LIBYA
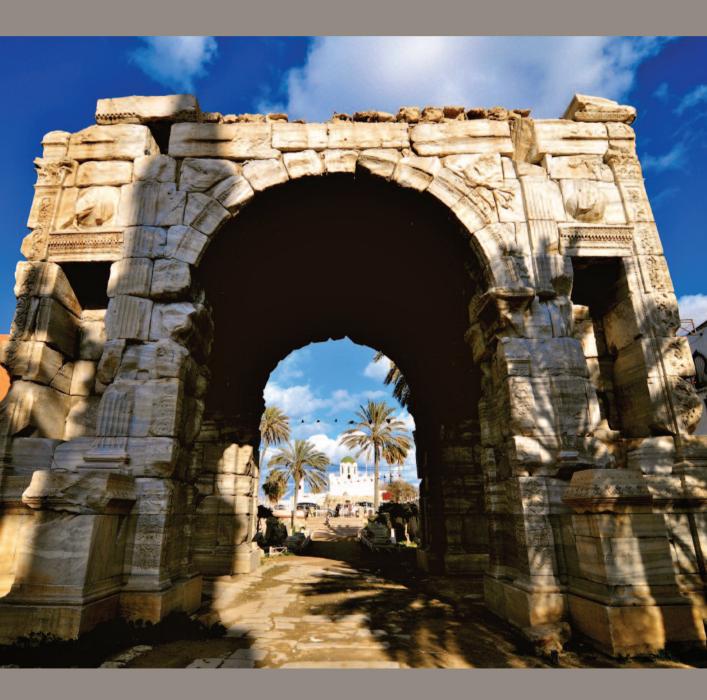# From Revolutionary Legitimacy to Constitutional Legitimacy

BY AREF ALI NAYED

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FROM REVOLUTIONARY LEGITIMACY
TO CONSTITUTIONAL LEGITIMACY*

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Beginnings

I AM VERY FOND of a particular sage of Islam—Sheikh Ibn ʿAta Allah Iskandari—a great Shadhili sheikh. Sheikh Iskandari spoke of beginnings, of light-filled beginnings: "If one's beginning was illuminated his end will also be illuminated."[1] I cannot remember any moment in my life when I felt such a strong sense of luminescence than at the beginning of the Libyan uprising. Granted it was a very dangerous time, a very difficult time, a very anguished time—but it had a kind of a light, a luminescence to it, that is almost impossible to describe. And yet now there is a spreading and pervasive darkness in Libya, a darkness that makes it very difficult to live in the very land that was liberated.

It is very difficult to attribute the sorry state we are in today to such luminescent beginnings. It is as if Sheikh Iskandari were wrong, and that this is a case of luminous beginnings but of dark endings. Either the sage was wrong, or the Libyan process—whether it be uprising or revolution—has not yet ended. And we all hope that the end will be far from the darkness of these days and will be in fact blessed with an ending of luminescence. Perhaps we are passing through a stage of searching and bewilderment—a dark night of the soul, as John of the Cross once called it—that will lead to an ascent and to luminescent endings. I would prefer to believe that the sage is right—that the process is not complete, and that we must just struggle on.

The great political thinker Hannah Arendt also wrote on the question of beginnings. For her beginnings were extremely important, and absolutely essential to the notion of being human.

> Action has the closest connection with the human condition of natality; the new beginning inherent in birth can make itself felt in the world only because the newcomer possesses the capacity of beginning something anew, that is, of acting.[2]

As such, Arendt defined humanity through beginnings, what she refers to as natality—the ability to act anew and to give birth to new things.

When we look at the uprising in Libya we find that Arendt was right. There was a feeling of being born, a feeling of newness, a feeling of surprise and bewilderment, a feeling of

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* This paper is based on a lecture given at Georgetown University.
[1] Ibn ʿAta Allah al-Iskandari, *The Book of Aphorisms*, trans. Muhammed Nafih Wafy (Selangor: Islamic Book Trust, 2010), 15.
[2] Hannah Arendt, *The Human Condition*, 2nd ed. (Chicago: University of Chicago Press, 1998), 9.

excitement; a feeling of being human after years of inaction and dehumanization. Arendt believed that what was so important concerning the nature of humanity and of human action, and what makes it distinctive is that it has freedom and it has plurality like the abundance of the spring for example:

