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THE RIGHT TO BELONG: CITIZENSHIP AND THE CRISIS OF INTERNAL DISPLACEMENT AMONG IRAQ'S ASSYRIANS & CHALDEANS

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ABSTRACT: By critically examining the relationship between citizenship, legal recognition, and internal displacement, this dissertation focuses on the Assyrian people (inclusive of Chaldeans and Syriacs) in Iraq. Following the rise of ISIS between 2014 and 2017, this paper explores how Assyrians, despite holding Iraqi citizenship, were and continue to be, systematically displaced internally and denied effective protection. Drawing on Hannah Arendt's concept of "the right to have rights" and Jürgen Habermas' theory of juridification and communicative power, this article argues that formal legal status of citizenship alone is insufficient to guarantee political inclusion or access to rights, particularly in the context of internal displacement. While the Iraqi Constitution and international frameworks such as the UN Guiding Principles on Internal Displacement recognise minority rights and the protections owed to internally displaced persons (IDPs), these recognitions have not been meaningfully implemented. A significant gap is revealed between Iraq's legal commitments and the lived experiences of internally displaced Assyrians, particularly regarding property restitution, return support, security, and political participation. Using a critical legal approach, it demonstrates that the Iraqi state's response to internal displacement has remained largely symbolic, failing to adequately protect and restore the rights of its minority indigenous populations. Conclusively, a more substantive approach to legal recognition, integrating minority voices and addressing structural barriers to reintegration, is necessary to facilitate a safe and dignified return for displaced Assyrians to their ancestral homelands. This dissertation contributes to the broader discourse on displacement, legal citizenship, and the limits of state protection in post-conflict societies.

Keywords: Human Rights, Belonging, Citizenship, Internal Displacement, Iraq.

1. Introduction

Citizenship and rights within a state are deeply connected, forming the legal framework through which governments protect their citizens. Citizenship grants civil, political, and

social rights, as Hannah Arendt famously argued the “right to have rights”.¹ However, despite citizenship being a legally regulated framework – it is not always permanent. Wars and conflict can displace communities, stripping them of citizenship’s protections.

This article examines the internal displacement of Assyrian communities in Iraq during the rise and rule of the Islamic State of Iraq and Syria (ISIS) from 2015 to 2017. As one of Iraq’s oldest indigenous ethnic and religious groups, Assyrians are formally recognised as Iraqi citizens.² However, during the ISIS insurgency, thousands of Assyrians were forcibly displaced, their villages destroyed, and they faced murder, torture, persecution, and the deliberate targeting of their cultural heritage.³ This is notable as an extreme form of political evil, further defined by international law as “crimes against humanity.”⁴

Using both Arendt’s theory and Jürgen Habermas’ theory of systems, lifeworld, and juridification, this study argues that the displacement of Assyrians exposes Iraq’s political and legal failures to protect minorities.⁵ First, Iraqi policies and legislation failed to prevent or respond to persecution. Second, Assyrian voices were excluded from democratic processes. These failures reveal that citizenship alone does not guarantee rights, and that legal protections risk becoming symbolic when disconnected from lived experience. Thus, this article first outlines Habermas’ and Arendt’s theories whilst examining citizenship and displacement, before analysing the ISIS case study within Iraq’s post-2003 legal context.

2. A Habermasian Lens on Citizenship, Statelessness & Human Rights

¹ Hannah Arendt, *The Origins of Totalitarianism* (Penguin, 2017); TH Marshall, ‘Citizenship and Social Class’ in TH Marshall and Tom Bottomore, *Citizenship and Social Class* (Pluto Press 1992) <https://doi.org/10.2307/j.ctt18mvns1>.

² Yuri Mantilla, ‘ISIS’s Crimes against Humanity and the Assyrian People: Religious Totalitarianism and the Protection of Fundamental Human Rights’ (2016) 23 *ILSA Journal of International & Comparative Law* 77 <<https://nsuworks.nova.edu/cgi/viewcontent.cgi?article=1954&context=ilsajournal>> accessed October 2025.

