Contemporary Debates and Historical Identities:

Evolving Conceptions of Pluralism and the Future of Women's Rights in Post-Revolutionary Libya

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Femin Ijtihad stands for "critical thinking" of gender notions and laws. Its aim is to research and share relevant and simplified academic scholarship on Muslim women's rights, to activists and organizations working at the grassroots. Over the years, academic ideas and theories have flourished the re-understanding of women's rights. F.I.'s Research Programs focuses on locating academic and activist articles, book chapters, or NGO-produced reports from a variety of disciplines (legal, theological, historical, anthropological, sociological, political science, and other social science methods) that analyze arguments on notions of exegesis of Islamic texts; contemporary legal reforms in Muslim-majority societies; various forms of Muslim women's resistance; Muslim women in literature; and programs that empower men as partners in women's rights efforts.

Abstract

The participation of Muslim women in revolutions across the Arab world has challenged perceptions of their lack of agency. Libya proved no exception, as women provided important practical support for anti-Qadhafi forces. Now, as Libya prepares for a future free of dictatorship, activists find themselves engaged in a new battle, this time for gender equality. Women have been restricted to largely ceremonial roles within the new administration, and National Transitional Council (NTC) chairman Mustafa Abdul Jalil publicly declared his intention to create an Islamic state governed by *sharia*. Jalil's policies, possibly motivated by the discrepancy between Qadhafi's state feminism and his actual oppression of women, categorically exclude women from meaningful political involvement despite their lauded participation in the revolution. This reflects a broader conflict within Islamic scholarship as reformists clash with fundamentalists over Islam's capacity to adapt to pluralism.

For some contemporary jurists, concepts like *ijtihad* create space for innovative interpretations of *sharia*, and provide a jurisprudence that promotes and protects gender equality. Conservatives resist this as an assault on Islam's theological purity and historical identity. Through interviews conducted with activists and analyses of the theological structures in Islam that frame this debate over reform, we intend to critique the current state of gender equality in Libya and gauge the potential effects of this intellectual conflict on the political participation of Libyan women.

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Introduction

This paper represents the first instalment of an on-going research project into the capacity of Islamic law, or *sharia*, to adapt to more pluralistic approaches to governance and subsequently to permit reform on the social expectations and rights assigned to women. The title of our organisation, Femin Ijtihad, can be translated as 'innovative legal reasoning applied to the subject of women's rights,' and it reflects our intentions to research potential solutions for the various manifestations of gender inequality present in many areas of the Muslim world within the context of *sharia*.[1] This includes legal and other politically enforced inequalities, as well as violence against women. As researchers focused on the ramifications of conservative applications of *sharia* for Muslim women, the public participation of Muslim women in the events of the Arab Spring is of profound interest, as it directly contradicts mainstream perceptions of Muslim women as an isolated community alienated from the public sphere by male oppressors. Moreover, the removal of repressive Western-backed regimes in North Africa has left a significant political void that stands to be filled by Islamist factions, whose histories as organised political movements leave them in strong positions to launch viable election campaigns. The strength of their position grants these factions the ability to dominate political debate, which significantly influences the manner in which women's rights are discussed at the national level.

This is the case in Libya. The arrival of the Arab Spring in Tripoli led inexorably to Muammar Qadhafi's loss of power to rebel forces. His execution by those forces signalled the fall of the longest-serving government in Libya since the colonial era. Post-dictatorship, the question of developing a new approach to Libya's governance now falls to the NTC, headed by Mustafa Abdul Jalil. Once Qadhafi's Minister of Justice, since assuming his position as chairman of the NTC Jalil has announced intentions to model Libya as a moderate Islamic state governed by *sharia*. Early statements by Jalil regarding polygamy and the primacy of women's roles as wives and mothers indicate the

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[1] From website: http://feminijtihad.com/research-library/research-program-qa/

conservative direction his interpretation of *sharia* is likely to take, but it is pivotal to understand his statements as situated within an established

tradition of Islamic governance and legal theory, as well as within contemporary debates over Islamic pluralism. This paper will provide an exploration of the historical and contemporary contexts of applications of *sharia* to governance in Islamic states. It will also connect Jalil's interpretation of *sharia* to current theological debates on the same topic, and finally, it will feature the perspectives of Libyan women activists on life under Qadhafi and the realities now faced by women seeking equal political representation in a state whose political future is being decided by Jalil and other conservative factions.

A Brief History of Islamic Governance

Governance in predominately Islamic societies has historically been complicated by differences between religious orthodoxy and cultural mores. In Arab societies, political culture is influenced by a network of familial relationships, relationships often defined by regional tribal traditions. This characteristic was visible in the paternal tenor of Qadhafi's regime: he hoped to stay in power by adopting a role associated with authority deployed in the best interests of others.[2] The demands of Libya's revolutionaries represent a drastic shift away from authoritarianism toward a more democratic system but historically, there is no tradition of a system of governance that resembles democracy. The global media portrays the Western states as models of democratic governance, a representation that the governments of those states welcome and attempt to uphold with applications of both hard and soft power, but this same representation of the West as the embodiment of egalitarian rule presents obstacles for reformists located in nations historically affected by imperialism, whether in the guise of direct colonial rule or more subversive interference. It is unlikely first that reformists would seek solutions derived from secularized Western thought, and second that Western intellectual tradition could be adequately adapted by postcolonial scholars to capture the nuances of political life in the developing world.