> It is in the nature of beginning that something new is started which cannot be expected from whatever may have happened before. This character of startling unexpectedness is inherent in all beginnings … The fact that man is capable of action means that the unexpected can be expected from him, that he is able to perform what is infinitely improbable. And this again is possible only because each man is unique, so that with each birth something uniquely new comes into the world.[3]

Revolutions, according to Arendt, present us with just this plurality of openings, and of possibilities, in the people's attempt to birth their country anew and to found a new political world. And although the revolutions offer the feeling of excitement and opening, they also present us with challenges and difficulties. For Arendt: "revolutions are the only political events which confront us directly and inevitably with the *problem* of beginning".[4] So when we say the Arab Spring, we can really only appreciate the idea of spring if we see it as an open-ended process that is in itself problematic—that is instable, ongoing, and that is not yet completed.

Arendt also speaks of a startling unexpectedness in revolutions. The events of early 2011 in Libya were certainly unexpected. For the last decade of the dictatorship's existence, many people felt resigned to the dictatorship in one form or another and tried to reach some sort of fatalistic compliance or dialogical engagement with it. It was therefore almost impossible to imagine an uprising of the kind that happened in 2011.

However, the Libyan people, being human, as Arendt reminds us, took action. They took action in the most profound sense and started to create new beginnings for their homeland. They revolted against the tyranny and darkness, and accomplished amazing things, things beyond imagination. With these beginnings Libyans began to resist, undermine, and remove the shackles of a tyranny that had lasted for over four decades. And through these beginnings—where young Libyans came out and explained to the world that we needed help—the people of Benghazi were able to be saved. And most now agree that we would have had a genocide in Benghazi had we not sought help from others.

Some now have regrets. For the American people, the very city they tried to save seemed to have turned around and killed their ambassador. Some in Libya and outside see the daily violence and have started to think that maybe they should not have helped. There is a certain painful truth to this logic, but there are some truths drowned out by the pain and violence. It's also true that after the assassination of the American ambassador the people of Benghazi proceeded to push out of the city the armed groups they suspected of being involved in the crime. These people were later unfortunately failed by their government and congress when the culpable forces were sanctioned and declared legitimate. There was a lot of bravery even in the aftermath of tragedy, disappointment, and betrayal. Libyan citizens continue to resist the violence and assassinations, and continue to search for a new beginning for their homeland.

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[3] Ibid., 177–8.
[4] Arendt, *On Revolution* (London: Penguin Books, 2006), 21 (my italics).

So indeed there was a beginning, a beginning of freedom, a luminescent beginning; a beginning that was quite exciting and quite amazing, quite miraculous in many ways. And yet something really strange happened. What happened to us and how is it that we ended up with a situation that we have today? There are daily assassinations, and shootings, threats and violence in government. How did this happen? How did this amazing freedom of action that Arendt would describe as a revolution in the true sense transform into what we have today?

Freedom

Maybe freedom came shockingly too fast and proved a bit too much for us to take. The great German scholar Erich Fromm wrote a book called *Escape from Freedom*, in which he describes how people panic when they become free, and how they search for a constancy and assurance that freedom cannot give, and they resort to mechanisms in order to escape from freedom. Perhaps we also panicked and sought to escape from our freedom too.

Fromm identified three important tactics that people employ in their attempt to escape from freedom. The first tactic he called *authoritarianism*, where the person either accepts gladly an authority so that he doesn't have to make his own decisions and doesn't have to bear challenges and responsibilities; or worse, as in some cases, he imposes his will upon others imposing in order to end the indeterminacy and therefore becoming a tyrant.[5] The second, which he called *destructiveness*, essentially relies on destruction of the world around one as a means of escape.[6] Perhaps the people who blow themselves up and take a few people with them are basically escaping from freedom through destructiveness, and are not in fact simply expressing certain religious ideas extremely, as is often interpreted. The third form of escape he called *automaton conformity*, which means that the person finds an example like a template and blindly follows it.[7] We can see all these tendencies in one form or another being manifest in today's Libya.

However I do not think our present scenario can be described as just an attempt by Libyans to escape from a newfound freedom, and I think there is in fact a deeper meaning to these events. Maybe what's happening is also a kind of collapse of the attempts at meaning which help us to make sense of the world around us. Maybe—as Vicktor Frankl would say—we are trying to find meanings or even "ultimate meanings".[8]

What I fear is that just as we are having difficulties grasping meanings or articulating meanings, maybe we are replacing our search for meanings with fast meanings, which, like fast-food, are quick, easy, but are ultimately unhealthy. We can pick up quick-fix answers to very complicated questions that ultimately do not address any of the concerns that prompted our questions in the first place. And so, from a vendor you can purchase five books and two CDs, listen to them and all of a sudden you have meaning, as you feel you know exactly how the world works, you can categorize human beings to us versus them. But the world is never that simple.

