

## **WOMEN'S INHERITANCE RIGHTS IN LIBYA'S SOCIAL AND CULTURAL SYSTEM**

**Tasneem Ali Ammar Altarhouni\*, Mohd Zaidi Daud\*,  
Mahamatayuding Samah\***

\*Department of Syariah and Law, Academy of Islamic Studies,  
Universiti Malaya, 50603 Kuala Lumpur, Malaysia

\*(Corresponding author) e-mail:  
s2007092@siswa.um.edu.my & zaididaud@um.edu.my

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### **ABSTRACT**

*This study investigates how women's inheritance rights are recognised, negotiated, and implemented within Libya's social and cultural system. Although women's entitlement to inheritance is normatively established, women's effective access to inherited assets often depends on family-based decision-making, customary expectations, and local enforcement realities. Using a qualitative descriptive design, the study conducted semi-structured interviews and analysed the data through thematic analysis to identify recurring mechanisms shaping inheritance outcomes. The findings show a persistent rights practice gap in which inheritance is frequently treated as a negotiable family matter rather than an enforceable entitlement. Women's access is commonly constrained through informal gatekeeping, delayed distribution, pressure to waive shares, and substitution arrangements that preserve land and housing within patrilineal lines. These practices impose reputational and relational costs on women who assert their claims and can convert formal entitlement into*

*socially risky behaviour. The study further demonstrates that restricted inheritance access has consequences beyond immediate financial loss, including reduced housing security, heightened economic dependency, and bounded participation in social, cultural, and civic life. The study concludes that improving women's inheritance outcomes requires an integrated approach that strengthens transparent settlement procedures, safeguards against coerced waiver, and enhances rights-consistent dispute pathways while addressing the socio-cultural narratives that normalise restriction.*

**Keywords:** *Libya, women, inheritance, customary norms, socio-legal*

## INTRODUCTION

Inheritance is a pivotal institution through which wealth, security, and social power are reproduced across generations. In Libya, as in many societies where family, kinship, and locality remain central organising principles, inheritance is not only a legal allocation of assets after death; it is also a socio-cultural practice embedded in norms of belonging, honour, and lineage continuity. These norms operate within a complex governance landscape shaped by political fragmentation, uneven institutional capacity, and the persistence of informal regulatory orders that frequently coexist with and sometimes supersede formal legal processes.<sup>1</sup> Within such contexts, women's social position cannot be analysed solely through their formal rights on paper; it must also be examined through the everyday mechanisms that shape women's access to resources, voice, and decision-making in family and community life.<sup>2</sup>

Islamic inheritance principles establish women as rightful heirs with defined shares, thereby framing inheritance as a rights-based domain rather than a discretionary family gift. Yet the practical implementation of inheritance is often mediated by customary norms (*'urf*), negotiated family settlements, and kin-based pressure. In settings where land and housing are treated as collective family assets

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<sup>1</sup> Jean-Louis Romanet Perroux, 'The Deep Roots of Libya's Security Fragmentation', *Middle Eastern Studies* 55, no. 2 (2019): 200–224, <https://doi.org/10.1080/00263206.2018.1538970>; Alessia Maria Di Stefano, *The System of Differences: Justice and Citizenship in Libya (1911–1922)* (GBR, 2022), <https://doi.org/10.4324/9781003108221-4>.

<sup>2</sup> Barbara Spadaro and Katrina Yeaw, eds., *Women in the Modern History of Libya: Exploring Transnational Trajectories* (Routledge & CRC Press, 2021), <https://www.routledge.com/Women-in-the-Modern-History-of-Libya-Exploring-Transnational-Trajectories/Spadaro-Yeaw/p/book/9781032082257>; Mowafg Abrahem Masuwd and Najah Baroud, 'Exploring Cultural, Political, and Socioeconomic Influences on Collective Psychological Resilience in Libya', *Jurnal Ilmu Psikologi dan Kesehatan (SIKONTAN)* 3, no. 4 (2025): 163–76, <https://doi.org/10.47353/sikontan.v3i4.2784>.

and as symbols of patrilineal continuity, women may face subtle or explicit restrictions on effective access to their inheritance. These restrictions can take multiple forms: delayed distribution, social pressure to relinquish shares, substituting cash compensation for land ownership, or encouraging “voluntary” waiver in the name of family cohesion. Comparable dynamics have been documented in other patrilineal and customary tenure systems, where women’s formal entitlements do not consistently translate into substantive control over land and property.<sup>3</sup> Recent regional scholarship similarly highlights how gender regimes and socio-legal bargaining shape inheritance outcomes, often producing persistent inequalities despite formal recognition of rights.<sup>4</sup>

