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THE ROLE OF TRIBAL DYNAMICS IN THE LIBYAN FUTURE

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Besides the jihadist tide interesting most of the African countries, besides the typical difficulties of a nation that after 40 years of dictatorial regime and a ruinous civil war has to face a rebuilding of the state, another impossible combination of factors seems to paralyze the new Libya.

The purpose of implementing a democratic order in a rentier country, where Islam is the dominant religion and, at the same time, the main source of popular identity, risks to remain unsatisfied for a long time.

In this paper is theorized the idea of a real 'trilemma' concerning the impossible coexistence of democracy, Islam and oil-based national revenues; in fact, no country so far has presented these three factors together.

In such a context, external and internal actors can further com-promise the future of the country.

This analysis focuses exactly on the role of tribes (since always considered the most relevant internal actors of the country) in the current Libyan transition process and, in particular, on the relationship between tribes and the emerging Islamist framework.

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The Libyan Trilemma

The current political situation in Libya is characterized by three competing elements: Islam, democracy, and rentier state. Looking at these three elements on an empirical basis, reasonable doubts arise about their possible coexistence. These elements, composing a trilemma, could appear to be incompatible with one another, and the renouncing of at least one of them¹ seems inevitable.

Each of the three possible combining binomials is widely supported by rich literature. Starting with an examination of the Islam-democracy pair, the relevant studies show that in Islamic socio-cultural contexts it is possible to have a democratic order, or at least to implement some of its relevant elements and principles².

At the same time, it is not possible to exclude *a priori* the possible coexistence of a democratic system and a rentier state, namely a state which derives all or a substantial portion of its national revenue from the rent of indigenous resources (such as oil) to external clients. Rentier states are characterized by a relative absence of revenue from domestic taxation, since the significant wealth of raw materials allows them to avoid extracting resources from the population. Some scholars have argued that such states fail to develop a democratic structure because, in the absence of taxes, citizens have less incentives to bear down on the government in order for it to become responsive to their needs³.

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¹ The term 'trilemma' comes from the ancient 'dilemma': a situation that requires a choice between options that are – or seem to be – equally unfavourable or mutually exclusive. A trilemma is an argument analogous to a dilemma but presenting three instead of two alternatives in the premises. One of the most cited trilemmas in social sciences is the Mundell-Fleming model, arguing that an economy cannot simultaneously maintain a fixed exchange rate, free capital movement and an independent monetary policy.

² See for example M.A. MUQTEDAR KHAN, *Islamic Democratic Discourse: Theory, Debates, and Philosophical Perspectives*, Lanham, MD, Lexington Books, 2006; J.O. VOLL – J.L. ESPOSITO, *Islam and Democracy*, New York, Oxford University Press, 1996; F. ZAKARIA, *Islam, Democracy, and Constitutional Liberalism*, in «Political Science Quarterly», 2004, vol. 119, no. 1, pp. 1-20; T. RAMADAN *The Arab awakening: Islam and the New Middle East*, Allen Lane, 2012; G. KEPEL, *Jihad. Ascesa e declino. Storia del fondamentalismo islamico*, Roma, Carocci, 2001. According to the most important indices of democracy, Freedom in the World (2012) and Freedom House Democracy Index of the Economist Intelligence Unit, there are few cases of Islamic countries who have a secular state and that can be defined as full democracies. Among these can be counted as Indonesia, Mali (prior to the 2012 regime change) and, with further objections, Turkey.

³ H. BEBLAWI - G. LUCIANI, *The Rentier State*, London, Croom Helm, 1987; A. GELB, *Oil Windfalls: Blessing or Curse?*, New York, Oxford University Press, 1988; P. COLLIER - A. HOEFFLER, *On Economic Causes of Civil War*, in «Oxford Economic Articles», 1998, vol. 50, no. 4, pp. 563-73; M.L. ROSS, *Does Oil Hinder Democracy?*, in «World Politics», vol. 53, no. 3, 2001, pp. 325-61; B. SMITH, *Oil Wealth and Regime*

The third combination, Islam and rentier state, is the most evidence-based. It is enough to consider Gulf monarchies like Saudi Arabia, the United Arab Emirates or Qatar, for example. The empirical assumption according to which a rentier state - which is at the same time an Islamic state - cannot simultaneously be a democratic state, is derived precisely from this third pair.

The purpose of this essay is not to show the theoretical incompatibility of these three elements in this particular moment of Libyan history; instead, it will attempt to highlight what kind of connection could be established between them in the 'new Libya'. It will also point out the difficulty of reconciling them, as demonstrated by the fact that nowhere in the world, today or in the past, have these three elements been able to coexist.