Islam, however, does possess an intellectual tradition of critical reasoning; additionally, it is also the dominant belief system of Libya and its nearest neighbours. Its potential to unite large sections of the population under the banner of one popular movement has already been demonstrated historically through centuries of caliphates and the establishment of an Islamic empire that once reached to Europe. The longevity of the caliphates demonstrated that Islamic rule could successfully withstand the vagaries of popular opinion and outside aggression. Muslim rulers, whether they governed territories in North Africa or Central Asia, adapted their religious beliefs to support military conquest or personal political projects. In fact, religion often proved inseparable from their more profane endeavours. The career of Mehmet II, popularly considered to the founder of the Ottoman Empire[3], provides a useful example of the confluence of Islamic belief and political rule. Though Mehmet is not personally known for explicit references to Islam's exhaustive philosophical tradition on the subject of reform, the apparatuses he deployed to effectively govern his newly acquired territories historically situate the discussion on the application of Islamic thought to political life.

Enthroned in 1444, Mehmet II occupied the throne of the early Ottoman sultanate from the age of twelve.[4] By the beginning of his famous siege of Constantinople, Mehmet II had spent nine years learning the nuances of imperial rule from his father through his life at court and his participation in the elder's military campaigns. He would have been familiar with the popularity of a prophecy that foretold the arrival of a military leader whose successful

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[2]   Amal Obeidi, Political culture in Libya (Surrey: Curzon Press, 2001), pp. 16-17.

[3] Stephen F. Dale. *The Muslim empires of the Ottomans, Safavids, and Mughals* (Cambridge: Cambridge University Press, 2009), p. 81.

[4] Dale, *The Muslim empires of the Ottomans*, p. 81.

conquest of Constantinople had been divinely ordained as part of the work of God.[5] The religious devotion of his subjects portrayed Mehmet II as the embodiment of God's interference in human affairs, which only proved conducive to his imperial ambitions. It provided him with popular support for his attack against the city's Byzantine rulers. Mehmet clearly understood the political reality created by the specific beliefs of his realm's subjects, and subsequently reacted to it by transforming the newly conquered city's churches to mosques. The symbolic act positioned him as the leader of the 15th century Muslim world, and his success against the Christian remnants of the Roman Empire marked a historical epoch that some scholars suggest ended what is now commonly termed the Middle Ages.

Subsequent conquests granted Mehmet control over a large empire with a diverse population. His approach to the rule of this population reflects an adherence to the political structures outlined by Islamic thought informed by an awareness of the needs of his cosmopolitan empire. Though he employed an *'ulama*, or legal advisor, as a personal counsellor and based his treatment of his empire's *ahl al-kitab,* or Jews and Christians, on the Quran's teachings regarding those it designated People of the Book, Mehmet also formulated secular legal codes in conjunction with ones defined by Islam, a decision he did not view as contrary to his status as the supreme Muslim ruler of his day.[6] The political hybridity espoused by Mehmet II effectively stabilized his empire and provided his successors with a stable platform from which to expand upon his efforts. The result was the Ottoman Empire.

Mehmet's pragmatic governance is indicative of an intellectual tradition that welcomes debates over cosmopolitanism and reform. His empire exemplifies a political manifestation of that tradition, and these debates continue to influence approaches to governance in the Muslim world. The downfall of the Ottomans coincided with the rise of European empires. They introduced Western political thought in conjunction with their colonial endeavours and diplomatic interference in the East. The cultural assimilation that accompanied colonial administration has been extensively examined by postcolonial writers like Franz Fanon, Edward Said and others; there is no need to repeat their work here. Of relevance to this paper is the researchers' theory that the cultural violence described by these writers has strongly influenced the evolution of political Islam in the Arab world, as debates over the proper application of Islamic doctrine to governance are poised to affect the development of political institutions in states still reeling from the Arab Spring.

A contemporary example is Egypt, whose political turbulence in the wake of colonialism increased the appeal of religiously based political parties like the Muslim Brotherhood, whose founders developed platforms based on conservative interpretations of Islamic theology.[7] The Brotherhood, founded in 1928 by a young preacher named Hasan al-Banna, built a thriving political movement based on its call for a return to traditional Islamic values as an alternative to the values espoused by a regime it perceived to be overly influenced by Western thought. Satellite chapters of the movement soon spread to other areas of the Middle East and North Africa. The Egyptian government reacted to this threat by enforcing bans on their political

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[5] Dale, pp. 78 – 79.
[6] Dale, pp. 82-84.
[7] Martin E. Marty. *Fundamentalisms and the state: remaking polities, economics and militance.* p.152.

activities, as did other regional governments including Libya, in an attempt to destabilize the Brotherhood's popular support.[8] Cleverly, the Brotherhood employed and benefited from the space for independent reasoning provided in Islamic thought; not only did it permit the movement's establishment by al-Banna, it relied on the influence of Islam's intellectual tradition on the subject of governance. Jurists like Yusuf al-Qaradawi possess an international media presence that grants them an audience whose scale is unprecedented in the history of Islamic thought. When clerics with such global followings become involved in the political process, the potential consequences are severe for the governments in question. For Qadhafi, his repression of the Brotherhood and indeed of all dissidents earned him a *fatwa* issued by al-Qaradawi, associated with the Muslim Brotherhood, though al-Qaradawi famously twice rejected requests to assume leadership of the movement.[9] He has typically urged the use of such gestures only in the greatest extremity.

The combination of the global popularity of jurists like al-Qaradawi and the movement's reputation for advocating a traditional version of Islam free of Western cultural interference means that official bans on Brotherhood activity in Egypt, Libya and other regional states did nothing to dent either the movement's growth or the loyalty of its membership. As demonstrated, groups like the Brotherhood have repeatedly exhibited the ability to capture the public imagination at levels that presented a clear threat to the sustainability of the ideologies of North African and Middle Eastern regimes, which often enjoyed a measure of Western support, and simultaneously provided the subjects of those regimes with the possibility of political participation with a quantifiable effect on the mechanisms of government, a role often denied the subjects of repressive regimes like Qadhafi's.[10] Now that revolutionary movements in both countries have toppled Western-backed regimes, interim governments possess the authority to determine the political role of faith in the public sphere. Egypt and Libya have recently rescinded their bans on religious parties. But unlike Egypt's military junta, Libya's National Transitional Council has, under the leadership of Mustafa Abdul Jalil, announced its intentions to govern Libya according to a moderate interpretation of *sharia*. The application of *sharia* to post-revolutionary governance in Libya demonstrates that contemporary debates on its interpretation and capacity to adapt to pluralistic societies will be as relevant to the people of Libya as they have been historically for the people of other, older Muslim states.