This study addresses a clear and policy-relevant research problem: the restriction or denial of women’s inheritance in Libya despite normative Islamic principles and formal legal recognition and the implications of this restriction for women's socio-economic security and social participation. The concern is not merely distributive fairness. Inheritance functions as a foundational pathway to economic stability, housing security, and the ability to participate in community and institutional life. When women’s inheritance access is limited, the consequences can extend beyond immediate financial loss to longer-term constraints on autonomy, bargaining power, and civic engagement. In the broader gender and development literature, economic exclusion and constrained asset ownership have been linked to women's vulnerability and diminished participation in public life.<sup>5</sup> Moreover, global and regional frameworks increasingly treat economic control, including deprivation of assets, as part of the continuum of gender-based harm, reinforcing the need to analyse inheritance as both a rights issue and a social-power issue.<sup>6</sup>

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<sup>3</sup> Uchendu Eugene Chigbu, ‘Anatomy of Women’s Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway’, *Land Use Policy* 86 (July 2019): 126–35, <https://doi.org/10.1016/j.landusepol.2019.04.041>; Aliyu Dahiru Aliyu, ‘Muslim Women and Contemporary Challenges’, *Medium*, 9 March 2022, <https://aliyussufiy.medium.com/muslim-women-and-contemporary-challenges-7e47eae6c4b5>.

<sup>4</sup> Valentine M. Moghadam, ‘Institutions, Feminist Mobilizations, and Political Economy: Debating Equal Inheritance in Tunisia’, *British Journal of Middle Eastern Studies* 51, no. 3 (2024): 451–68, <https://doi.org/10.1080/13530194.2022.2117133>; Moghadam, ‘Institutions, Feminist Mobilizations, and Political Economy’; Ibrahim Natil, ‘Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya’, in *Civil Society and Local Ownership in the Global South* (Routledge, 2025).

<sup>5</sup> Naseem Akhter and Kardina Engelina Siregar, ‘Contemporary Challenges and the Role of Muslim Women in Developing Society’, *International Journal Of Islamic Studies & Culture* 4, no. 2 (2024): 491–96; Ra’ed Ali Mohammed Al-Khamaiseh and Richard Peter Bailey, ‘Developing a Sustainable Leadership Model for Jordanian Schools through Participatory and Expert Engagement’, *Management in Education*, 12 December 2025, <https://doi.org/10.1177/08920206251403082>.

<sup>6</sup> GABV, ‘Empowering Women to Drive Social Change’, *Global Alliance for Banking on Values*, 22 October 2024, <https://www.gabv.org/long-read/empowering-women-to-drive-social-change/>; Ahmed Abdulhadi Elhajji and Simona Mihai-Yiannaki, ‘Strategic and

While scholarship on Libya and the wider region has expanded discussions on women's roles, social change, citizenship, and political economy, existing literature does not yet provide a sufficiently Libya-centred, empirically grounded account of how inheritance rights are negotiated and constrained at the household and community level, nor how these practices shape women's lived social participation. Historical and sociological work has made important contributions to understanding Libya's social order, institutional fragmentation, and gendered trajectories across modern history. Other lines of scholarship explore broader regional debates on equal inheritance, feminist mobilisation, and the political economy of legal reform, often using comparative frames that illuminate how rights-based claims interact with social norms and state institutions.<sup>7</sup> However, these debates do not automatically explain the Libyan case because inheritance outcomes in Libya are shaped by specific configurations of kinship authority, informal governance, and institutional unevenness. As a result, the mechanisms through which women's inheritance is limited, how pressure is exerted, how settlements are constructed, and how women interpret and respond to these constraints remain underanalysed in a way that connects normative entitlement to lived social reality.<sup>8</sup>

The present study responds to this gap by advancing a socio-legal and socio-cultural analysis of women's inheritance in Libya that treats inheritance as a structural component of social power relations rather than as a purely doctrinal legal rule. Conceptually, the study approaches inheritance as a site where (i) religious and legal norms, (ii) customary expectations, and (iii) household-level power dynamics intersect to shape women's access to assets and social agency. This approach aligns with scholarship that urges moving beyond abstract "rights versus culture" framings toward empirical examination of how rights are negotiated, mediated, and enacted through everyday practices.<sup>9</sup> In this sense, the study contributes to the literature by

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Regulatory Challenges of Mergers and Acquisitions in the Libyan Banking Sector: A Theoretical and Practical Approach', *International Journal of Organizational Analysis*, ahead of print, 18 September 2025, <https://doi.org/10.1108/IJOA-11-2024-4968>.

<sup>7</sup> Moghadam, 'Institutions, Feminist Mobilizations, and Political Economy'; Eugene Nulman and Raphael Schlembach, 'Advances in Social Movement Theory since the Global Financial Crisis', *European Journal of Social Theory* 21, no. 3 (2018): 376–90, <https://doi.org/10.1177/1368431017714213>.