In this constituent phase for the new Libyan state, the possible coexistence of these three elements will depend on the degree of democratization the new country is able to reach - not only on a formal basis (by implementing, for example, typical democratic procedures such as competitive elections, separation of powers etc.) but also in a wider sense (by guaranteeing civil liberties and shared values) - on the role that religion will play and on how the new ruling class will shape the rentier economy and the relationship between state and society. With no need to impose taxation on its citizens, the current government has returned to the policy of dispensation of money and welfare services typical of Gaddafi's regime⁴. Being a rentier state means that a sort of silent agreement is signed between the ruler and the ruled: the state does not charge taxes but neither does it allow popular representation.

Nevertheless, the future of the country will be determined not only by the three elements examined above (Islam, democracy and rentier state), but also by other factors such as the influence of external actors, which played a crucial role in the fall of Gaddafi's regime, and the role of the Libyan social context, in which tribes are important players (see Graphic below). This article will attempt to analyse how tribal and ethnic dynamics could affect these three peculiarities, by fostering or weakening one of them.

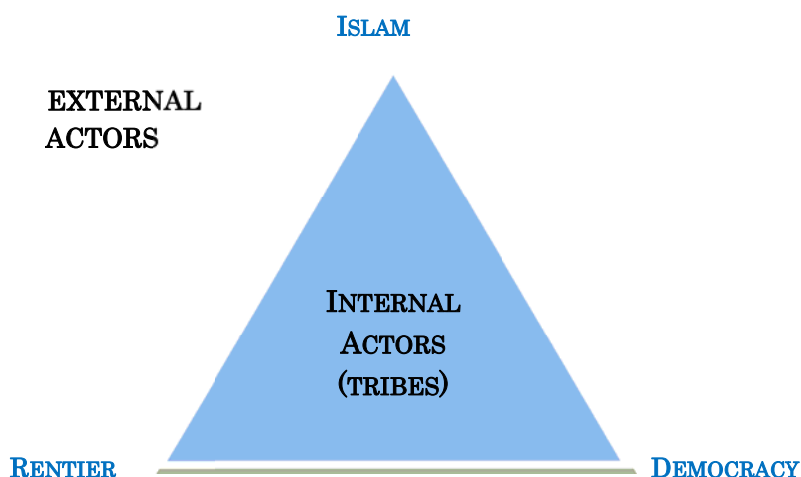
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Survival in the Developing World, 1960-1999, in «American Journal of Political Science», vol. 48, no. 2, 2004, pp. 232-46. From the empirical point of view, at least the case of a country, Norway, would demonstrate the compatibility between being simultaneously a 'rentier state' and a democracy, although in this case the rentier characterization is certainly reached when the Norway was already a full democracy.

⁴ At the end of February 2012 the NTC, in order to celebrate the anniversary of the revolution, had promulgated a law granting 2000 dinars (about 1250 euros) to Libyan families (with an addition of 200 dinars for any other unmarried member of the family). Immediately after that, another law had been promulgated, granting up till 4000 dinars to any revolutionary (tuwwar) who had taken part in the fight against Qaddafi. Finally, in October 2012, the new National Congress granted 1000 dinars to Libyan families in order to celebrate the Eid al-Adha. In «Libya Herald», 11 October 2012.

Therefore, the analysis will attempt to highlight the role of tribes in the current Libyan transition process and, in particular, the relationship between tribes and the emerging Islamist framework.

GRAPHIC REPRESENTATION OF THE TRILEMMA



Difficult state-building

The long period of transition that began with the death of Muammar Gaddafi on 20th October 2011, is proving to be very complex and bristled with obstacles, notwithstanding the (actually humble) success of the National Congress elections held on 7th July 2011⁵. The collapse of Gaddafi's regime has inevitably led to the destabilization of the country. The National Transitional Council (NTC) – led by Mustafa Abdel Jalil and formed a few days after the outbreak of the revolt – has established itself as the central authority in the country. That happened firstly in the struggle against Gaddafi's regime, and then in the effort to regain a national identity and restore some sort of balance between the various factions contending for the control of Libya. These factions include regions and local communities subjected to the typical clan-tribal influences of Libyan society. At the beginning of August 2012, the NTC handed power over to the newly elected Parliament, although the country's problems were far from being resolved. In Autumn 2012, the process of government formation was sprinkled with difficulties: Mustafa Abushagur, the first elected prime minister of modern Libya, failed to win the approval of the General National Congress (GNC) and the mandate for a new government, and was

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⁵ A complete overview of the political situation in Libya is W. LACHER, *Fault Lines of the revolution. Political actors, Camps and conflicts in the New Libya*, SWP Research Paper, German Institute for International and Security Affairs, May 2014.

thus replaced by Ali Zeidan, who, despite the difficulties he had to face, was able to form a cabinet which met with the approval of the GNC.