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[8] Al-Jazeera. 'Libya drops ban on religion based parties.'
http://www.aljazeera.com/news/africa/2012/05/2012522304234970.html
[9] Owen Bowcott & Faisal al Yafai,. 'Scholar with a streetwise touch defies expectations and stereotypes.' The Guardian, http://www.guardian.co.uk/politics/2004/jul/09/religion.immigrationpolicy. See also, Spiegel Online International, Alexander Smoltczyk. 'Islam's Spiritual 'Dear Abby:' the Voice of Egypt's Muslim Brotherhood, http://www.spiegel.de/international/world/islam-s-spiritual-dear-abby-the-voice-of-egypt-s-muslim-brotherhood-a-745526.html.'
[10] Obeidi. *Political culture in Libya*. p. 18

Key Post-Revolutionary Controversies

Mustafa Abdul Jalil has emerged as a pivotal but controversial character in Libya's path toward a cohesive post-Qadhafi government. Now Chairman of the National Transitional Council, Jalil is a trained lawyer and former judge who also served as Minister of Justice under Qadhafi. He tendered his resignation on 21 February 2011, ostensibly in response to the brutality government forces exhibited in its faltering fight against the rebels.[11] Jalil's resignation marked the most high-profile defection to that date, and Qadhafi reacted with the expected force. Qadhafi attempted to exert political pressure to coerce Jalil back into the regime's hierarchy, and therefore its control, but this failed. Qadhafi adopted brasher tactics and announced an impressive bounty on his person. Despite that bounty, Jalil found refuge with the rebel forces, and subsequently assumed a place on the newly formed Transitional Council after their successful rout of loyalist forces. The scale of his public profile has therefore not suffered despite his association with Qadhafi, and his ability to find a stable role in the post-revolution government is indicative of the respect he currently enjoys from a certain portion of the Libyan population. That respect, however, is not universal. Despite a judicial record of consistent rulings against the Qadhafi regime during his time as a judge, his career as Qadhafi's Minister of Justice is a persistent source of controversy among factions of the revolutionary movement.[12]

Based on personal interviews conducted with Libyan women with records of involvement in anti-regime activities prior to and during the uprising against Qadhafi, some activists are not convinced that Jalil's public opposition to Qadhafi's cult of personality necessarily indicates a private dedication to reform that will quantifiably influence the NTC's development of a post-revolutionary government. For Ghaida al-Tawati, the founder and president of the ittihad al-Mudawwanin al-Libiyyin (Union of Libyan Bloggers), Jalil's high position in Qadhafi's government is a fatal indictment of the level of his true commitment to reform: 'Jalil is Qadhafi's Minister of Justice! Where was the justice in Jalil's era?' While working as a journalist, al-Tawati and her colleagues became the targets of a well-publicized smear campaign orchestrated by Qadhafi and other regime strongmen.[13] 'In 2010, when the regime started its dirty campaign of slandering me and my colleagues' reputation, I went to Jalil's office to file a complaint and I was rejected and driven out of the office,' she reports.

She further attributes Jalil's resignation to pragmatism rather than a sense of ethical responsibility: 'Jalil opposed the regime when he knew the eastern region was not under the regime's control anymore.' She is particularly concerned with his record on women's rights, and cites Jalil's now-famous speech that advocated for the legalization of polygamy in conjunction with the importance of fertility for the future of post-revolutionary Libya. This conservative interpretation of Quranic teaching is associated with more extremist movements

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[11] Charles Levinson, Rebel Leadership Casts a Wide Net, The Wall Street Journal, March 10, 2011, http://online.wsj.com/article/SB10001424052748704629104576190720901643258.html.

[12] Matthias von Hellfeld, The face of the Libyan revolution - Mustafa Jalil, Rob Mudge (Ed.), 28 August, 2011, http://www.dw.de/dw/article/0,,15340791,00.html.

[13] Matthieu Aikins, Jamming Tripoli: Inside Moammar Gadhafi's Secret Surveillance Network, Threat Level, May 18, 2012, http://www.wired.com/threatlevel/2012/05/ff_libya/all/1.

like Wahhabism, yet Jalil has publicly repudiated extremism "from the right or the left" since the fall of Qadhafi.[14] Therefore, his declared intention to re-form Libya as a "modern Islamic state" that is governed by *sharia* confounded Libyan secularists and Western observers alike.

However, a close examination of his academic background suggests that this declaration is likely derived from a systematic approach to jurisprudence is indicative of the influence of a particular tradition of Islamic scholarship on his legal education. Educated at the University of Libya, Jalil, a Sunni Muslim, received a degree in Law and *Sharia* and entered the legal profession in a difficult era for the people of Libya.[15] The erosion of colonial power, the fall of Libya's monarchy and the rise of Qadhafi preceded Jalil, but the consequences of this series of national events had an inarguable influence on the academic and political culture Jalil entered as a law student and later as a professional jurist. Specifically, this national turbulence Libya experienced, so typical of postcolonial states, provided Qadhafi with an opportunity to seize power with popular backing. Qadhafi portrayed himself as a strong leader for Libya's future as an independent state, and built a public image organized around a personal mythology that attempted to establish himself as the contemporary saviour first of a pan-Arab nation, then, as his ambitions grew, of a pan-African nation.