³ *ibid.*

⁴ Assyrian Universal Alliance, *Australia Recognises Crimes Committed By ISIS Against Assyrians As Genocide*, ASSYRIAN INTERNATIONAL NEWS AGENCY (May 2, 2016 6:25 GMT), <<http://ainanews.org/news/20160502022530.htm>> accessed October 2025.

⁵ Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (William Rehg tr, Polity Press 1996)

Habermas distinguishes between two spheres: the 'lifeworld' and 'systems.'⁶ The lifeworld encompasses everyday social life including norms, behaviours, and interactions, while systems refer to the technical structures of the state, such as its economy, politics, and administration.⁷ Between the two spheres, the law plays an integrative role by invading social spheres, such as the family or education, and turns them into legal categories that interact with the systems. The best and most efficient way for the systems to communicate with the lifeworld is through the law. However, Habermas warns that the systems often prioritise efficiency, wealth, and power over human well-being, leading to outcomes of social harm.⁸ This suggests that the goal is to accumulate more wealth, data, resources, or power through efficient mechanisms that may be cheaper, or faster.

Central to his democratic theory is communicative rationality.⁹ Legitimacy derives not merely from formal legal enactment, but from laws justified through inclusive, rational discourse.¹⁰ The "will of the people" emerges from reasoned deliberation in a public sphere where all can participate freely and equally.¹¹ This process is termed as "communicative power" or "communicative rationality" where democratic societies formulate laws to carry on normative legitimacy.¹² While juridification can protect rights, it risks the "colonization of the lifeworld" if legal frameworks are imposed from above without participatory input.¹³ As Blichner and Molander argue, juridification remains legitimate only when lawmaking is inclusive and participatory, rather than dictated by political or economic elites.¹⁴ This theoretical lens is vital for assessing the limits of legal protections for displaced populations, particularly where legal status fails to secure actual safety or inclusion.

Citizenship is central to political and legal systems, conferring rights, protections, and political participation.¹⁵ Ideally, citizens are recognised by the state,

⁶ Max Travers, *Understanding Law and Society* (Taylor & Francis Group 2009) <<https://ebookcentral.proquest.com/lib/kentuk/detail.action?docID=446944>> accessed October, 2025.

⁷ *ibid*

⁸ *ibid*

⁹ Lars Chr. Blichner and Anders Molander, 'What is juridification?' (2005) ARENA Working Paper No. 14.

¹⁰ *ibid*

¹¹ *ibid*

¹² *ibid*

¹³ Habermas (n 5).

¹⁴ Blichner & Molander (n 9).

¹⁵ Marshall (n 1).

entitled to protection, and included in political life.¹⁶ However, this becomes tested in states of conflict and instability where the reality of citizenship becomes more precarious, especially to marginalized and minority groups of people. This precariousness is seen through statelessness and displacement of individuals within states. The United Nations High Commissioner for Refugees (UNCHR) defines a stateless person as someone “who is not considered as a national by any State under the operation of its law”.¹⁷ Displacement, meanwhile, involves forced movement from one’s home due to conflict, persecution, or disaster.¹⁸ The Assyrian case in Iraq exemplifies this paradox: despite formal Iraqi citizenship, Assyrians suffered violence, marginalization, and displacement during the ISIS conflict, with minimal state intervention. Where despite being recognised as Iraqi citizens, they faced widespread violence, marginalisation, and displacement during the ISIS conflict with minimal intervention or support from state institutions.¹⁹

This article focuses specifically on internally displaced persons (IDPs), individuals forced to flee their homes yet remain within their country’s borders.²⁰ IDPs are known as the most vulnerable people in the world, often enduring prolonged displacement, insecurity, and deprivation.²¹ Unlike refugees, they receive no special international legal protections, making them functionally stateless when their own government fails to safeguard their rights.²²

3. Arendt on Rights and Citizenship

Hannah Arendt’s concept of the “right to have rights” developed in her analysis of statelessness in ‘The Origins of Totalitarianism’ frames citizenship as the foundation for belonging to a political community that recognises and enforces rights.²³ Following World War II, Arendt observed that those who lost membership in any political

¹⁶ *ibid.*

¹⁷ United Nations High Commissioner for Refugees (UNHCR) What is Statelessness? <www.unhcr.org/about-unhcr/who-we-protect/stateless-people> accessed October 2025.