<sup>8</sup> Masuwd and Baroud, 'Exploring Cultural, Political, and Socioeconomic Influences on Collective Psychological Resilience in Libya'; Osama Serrar et al., 'Determination of Lead, Cadmium, and Arsenic Concentrations in Breast Milk of Women Living in Misrata, Libya', *Scientific African* 28 (June 2025): e02737, <https://doi.org/10.1016/j.sciaf.2025.e02737>; Marwan Moadar Tarif and Khalefa Mustafa Abu Aashour, 'School Principals Practice of the Leadership Change in Light of John Kotter's Change Model in Arab Schools within the Green Line', *Jordanian Educational Journal* 10, no. 4 (2025): 285–310, <https://doi.org/10.46515/jaes.v10i4.1705>.

<sup>9</sup> Hamida Ali Ismail, 'Social Transformations in the Structure and Functions of the Libyan Family: A Study of Their Impact on Socialization and Social Adaptation', *Comprehensive Journal of Humanities and Educational Studies* 1, no. 2 (2025): 660–73, <https://doi.org/10.65420/cjhес.v1i2.73>; Muhammad Faisal Razaq, 'Migration and Social Change in Middle Eastern Countries', *Journal of Global Social Transformation* 1, no. 2

clarifying not only whether women's inheritance is restricted, but how such restriction occurs, why it persists, and what it means for women's participation in Libya's social and cultural system.<sup>10</sup>

Methodologically, the study adopts a descriptive-analytical design supported by qualitative inquiry because the dynamics that shape inheritance restriction frequently occur through informal bargaining, moral language, and kinship pressure that are not readily captured through legal texts alone. The empirical component relies on semi-structured interviews to elicit lived experiences, perceptions of entitlement, negotiation pathways, and the social costs associated with claiming inheritance. The interview material is analysed using a thematic analytic strategy that enables systematic identification of recurring patterns and meaning structures across participants, supporting transparent links between evidence and findings.<sup>11</sup> To address common concerns regarding qualitative rigour, particularly credibility, transparency, and analytic traceability, the study applies documented procedures for organising codes into themes, maintaining an audit trail of interpretive decisions, and ensuring coherence between research questions, data, and claims.<sup>12</sup> This explicit methodological framing directly responds to prior drafting weaknesses where interviews and thematic analysis were mentioned without sufficient explanation.

Accordingly, the study is guided by the following analytical aims: (1) to identify the socio-cultural mechanisms through which women's inheritance rights are limited in everyday practice; (2) to examine how women interpret and navigate inheritance claims within kinship and community structures; and (3) to assess how restricted inheritance access affects women's economic security and participation in social and cultural life. By integrating normative discussion with empirical evidence on lived practice, the study provides a more defensible basis for recommendations aimed at aligning inheritance implementation with principles of justice and rights

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(2025): 43–49; Nur Alah Abdelzayed Valdeolmillos, 'Post-Conflict Risks to Built Heritage Through the Lens of the Libyan City of Benghazi', in *The Politics of Post-Conflict Heritage Reconstruction: Historical and Contemporary Perspectives*, ed. Nour A. Munawar and Gertjan Plets (Springer Nature Switzerland, 2025), [https://doi.org/10.1007/978-3-031-81093-0\\_9](https://doi.org/10.1007/978-3-031-81093-0_9).

<sup>10</sup> Natil, 'Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya'; Almalak Alakhal, 'Changing Urban Identity and Character in Libyan Historical Cities: A Case Study of Tripoli' (doctoral thesis, Birmingham City University, 2025), <https://www.open-access.bcu.ac.uk/16189/>.

<sup>11</sup> Idris Guclu, 'Social Change and Development: A Critical Comparison of Classical with Contemporary Sociological Theory', *Studies in Asian Social Science* 6, no. 2 (2019): 66, <https://doi.org/10.5430/sass.v6n2p66>; Martina Löw, 'Understanding Social Change: Refiguration', in *Considering Space*, ed. Martina Löw (Routledge, 2023).

<sup>12</sup> Ummu Atiyah Ahmad Zakuan, 'The Status of Muslim Women in Contemporary Societies: Realities and Prospects', *Intellectual Discourse* 15, no. 2 (2007): 229–36; Norani Othman, 'Muslim Women and the Challenge of Islamic Fundamentalism/Extremism: An Overview of Southeast Asian Muslim Women's Struggle for Human Rights and Gender Equality', *Women's Studies International Forum* 29, no. 4 (2006): 339–53, <https://doi.org/10.1016/j.wsif.2006.05.008>.

protection while acknowledging the practical realities through which inheritance outcomes are negotiated. The remainder of this article proceeds as follows. The next section reviews the relevant literature on women, inheritance, and socio-legal mediation in Libya and comparable contexts, identifying the conceptual tensions that frame the study. The methodology section then details research design, participant selection, interview procedures, and analytic steps. Findings are presented thematically to maintain logical coherence and evidentiary transparency, followed by a discussion that links themes back to the research aims and to the wider scholarship. The conclusion synthesises implications and proposes recommendations for scholarship, community-level practice, and institutional pathways for rights enforcement.