There is clearly a crisis of meaning in Libya, one that we find difficult to admit to and even more difficult to find a resolution to. With this search for quick fixes we have been finding what Dietrich Bonhoeffer called "cheap grace". Cheap grace is one that comes

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[5] Erich Fromm, *Escape from Freedom* (New York: Henry Holt and Company, 1941), 141–78.

[6] Ibid., 179–84.

[7] Ibid., 185–205.

[8] Viktor Frankl, *Man's Search for Meaning* (Washington: Washington Square Press, 1959). On the issue of "Ultimate Meaning" see p. 141.

without struggle, one that we "bestow on ourselves" rather than expend the tiresome and difficult effort required to receive grace from above.[9]

Politics

Whatever it is, we are definitely not in a very good place right now. Too many people have died, and since the end of the Gaddafi regime hundreds more have passed away. Our jails and so-called holding centers are full of people who in most cases—for whatever reason they have been detained—have not been given due process, have not been put on trial, and in some cases have been tortured. All this has been documented by not only international human rights groups such as Amnesty International, but many Libya rights groups, such as Libyan Lawyers for Justice. So what is the problem?

Hannah Arendt saw a problem in the traits of a particular group of people called *professional revolutionists*. For me, this group certainly bears some of the guilt for what's happening to Libya today. Arendt highlighted that most revolutions surprise all facets of society equally, and as such no one group can ever be said to be culpable for its outbreak or its completion, despite what they might claim. *Professional revolutionists* are opportunistic, and are those figures who generally appear after the outbreak and for whom revolution soon becomes a career. As Arendt notes: "The part of the professional revolutionists usually consists not in making a revolution but in rising to power after it has broken out, and their advantage in this power struggle lies less in their theories and mental or organizational preparation than in the simple fact that their names are the only ones which are publicly known."[10]

In Libya there are people who have made this "revolution" a profession and are self-righteously imposing their will upon others. They are imposing their ideologies on others as if they have an exclusive right to speak for the revolution and therefore Libyan society as a whole. These ideologies sometimes are Islamist and sometimes they are not, and often they are tribal or regional. What all of these ideologies have in common is a "will to power" that encourages bigotry and breeds a fascist attitude that is detrimental to the liberty and security of Libya as a whole and which precludes the kind of dialogue and political bargaining that we sorely need.

It might seem strange to use the term "fascism", but when the gravestones, tombs, and graves themselves of widely respected Islamic scholars such as Sidi Sahab were being demolished in Tripoli after the revolution, the Supreme Security Committee was watching over the destruction and guarding those carrying it out. Such acts of bigotry and destruction, sponsored by the state, clearly represent aspects of both fascism and totalitarianism. Mussolini coined the term totalitarianism, and through acts like these it is very much as if we are witnessing a regression. It is as if Libya retained a subconscious trend of these trends as a vestige from the days of Graziani and Mussolini. Maybe for forty-two years Gaddafi was simply a Libyan Graziani. Whether it is true or not, Gaddafi held Graziani's books in high regard, and in some of his speeches you can hear phrases that are straight out of *Verso il Fezzan* or the other books of Graziani.

R. G. Collingwood called this phenomenon *incapsulation*—whereby nuggets of the past that are held as if frozen in time become active again.[11] For example, in Malta you can hear

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[9] Dietrich Bonhoeffer, *The Cost of Discipleship* (Norwich: SCM Press, 1959), Chapter 1.

[10] Arendt, *On Revolution*, 252. Arendt prefers to use the term "revolutionists" but we might normally speak of this group as "revolutionaries".

[11] R. G. Collingwood, *An Autobiography* (Oxford: Oxford University Press, 2002), 99–113. A term present in some of his earlier writings, but dealt with most systematically in his autobiography.

most likely a North African accent from the sixteenth century *incapsulated* in the Maltese language. Maybe what we have basically is an incapsulation of fascistic tendencies from the 1920s and 30s that are being activated—sometimes wearing an Islamic or secular garb and sometimes wearing a tribal or regional one. In all these cases fascist attitudes are emerging. Fascism makes sense of the bigoted and thuggish behavior, it makes sense of the senseless violence, and it makes sense of the categorization of people into "us and them" and the oppression of other people. A descent into a kind of a fascistic underworld that just is there and was never really resolved or dealt with is one explanation of our predicament.