¹⁸ *ibid.*

¹⁹ Mantilla (n 2).

²⁰ United Nations High Commissioner for Refugees (UNHCR) What is Internal Displacement? <www.unhcr.org/about-unhcr/who-we-protect/internally-displaced-people> accessed October, 2025.

²¹ *ibid.*

²² *ibid.*

²³ Arendt (n 1).

community also lost rights tied to it.²⁴ When a state is unwilling or unable to provide protection, citizenship's value is tested as seen with internally displaced Assyrians.²⁵

The "right to have rights" entails that political membership is a precondition for securing basic rights such as protection and participation.²⁶ This is "the one human right" according to Arendt, since without membership (citizenship) in a community where an individuals' rights are recognised, all rights to security, politics, and law become meaningless.²⁷ Without membership, an individual becomes "rightless" and stateless, with no authority responsible over them as a citizen.²⁸ This, she argues, should be reframed as a universal guarantee, a "right to belong" which should be supported by international structures capable of compelling states to protect vulnerable populations.²⁹ This ideal promotes legal implications of universally recognised citizenship or stronger international efforts in securing human rights. Citizenship in this context is the legal concept and embodiment of the "right to have rights" that guarantees rights to an individual as the concept signifies them as a part of a political community.³⁰ In this view, citizenship is not merely a legal status on paper, but an active inclusion in the political community.³¹

Habermas' theory of juridification further highlights how legitimate law must emerge from inclusive, rational discourse among all members of a political community, especially marginalized groups.³² The Assyrian case reveals how exclusion from such processes undermines both legal recognition and democratic participation. Displacement leaves IDPs without effective access to housing, healthcare, education, or safety, rendering them unprotected despite formal citizenship.³³

4. Case Study: Assyrians In Iraq - A Brief History

²⁴ Arendt (n 1).

²⁵ *ibid.*

²⁶ *ibid.*

²⁷ *ibid.*

²⁸ *ibid.*

²⁹ *ibid.*

³⁰ *ibid.*

³¹ *ibid.*

³² Blichner & Molander (n 9).

³³ Walter Kalin, 'Internal Displacement' in Elena Fiddian-Qasmiyeh and others (eds), *The Oxford Handbook of Refugee and Forced Migration Studies* (OUP 2014)

With a rich historical and cultural heritage, the Assyrian people are an ethnic and religious group that inhabited the territory of Iraq for thousands of years.³⁴ They live and have indigenous roots in northern Iraq, particularly around Mosul and the Nineveh Plains, with historical ties extending into Syria, Turkey, and Iran.³⁵ Descended from ancient Mesopotamian peoples, they speak Syriac, a modern form of Aramaic, and belong to various Christian denominations which includes the Chaldean Catholic Church, the Assyrian Church of the East, and the Syrian Orthodox Church, yet share a unified Assyrian identity.³⁶ Generally speaking, though, all three ethnically follow in the Assyrian identity, as this article will consistently refer them.

They sustain a distinct cultural, religious, and linguistic identity. The religious and cultural traditions that remain in practice not only predate the dominant religion of Islam in the Middle East but is also foundational to early Christianity in the region amongst other early Orthodox and Christian groups.³⁷ Culturally, the Assyrians have contributed significantly to the development of philosophy and architecture in the Middle East with their villages located in the Nineveh and Mosul regions which are considered to be the heart of Assyria, but have also endured persistent marginalization and treatment as second-class citizens, excluded from political and sociolegal rights.³⁸

In the 19th and 20th centuries, Assyrians suffered massacres and persecution under the Ottoman Empire, including a World War I genocide that killed an estimated 175,000–250,000 people.³⁹ In 1932, the Assyrian people refused to become a part of the state of League of Nations at the end of the British mandate rule under the leadership of Patriarch Mar Shimun XXI.⁴⁰ However, executions held by King Faysal of Iraq occurred against Assyrians loyal to the nation and Mar Shimun which was

³⁴ Mantilla (n 2).