The appeal that this particular version of Arab nationalism held for Qadhafi and those loyal to his regime is obvious: the absence of direct colonial administration in Libya left Britain's former subjects with the task of formulating a coherent national identity located in traditional sources rather than the influence of the West. Rashid Khalidi described this preference for nationalism as primarily a reaction to 'incorporation' into a Eurocentric political system.[16] This attempt to revive lost traditions and values in the wake of this collective crisis of postcolonial national identity is the crucible which formed Qadhafi's approach to governance. It is therefore relevant to the understanding the policies put forward by Jalil and his colleagues in Libya's newest government, and it will inform the evolution of the political institutions they construct just as it did for Qadhafi's rule.

It appears that Jalil, however, does not believe that the solution to the quandary presented by Libya's turbulent political history is to be found in pan-Arabism. Unlike Qadhafi, Jalil has carefully crafted a public reputation around his devotion to his faith, through his unquestionable adherence to the legal practices of Sunni Islam. Islamic tradition offers Libya's new government with legal and political solutions that are undeniably alternatives to the ones posed by Qadhafi's interpretation of Nasserism. Because of his education and his professional background, Jalil seems well positioned to influence the development of a legal system defined by Islamic thought. Though it remains to be seen whether Jalil hopes to establish himself in a more permanent position of power, his personal statements and the rulings of the Transitional Council currently reflect a desire to unify the people of Libya under a cohesive legal system that can withstand the vagaries of international politics. During the revolution, Libya's Islamist factions capitalized on the conflict to issue their own bids for political

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[14] Karin Laub. "Mustafa Abdul Jalil, Libya interim leader, says no place For extremist Islam, The Huffington Post, December, 11, 2011, http://www.huffingtonpost.com/2011/11/12/mustafa-abdul-jalil-islam_n_1090049.html.

[15] Matthias von Hellfeld. "The face of the Libyan revolution."

[16] Rashid Khalidi, Arab nationalism: historical problems in the literature, The American Historical Review, Vol. 96, No. 5 (Dec., 1991), pp. 1363-1373, p. 1364.

supremacy. Those factions still claim a measure of popular support, which represents a clear concern to Jalil and his colleagues' plans to solidify national unity.[17] A controversial ban on religious parties, repealed when the measure proved highly unpopular among prospective voters, owed its brief existence from this concern for Libya's continued survival as a united, sovereign state.[18] The interim government also faces challenges to its authority from tribal demands for political autonomy and from regional governments seeking to expand their respective spheres of influence.[19]

This political maelstrom makes survival the primary objective of the NTC. The issue of gender equality has not received priority status in the post-revolutionary era; nevertheless, it has the potential to become another source of controversy for the people of Libya. The Transitional Council named two women to ministerial roles, but this is largely perceived as a token gesture. The promised legalization of polygamy and Jalil's public commitment to the implementation of *sharia* are matters of concern for women activists, who fear that the pivotal roles they assumed during the revolution will be ignored during the development of Libya's new political institutions.

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[17] Al-Jazeera. 'Libya leader vows to stop autonomy bid.'
http://www.aljazeera.com/news/africa/2012/03/201237103524945859.html
[18] Al-Jazeera. 'Libya drops ban on religion based parties.'
[19] Al-Jazeera. 'Libya leader vows to stop autonomy bid.'

Historical Roles and Evolved Identities

Activists who seek to institutionalize the protection of women's rights in the new Libyan constitution face many obstacles to their work. These obstacles are created by traditional expectations for women and complicated by religious debates over their participation in public life. Libya, a tribal society, has neither a cultural nor a political tradition of gender equality. As previously mentioned, Arab political culture is relational and heavily influenced by familial networks. When these relational structures are applied to government, traditional family roles are transposed onto political structures. For Libyan women, the implications are obvious: traditional female roles center around their responsibilities as wives and mothers. The institutionalization of these roles results in politically enforced gender inequality. Carla Obermeyer argues, therefore, that tribal traditions are the most likely source of the Arab region's gender inequality. To support her argument, she demonstrates that Arab women, as a demographic, exhibit high fertility rates across the region. Data shows that this is true of Libyan women in particular, and further explains that these rates remained relatively steady after Qadhafi assumed power.[20] This could indicate that despite certain regional advances in the education of women, the institutionalization of tribal family structures results in legalized limitations on the political roles women are permitted to assume. Their identities in the public sphere are defined by the expectations of the private sphere, which in the case of Libyan women are marriage and motherhood.

For Obermeyer, Islamic belief is not a satisfactory explanation for the political and legal inequalities experienced by Arab women, including by the women of Libya. Nor does it indicate that Muslim women are mandated passivity; in fact, the available fieldwork contradicts this assertion.[21] Historically, Islam has been viewed as a system that acts to protect women, not repress them, because the Quran and the hadith effectively codify the appropriate treatment of women by men. Prior to Islam, no such codification existed in the Arab region, and scholars refer to this era as *al-jahiliyya*, a period marked by violence and political chaos. The organization of local societies around the cohesive belief system represented in the teachings of Muhammed ended the chaos, and, in the eyes of many scholars, created a global community that acknowledged that women possess certain legal rights.[22] The subordinate roles women now typically fill in Arab societies should therefore not be construed as a function of Islamic belief, but rather the natural consequence of laws based on jurists' cultural traditions.[23]

Steven Fish presents a similar argument. Fish finds fatal flaws in the argument that Islamic beliefs dictate the low political status of Muslim women, or, for that matter, that widespread Islamic beliefs predispose a state to any version of authoritarianism: first, that it treats Islam as a monolithic subject devoid of any diversity of interpretation, and second, it ignores other