Libya's pacification process is not over yet and the process of state-building is merely at its initial stage, however the risk is that Libya is fast relapsing into a sort of failed state. In 2012 and 2013 clashes have taken place all over the country, especially in the south (in the cities of Sebha and Kufra) and in Gaddafi's sanctuaries (Sirte and Bani Walid). Terrorist groups are growing stronger, especially in Cyrenaica, while the number of armed militias on Libyan territory is decreasing, although they are still present. In January 2012 the NTC started to integrate the militias into the constituent national army, but the programme did not meet with any success since the army now appears to be an incoherent gathering of various militias presenting unclear coordination with the central authority, and dangerous dual affiliation (central authority vs. local clans). The government is now trying to implement these programmes.

Radical groups, such as Ansar al-Sharia in Cyrenaica, are also accused of being the perpetrators of several acts of violence (such as damaging Christian churches and cemeteries), the attacks on the US and British consulates in Benghazi, the attacks on the Red Cross buildings, and the killing of the American Ambassador to Libya Chris Stevens in September 2012. Some groups of Salafists, who failed to gain parliamentary representation, have chosen to commit armed struggles.

The first principle of a pacific and democratic transition is the establishment of security conditions permitting the maintaining of peace and territorial integrity, coming from the monopoly of the use of force by the state, which is a basic condition yet to be satisfied. A congruous number of disruptive or centrifugal factors – jihadism, localism, regionalism and the role of militias which have taken part in the fight against the regime – appear to represent a challenge of difficult resolution, while in the short term there seem to be no other factors able to consolidate the country and lead it towards greater stability and representation than in the past.

Tribes: fragmentation or cohesion?

Although tribes undoubtedly have strong relevance in today's Libya, this must not be over-estimated. Libya is divided into 140 main tribes, but only 30-40 are influential, playing an important socio-economic and political role. In particular, this happens in the greater Tripoli area and to some extent also in Benghazi, where the bulk of the Libyan population living the influence of the tribes is rather limited. Nevertheless they are still an important factor outside the large cities mentioned above, and above all in the rather remote areas of the east, southern Cyrenaica, southern Tripolitania and the Fezzan.

More than 90% of Libyans consider themselves to be Arab or an ethnic mix of Arab and Berber. Other ethnicities include the previously nomadic Tuareg and Tebu tribes in the south and the Berbers (Amazighs)⁶.

The notion of tribe (*qabila*) in Libya should not be associated with a sort of ancient static social structure but should be explained as a sort of wide range of forms of social organizations. Tribal identities represent a common sense of thinking and acting in Libya. Tribal culture contains concrete ethics and norms such as solidarity of kin as a source of identity, and the adoption of values such as honour and shame not only as means of moral judgment, but also as concrete institutions and procedures. The most important of these institutions are customary law (*Urf*) and the gatherings of leading men in the *Marbua* (the men's room and guestroom in the tribal house).

According to some academics⁷, in the educated and wealthy upper-middle and upper class milieus of Bengasi or Tripoli, tribal belonging has already changed its meaning: while in the past it denoted a complete lifestyle, belonging to a tribe today means marking an identity. Here, some broad families have chosen to adopt an explicit anti-tribal bourgeois identity and lifestyle but while paying attention to pursuing kinship-based family politics. In other localities such as Tobruk, tribal identity not only tells people who they are but also what they should do. However, in any case tribes are not collective actors ruled by leaders in an authoritarian and hierarchical sense. On the contrary, every tribe is segmented into 'subtribes', lineages and extended families. It is particularly the latter which negotiate the power relations within and between tribes.

Gaddafi's regime established an elaborate system of power and control based on close relatives of his tribe (Qadhadfa) as well as two allied tribes, the Warfalla (the biggest tribe in Libya) and the Magarha. In the Senussi monarchy, important Bedouin persons and tribal leaders held important positions as consultants of the king, taking on intermediate positions between tribe and state such as *Sheikh* (tribal leader) and *Umdah* (village representative). Here they were crucial for the implementation of policies at regional and local levels. These personalities, together with the new generations assigned with political issues, were able to re-propose a new 'intermediate tribal rule' on the institutional scene⁸.