³⁵ JG Browne, 'The Assyrians' (1937) 85 *Journal of the Royal Society of Arts* 170 <www.jstor.org/stable/41360915>; Sargon Donabed, *Reforging a Forgotten History: Iraq and the Assyrians in the Twentieth Century* (Edinburgh University Press 2015).

³⁶ Sargon Donabed, *Reforging a Forgotten History: Iraq and the Assyrians in the Twentieth Century* (Edinburgh University Press 2015)

³⁷ *ibid.*

³⁸ Hannibal Travis, 'Cultural and Intellectual Property Interests of the Indigenous Peoples of Turkey and Iraq' (2009) 15 *Tex Wesleyan L Rev* 415.

³⁹ Rabi Y. Joseph, 'Negotiating the Assyrian Identity in Iraq, 1919–1933' (2000) *CiteseerX* <<https://citeseerx.ist.psu.edu/document?repid=rep1&type=pdf&doi=db7fb11bc84bc320e2822b873f0b66c13676cb7f>> accessed October 2025.

⁴⁰ *ibid.*

approved by the Ikha government at the time.⁴¹ These executions included thousands of unarmed Assyrian men, women and children in the village of Simele, with a similar massacre under the Iraqi Kurdish General, Bakr Sidqi, in the village of Alqosh (located north of Mosul).⁴² Now, most infamously known as the Simele massacre, where thousands of unarmed Assyrians, including women and children, were killed and aided in part by Kurdish groups, deepening ethnic tensions.⁴³

Displacement has been a recurring theme. Between 2003 and 2009, over 350,000 Assyrians fled Iraq due to conflict and insecurity.⁴⁴ The rise of ISIS in 2014 marked a new wave of devastation, leading to the mass internal and external displacement of Assyrians from their ancestral lands, the destruction of their villages, and the targeting of their cultural heritage.⁴⁵

5. ISIS Conflict & Internal Displacement

The rise of ISIS in 2014 marked a turning point for Assyrians in Iraq, as the group seized the Nineveh Plains, the heart of Assyrian heritage, along with surrounding villages. Entire communities were uprooted, churches and homes destroyed, and cultural sites deliberately erased.⁴⁶ During this conflict, Assyrians had three options: flee, convert to Islam at the force of ISIS, or be persecuted.⁴⁷ Nearly 56% of Iraq's Christians, majorly Assyrians, have fled the country in the last two decades, and those who survived ISIS became and are still internally displaced in Iraqi-Kurdish regions or refugees in neighbouring countries.⁴⁸

Today, only about 140,000 Assyrians remain in Iraq, and many villages abandoned during ISIS's rise remain empty.⁴⁹ The UNCHR recognises that IDP

⁴¹ Joseph (n 39).

⁴² *ibid.*

⁴³ *ibid.*

⁴⁴ Mantilla (n 2).

⁴⁵ *ibid.*

⁴⁶ *ibid.*

⁴⁷ *ibid.*

⁴⁸ Kurdistan24 News, 'Will Iraq's Christians Ever Return? Hurdles Persist Eight Years After ISIS' (15 March 2025) <www.kurdistan24.net/en/story/829831/will-iraqs-christians-ever-return-hurdles-persist-eight-years-after-isis> accessed October 2025

⁴⁹ Mina Aldroubi, 'Fight to Protect Endangered Iraqi Christians Continues after Years of War' (*The National*, 20 March 2023) <www.thenationalnews.com/world/2023/03/20/fight-to-protect-endangered-iraqi-christians-continues-after-years-of-war/> accessed October 2025.