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[20] Carla Makhlouf Obermeyer. 'Islam, women and politics: the demography of Arab counties.' *Population and Development Review*, Vol. 18, No. 1 (Mar., 1992), pp. 33-60, p. 39.
[21] Obermeyer, p. 49.
[22] Obermeyer, pp. 48 – 52
[23] Obermeyer, p. 51.

contributing factors to the development of the perceptions that enforce this low status the demographics of the Arab world cannot rationally be separated from any discussion of the political status of Arab women.[24] For Fish, like Obermeyer, the demographics of the Arab world cannot reasonably be extricated from any discussion of gender inequality in Islamic societies. He cites disproportionately high ratios of men to women as a possible explanation for the subordination of women, though he also states that this ration could be considered evidence of more fundamental patriarchal attitudes that result in the malnourishment and eventual early death of girls.[25] According to his data, Libya has a particularly high ratio of men to women: it exceeds 103/100.[26] He also finds a strong correlation between the repression of women and authoritarian regimes.[27] His findings also reflect the social roles established for women within the family structure: similar to Obermeyer's data, Fish's work indicates the prevalence of the subordination of women within the family unit. [28]Again, if we accept that Arab political culture is based on familial relationships, then differences in patriarchal structures are likely the determining factors in the status of women. The Quran does not explicitly support gender segregation and interpretations of its teachings regarding women vary in severity from state to state.[29]

Qadhafi's policies and personal behaviour toward women serve as yet another argument against Islam as the basis for Libya's rampant gender inequality. Though he publicly endorsed a superficial version of state feminism that professed a dedication to the advancement of women, this project featured the same flaws that plagued the rest of his government's policies: corruption, nepotism and authoritarianism. [30] Advancement of the status of women primarily served as a vehicle for Qadhafi to portray daughter Aisha as the public face of the educated, active Libyan woman. Her association with Libyan women's rights even meant the dominance of the third sector that acted to the detriment of other independent women's rights organizations.[31] It also remained entirely superficial. Reports of rapes and other acts of gender-based violence committed by Qadhafi and his sons revealed the true depth of his dedication to gender equality. This disjuncture between Qadhafi's official rhetoric and the lived experience of Libyan women is typical of the regime's attitude toward human rights, and it served as a motivation for women's participation in the revolutionary movement. The topic of gender equality has already proved to possess the potential to create controversy and illuminate entrenched social divisions, which the NTC cannot afford. As the interim government prepares to supervise Libya's first presidential elections, that potential presents yet another possible threat to national unity. However, the use of *sharia* as a definitive legal system does not spell the death of a future for Libyan women's equal rights. The topic of human rights, and by association gender equality, has received renewed attention from contemporary Muslim intellectuals engaged in debates over religious reform and the

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[24] M. Steven Fish. 'Islam and authoritarianism.' *World Politics*, Vol. 55, No. 1 (Oct., 2002), pp. 4-37, p.5
[25] Fish. p.28.
[26] Fish, p.52
[27] Fish, p.29
[28] Fish, p.30
[29] Fish, p.37.
[30] Sophie McBain. 'False ending: Muammar Gaddafi is dead but the women of Libya remain fearful.' New Statesman http://www.newstatesman.com/middle-east/2011/10/women-gaddafi-libya-mounia.
[31] Sophie McBain, 'False ending.' New Statesman.

implications of adaptation to political philosophies traditionally associated with the West and its history of cultural assimilation.

Contemporary Debates on Pluralism and Gender

Despite disagreement over the sources of gender inequality in predominately Muslim societies, theology remains central to the discussion. Debates over what constitutes an appropriately Islamic perspective on gender roles coincide with a broader debate between Islamic progressives and conservatives. This debate is complicated by the Western roots of feminist thought, and the historically established tendency of Western academia to reinforce the intellectual divide between the East and the West first articulated by Edward Said in *Orientalism.* Islamic jurisprudence contains the mechanism for reform, though that reform is always subject to certain limitations. Concepts like *ijtihad*, or innovative legal reasoning, allow trained Islamic scholars to apply critical reason to their interpretations of *sharia*. Yet there is no consensus on the limitations of *ijtihad*, or indeed on the limitations of Islam's capacity to reform.

Umar Faruq Abd-Allah, an American Muslim and chair of the Nawawi Foundation, argues that the chief difficulty represented by *ijtihad* is its very flexibility, which renders it as conducive to efforts intended to "obliterate" alternative points of view as it is to efforts to encourage dialogue. [32]Yet *ijtihad* is also fundamentally supportive of intellectual innovation. Abd-Allah cites Sunni tradition on the subject to demonstrate that it has historically been defined as an initiative that requires deft scholarship on the part of the jurist and a desire to seek the most accurate—and effective—ruling.[33] Abd-Allah also notes that *ijtihad* derives from the same linguistic root as *jihad*, which denotes a struggle for righteousness in its purest form applied to the sphere of jurisprudence and political philosophy.[34] *Ijtihad* is a struggle for right ideas and true answers. It therefore requires the capacity to question and doubt, and in the Islamic tradition of intellectual enquiry, it has been applied to the nature of truth itself: if performing *ijtihad* is a religious duty, then the result of any person's *ijtihad* cannot be wrong.[35]

Ijtihad, then, is directly relevant to the subject of Islam and pluralism. It demonstrates that Islam possesses a well-established academic tradition that supports a version of pluralism. Carool Kersten examines the work of certain contemporary Muslim intellectuals on pluralism and reform as indications of the current status of the Muslim world's internal dialogue on the subject. These intellectuals interact with historical Islamic identity and attempt to adapt it to facets of Western thought on pluralism. Kersten documents the work of Nurcholish Madjid, an Indonesian scholar who proposed the integration of *ijtihad* into an effort to engage Islamic heritage as a moderate alternative to Western secularism.[36] The goal was a version of cosmopolitanism not defined by its secularism. Similar ambitions inform the work of Islamic