Many of the independent or opposition figures who joined the National Transition Council, the government and the National Congress in the 'new Libya' are descendants of the aristocratic and bourgeois families that

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Tribal institutions are playing an important role in providing order during the protracted political vacuum. The July 2012 elections gave tribes the possibility to be represented in the new democratic framework. In fact, most of the elected independents represent the interests of individual cities, tribes or families.

⁶ S. TARKOWSKI TEMPELHOF – M. OMAR, *Stakeholders of Libya's February 17 Revolution*, USAIP, Special Report 300, January 2012.

⁷ T. HUSKEN, *Tribal Political Culture and the Revolution in the Cyrenaica of Libya*, paper presented at "Libya from revolution to a State Building: Challenges of the Transitional Period" Conference, 7-8 January 2012, Doha.

⁸ T. HUSKEN, *op. cit.*; and W. LACHER, *Families, Tribes and Cities in the Libyan Revolution*, in «Middle East Policy», vol. XVIII, no.4, Winter 2011.

controlled Libya during the monarchy period (1951-1969): Al Nasr (Fezzan), Montasir (Misrata), Suweil (Misrata), Al Dagheili (close to the Senussi family), Sallabi (Benghazi). However, the conflict against Gaddafi was not a real power struggle between tribes. Mobilization of the revolutionary militias largely occurred on the basis of towns and cities rather than tribes/families, even though the distinction between local and tribal ties was very complex in many cases, especially in the smaller towns. Due to their skill and experience as producers of order and conflict mediators based on customary tribal law, tribal politicians have come to play a dominant role in the local transitional councils and the city-based military councils⁹. During the uprising, some tribal leaders openly withdrew their commitment to Gaddafi i.e. the Zuwaya leaders, Berber tribes (western mountains), Tebou minority (in the south) and many other Warfalla defections. In post-Gaddafi Libya, some tribes – such as the Warfalla, Qadhadhfa, Warshafana, Tarhouna, Asabia and Mashashiya – are threatened by the revolutionary militias or suffer exclusion in the new political order. At the same time, tribes from Jabel-Nafusa (Berber), Cyrenaica and Misrata seem to be gaining influence in the new tribal balance of power.

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Sharia vs. Urf?

Conflict resolution in Libya takes place in the context of legal pluralism constituted by state law, Islamic Sharia and customary law (*Urf*). However,

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⁹ W. LACHER, *Families, Tribes and...*, cit.

¹⁰ See i.e. J. DAVIS, *Libyan Politics: Tribe and Revolution*, I.B. Tauris, London, 1987; M. DJAZIRI, *Tribus et Etat dans le système politique libyen*, in «Outre-Terre», no. 23, 2009.

¹¹ For the definition see for example F. ZAKARIA, *The Rise of Illiberal Democracy*, in «Foreign Affairs», November/December, 1997.

traditionally it is the customary law of the tribes which is the main source of justice. The *Marbua* is the principal place where local and regional politics are negotiated and forged. The binding character of tribal identities depends on the context and the people's conditions¹².

Gaddafi's overthrowing has paved the way for an Islamic comeback. Libya has a solid Sunni majority, declining religion in a conservative and private way. In October 2011, former NTC President, Mustafa Jalil, announced the adoption of *Sharia* as the principal source of law for the new constitution. His declarations were certainly due to political reasons – mainly rewarding Islamic militias for their role in Gaddafi's overthrowing – but they also mirrored a shared willingness to build the new Libya on an Islamic basis¹³. The Ulama (*hay'at 'ulama Libya*) answered with a dispatch claiming Islam to be “the only source of law”, not simply “the most important”, and asking for the amendment of the provisional constitution, which was released on August 3rd 2011¹⁴. Sheikh Sadik al-Ghariyani, Libya's grand mufti, has also often referred to political Islam and Sharia being central to the construction of the new Libya, while pushing back the secularist division between state and religion.

Some Salafist groups and militias, such as Ansar al-Sharia or the Abdul Rahman brigade in Cyrenaica, are thought to have led not only terrorist attacks against Westerners, but also to be using the threat of force to pressure government decision-making in the religious sphere to implement a radical vision of Islam, including the replacement of moderate *imams* in the mosques. The Sufi Minister for religious affairs, Abdessalam Abusaad, resigned shortly after taking office because of Salafist pressure. Radical Islamists are gaining support through the mosques and several *imams* are now openly supporting them. They are pushing for the adoption of Sharia as the only law¹⁵.