## **LIBYA STUDY ON INHERITANCE**

Research on women's inheritance in Libya sits at the intersection of (i) Islamic normative entitlements, (ii) customary kinship-based regulation (*'urf*), and (iii) the institutional conditions that shape enforcement and dispute resolution. Although the body of work addressing gender, rights, and social change in Libya has grown, inheritance remains comparatively undertheorised as a socio-legal practice that is a set of everyday negotiations and power relations through which formally recognised rights are either realised or informally constrained. The literature can be read through four main strands, each contributing partial explanations while leaving a gap that the present study addresses.

### **Historical-Political Accounts and Governance Context of Rights Implementation**

A first strand explains women's rights outcomes, including inheritance, through the broader architecture of governance, citizenship, and institutional capacity. Studies of Libya's modern historical trajectories and citizenship regimes emphasise that rights are shaped not only by legal norms but by political orders that determine who can practically claim and enforce entitlements.<sup>13</sup> Complementing this, analyses of Libya's security and political fragmentation argue that institutional weakness and competing authorities generate uneven access to justice and inconsistent enforcement of statutory protections, creating space for informal mechanisms to dominate everyday dispute settlement.<sup>14</sup> These studies are strong in macro-explanation (institutional fragility, fragmented authority), but they rarely specify micro-level mechanisms through which inheritance outcomes are negotiated inside families e.g., social pressure, stigma, bargaining, or voluntary waiver. As a result, inheritance is often

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<sup>13</sup> Di Stefano, *The System of Differences*; Spadaro and Yeaw, *Women in the Modern History of Libya*, 20.

<sup>14</sup> Romanet Perroux, 'The Deep Roots of Libya's Security Fragmentation'.

implied as a downstream effect of state weakness rather than examined as a distinct socio-cultural practice with its own internal logic.<sup>15</sup>

### **Customary Tenure, Land and Gendered Property Exclusion**

A second strand, often regional or comparative rather than Libya-specific, focuses on women's landlessness and the gendered constraints embedded in patrilineal customary tenure systems. Work in this area demonstrates how women's formal entitlements can be neutralised through social norms that treat land as lineage property and prioritise retention within male kin lines.<sup>16</sup> This literature is valuable for Libya because it clarifies typical constraint mechanisms that can operate even when legal rights are recognised: informal adjudication, social sanctions against claimants, and substitution arrangements that preserve land control for men.<sup>17</sup> While these studies offer clear conceptual tools, they risk overgeneralisation when applied to Libya without empirical grounding in Libyan communities. They explain why customary systems restrict women's assets but provide limited insight into how Islamic inheritance language is mobilised locally, either to support women's claims or to legitimise restrictions through selective interpretation.<sup>18</sup> A Libya-focused inheritance literature, therefore, needs to combine the customary-tenure lens with the religious-normative frame that structures inheritance legitimacy in Libyan society.

### **Gender Regimes, Reform Debates and Regional Comparison**

A third strand examines inheritance within broader debates about gender regimes, legal reform, and political economy in the Middle East and North Africa. Comparative scholarship, particularly focused on Tunisia shows how equal inheritance debates become arenas of contestation among state institutions, religious authorities, feminist mobilisation, and political economic interests.<sup>19</sup> This work is analytically strong because it treats inheritance as a political and institutional question, not merely a household dispute, mapping how reform agendas can produce backlash, selective implementation, or symbolic compliance. The comparative political economy frame clarifies how inheritance rights are negotiated at the level of ideology and policy, but it does not automatically translate to the Libyan case, where enforcement capacity, judicial reach, and everyday dispute resolution may be shaped more heavily by kinship authority and informal settlement pathways than by coherent

<sup>15</sup> Romanet Perroux, 'The Deep Roots of Libya's Security Fragmentation'; Spadaro and Yeaw, *Women in the Modern History of Libya*.

<sup>16</sup> Chigbu, 'Anatomy of Women's Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway'; Aliyu, 'Muslim Women and Contemporary Challenges'. 2019, 86, 126-135.

<sup>17</sup> Chigbu, 'Anatomy of Women's Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway,' 126-35.

<sup>18</sup> Chigbu, 'Anatomy of Women's Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway'; Aliyu, 'Muslim Women and Contemporary Challenges'.