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[32] Umar Faruq Abd-Allah. 'Innovation and Creativity in Islam.'
https://www.irshadmanji.com/sites/default/files/news/innovation-creativity-islam-nawawi-foundation.pdf, p.2
[33] Umar Faruq Abd-Allah. pp. 7-8.
[34] Umar Faruq Abd-Allah. p.8
[35] Umar Faruq Abd-Allah, pp. 8-9.
[36] Carool Kersten. *Cosmopolitans and heretics: new Muslim intellectuals and the study of* Islam (London: Hurst & Company, 2011), p.70.

scholars like Mohammed Arkoun and Hassan Hanafi, whose educations at the Sorbonne in Paris influenced later projects designed to encourage a revival of Islam's tradition of critical thought in conjunction with more tolerant attitudes toward certain values associated with Western political thought.[37][38]

The tenor of these debates on pluralism and reform has obvious consequences for the resolution of gender inequalities in the Muslim world. Tariq Ramadan advocates for a critical revision of women's representation in Islam grounded in a renewed examination of the relevant scriptures. [39] For Ramadan, as for Arkoun, Hanafi and Madjid, the solution is a return to Islam's heritage of critical thought. Islam's capacity for reform is not limited to *ijtihad* and is evidenced by the process of Quranic revelation itself, the foundation of Islamic belief: Ramadan notes that Muhammed's use of language evolved from the use of male-only references to more gender inclusive terms.[40] Ramadan argues that the Quran inarguably grants women equal status to men, but that early interpretations of the Quran's teachings about the roles of women reflected the popular values of the historical cultural context in which they occurred. Contemporary rhetoric on the subject should, then, also reflect the current cultural context, which has assigned women certain legal rights that guarantee education, political representation, and full participation in the public sphere.[41] Teachings that limit these are "distortions," heretical interpretations derived from personal interest rather than theological integrity.[42]

These public debates about reform, especially reform on the subject of women's roles, indicate that while no consensus on what constitutes gender equality exists in the Muslim world (and indeed there is no consensus on the same subject in the secular world), Islamic tradition is compatible with the political participation of Muslim women. The application of *sharia* to governance does not necessarily translate to the repression of women; rather, it can mean exactly the opposite. Conservatives have already recognized this: the Muslim Brotherhood has long welcomed female involvement. The status of the debate on Islamic reform means that for Libyan women activists, Jalil's public pronouncements regarding the *sharia* could prove to be useful in their campaign to achieve equal political participation.

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[37] Kersten. pp. 153-155
[38] Kersten. pp. 211-215
[39] Tariq Ramadan. *Radical reform: Islamic ethics and liberation*. (Oxford: Oxford University Press, 2009) pp. 208-209.
[40] Ramadan, p.210
[41] Ramadan. pp. 216 -221
[42] Ramadan. p.217.

Current Status of Libyan Gender Equality

Women activists and the NTC remain at odds over the scope of women's political participation in the developing Libyan democratic system. The NTC appears to claim only three female members, and among these three, only Salwa Fawzi El-Deghali has been publicly identified and featured prominently on the website of the NTC. El-Deghali is a Libyan academic and a member of the NTC representing women. She is only responsible for the NTC's legal affairs, and possesses a Doctor of Philosophy in constitutional law. She taught at the Academy of Graduate Studies in Benghazi, and also represents the city of Benghazi in the council.[43]

As the chairperson of the Legal Advisory Committee, El-Deghali's role is to contribute to the work of rebuilding a functioning government through the re-establishment of law and order and preparation for national elections.[44] Besides, being in charge of putting together drafts for laws and rules regulating the transitional period, a primary responsibility that she and her committee assumed was to investigate the crimes of mercenaries employed by Qadhafi, and subsequently collecting and presenting evidence of his war crimes to the International Criminal Court.[45] However, after Qadhafi's execution by rebel forces, El-Deghali's role in the investigation of the crimes against humanity allegedly committed by Qadhafi officially terminated. There is no formal document by the NTC or otherwise that provides further detail on El-Deghali's background; moreover, there is also no proof whether or not, prior to her appointment as a member of the council, she was actively involved in the uprising. On being questioned about the NTC's underrepresentation of women by a leading newspaper, El-Deghali stated: "This is just a transitional stage... Once the regime falls, after that women will have a normal representation."[46]

The regime has now fallen, but the equal representation of women remains elusive. The NTC formed the Libyan interim government on 22 November 2011, where it was then decided that interim Prime Minister Abdurrahim El-Keib and 18 members of his new cabinet would lead the war-torn country until parliamentary elections could occur in June 2012. The cabinet has appointed only two women ministers[47]: Dr. Fatima Hamroush as the Health Minister and Mabrouka Jibril as the Minister for Social Affairs.[48] Dr. Hamroush, a Libyan doctor with Irish nationality, was born in Benghazi. Her father was jailed and tortured by Gaddafi's forces in 1969, though the reasons for his treatment are unclear. She has been a

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[43] The Christian Science Monitor. 'The members of Libya's National Transitional Council.'
http://www.csmonitor.com/World/Backchannels/2011/0902/The-members-of-Libya-s-National-Transitional-Council.
[44] Caroline Alexander and Flavia Krause-Jackson. 'Rebel women seek new rights in Libya.'
http://mobile.bloomberg.com/news/2011-09-18/libya-s-rebel-women-seek-new-rights-after-qaddafi-overthrow.
[45] Asmaa Elourfi, 'Libya rebels prepare for democratic transition.'
http://www.magharebia.com/cocoon/awi/xhtml1/en_GB/features/awi/features/2011/05/19/feature-01.
[46] Michelle Faul. 'Libyan rebel says up to 2 years needed for vote.'
http://www.washingtontimes.com/news/2011/may/26/libyan-rebel-says-2-years-needed-vote.
[47] 'Libya's NTC announces new interim government.' http://news.xinhuanet.com/english2010/world/2011-11/23/c_122320509.htm.
[48] Oliver Holmes. 'Libyan interim government sworn in.' http://www.reuters.com/article/2011/11/24/libya-government-idUSL5E7MO3NT20111124.