Another predicament that surrounds our country is an inability to engage in real dialogue. What's even more troubling in our country right now is that while for good reason a lot of worry, dread, and depression exist, at the same time an overabundance of certainty exists. People are so certain that they are right. Certain groups have become so vehement in their righteousness and so aggressive and possessive in the way they engage with institutions and the body politic. Most worryingly, and most destructively, they try to occupy the very joints of the state, and like arthritis this control renders the state immobile.

The joints of the state are populated in many cases by people who, instead of being interested in the future of Libya, are only interested in their party or group. These individuals are essentially paralyzing the country to the point where no prime minister to-date has been able to effectively do his job. Every time they try to do their job, they find that the joints are paralyzed—be it the Ministries of Defense, Interior, and Finance, or the Intelligence, or the Central Bank. Ultimately the presence and deliberate actions of these saboteurs render the state vulnerable to forces that are not interested in a prosperous and stable Libya. These afflictions need to be cured. Those paralyzing the joints of the state *must* ease off. We all need to recognize that Libya as a state needs to be responsive and open to the various perspectives present in Libyan society.

In neighboring countries these groups unfortunately became so possessive of the institutions of state that the situation escalated. As one group clenched its iron grip, another retaliated and in doing so became equally possessive. This kind of revenge is not helpful or productive, and will not help us achieve a new era of good governance in Libya. I hope that in Libya we can avoid this kind of exclusion and counter-exclusion between the different trends present in our society.

The problem from my perspective is the overabundance of a type of certitude. This may seem an unusual thing for a Muslim theologian to say. Normally theologians ask their audience to be certain about God, and about prophecy. I am certain in that sense, of *yaqin* (the Islamic concept of certainty); however there is mature certitude and immature certitude. A mature certitude is based on humility that receives the certitude from above. An immature certitude is a certitude of imposition of will, and is hence a false certitude. I see too much of the second type, where people are so absolutely sure of *themselves* that they are not willing to listen to others.

In this kind of environment it is practically impossible to forge a democracy or make a lasting constitution. Democratic governance and constitution-writing demand humility and require us to listen to others. Ultimately constitutions are rooted in their broad-based legitimacy, in consensus—and consensus cannot happen through imposition of will. Consensus necessarily means dialogue. Consensus necessarily means acknowledging the polyphony of the many voices in society, and not only polyphony, but the ability to listen to these voices all at once and ultimately to listen to and accommodate the will of others. A constitution can only be reached on the basis of consensus and a wider inclusive settlement

that must be based in a genuine heart-to-heart dialogue, and as Desmond Tutu mentioned forgiveness is central to this:

> Forgiving and being reconciled to our enemies or our loved ones are not about pretending that things are other than they are. It is not about patting one another on the back and turning a blind eye to the wrong. True reconciliation exposes the awfulness, the abuse, the hurt, the truth. It could even sometimes make things worse. It is a risky undertaking but in the end it is worthwhile, because in the end only an honest confrontation with reality can bring real healing. Superficial reconciliation can bring only superficial healing.[12]

Revolution?

Perhaps the problem lies precisely in the fact that we have called our uprising "a revolution". When social change is tagged with the name "revolution", the revolutionaries seem to display certain recognizable vices. The first vice is *self-righteousness*. Revolutionaries feel that *they* are right, and that *they* exclusively have revolted against the wrong.

They also have an intense notion of *victim*; that they were victimized and tyrannized and therefore now they have a right to victimize others. So, when some of the people who were tortured in the Abu Selim Prison now became guards they started to torture prisoners in the same way that they themselves were tortured. As with the cases of abused children who grow up to be abusers themselves as fathers and mothers, it is a tragedy.

Then comes the vice of *arrogance*—of feeling that you have all the right values that others do not, and that you are entitled because of this. To my mind, one of the biggest mistakes that the National Transitional Council made, and which is perpetuated until today, is to pay those that took up arms in our uprising against tyranny. In doing so, we effectively turned honorable and heroic young people into cash junkies, and encouraged a sense of entitlement and an addiction to giveaways. This addiction is so far advanced that when the giveaways stop, these individuals suffer withdrawal symptoms then demand payment with force. It is a disgusting and disappointing state of affairs when people have had, in some cases, to sign checks with a gun to their head. It is deplorable that we have done this to our youth.

