

Statement on Libya, women's rights, and 'sharia law'

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Women Living Under Muslim Laws Statement on Libya

25 October 2011

WLUML is deeply concerned that the first public act of the Libya's National Transition Committee has been to proclaim on October 23rd, 2011, that henceforth, a number of laws will be considered annulled and that 'sharia law' is to replace them. Libya's National Transition Committee is an interim government - what it has responsibility for - and what its first action should have concerned, is to put into place a mechanism for elections for the new government after the fall of the Gaddafi regime.

WLUML feels the urgent need to reflect and raise a number of questions regarding this statement on 'sharia law':

First, if we accept that democracy means the law of the people expressed through their votes, it is disturbing that the first act of this transitional government (which has denounced and follows a very autocratic one), is governing by decree, rather than by consulting the people through democratic means. Laws should not be annulled by the will of a ruler or rulers; they should be changed after due democratic consultation, by the will and vote of the people. Doing otherwise is to replace one undemocratic ruler by another, and to confuse democracy with monarchy, autocracy or oligarchy.

WLUML will support any move by independent Libyan women organizations to demand that democratic rules be applied.

Second, when we consider which laws have been de facto annulled and changed for religious ones, we see that these are laws that directly affect the rights of women in marriage, divorce, guardianship, polygamy, inheritance, etc... i.e. family codes or laws of personal status. Women are directly targeted by this change in laws and will lose many acquired rights in the process.

Finally, what is this 'sharia law' being invoked in the Libyan statement? WLUML knows from its own research [1] that laws said to be Islamic, considered in conformity with 'sharia' vary enormously from country to country - hence proving they are man-made rather than God-given. Furthermore they include elements from culture and traditions that have nothing to do with religion, as well as colonial laws when these best suit the interests of local patriarchy. This is how local traditions such as *muta'a* marriage or FGM (female genital mutilation) are adopted as part and parcel of 'religion.' This is also how the newly independent Algeria in the 1960s deprived its women citizens of any access to contraception and abortion, using a long abandoned French law dating from 1922. And, in Mali, the family law voted by the Parliament in 2009, provoked such an outcry by conservative Muslim organizations for alleged non-conformity to 'sharia,' that notwithstanding the democratic vote and the support of non-conservative Muslims - including women and secularists, the President suspended it sine die. Here again, what is democracy and 'sharia' in a country that has also signed women's rights international conventions?

From the religious point of view alone, the Qur'an itself can be read in different ways: Tunisia took the historic decision in 1956 to forbid polygyny (aka polygamy), as legislators pointed out that the Qur'an clearly indicated both that equal treatment between wives is required and that it was not possible for a man to treat several women perfectly equally; Algeria in 1962 used the same verse to allow a man to have 4 wives and legitimize polygamy. Which of these contradictory interpretations is 'sharia'?

We denounce the loose use of the term 'sharia' to give a false religious legitimacy to patriarchal interpretations of religion, as well as to patriarchal traditions.

WLUML calls on women's organizations and progressive people around the world to remain alert to the contradictions between pretending to be a democracy and decreeing the application of undefined religious laws.

We also call for the utmost protest when governments and political groups justify their patriarchal moves in the name of 'sharia'.

Footnotes

[1] Knowing Our Rights: Women, family, laws and customs in the Muslim world - 3rd edition, London, 2006, <http://www.wluml.org/node/588>