consultant ophthalmologist in Our Lady of Lourdes Hospital in Drogheda, Ireland since 2000, and had not visited Libya since 2006 when her identity became known to Qadhafi's forces. Dr Hamroush was a director of Irish Libyan Emergency Aid. She has also been active as a letter writer, highlighting the human rights abuses committed by Qadhafi's regime and a vocal supporter of "non-violent opposition." Hamroush has stated intentions to use her new position within the NTC to challenge the rampant corruption that became a regular facet of political life in Qadhafi's Libya. Hamroush's appointment should be seen as a progressive change from the limited political roles typically assigned to women in the Arab world.[49]

However, the appointment of Hamroush has prompted criticism from activists that her 15 years of Irish exile limit her ability to be satisfactorily attuned to the needs of the post-revolutionary Libyan medical establishment. The criticism is somewhat ameliorated by the degree of recognition and praise in Libya and abroad for her efforts in delivering aid during the war, as well as her work in co-ordinating efforts to bring Libyans wounded in the conflict to Ireland for treatment. Hamroush stated that she could not turn out the opportunity of being a part of the transitional government: "I couldn't refuse this challenge, it would be like a soldier refusing to go to the battlefield."[50]

Even less is known about Mabrouka Jibril, who is now charged with the administration of the Ministry of Social Affairs. Information about her background is sparse, but according to the official biography published by the Ministry of Social Affairs, she holds a doctorate in Contemporary Arab Thought from the University of Sebha and has primarily worked in the area of higher education since obtaining her degree.[51] Since her appointment she has been an active figure in the government and frequently meets with representatives of foreign states.[52] For global observers, the appointment of Jibril and others in such a nascent government, especially one that carries the responsibility of constructing a civil society in the wake of decades of political repression, appears to be a significant achievement. However, Libyan women are familiar with regimes that superficially promise equality while subverting the advancement of women's rights. The NTC's commitment to the emancipation of women, especially their meaningful inclusion in the political process, could prove to be an empty 'democratic façade'. Personal interviews conducted with Libyan women activists indicate that Libyan women intend to channel the revolutionary spirit into their continuing efforts on behalf of gender equality, just as they did under Qadhafi's regime.

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[49] Elaine Keogh. 'Farewell Meath... Dr Fatima is new Libyan minister.' http://www.independent.ie/national-news/farewell-meath-dr-fatima-is-new-libyan-minister-2944579.html.
[50] Muslimah Media Watch. 'The "Symbolic Step" of Women's Political Participation in A New Libya.'
[51] Ministry of Social Affairs. 'Biography of Mabrouka Jibril.'
http://www.sa.gov.ly/site/index.php?option=com_k2&view=item&layout=item&id=46&Itemid=237.
[52] Libya Herald. 'Lebanon's Social Affairs Minister.'

Activist Perspectives

The appointment of women ministers has not entirely relieved women activists' concerns over Libya's continuing gender inequalities. Zahra Langhi, a member of the Libyan diaspora who became politically active during the Arab Spring, describes the decision to found the Libyan Women's Platform for Peace (LWPP) in October 2011 as motivated by a desire to unite the country's disparate but highly involved women's rights organizations: 'While working for the Arab Spring, I focused on women in early September last year and co-founded this network, Libyan Women's Platform for Peace (LWPP), in October 2011 with a group of thirty-five women. These women were from different walks of life, from different regions of Libya, from different ethnicities, various ages.'[53] LWPP is, she emphasizes, a network rather than an organization, intended to act as a 'pressure group' in the post-revolution political climate. The NTC recently set a poll intended to gauge public opinion on the subject of gender quotas applied to the new government; Langhi states that the process caused widespread confusion and resulted in no definitive decision on the matter. It did indicate, however, that a quota did not meet with public approval: 'It is not that we were only focused on the quota, but we realized our society completely resents the quota. And you see what happened here in Egypt - you had a quota but the quota was the worst application of the method of quota. It was basically co-opted by the government.'[54]

But Langhi elaborates that a quota is not the primary goal of the LWPP, or of its constituent organizations. Rather, it formed a facet of their broader concerns for gender equality in Libya: 'We sent them (legal experts) all our concerns, and other human rights concerns like dual citizenship, use of arms, campaigning and participation in religious institutions, mosques in particular.'[55] The association that it is a privilege granted rather than a right earned fatally condemned the quota as a viable political option for Libyan women interested in elected office, but other alternatives remain, and campaigns for the additional concerns described by Langhi continue to be active. For Langhi and her colleagues, the abilities for Libyan women to pass their citizenship to their children and participate fully in religious life are equally important to contributing to public support for a public sphere that visibly includes women.

Langhi states that this goal is difficult to achieve because of ingrained cultural attitudes about gender roles: '...it's not like the Islamists are against the women and the secularists are for women; both parties are patriarchal and do not care at all when it comes to women's issues.'[56] As the LWPP and its allied groups protested the manner in which the NTC proposed to adopt a gender quota, they found their efforts stymied by these attitudes even as they earned a measure of success. Legal experts associated with the LWPP formulated an alternative law and lobbied for it on a national basis. They achieved the desired result: Langhi reports that the government postponed the passage of its own quota law, and passed the law proposed by the LWPP's experts. But that success did not meet with the universal approval of

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[53] Zahra Langhi, Personal interview, Bhattacharya, 12 May 2012
[54] Zahra Langhi, Personal interview, Bhattacharya, 12 May 2012
[55] Langhi, Personal interview.
[56] Langhi, Personal interview.