Lastly is the vice of *dehumanization*. Gaddafi previously used to call us rats—dehumanizing us to the level of rodents. Recently we have gone a step further than even Gaddafi, and now dehumanize people to the level of algae (*tahaleb*) because algae is green and worthless—characteristics that inherently exclude you from the new political order. Immanuel Kant in his book *Foundations of the Metaphysics of Morals* spoke of a central distinction between a thing and a person, which helps us understand how dehumanization works, and what it leads to. For Kant a person is not for the sake of something else, but for the sake of himself or herself.[13] A thing on the other hand may be for the sake of something else. Every day we continue to make our fellow Libyans into things, not persons, which makes it easier to torture them, easier to deny their rights. All of this because we called ourselves the *revolutionaries* and called what we have done a *revolution*. Let us call it an uprising and spare ourselves these injustices created by the assertion of revolutionary legitimacy by various segments of the population.

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[12] Desmond Tutu, *God Has a Dream* (London: Rider Press, 2005), 55–6.
[13] Immanuel Kant, *Foundations of the Metaphysics of Morals*, trans. Lewis W. Beck (New York: Liberal Arts Press, 1959), 39–64.

Edmund Burke, as early as 1790, in his book *Reflections on the Revolution in France* pointed to this kind of behavior and Hannah Arendt also in her book *On Revolution* points to how revolutionary legitimacy leaves states vulnerable to oppressive politics. The post-World War II literature analyzing the development of fascism, totalitarianism, and tyranny is very instructive to read. So now, how can we get over this? I think we have to get over this by moving from revolutionary legitimacy to constitutional legitimacy.

Constitutional Legitimacy

In my opinion there was a huge mistake made in the summer of 2011 when people were gathering in Benghazi to discuss the drafting of a constitutional declaration. There was an overall trend towards restoration of the Libya that Gaddafi took over in his 1969 coup. Now while the national flag and anthem of the Kingdom of Libya were restored overnight, the constitution of the Kingdom of Libya was not.

I would have preferred that in the summer of 2011 we had adopted the old constitution as a starting point, rather than committing to writing a constitution from scratch. By making this commitment we essentially bound ourselves to reinventing the wheel, and disconnected ourselves from our political heritage. I am not sure that we have the kind of humility that our forefathers had in the 1940s and 50s. Those gentlemen—and I am afraid there were no women in the constitutional assembly of that time—were humble enough to listen to each other.

Moreover, even though they were proud Bedouin tribesmen, proud Libyans from all regions of the country, they actually were humble enough to listen to each other, and self-confident enough to listen to Adrian Pelt, a man coming from far away with a mandate from the new United Nations.[14] They were humble enough and confident enough to listen to the experts sent to aid them—some Palestinian, some Iraqi—and write an even, robust, lithe, and lasting constitution.

I am concerned that the amount of listening necessary to reach a consensus in today's Libya does not exist. Right now we do not see many people listening to each other. And while there are over thirty-two dialogue initiatives (at my last count), these are for the most part *monologues* about dialogue. When each group has their own dialogue initiative there is by definition no dialogue. And even when people get together with higher aims, seeking to initiate a *real* dialogue, you will find individuals trying to possess the dialogue—they become the "So-and-so" initiative for dialogue.

Writing a constitution from scratch is feasible if the time is right, and if those who are writing it are *able* to do it. The problem is that we now have clear structural fault lines in the official, formal political sphere that are triggering these earthquakes that we are feeling throughout society and continue to destabilize our country. The period for the life of the General National Congress (GNC) was clear and a constitutional process was supposed to go in tandem with it. However, the GNC mistook itself for a parliament, the head of the GNC mistook himself for the president of Libya, and the committees of the GNC mistook themselves for executive bodies. Consequently, rather than proceeding to write the constitution or generating a committee to write the constitution, the GNC did everything else but contribute to the writing of the constitution.

Time ran out in February, but many GNC members insisted there was no deadline. And

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[14] Adrian Pelt, *Libyan Independence and the United Nations: A Case of Planned Decolonization* (New Haven: Yale University Press, 1970).

while the GNC can theoretically be perpetuated in life because it has that ultimate legitimacy, steps need to be taken to renew and concretize its currently rather shaky and tenuous mandate, and therefore allow time to write the constitution. But I am afraid the Libyan street was critical of the steps the GNC made—as far as one can possibly measure it without impartial polling.

