions.

Even Ambassador Bremer explained in a conversation with Ayad Allawi shortly after Allawi’s brief appointment to the position of Prime Minister in June 2004, “I noted my impression from a year of traveling around the country and talking to thousands of Iraqis, that the sectarian divides that had dominated Iraqi politicians on the Governing Council were much less pronounced among average Iraqis” (Bremer 2006:379). But at the same time, throughout the occupation, Bremer stuck automatically to his “Iraqi math” formula for determining ethnic quotas as the basis of governing institutions.²⁹

This formula also provided the foundation for structures in the interim Iraqi constitution called the Transitional Administrative Law (TAL). While making important strides toward electoral politics and rule of law, the TAL included ethnic power-sharing institutions such as a tri-partite, ethnically based presidency with an ethnic veto, and special federal status for Kurdistan. Several Shiite leaders, and especially Grand Ayatollah Ali Huseini al-Sistani, did not support the parts of the TAL that included ethnic quotas and ethno-federalism. One leader protested, “The occupation took advantage of the situation to insert sectarian plans into the laws of the [interim] constitution” (Diamond 2005:182). Political scientist Larry Diamond, who was hired by the CPA to advise on governing matters for several months during 2004, further explained that “[f]or the fourth or fifth time—I was losing count—the United States was finding itself on what appeared to be the *less* democratic side of an argument with Iraqis over transitional procedures” (Diamond 2005:1980). The formulas were geared toward guaranteeing “representation,” but here, representation meant ethno-religious group rights instead of individual political rights supported by cross-cutting institutions.

With the interim constitution in place, the United States-appointed Iraqi Governing Council elected Ayad Allawi to serve as interim Prime Minister. The US administration could declare the occupation over, and Iraqi sovereignty restored ahead of the 2004 US presidential elections.

In sum, while some Iraqi exiles advocated ethnic federalism, many experts and Iraqis (in Iraq) argued against rigid ethnic quotas in state structures, and were wary of the institutionalization of an ethno-religious federal state. Why, then, did the United States pursue ethnocratic solutions? Instrumentally rational decision making was not possible, since the preferences of American policymakers were unclear. Similarly, norms about appropriate governance were contested. In the context of an absence of instrumental or normative drivers, and severe time restrictions, old habits prevailed.

Iraq, Decision Moment #2: The Constitution

The second opening came during the constitutional negotiations held in the summer of 2005. The United States’ new, highly experienced Ambassador to Iraq, Zalmay Khalilzad, was appointed in the spring of 2005, and many observers—both Iraqi and American—thought

that he would usher in a new approach to the problems. Although the United States was no longer in charge of running Iraq or drafting laws, American leaders continued to play an important role in steering the process of institution building, backed by significant military force. The Bush administration, along with Shiite and Kurdish leaders, agreed to hold elections for a transitional National Assembly in January 2005. Its members drafted a constitution that summer before holding a constitutional referendum in the fall of 2005. Many Sunnis, however, were not on board with the short timetable to hold elections. Most Sunnis did not envision their ethnic group as a political bloc. Politically, most Sunnis were Iraqi and Arab nationalists, and many had joined the secular, socialist, and dictatorial Baath party, though many others did not. One of Bremer’s first initiatives had been to ban the Baath party and expel its members from their positions in state, education, health, and other institutions. Most Sunni and secular elites were therefore not eligible to run for office, nor were the eligible ones able to organize politically in the several months before the January 2005 elections. In turn, Sunnis by and large boycotted the elections, which meant there would be no elected Sunni presence during the constitution-drafting process that summer. Under great time pressure, Khalilzad worked tirelessly to try to include “the Sunnis,” since extremist Sunnis were seen to be leading the emerging Baath and Islamic insurgencies. But the White House decided that the date for forging a new constitution could not be changed—the process could not continue past the summer of 2005.

During the summer of 2005, when the constitution of the Republic of Iraq was to be drafted, rather than the United States assisting in a process that might eventually pave the way for the growth of democracy in Iraq, “the rushed constitutional process amplified [ethno-sectarian] fissures and squandered an opportunity to narrow them. . . . Far from forging a new social contract around an Iraqi state, instead, [the process] consecrated, in constitutional language, the already well-advanced breakup of the country into geographic regions that coincide with ethnicity and sect” (Morrow 2010:588). There was “surprisingly weak pressure [by] the Americans on behalf of a civic postnationalist perspective” as Americans adhered automatically to the solutions of ethnic proportionality (Arato 2009:155).