Libya's reformists, who viewed the LWPP's efforts as liable to contribute to the fractures present between the secularist and conservative camps in the NTC. However, Langhi rejects perceptions that her political activities are in violation of Islamic tenets: 'But we are not against the *sharia*. Basically, the *shariat* and the sacred laws have to be reinterpreted in the reformative way and not in the regressive way as they (the NTC) are proposing right now.'[57]

Ghaida al-Tawati, mentioned previously in this paper, continues to work as an activist in Libya. The daughter of an ex-prisoner, she has maintained an active presence in the anti-Qadhafi blogosphere since 2005 and was the only female participant of the 2009 Human Rights Watch Conference in Tripoli.[58] She was eventually imprisoned for a period of three months during Qadhafi's rule and now combines her activism with her beliefs as a moderate Muslim: 'I respect all traditions and beliefs,' she stated. In accordance with her religious beliefs, she supports the creation of a *muftiat*, or council of jurists, to monitor the application of *sharia* and the declaration of *fatwas.*[59] She also does not believe the political situation has dramatically improved since the fall of Qadhafi. 'Nothing changed. Actually the opposite of what we expected happened. Many people were beaten, arrested and kidnapped by armed people. Even when we protested, my colleagues and I were cursed and humiliated,' she said, and added, 'The reason behind the protest is a meeting for some high worth and high influence people in Tripoli where they were trying to divide the power in the city without elections. It went beyond this, they called us bad names like "*awra*" which means that we are not allowed to be there and we are unethical. They said we don't have parents, and we should stay at our houses.'[60]

The NTC has, according to al-Tawati, failed to protect even the most basic rights of protestors, particularly those expressing opposition to proposed electoral laws. For al-Tawati, this constitutes a direct attack on the ability of the public to fully participate in the emerging democratic process. She states that the right of political involvement is of principle concern, particularly for women: 'The tactic we are taking is supporting women in elections. Here, we face a big problem. Women don't share the public's interests and worries since they are not in direct contact with the public.' This lack of contact with the public illustrates the lingering effects of tribal traditions of gender segregation and exclusion, which contribute to an attitude toward women that al-Tawati describes as 'fear': 'We should wait until men's fears of voting for women are gone, and until they can realize that women are worthy and are able to represent him in the next parliament. Right now, we are also conducting campaigns on the internet where we are urging women not to vote for people who don't represent them and guarantee their rights.'[61]

Al-Tawati stated that she does not currently intend to run for elected office, though she urges other women to do so: 'Libya right now needs civil support like raising awareness of rights and the political process, and the way to build a civil country, and how to strengthen

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[57] Langhi, Personal interview.

[58] Ghaida al-Tawati, Personal interview, Bergamaschi, 1 May 2012.

[59] al-Tawati. Personal interview.

[60] Ghaida al-Tawati, Personal interview, Bergamaschi, 5 May 2012

[61] al-Tawati, Personal interview.

the role of civil society institutions, and how to have secure and stable societies. Thus, in my opinion, as a patriotic duty, I should stay among people and help create awareness with my colleagues.'[62] Ideological conflicts between rival factions in the interim government, and the resulting confusion regarding the proposed electoral law, make this process of public education on the matter of civic responsibility difficult. Al-Tawati credits this confusion as the inevitable consequence of forty-two years spent under Qadhafi's erratic and repressive rule. Public figures like Jalil may promise unity, and perhaps even possess the political influence to enforce it, at least to a certain degree, but for now, Libya's political climate remains as turbulent as it has ever been, if not more so. The challenge faced by members of the interim government and activists alike is to overcome that turbulence and devise egalitarian political institutions that unite conservatives and reformists, in order to provide the Libyan people with the freedoms they were perpetually denied by Qadhafi's regime.

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[62] al-Tawati, Personal interview.

Conclusion

Questions over the nature of Islamic governance, accurate interpretations and applications of *sharia*, and the location of gender equality within both debates, are as influential to the development of Libya's post-revolutionary political systems as they are to the Muslim world as a group. The same factional divisions between reformists and conservatives persist, and threaten to further fracture a nation already characterized by a diverse tribal structure and a history of political upheaval. However, there is room for consensus.

The history of Islamic governance demonstrates that not only does Islam possess the ability to unite diverse populations; it is also possible to adapt political structures defined by *sharia* to other more secular institutions. Moreover, Islam features a well-established legacy of thorough intellectual enquiry that provides scholars and jurists with the mechanisms to argue for reform. Traditionalism, in this instance, does not necessarily indicate conservatism. To imply otherwise is to establish Islam as a monolithic identity intrinsically opposed to values like human rights and gender equality, values often mistakenly attributed as unique to the Western Enlightenment. This oversimplifies the roots of gender inequality in predominately Muslim societies and reinforces colonial attitudes regarding Islamic belief.

For Libyan activists, the outcomes of these debates are profoundly relevant to the likelihood of conducting successful campaigns to advance women's rights. The perspectives collected as during the research process indicates that they do not view women's rights as separate from their religious beliefs; they identify as moderate Muslims and profess respect for *sharia* and Islamic governance. Moreover, clear challenges remain for activists: divisions between conservatives and reformists in the NTC hamper effective campaigns on behalf of gender equality. Finally, though Jalil himself may remain a suspect figure for many activists, his intention to apply *sharia* to Libyan governance does not necessarily signal doom for gender equality in the state, as long as it implemented within the contexts of Islam's more pluralistic traditions.

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