The *November 9th Movement* said that they respect the GNC as a structure, but that they should not continue unless they are re-elected in order to get renewed legitimacy. Others are more critical and have argued that something based on the Constitution of 1951 is the only viable answer. There are a number of options among this group: the federalists favoring the version of 1951; those who don't like federalism choosing the Constitution of 1951 plus the modifications made in 1963; and those who want to go beyond that, and have a body of laws that actually defines local rule, divides the provinces proposing the Constitution of 1951, plus the modification of 1963 and all the laws based on 1963 up until August 31, 1969.

I personally am in favor of the latter as a pragmatic and effective solution to our current constitutional instability. The chances of us quickly producing a viable constitutional draft are almost zero, simply because no one is listening. The chances of us creating a constitution that offers lasting stability for our country is even lower. Reaching the legitimacy cliff of February 7 was a reckless risk to take, but hopefully it will generate a sense of urgency and spur Libyans on to be creative again in reaching a solution. I am of the view that we should renew the GNC's legitimacy through another general election, and immediately reinstitute the Libyan Constitution of 1951 modified in 1963 with all the laws up to August 31, 1969, using it as a stop-gap, and getting the king to promise that he will do a referendum on the monarchy. It can be an anchor to provide stability, and a stepping-stone towards steady, long-term constitutional development.

Getting a constitution is difficult precisely because—at least in the official politics in today's Libya—the mechanisms for consensus are not present and real dialogue does not occur. Spoilers of any possible dialogue exist in Libya today, groups who are so committed to violence, who see the rest of the society as *kuffar* or infidels, and who will not be a part of any consensus making. Many of these groups, by definition, will not accept it, and will sabotage it at every step. We need to acknowledge this fact, and we need a simple social covenant, a social compact of sorts, to affirm our commitment to each other and to Libya. Prophet Muhammad (God bless him and give him peace) was part of such a convenant, established before the advent of Islam, in what's called *Hilf al-Fudul*. *Hilf al-Fudul* was a very simple social contract, which was honored after the advent of Islam and stated that all should stand together to protect each other.

Libya needs a *Hilf al-Fudul*: a straightforward and open commitment by all to non-violence and the peaceful settlement of dispute, of using the disputation, dialogue, and discussion to reach consensus. If individuals continue to use violence and assassination as a political tool, and if they are not willing to sign up to that, then the Libyan populace must commit to shunning these people, and they must be dealt with severely.

A fringe group in Derna declared their own Islamic state, and the militias there continue daily to issue threats, employ thuggery, assassinate Libyans and foreigners alike, and bomb public places. Now, maybe this is what Libyans actually want; however, no single figure or group should be able unilaterally to declare this—totally oblivious to the wishes or the desires of the rest of their fellow Libyans. In order to have this covenant we need to talk; and in order to talk we have to acknowledge that we do not have all the answers, and that

we are weak enough, ignorant enough, and even messed up enough to know that we need our fellow Libyans.

Resilience

While the media in Libya and outside may focus on our problems, these are actually rather isolated and are exacerbated by marginal groups who intensify the impact of these failings on the rest of society. The majority of Libyans are getting on with life, albeit in tough circumstances. Libyans have demonstrated throughout these past three years and continue to demonstrate a huge capacity for resilience, which grows stronger each time it is put to the test. And while there are many sources of resilience in Libyan society, there are some sources of resilience to which I would like to draw attention.

First, Libyan women are a critical source of resilience. This resilience needs to be acknowledged more unambiguously and needs to be invoked as a catalyst for stability and development moving forward. Libyan women have shown tremendous bravery not only during the uprising, but also in its aftermath.

It was the mothers of those jailed in Abu Selim who actually started this uprising. This was an uprising started by women and sustained by women, and Libyans prevailed in their fight against tyranny through the efforts of both men and women. At least 50 per cent of the Libyan effort in this uprising can be attributed to the actions of women. This should never be belittled, undermined, or forgotten.

Many of the men in Libya were courageous only because the women in their lives had encouraged them to be so. I will be the first to admit that my wife, mother, sisters, and daughter inspired whatever bravery I may have shown during the uprising. My wife put it quite bluntly: "If you don't go to Benghazi, then don't come home!" You can understand, I had to go to Benghazi!