Donald Horowitz described the constitution as “a poorly conceived and poorly drafted document that is loaded against Sunni preferences” (Horowitz 2005:A20). The exclusion of Sunnis from the constitutional process worked to turn the multifaceted Sunni ethno-religious identity into a political one. Moreover, the de-Baathification policies and the swift disbanding of the Iraqi army amounted to the institutional dismantling of the Iraqi national identity. As a RAND report describes, “Disbanding the military was interpreted by many as an attack on Iraqi identity, not as a means by which to purge the country of Saddam’s influences” (Bensahel, Oliker, Brennan, Crane, Gregg, Sullivan, and Rathmell 2008:141; Kalyvas and Kocher 2007). The de-legitimation of the pan-ethno-tribal-religious Iraqi identity, along with a void in state authority and an absence of the monopoly over the legitimate use of force, resulted in full-scale civil war (Sambanis 2006). During the 2005 constitutional decision moment, as in the others previously discussed, American solutions for creating governing institutions were non-reflective in their reliance on rigid ethnic formulations.

²⁹ Author interview with Jamal Benomar, former lead Expert on Iraq for the UN offices in Iraq (July 29, 2010).

The causal processes resulting in American solutions cannot be characterized as instrumentally or normatively driven, but rather propelled by the ethnocratic habit. However, this habit was challenged the following year.

Iraq, Decision Moment #3: The Surge

In November 2006, as war raged and American and Iraqi casualties mounted, President Bush received what he called a “thumping” in the mid-term elections (Ricks 2009:74). Democrats swept into Congress, the news was profoundly bleak in Iraq, and Bush “pronounced himself open” to a change in both tactics and strategy (Ricks 2009:78). As one senator lamented, “how do we keep doing the same thing over and over again at the cost of our soldiers’ lives with no improvement in the political environment in Iraq?”³⁰ The President, reflecting this sentiment, declared: “It is clear that we need to change our strategy in Iraq.”³¹

Most of the changes were in military leadership, strategy, and capacity. Robert Gates replaced Donald Rumsfeld, the Secretary of Defense. The Chair of the Joint Chiefs of Staff was also replaced. General David Petraeus presented the President with a new counterinsurgency strategy that would focus on “population protection” and accommodation, made possible by a surge in US troops and civilians, in contrast to the previous strategy of training Iraqi troops to take over as fast as possible while maintaining US troops on large bases, separate from the population. The overall goal was to “enable the rise of democracy in the heart of the Middle East” (Bush 2010:355).

In early 2007, the White House appointed Ryan Crocker, a “modern Lawrence of Arabia” to be Ambassador of Iraq to create a “civilian surge” alongside the military surge (Slavin 2007). As Meghan O’Sullivan explained, “we wanted to engage Iraqis outside the Green Zone and Baghdad. We deployed civilian brigades all over the country, and allocated resources for them to encourage reconciliation.”³² J.D. Crouch, Deputy National Security Advisor and Assistant to the President further elaborated, “Iraqis had a sense of national identity and we were trying to promote broad institutions that would reinforce that identity.”³³ The new strategy was to be based on “partnerships with moderates,” providing a secure environment which would allow time for moderate political groups to gain in organizational capacity.³⁴

It is important to note that the White House’s new, more flexible approach to ethnicity and governing institutions stood in sharp contrast to the trends developing in the scholarly and think tank world. By 2006, something of an epistemic community had formed around the promotion of ethnocratic solutions for Iraq. For example, Senator Joseph Biden (D-Delaware), then the Ranking Member of the Senate Foreign Relations Committee, and Leslie Gelb, President Emeritus of the Council on Foreign Relations, were advocating the creation of ethnic federalism in Iraq (Biden and Gelb 2006). They were joined by a significant number of scholars who supported such principles (see, for example O’Leary, McGarry, and Salih 2005; O’Hanlon and Joseph 2007). However, as in

previous rounds of decision making, the expert advice was largely ignored.

The policies the White House pursued aligned closely with its democratization goals in an instrumentally rational manner. As a result of the change in the military and civilian strategies, violence decreased dramatically by the summer of 2007 and economic activity began to pick up. Many Sunnis were drawn back into the political process as de-Baathification rules were over-turned. Two new voting rules—shifting from a single district to 18 districts, and from closed to a partial-open list system—worked across ethnic divides by rendering it difficult for politicians to run and win on single-ethnic appeals. As a result, in the 2009 provincial and 2010 national elections, the majority of winning political parties emphasized rule of law over religion or ethnicity, and made explicit cross-ethnic appeals (Dehghanpisheh 2010). In the 2010 national elections, the Secular Shiite Ayad Allawi’s cross-ethno-religious Iraqiya party won the most votes. One senior advisor to Prime Minister Nouri al-Maliki, who lead the other major political party that eventually formed the ruling coalition, summarized: “The results indicate that the majority of Iraqis favor a strong, democratic, unified Iraq, with a strong central government that promotes freedoms and a non-sectarian agenda, delivers on services and has integrity” (International Crisis Group 2010:8; Dawisha 2010).