<sup>19</sup> Moghadam, 'Institutions, Feminist Mobilizations, and Political Economy,' 1-18.

nationwide reform politics.<sup>20</sup> For Libya, the key analytical need is often less “reform design” in the abstract and more “implementation sociology” how families, elders, and local moral economies shape what women can claim in practice and at what social cost.<sup>21</sup>

### **Women’s Lived Realities: Violence, Coercion and Socio-Cultural Constraint**

A fourth strand highlights women’s lived vulnerabilities and the continuum of social control, including economic control. Recent gender-focused work emphasises that restrictions on women’s assets can function as coercive mechanisms that limit autonomy and bargaining power, even when presented socially as “family cohesion” or “custom”.<sup>22</sup> Related studies examining women’s participation and constraints in contemporary settings underline the importance of looking at informal sanctions, social stigma, reputational costs, and pressure to conform as enforcement tools that may be more powerful than formal law in certain communities.<sup>23</sup> This literature is essential for reframing inheritance restriction as a structural driver of women’s socio-economic dependency rather than a narrow legal dispute. However, much of it still treats inheritance indirectly (as part of a broader pattern of gender inequality) rather than directly modelling inheritance negotiations as a recurring socio-cultural process with identifiable stages, actors, and strategies.<sup>24</sup> Taken together, the literature provides strong explanatory building blocks:

- a) Macro conditions: governance fragmentation and uneven enforcement shape rights outcomes.<sup>25</sup>
- b) Property logics: patrilineal tenure norms predict systematic constraints on women’s control over land and housing.<sup>26</sup>

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<sup>20</sup> Romanet Perroux, ‘The Deep Roots of Libya’s Security Fragmentation’; Di Stefano, *The System of Differences*.

<sup>21</sup> Natil, ‘Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya’; Serrar et al., ‘Determination of Lead, Cadmium, and Arsenic Concentrations in Breast Milk of Women Living in Misrata, Libya’.

<sup>22</sup> Natil, ‘Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya’; GABV, ‘Empowering Women to Drive Social Change’.

<sup>23</sup> Masuwd and Baroud, ‘Exploring Cultural, Political, and Socioeconomic Influences on Collective Psychological Resilience in Libya’; Elhajji and Mihai-Yiannaki, ‘Strategic and Regulatory Challenges of Mergers and Acquisitions in the Libyan Banking Sector’; Serrar et al., ‘Determination of Lead, Cadmium, and Arsenic Concentrations in Breast Milk of Women Living in Misrata, Libya’.

<sup>24</sup> Masuwd and Baroud, ‘Exploring Cultural, Political, and Socioeconomic Influences on Collective Psychological Resilience In Libya’; Ismail, ‘Social Transformations in the Structure and Functions of the Libyan Family’; Razzaq, ‘Migration and Social Change in Middle Eastern Countries’.

<sup>25</sup> Romanet Perroux, ‘The Deep Roots of Libya’s Security Fragmentation’; Di Stefano, *The System of Differences*.

<sup>26</sup> Guclu, ‘Social Change and Development’.

- c) Political economy: inheritance debates can reflect wider struggles over gender regimes and authority.<sup>27</sup>
- d) Lived constraint: economic control and informal sanctions can suppress women's claims.<sup>28</sup>

However, many studies are often presented as stand-alone summaries rather than critically compared. A critical comparison indicates a shared gap across these strands: a limited Libya-centred, empirically specific explanation of the mechanisms that translate formal entitlement into restricted access in everyday practice and limited evidence on how those mechanisms shape women's social participation. In other words, the literature often explains structures (state weakness, patriarchy, and kinship) but less often documents processes (how claims are discouraged, negotiated, delayed, or reframed as "voluntary"). This is precisely the analytical space that the present study targets.<sup>29</sup>

## METHODOLOGICAL IMPLICATIONS FOR THE PRESENT STUDY

The gap is also methodological. Many works in this area are either (a) conceptual and macro-historical or (b) comparative and policy-centred. Fewer studies provide transparent, interview-based evidence that traces decision pathways inside families and communities. Because inheritance restriction is frequently enacted through informal bargaining and moral pressure, qualitative designs, particularly semi-structured interviews, are well suited to capture mechanisms that legal texts and macro indicators cannot show. For this reason, the present study uses qualitative interviews and applies structured thematic analysis logic to identify recurring patterns and organise them into defensible themes, consistent with common qualitative rigour expectations.<sup>30</sup> To strengthen credibility and prevent "descriptive listing", qualitative procedures should explicitly specify sampling logic, interview protocol, coding steps, and auditability.<sup>31</sup> Finally, this study positions itself as a Libya-centred contribution that integrates: (1) the governance context (institutional enforcement constraints), (2) property and kinship logics (customary retention of assets), and (3) women's lived experiences (social costs and economic consequences). By doing so, it moves beyond summarising prior studies and instead clarifies how different strands converge on the same empirical question: how women's inheritance rights are mediated by socio-

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<sup>27</sup> Moghadam, 'Institutions, Feminist Mobilizations, and Political Economy'.

<sup>28</sup> Natil, 'Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya'; GABV, 'Empowering Women to Drive Social Change'.