After having contributed to more than 50 per cent of the efforts needed for this uprising to succeed, they have ended up with an ability to influence no more than 10 or 15 per cent of political decisions in our new political sphere. In terms of leadership women have, even in the best cases, only been assigned token ministries. I believe that the future government of Libya should be constituted of 50 per cent women and the GNC should also have 50 per cent women.

Another form of resiliency for Libya is religious. Scholars of traditional madrasas have offered a lot of resilience and even resistance to the growing influence of those small but active groups of extremists and radicals. Both the League of Libyan Ulema—which was formed out of the Network of Free Ulema—and also the Council of Sufis in Libya have helped by repeatedly issuing decrees to counterbalance the impact of extremist and fringe views on the religious establishment in Libya. Out of respect for the mufti they do not even call them fatwas, but they are fatwas of sorts. The League has responded to and has refuted every fatwa that they see as not representing the authentic tradition of Libya—which is historically Ash'ari, Maliki, and Sufi (with the exception of the Nafusa Mountains, which have an Ibadi presence).

To give an example, when the Dar al-Ifta issued a fatwa calling on people to topple the government, the League of Libyan Ulema quickly issued a scholarly corrective declaring that it is not the business of the Dar al-Ifta to issue such pronouncements. This religious resilience is also important to invoke and to speak to.

There is also tribal resilience. The great tribes—particularly those of al-Obaidat and al-Awageer—have showed tremendous resiliency in times of great tension, and tribal politics

continues to be the area where real political discussion takes place, and tribes continue to undergird our nation state. Where necessary they have also gone beyond resilience and have displayed resistance to attempts by small ideological groups to dominate their areas.

Young people have also demonstrated incredible resilience. At each stage of the uprising young people have come out and publically protested against those they see as taking advantage of the wider populace, those who they believe stole the inheritance of the uprising. And young people have bravely and repeatedly come out to demonstrate against the trends of intimidation, violence, and murders in Benghazi and elsewhere.

Last December the young people of Benghazi came out, and—against all odds and on their own—managed to organize a pan-Arab club basketball tournament. Not only did they organize the tournament itself, but they repaired all the stadiums, secured all the games, offered hospitality, used their own vehicles and buses to transport, and offered food, and so on, to the guests. And they successfully completed the tournament and won it! They are now the Arab champions. Young people from Benghazi continue to display resilience, continue to offer hospitality, and continue to demonstrate world-class sporting excellence throughout all of this instability. And they do this with hardly any help from anyone. These are just some of the examples of resilience that young people are offering, but there are innumerable amounts more in all areas of the country—North, South, East, and West.

Specific sources of resilience play their part, but the most important source of resilience that Libya currently has, in my view, comes through the massive distribution of power to Libyans across the country. What is often lamented as fragmentation is, I believe, a blessing. Just as the Internet is remarkably resilient simply because it is so massively distributed and massively interconnected, Libyan communities at the municipal level, village level, and local council level offer great resilience and can be great resources for strength and growth if we are able to weave them together.

That is why I believe that if we help the municipalities through municipal reconstruction teams, and create a smart grid that can help them communicate and trade with each other, then we will have made the first real steps towards a long-term stability and prosperity. I believe that with our municipalities we already have in many cases the founding blocks of a great future. Founding blocks that represent an indigenous Libyan version of a phenomenon that Thomas Jefferson had called the "little republics" when he was thinking about challenges of governance in the United States:

> Every hundred, besides a school, should have a justice of the peace, a constable and a captain of militia. These officers, or some others within the hundred, should be a corporation to manage all its concerns, to take care of its roads, its poor, and its police by patrols, &c., (as the select men of the Eastern townships.) Every hundred should elect one or two jurors to serve where requisite, and all other elections should be made in the hundreds separately, and the votes of all the hundreds be brought together. Our present Captaincies might be declared hundreds for the present, with a power to the courts to alter them occasionally. *These little republics would be the main strength of the great one*.[15]

We should also not assume that there is no direct causal relationship between instability

[15] Jean M. Yarbough, ed., *The Essential Jefferson* (Indianapolis: Hackett Publishing Company, Inc., 2006), 207 (my italics). Letter to John Tyler Monticello, May 26, 1810.

and the massive distribution of weapons. In fact societies can be very safe when weapons are massively distributed and properly registered. We should remember that Switzerland, Finland, and Sweden are among the countries in the world with the most weapons per capita. Although these are very different countries, in Libya's specific case, the continued diffusion of small arms among the population is likely to offer greater security in the short to medium term, than through programs that result in one group with a monopoly. This is not dismissive of the dangers that guns pose, and the need for a robust police force, however massive parallelism and distribution can offer a kind of resilience that is in great need after a long period of authoritarianism—especially in a period where groups are continuingly tempted to consolidate their power at the expense of others.