Although the surge did “open up the possibility that the war would end successfully” in the years since the 2010 elections, President Maliki maneuvered to squeeze ethnic minorities and moderates out of government (Feaver 2011:88). In 2012, US troops departed Iraq, civil war resumed, and in 2014 the Islamic State invaded from Syria, wreaking havoc and destruction across northwestern Iraq. Despite significant advances toward peace and even democracy in 2008–2010, the current outlook remains bleak.

In sum, during the first two decision moments, the ethnocratic habit held. However, in the third round, strong internal stimuli resulting from the 2006 election loss for Congressional Republicans, and unequivocal external stimuli that the rigid ethnic habit in US foreign policy contributed to disaster in Iraq, broke the habit, and brought the solutions into active political and scholarly discourse. The circumstances that held ethnocratic solutions in place changed. Time pressures were lifted, and members of the White House team who had been working on Iraq for years had by then become experts on Iraqi identity.³⁵ In turn, the White House jettisoned the core ethnocratic principles in 2007. Given the means and time to devise laws that would counteract some of the exclusionary provisions of the 2005 constitution, Iraqis and Americans proposed more moderate, cross-cutting electoral institutions, which enabled the dominant political parties to make specific and clear appeals across ethno-religious divides. This is not to say that Iraq has escaped from its ethnocratic institutions—much less violence and instability—but it is indisputable that suspending the ethnocratic habit in US foreign policy helped, at least for a time, to move Iraq toward more flexible institutions.

Conclusion

Habit drives much of human behavior; however, theories of habit remain under-developed. One reason: It proves

³⁰ Senator Gordon Smith (R-Oregon), “Speech on Senate Floor,” 109th Congress (December 7, 2006).

³¹ George W. Bush, “Address to the Nation” (January 10, 2007).

³² Author interview with Meghan O’Sullivan (March 15, 2011).

³³ Author interview with J.D. Crouch, Assistant to President G.W. Bush and Deputy National Security Advisor, Reston, Virginia (March 9, 2011).

³⁴ The White House, “The New Way Forward in Iraq” (January 10, 2007).

³⁵ Author interview with Meghan O’Sullivan (March 15, 2011).

difficult to detect when habits, rather than other logics, drive behavior. This article furthers the theoretical and empirical analysis of social habits by developing expected causal process observations derived from Weberian logics of social action, and employing them in the context of US foreign policy decision making. In so doing, this article demonstrates the plausibility of social habit as a driving force in American foreign policy in ethnic conflict.

US foreign policymakers inherited the ethnocratic habit from European mediators during the war in Bosnia. This habit persisted during subsequent United States-led negotiations in Bosnia and Iraq under conditions of a focus on military strategy, time constraints, and an absence of discussions about individual political rights, civic national identity, or cross-cutting institutions. Powerful external and internal stimuli broke this habit during the 2007 surge in Iraq. Afterward, Americans began proposing electoral institutions that tended toward integration across ethno-religious divides, rather than rigid ethnocratic representation and subnational division.

This change had important and positive effects in Iraq from 2008 to 2010. It suggests that policymakers might better realize their goals by pursuing context-specific electoral rules that render it difficult for politicians to achieve election on single-ethnic tickets. Such rules tend toward moderation in ethnic rhetoric and more integrative political processes. My analysis highlights the need to recognize the significant pitfalls of promoting ethnocracy. It calls attention to the normative and instrumental benefits of promoting, instead, individual rights, cross-cutting institutions, and civic notions of national identity.

The arguments of this study open up possibilities for further research along several major axes. First, we might explore whether the ethnocratic habit holds in “least likely” cases, where the United States was not the lead mediator in ethnic conflicts. Second, future research should examine under what conditions certain categories become salient, especially in foreign policy decision making. Third, scholars must develop more nuanced, deeper, and policy-relevant research on the ways in which institutional design may help to moderate disputes in multi-ethnic societies.³⁶ Simply because the ethnocratic habit was broken in one instance does not mean that more flexible approaches—based on individual political rights, civic conceptions of national identity, and non-ethnic institutions—will be employed going forward.³⁷ Future research should investigate the more specific ways in which successful methods of American domestic Conflict Resolution may be externalized in foreign policy. Doing so could facilitate the pursuit of peace, democracy, and exit from ethnic conflict.

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³⁶ This research agenda is already active. See Reilly 2002; Hartzell and Hoddie 2007; and Elkins and Sides 2007.

³⁷ Note that the Obama administration has been criticized for reverting back to the rigid ethnic lens. See Sky 2015.

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