<sup>29</sup> Masuwd and Baroud, 'Exploring Cultural, Political, and Socioeconomic Influences on Collective Psychological Resilience in Libya'.

<sup>30</sup> Guclu, 'Social Change and Development'; Löw, 'Understanding Social Change'.

<sup>31</sup> Zakuan, 'The Status of Muslim Women in Contemporary Societies'; Othman, 'Muslim Women and the Challenge of Islamic Fundamentalism/Extremism'; Eman Al-Zboon, 'Special Education Teacher Leadership in Jordan: Current State and Constraints', *Societies* 6, no. 3 (2016): 19, <https://doi.org/10.3390/soc6030019>.

cultural structures in practice, and what that mediation means for women's status and participation in Libya's social and cultural system.<sup>32</sup>

## **STATUS OF WOMEN IN LIBYA**

Women's status in Libya is shaped by a persistent rights-practice gap: while women's dignity, legal capacity, and social contribution are widely acknowledged in normative discourse, women's lived opportunities and resource control are frequently mediated by kinship authority, customary expectations (*'urf*), and uneven institutional enforcement. This mediation is not incidental; it is structurally reinforced in contexts characterised by fragmented governance and contested authority, where informal social regulation can become more influential than formal legal channels in everyday disputes and resource allocations.<sup>33</sup>

### **Social Positioning: Central Contributions, Constrained Authority**

The literature consistently portrays women as indispensable to Libya's social reproduction through family organisation, caregiving, community cohesion, and informal civic support, yet it also documents a pattern of constrained authority in public and institutional domains. This is not best explained as a question of absence but rather as a form of bounded participation: women may be present in education, service work, and community activity while remaining under-represented in senior decision roles and excluded from high-control arenas that determine resource distribution and political bargaining.<sup>34</sup> In this setting, women's social status cannot be assessed solely through symbolic participation; it must be evaluated through women's effective access to decision-making power and assets, including inheritance, land, and housing.

Libya's political and security fragmentation has direct implications for women's status because it affects how rights are enforced. When judicial reach, administrative consistency, and institutional legitimacy vary across localities, households and kin networks often become the default regulators of conflict resolution and property settlement. As a result, women's ability to claim rights, including inheritance, depends heavily on local power relations, family negotiation dynamics, and the social costs associated with being perceived as "confrontational" or "disruptive" to kin cohesion.<sup>35</sup> This enforcement environment is central to inheritance outcomes: even where entitlement is widely recognised in principle,

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<sup>32</sup> Masuwd and Baroud, 'Exploring Cultural, Political, and Socioeconomic Influences on Collective Psychological Resilience in Libya'.

<sup>33</sup> Jean-Louis Romanet Perroux, 'The Deep Roots of Libya's Security Fragmentation,' *Middle Eastern Studies* 55, no. 2 (2019): 200–224. <https://doi.org/10.1080/00263206.2018.1538970>.

<sup>34</sup> Spadaro and Yeaw, *Women in the Modern History of Libya*.

<sup>35</sup> Romanet Perroux, 'The Deep Roots of Libya's Security Fragmentation'.

implementation can be redirected through informal bargaining, delay tactics, or moral pressure to relinquish claims.<sup>36</sup>

A consistent argument across gender development and customary tenure scholarship is that women's status is strongly associated with asset control, not only with education or labour participation. In patrilineal contexts, land and housing are often treated as lineage property; women may be discouraged from ownership to prevent assets from moving outside the male line through marriage or social affiliation. Such dynamics are widely documented in customary tenure systems and are strongly linked to women's landlessness, dependency, and weaker bargaining power.<sup>37</sup> Within this frame, inheritance is not a narrow legal question. It is a structural determinant of women's resilience and agency. When inheritance access is constrained, women's ability to make independent economic decisions, withstand shocks (divorce, widowhood, displacement), and contribute to community development can be significantly reduced.<sup>38</sup> Comparative gender regime scholarship also shows that inheritance disputes often operate as "proxy conflicts" over authority, legitimacy and social order, especially when women's claims are framed as rights versus tradition.<sup>39</sup>

Recent gender-based harm frameworks recognise economic control-restriction of money, assets, and property access-as a mechanism that can limit autonomy and deepen vulnerability even when physical harm is absent. Within such frameworks, coerced waiver of inheritance, forced acceptance of reduced compensation, or threat of social sanctions for claiming inheritance can be understood as forms of economic coercion that shape women's lived status and constrain participation.<sup>40</sup> This is analytically important for Libya because inheritance disputes are often socially managed through family settlement logic that may conceal coercion under the language of unity, honour, or respect for elders.<sup>41</sup> The literature also emphasises that women's public participation is moderated by the gendered distribution of domestic labour. Even where women enter education and employment, caregiving responsibilities, especially during early childhood stages, can limit mobility, continuity of work and capacity to pursue leadership roles. These constraints are intensified when childcare supports are limited and when social judgement penalises women's visibility in public spaces.<sup>42</sup> In such circumstances, inheritance becomes a

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<sup>36</sup> Serrar et al., 'Determination of Lead, Cadmium, and Arsenic Concentrations in Breast Milk of Women Living in Misrata, Libya'.