include being displaced and being in the process of reintegration.⁵⁰ While some families have returned, large numbers remain in Erbil, Ankawa, Duhok, and Zakho, often in temporary shelters, makeshift camps, or church compounds under poor conditions. As well, many Assyrians were forced to live in poor conditions through makeshift camps and church compounds.⁵¹ Kurdish authorities have struggled to meet the needs of this displaced population and have called for greater aid.⁵²

This displacement highlights the humanitarian cost of conflict and the legal gap that arises when citizenship fails to secure protection for minority populations. It is crucial to examine the legal framework of citizenship, which determines access to rights, state protection, and justice. The slow and inadequate legal response to Assyrian IDPs illustrates how law can both address and perpetuate the vulnerabilities of displaced communities.

6. Citizenship Rights & Communicative Power

Citizenship plays a central role in determining whether displaced communities can access rights and protection.⁵³ While formally recognised as Iraqi citizens under the 2005 Iraqi Constitution, this recognition has not translated into meaningful safeguards during crises.⁵⁴ Assyrians are recognised in the constitution to have a mother tongue that is not one of the two national official languages (Arabic and Kurdish) and guaranteed the rights to educate their children, and hold administrative, political, cultural rights.⁵⁵ However, while the constitution guarantees their cultural and linguistic rights and affirms the right to life, security, and liberty, these protections were absent

⁵⁰ UNHCR, 'Internally Displaced People' (UNHCR) <www.unhcr.org/about-unhcr/who-we-protect/internally-displaced-people> accessed October 2025

⁵¹ International Organisation for Migration (IOM), *Protracted Displacement in Iraq: Revisiting Categories of Return Barriers* (2021) <<https://iraq.iom.int/sites/g/files/tmzbdl1316/files/documents/IOM%20Iraq%20Protracted%20Displacement%20in%20Iraq-Revisiting%20Categories%20of%20Return%20Barriers%203.pdf>> accessed October 2025.

⁵² Martin Chulov, 'Isis Offensive in Iraq Sparks Mass Christian Exodus from Qaraqosh' (*The Guardian*, 7 August 2014) <www.theguardian.com/world/2014/aug/07/isis-offensive-iraq-christian-exodus> accessed October 2025

⁵³ Marshall (n 1).

⁵⁴ Constitution of the Republic of Iraq 2005 (entered into force 15 October 2005) <www.constituteproject.org/constitution/Iraq_2005> accessed October 2025.

⁵⁵ *ibid.*

during and after the rise of ISIS.⁵⁶ Without enforcement, constitutional and legal recognition become ineffective.

During the ISIS conflict, Iraqi forces prioritised defending Baghdad and the south, leaving minority-populated northern regions inhabited not only by Assyrians, but also by Yazidis and Kurds, exposed to ISIS and their destruction and persecutions.⁵⁷ Despite Iraq's commitment to frameworks like the UN Guiding Principles on Internal Displacement, the execution of the frameworks falls short.⁵⁸ The destruction during the conflict had been so grave, for example, that only 1% of Batnaya's houses (an Assyrian village) was left standing, which hinders returnees while many villages remain partly in ruins.⁵⁹ Multiple structural and security challenges prevented a full return and reintegration of Assyrians into their villages, most of the infrastructure being devastated along with unresolved property disputes and lack of effective government support.

Moreover, in 2017, the Chaldean Bishop of the old village of Alqosh stated that most families that fled Mosul would most likely not return due to psychological pain.⁶⁰ By late 2017, studies found that Nineveh's Christian villages had the lowest rate of IDP return in Iraq, concluding that only about 12% of the displaced Assyrians made their return to the Nineveh Plains.⁶¹ The International Organisation for Migration (IOM) reveals that significant barriers to the reintegration of IDPs in Iraq is the absence of personal documentation and unresolved property disputes.⁶² Many returnees face challenges in reclaiming their homes due to destruction and damaged properties, and proving ownership became onerous and complex since most records have been missing or destroyed.⁶³ Making matters more difficult, it was reported by the

⁵⁶ Constitution of the Republic of Iraq (n 54).

⁵⁷ Chulov (n 52).