Some experts¹⁶ consider that tribes have proven to be the strongest counterweights to radicalism or Salafism. Tribal elders (known in the local dialect as *wujaha*) have engaged in outreach to the Salafists, attempting to encourage them into local councils and incorporate their brigades into the formal security services. The tribes have also been a source of limitation of radical Islam. To provide some examples, tribal elders prevented their young people from joining the Salafi groups and militias

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¹² T. HUSKEN, *op. cit.*

¹³ Oxford University, *National survey reveals Libya would prefer one-man-rule over democracy*, February 2012.

¹⁴ Y.M. SAWANI, *Post-Qadhafi Libya: an Interactive Dynamics and Political Future*, in «Contemporary Arab Affairs», January 2012.

¹⁵ Author's conversations and interviews with Wolfgang Puztai and Claudia Gazzini.

¹⁶ See for example F WEHREY, *The Struggle for Security in Eastern Libya*, Carnegie Endowment for International Peace, September 2012.

at the June 2012 meeting in Derna, moreover they removed some radical militias' checkpoints. Religious mediators, such as al-Ghariani, are trying to demand a more moderate outlook, not just on religious issues but also on tribal fighting in the south and west of the country.

Many tribes in northern Cyrenaica are disappointed with the outcome of the revolution, after being neglected by Gaddafi for decades. Several of them may follow the path of the federalists/autonomists in the future, if the government is not willing or able to appease their demands. But these autonomists are probably influenced by Libyans who had lived in the west for quite some time. According to some experts such as Wolfgang Puzstai, it is rather unlikely that tribes as a whole will join the radical Islamists. The Islamists also have no interest in federalism which is contrary to their *ummah* goal. There is, instead, a real danger that the radical Islamists will be able to recruit many more individual fighters from different tribes. This will happen in regions and cities, in particular in Cyrenaica, where the central government is very weak.

The Senussi are at the same time a religious order and a tribe in Libya. King Idris was the first and only king of Libya, reigning from 1951 to 1969, and Chief of the Senussi Muslim order. Influenced by the Wahabis as well as by some Sufi elements, they were the most influential socio-religious movements during the second half of the 19th century in North Africa. Their principles included equality and education regardless of – and not antagonist to – tribal background¹⁷. Consequently the diffusion of Senussi order in Libya could be a bulwark against radical Salafism.

Tribal society in the Libyan Trilemma

According to Farej Najem, one of the main experts of Libyan tribes, tribal system is very much credited for managing to preserve Islam in Libya for more than 14 centuries, and it helped to create a sense of belonging to the wider Arab world. It also consolidated the Libyan identity on the basis of Islam and Arabism. Tribal politics played a major role in the creation of Libya. Tribes were also ready to put up a fierce resistance against the colonial powers in the last three centuries¹⁸.

Today, tribes contribute to the affirmation of a traditional but moderate vision of Islam. The majority of the Libyans, even in the east, is focused on a pragmatic agenda, rather than on an ideological or radical one. However, outside of the larger cities along the coast, where the tribal system is stronger, the permeability of the population to the radical Islamic discourse is much bigger than in the cities. The urban population is more

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¹⁷ Author's interview with Wolfgang Puzstai

¹⁸ F. NAJEM, *Tribe, Islam and State in Libya: analytical study of the roots of the Libyan Tribal Society and interaction up to the Qaramanli rule (1711-1835)*, School of Social Science, Humanity and Language, PhD thesis awarded by the University of Westminster, 2004.

exposed to globalization and western mindset. Nevertheless, the confrontation between radical militias and tribes on the more legitimate law (*Sharia* or *Urf*) is evident. Salafism is trying to erode the traditional role of tribes. Radical Islam warns against nepotism and favoritism, which are the illegitimate product of tribalism, considered as un-Islamic as Islam openly decrees.

Libya is very different from Somalia, a state traditionally judged as failed. Here the state and the tribal society were completely destroyed by the civil war. It's likely that pragmatism will prevail among the Libyan tribal elders and politicians. Furthermore, in the Libyan rentier state, the interest of all tribes in the orderly distribution of the oil revenue will probably have a pacific effect.

At the moment, there seems to be no solution for the Libyan trilemma. Libya is probably doomed to remain a "hybrid country" for some years to come. Probably, the strongest factor among the three mentioned above, is the one of being a relevant rentier state. In regard to the other two elements, Islam and democracy, the result of their confrontation will moderately depend on the decisions assumed by tribal society.

The June 2012 elections proved that an electoral system providing the representation of tribal and families' interests could support the pro-democratic transition process. This system of order is clearly not in accord with theoretical democratic models, however this does not signify that a sort of 'democratic representation' may not be assimilated in the Libyan practice of politics.