<sup>37</sup> Chigbu, 'Anatomy of Women's Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway'.

<sup>38</sup> Akhter and Siregar, 'Contemporary Challenges and the Role of Muslim Women in Developing Society'.

<sup>39</sup> Moghadam, 'Institutions, Feminist Mobilizations, and Political Economy'.

<sup>40</sup> Natil, 'Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya'.

<sup>41</sup> Masuwd and Baroud, 'Exploring Cultural, Political, and Socioeconomic Influences on Collective Psychological Resilience in Libya'.

<sup>42</sup> Akhter and Siregar, 'Contemporary Challenges and the Role of Muslim Women in Developing Society'.

compensatory safety mechanism: it can provide housing stability and economic buffering when labour participation is disrupted.<sup>43</sup>

This study is primarily a qualitative, semi-structured interview analysed thematically. However, to strengthen conceptual precision and improve traceability between status claims and measurable dimensions, this section defines a small set of contextual indicators that can be used to structure descriptive profiling and to support future mixed-method extensions. The use of explicit indicator definitions aligns with established guidance on construct clarity and operational transparency in applied social research.<sup>44</sup>

$$GPI_{edu} = \frac{\text{Female enrolment rate}}{\text{Male enrolment rate}} \quad \text{Eq. 1}$$

where,  $GPI_{edu} = 1$  indicates parity;  $<1$  indicates female disadvantage;  $> 1$  indicates female advantage<sup>45</sup>.

$$\Delta LFPR = LFPR_{male} - LFPR_{female} \quad \text{Eq. 2}$$

where,  $\Delta LFPR > 0$  reflects lower female participation relative to men.<sup>46</sup>

$$PRR = \frac{\text{Seats held by women}}{\text{Total seats}} \quad \text{Eq. 3}$$

where,  $PRR \in [0,1]$ .<sup>47</sup>

$$IAR = \frac{\text{Eligible women who received effective control of their due share}}{\text{Total eligible women}} \quad \text{Eq. 4}$$

where "effective control" refers to practical, usable access (e.g., uncontested ownership/control), not merely nominal entitlement.<sup>48</sup>

$$IDI = 1 - IAR \quad \text{Eq. 5}$$

where, higher IDI indicates greater restriction/denial at the implementation level.<sup>49</sup> Across the reviewed scholarship, the most defensible conclusion is that women's

<sup>43</sup> Akhter and Siregar, 'Contemporary Challenges and the Role of Muslim Women in Developing Society'.

<sup>44</sup> Zakuan, 'The Status of Muslim Women in Contemporary Societies'.

<sup>45</sup> Othman, 'Muslim Women and the Challenge of Islamic Fundamentalism/Extremism'.

<sup>46</sup> Akhter and Siregar, 'Contemporary Challenges and the Role of Muslim Women in Developing Society'.

<sup>47</sup> Romanet Perroux, 'The Deep Roots of Libya's Security Fragmentation'.

<sup>48</sup> Spadaro and Yeaw, *Women in the Modern History of Libya*.

<sup>49</sup> Elhajji, and Simona Mihai-Yiannaki, 'Strategic and Regulatory Challenges of Mergers and Acquisitions in the Libyan Banking Sector'.

status in Libya cannot be captured by a single domain (education, employment, or representation) because progress in one sphere may coexist with constraints in another, especially constraints on asset control and enforcement access. Inheritance is therefore a status hinge when women can realise and control their inheritance, they gain economic stability that can widen participation and reduce vulnerability; when inheritance is restricted through customary negotiation and informal coercion, dependency is reinforced even where women’s social contributions remain substantial.<sup>50</sup> This framing provides the necessary bridge from the methodology to the findings: it clarifies why inheritance is analysed as a socio-cultural practice and why interview evidence is essential for identifying the mechanisms that translate entitlement into lived-in access.<sup>51</sup>

### THE CONTRIBUTIONS OF LIBYAN WOMEN TO THE SOCIAL AND CULTURAL SYSTEM

Libyan women contribute to the stability and continuity of the social and cultural system through a layered set of roles that span households, community institutions, and public-facing civic spaces. Across the literature, a consistent pattern emerges: women’s contributions are often high in social value (care, cohesion, education support, cultural transmission, and informal mediation), while women’s recognised authority and resource control remain uneven, particularly where kinship-based norms and fragmented governance intensify reliance on informal regulation.<sup>52</sup> This section consolidates the principal contribution domains identified in prior scholarship and positions them as analytically relevant to inheritance and women’s socio-economic agency.<sup>53</sup> Table 1 maps the main contribution domains and illustrates how each domain connects directly or indirectly to women’s access to assets and social legitimacy.