⁵⁸ IOM (n 51).

⁵⁹ Syriac Press, 'People Return to Batnaya, Christian Village in Nineveh Plains after Reconstruction' (29 February 2020) <<https://syriacpress.com/blog/2020/02/29/people-return-to-batnaya-christian-village-in-nineveh-plains-after-reconstruction/>> accessed October 2025.

⁶⁰ Vatican News, 'Iraq: Christian Families Refuse to Return to Mosul After ISIS' (*Vatican News*, 12 June 2024) <www.vaticannews.va/en/church/news/2024-06/iraq-christian-families-refuse-return-mosul-isis.html> accessed October 2025.

⁶¹ Nineveh Reconstruction Committee, *Proposal to USAID: Nineveh Reconstruction Committee* (15 September 2017) <https://chrissmith.house.gov/uploadedfiles/17_09_15_proposal_to_usaid_nineveh_reconstruction_committee_usa.pdf> accessed October 2025, 2.

⁶² IOM (n 51).

⁶³ *ibid.*

Norwegian Refugee Council that formal IDP camps within Federal Iraq have been closed, limiting Assyrian IDPs with two choices: to return to their original villages, usually through duress and limited information about aid available there, or prolonged displacement in informal settlements such as Church compounds with a lack of basic services and legal protection.⁶⁴

As of 2023, eight years after ISIS's defeat, the return of many Assyrians remains unlikely. Of the 102,000 who lived in the Nineveh Plains before ISIS, only about 23,000 remain by 2024, with numbers expected to fall without international aid.⁶⁵ Rather than return, 69% of Assyrians consider leaving Iraq, citing security, economic, and political strain, exposing the gap between citizenship and real protection.⁶⁶ This gap between formal citizenship and actual protection reflects Arendt's "right to have rights," where citizenship is meaningless without a political and legal community that enforces it.⁶⁷ The nature of citizenship, state protection, and legal recognition in Iraq when discussing the internal displacement of Assyrians becomes questioned. For Assyrians, citizenship has meant exclusion and vulnerability rather than security and inclusion.

7. Critical Analysis Using Arendt and the Habermasian lens

Tying back to Arendt, her theory applies to those who hold citizenship but lack the protection and inclusion it should guarantee. Despite formal Iraqi citizenship, displaced Assyrians lack the 'right to have rights.'⁶⁸ Many remain in camps or temporary shelters, far from destroyed ancestral lands slowly rebuilt by church-based NGOs, with thousands of homes still uninhabitable.⁶⁹ Ongoing land disputes keep villages in ruins, leaving IDPs either in devastated areas or treated as outsiders in other parts of Iraq, including Kurdish regions. Minority Rights Group notes that Assyrians face some of

⁶⁴ Norwegian Refugee Council, *Where Should We Go? Durable Solutions for Remaining IDPs in Iraq* (NRC 2021) <www.nrc.no/globalassets/pdf/reports/where-should-we-go/durable-solutions-for-remaining-idps-in-iraq.pdf> accessed October 2025.

⁶⁵ Edward Pentin, 'Return or Go Extinct: 5 Things That Must Change Now for Iraq's Christians' (*National Catholic Register*, 31 July 2020) <www.ncregister.com/news/return-or-go-extinct-5-things-that-must-change-now-for-iraq-s-christians> accessed October 2025.

⁶⁶ *ibid.*

⁶⁷ Arendt (n 1).

⁶⁸ *ibid.*

⁶⁹ Marshall (n 1).

the worst marginalization, with limited access to social and economic rights.⁷⁰ While counted as citizens, their substantive rights remain severely diminished.

This case reflects Arendt's view of people unable to reclaim rights after a political collapse, in this case, Iraq's breakdown and failure to protect minorities.⁷¹ Assyrians displaced by ISIS lost the ability to live safely in their homes, practice religion, and participate politically, while also losing state protection. While still being Iraqi citizens, they lost the full benefits of citizenship and thus, lost their right to have rights. Beyond individual violations, this represents a collapse of their belonging to a political community that values and protects them. It is not only a humanitarian crisis but a political one, raising questions about the real value of citizenship and who is deemed worthy of its protections.