The Future
One form of resilience that we urgently need is to build a cohesive vision for the future of Libya. This is something that we haven't been doing enough soul-searching about and we certainly haven't been expressing ourselves enough about. We need strategic communication that can present a positive and affirming vision to the public. Offering the Libyan public ways that they can participate in the democractic and nation-building process is essential in establishing confidence in our politics, and establishing a mutually supportive relationship between the people and state institutions—a far cry from the distrust that exists both now and in the Gaddafi era.

During the uprising many people from very diverse backgrounds were united because they were all against Gaddafi, but a negative vision is no longer enough. It is not enough for Libyans simply to have liberty from something. In today's Libya it is especially important to have liberty to do things, to construct things and it is very important to have visions and to share to share those visions, and to build a common vision together.

As this search for a new future progresses, and as we chart our course together, I believe that two key elements will be essential: *rootedness* and *openness*.

Libya needs to remain rooted. Rooted to its heritage, rooted to its customs, as a people rooted to our land. Our roots run deep, they move, they intermingle, and they intertwine. Our families, tribes, friends, towns and histories define us. We are Libyans. Just as we were not defined by Gaddafi, we should not be defined by our opposition to him. Libyans are more than that.

We need to remain rooted to our thousand-year history of Islamic learning, and to the teachings of our forefathers. Teachings that taught us respect for God, modesty and moderation in thought and our way of life, and pride and compassion in how we interact with others. Ours is a rich heritage of teaching that has long roots. It is a heritage that continued to exist throughout all the occupations of Libya, and which served as a well-spring that we have drawn upon to resist tyranny, cruelty, and corruption throughout. I am confident that we will continue to stay rooted to this tradition and that it will continue to lead us towards a brighter, fairer, safer, more just, and more compassionate future.

Libya also needs to remain open. As we transition into this new era of Libya's life we need to establish an open and accessible climate that is enabling and supportive of Libyans across the board. As Lao Tzu says in his book *Tao Te Ching* what's useful about a window

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[16] Lao Tzu, *Tao Te Ching: The Ancient Classic* (Chichester: Capstone Publishing Ltd., 2012), 11. The quote reads: "We pierce doors and windows to make a house; And it is on these spaces where there is nothing that the usefulness of the house depends."

is what's not there.[16] We should not be so obsessed with showpiece projects like building the biggest cement factory in North Africa, or the biggest steel factory in North Africa as was Gaddafi, or with simply exploiting a diminishing oil supply. While superficially attractive, these shortcuts will leave us vulnerable to corruption, instability, and asymmetrical growth.

Libya needs simply to be an open space, a free zone for trade as it was historically, both in Libya, but also with our neighbors—to the North by sea to Europe, to the East and West along the coast of the Maghreb, and into the vast expanse of Africa. Libya is fortunate to have its roots at the juncture between great trading hubs, but, looking forward, we need to be open to the benefit that our location bestows upon us.

Libya needs to take advantage of technological advancements that can help us achieve a secure and enduring prosperity. It needs to take principled steps to combat criminality, thuggery, and extremism. So, instead of being a free zone for drug smuggling, illegal immigration, or terrorism, as is fast becoming the case, Libya can be a free zone for trade that benefits all Libyans.

Libya also needs to be open to benefiting from the most abundant resource that we have: the sun. The rays of the ever-present Libyan sun can be harnessed and exploited. Libya is the best place for putting solar energy systems that could lead to greater energy security in the region. The sun is a latent and underused asset that is both sustainable and clean, and will enable us to preserve our fossil fuel reserves for our youth, ensuring enduring economic growth and energy security for Libya in the long term.

In the new Libya, we can achieve unity, but it must be a receptive unity that is not imposed. An open and rooted unity. Netting together all the "little republics" through dialogue and enabling technologies that help teach, serve, trade, and interact will support the resiliencies, strengths, and gifts that already exist throughout Libya's population. Moreover it can help us achieve a Libyan "Jeffersonian" democracy that is rooted in Libya's 1000-year-old Islamic tradition, a tradition that is inherited from our forefathers that is balanced between doctrine, jurisprudence, and spirituality. ♣

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