The state's inability to prevent persecution or ensure safe return reflects a failure to uphold citizenship rights, compounded by shortcomings in international aid. Habermas argues that law gains legitimacy through inclusive public participation, warning that juridification can fail when disconnected from lived realities.⁷² Legal recognition of Assyrians during and after ISIS lacked such legitimacy. Despite constitutional and UN-based minority rights, Assyrians were excluded from political and legal decision-making, limiting their influence over displacement and return policies. This illustrates Habermas's point that law detached from communicative power becomes symbolic rather than empowering.⁷³ Poor village infrastructure underscores this failure, with roughly 40% of returning Assyrians being displaced again into insecure, inadequate living conditions.⁷⁴

The Assyrian community in northern Iraq has a distinct lifeworld rooted in ancient heritage, language, religion, and village traditions.⁷⁵ ISIS's rise shattered this

⁷⁰ Minority Rights Group 'Understanding Barriers to health care for minorities and indigenous peoples in Egypt, Iraq, and Tunisia' (Minority Rights Group, 28 June 2023) <<https://reliefweb.int/report/egypt/understanding-barriers-health-care-minorities-and-indigenous-peoples-egypt-iraq-and-tunisia#:~:text=The%20main%20objective%20of%20this%20study%20is%20to,and%20Jews%2C%200Amazigh%20and%20Black%20Tunisians%20in%20Tunisia.>>> accessed October 2025.

⁷¹ Arendt (n 1), 296.

⁷² Habermas (n 5).

⁷³ *ibid.*

⁷⁴ Jarjis Toma, 'The Demographic Change Haunts Minorities in the Nineveh Plain', (Network of Iraqi Reporters for Investigative Journalism 3 February, 2025) <<https://nirij.org/en/2025/02/03/the-demographic-change-haunts-minorities-in-the-nineveh-plain/>> accessed October 2025.

⁷⁵ Habermas (n 5)

identity by overrunning towns, desecrating churches, and displacing communities, severing generational ties to land and erasing sacred sites.⁷⁶ Post-conflict governance, dominated by state institutions and armed groups, excluded Assyrian voices from decisions on local security. After ISIS, Assyrians were excluded from local security decisions, while militias imposed curfews and checkpoints restricting movement.⁷⁷ In March of 2023, Assyrians in Hamdaniya (Bakhdida) staged protests against attempts by the Babylon Brigade, also known as the Popular Mobilization Forces, (PMF) to seize control of local governance.⁷⁸ In 2023, Hamdaniya residents protested the Babylon Brigade's bid for control, reflecting what Habermas calls the colonisation of the lifeworld, where state and military systems override community agency and act as oppressive forces.⁷⁹

The PMF was introduced to replace ISIS and prevent re-infiltration, yet Assyrians were excluded from decisions shaping this security structure.⁸⁰ The Babylon Brigade, an official Christian militia often criticized as politically inauthentic, was widely rejected by Assyrian leaders and residents, who saw its involvement in Hamdaniya's municipal offices as external appropriation of local governance. As Habermas notes, democratic legitimacy requires inclusive deliberation among affected citizens, yet in the Nineveh Plains, security and governance arrangements have been imposed without Assyrian participation.⁸¹ The attempt to assert Babylon Brigade control without local consent exemplifies a failure of communicative rationality, where power is exercised over a vulnerable community through formal frameworks lacking genuine execution.

Article 125 of the Iraqi Constitution formally recognises the administrative, political, and cultural rights of minorities, including Assyrians, and Iraq endorses the UN Guiding Principles on Internal Displacement.⁸² Yet these legal recognitions have

⁷⁶ Nicholas Bashour, 'Iraq's Christian Communities Face an Existential Threat' (2024) 28(1) Middle East Policy <<https://onlinelibrary.wiley.com/doi/full/10.1111/mepo.12788>> accessed October 2025.

⁷⁷ Nadine Maenza, '10 Years After ISIS Genocide, Christians Are Under Threat' (Wilson Centre, 19 August, 2021) <www.wilsoncenter.org/article/10-years-after-isis-genocide-christians-are-under-threat> accessed October 2025.

⁷⁸ Zeynep Kaya, *Minorities and Displacement in Iraq: Defining, Identifying and Enabling Durable Solutions* (LSE Middle East Centre Report, 2021) <<https://eprints.lse.ac.uk/111567/>> accessed October 2025.

⁷⁹ Habermas (n 5).

⁸⁰ Kaya (n 78).

⁸¹ Habermas (n 5).

⁸² Constitution of the Republic of Iraq 2005 (n 54).

not translated into practical protection or support for Assyrian IDPs returning to destroyed homes and lands. Property restitution has largely failed, with land grabs and protracted disputes leaving many unable to reclaim their homes.⁸³ Reflecting Habermas' concept of juridification, the law here is procedural and detached from public discourse, serving as a symbolic gesture rather than a lived guarantee of justice.⁸⁴ Despite holding Iraqi citizenship, Assyrians face persistent barriers to justice, restitution, and security, with frameworks on displacement and minority rights created without their participation, silencing the lifeworld and allowing the system to override it.

In Habermas' theory, communicative power and thus legal legitimacy arises from inclusive citizen deliberation, echoing Arendt's link between citizenship and societal membership. For Assyrians in Iraq, this power has been denied, leaving them with little political influence over security or post-ISIS reconstruction, which paved the way for the Babylon Brigade. Reconstruction has instead been led by Church-based and NGO initiatives such as the Nineveh Reconstruction Committee and Shlama Foundation, filling the gap left by government exclusion of local voices.⁸⁵ Ongoing displacement, unresolved property claims, insecurity, and political marginalisation keep the Assyrian lifeworld subordinated to the system, with its voice muted by a legal framework detached from genuine participation. Their political, security, and homeland rights, the "right to have rights" Arendt describes, remain increasingly under strain.⁸⁶

8. Conclusion

The internal displacement of Assyrians in Iraq after the rise of ISIS exposes the limits of formal citizenship and legal recognition. Drawing on Hannah Arendt's "right to have rights" and Jürgen Habermas' theory of juridification, this study shows that while

⁸³ US Commission on International Religious Freedom, *Religious Freedom Conditions in Iraq* (2024) <www.uscirf.gov/sites/default/files/2024-05/Iraq.pdf> accessed 22 April 2025; Agenzia Fides, 'Christian Parties Raise Alarm Over Illegal Land Acquisitions in Nineveh' (21 June 2023) <www.fides.org/en/news/73915-ASIA IRAQ Christian parties raise new alarm over illegal land acquisitions in the Nineveh plain> October 2025.

⁸⁴ Habermas (n 5).

⁸⁵ MERI Policy Paper, *Congregations Turned to Actors: The Case of Christian Local Reconstruction Committees in Nineveh* (Middle East Research Institute, 2023) <www.merik.org/publication/congregations-turned-to-actors/> accessed October 2025.

⁸⁶ Arendt (n 1).

minority rights are affirmed in law, they fail in practice for Assyrians who remain displaced and excluded from decisions on security, reconstruction, and governance. Constitutional protections and international frameworks exist, yet state and militia systems override local autonomy, access to justice, and restitution. This reflects Habermas' concern that law, when detached from public discourse, becomes procedural rather than protective, and Arendt's warning that citizenship is meaningless without real protection and inclusion.

Ultimately, legal recognition alone cannot secure justice for Assyrians in post-ISIS Iraq. Legitimacy and effectiveness require a participatory legal culture that includes those most affected. Reintegration must go beyond rebuilding infrastructure to transforming how law is conceived and implemented, fostering shared discourse rather than imposing silencing systems. While context-specific, this case speaks to wider issues of citizenship, minority protection, and the structural failures of legal systems in post-conflict societies.

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