Table 1: Contribution Domains

<b>Domain</b>	<b>Core contribution</b>	<b>Typical outputs (illustrative)</b>	<b>Why it matters for social/cultural systems</b>
Family and caregiving	Social reproduction, early socialisation, intergenerational stability	Child development support, elder care, household management	Preserves cohesion and continuity of norms/values
Education support	Human capital formation, learning continuity	Home learning support, encouragement of	Strengthens long-run social mobility and community capability

<sup>50</sup> Spadaro and Yeaw, *Women in the Modern History of Libya*.

<sup>51</sup> Ismail, ‘Social Transformations in the Structure and Functions of the Libyan Family’.

<sup>52</sup> Romanet Perroux, ‘The Deep Roots of Libya’s Security Fragmentation’.

<sup>53</sup> Chigbu, ‘Anatomy of Women’s Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway’.

Health and wellbeing	Community resilience and care systems	schooling, literacy practices Health awareness, informal care networks, support during crises	Reduces vulnerability and supports social stability
Cultural transmission	Identity, language, moral norms, heritage continuity	Storytelling, rituals, community events, ethical socialisation	Maintains collective identity and cultural coherence
Economic participation	Household buffering and local economic circulation	Micro-enterprise, informal work, and wage labour where accessible	Diversifies income and improves household resilience
Civic and community engagement	Social capital building and local problem-solving	Community support initiatives, local advocacy, informal organising	Expands collective efficacy and responsiveness
Informal mediation	Conflict diffusion and relational repair	Family dispute mediation, community reconciliation roles	Limits escalation and supports social order under weak institutions

Source : Author’s Synthesis Based on the Reviewed Literature

While these contributions are substantial, the literature also indicates that they are shaped by enabling conditions (education access, supportive social norms, credible institutions) and constraint systems (care burdens, mobility restrictions, reputational sanctions, and low asset control) that determine whether contributions translate into recognised authority and sustainable participation.<sup>54</sup> In this sense, women's contributions should not be treated as static roles; they are better understood as outputs produced under specific social conditions, where access to resources, including inheritance, can expand or compress women’s practical options.<sup>55</sup> Table 2 summarises the mechanisms that commonly enable women’s contributions to scale beyond the household into institutional and civic influence, while remaining consistent with the socio-cultural realities documented across the literature.

Table 2: Enablers of Contribution

<b>Enabler</b>	<b>What it does</b>	<b>How it strengthens contribution quality</b>
Education and skills access	Builds capability and confidence	Improves effectiveness in teaching support, health literacy, community leadership. <sup>56</sup>

<sup>54</sup> Natil, ‘Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya’; Akhter and Siregar, ‘Contemporary Challenges and the Role of Muslim Women in Developing Society’; Al-Khamaiseh and Bailey, ‘Developing a Sustainable Leadership Model for Jordanian Schools through Participatory and Expert Engagement’.

<sup>55</sup> Chigbu, ‘Anatomy of Women’s Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway’.

<sup>56</sup> Spadaro and Yeaw, *Women in the Modern History of Libya*.

Institutional legitimacy	Creates safe pathways for participation	Reduces reliance on informal gatekeepers and improves engagement continuity. <sup>57</sup>
Social capital and networks	Expands reach and coordination	It enables mobilisation, mutual aid, knowledge diffusion, and community problem solving. <sup>58</sup>
Asset security (incl. inheritance)	Reduces economic dependency	Makes participation socially acceptable and defensible within community norms. <sup>59</sup>
Normative alignment and legitimacy narratives	Reduces reputational costs	Expands women's presence in public/community spaces and institutional engagement. <sup>60</sup>

Source: Author's Synthesis Based on the Reviewed Literature

A critical reading across these enablers suggests an important synthesis: women's contribution capacity is not only a function of personal capability but also of the stability of access pathways legal, institutional, and social. Where these pathways are unstable, women's contributions remain concentrated in informal spaces, making them socially indispensable yet institutionally underrecognized.<sup>61</sup> This underrecognition becomes especially salient when economic control is limited because constrained asset access can convert women's contributions into unpaid or undervalued labour rather than a basis for leadership or sustained influence.<sup>62</sup> Table 3 consolidates the main constraints that the literature associates with limiting the translation of contributions into authority, including the mechanisms most relevant to inheritance related bargaining and economic control.

Table 3: Constraints and Implications

<b>Constraint</b>	<b>How it operates</b>	<b>Immediate effect on contribution</b>	<b>Longer-term implication for status</b>
Caregiving overload	Time/energy constraints; role expectations	Limits continuity of education/work/civic engagement	Reinforces "bounded participation" and weak leadership pipelines
Informal gatekeeping	Elders/kin's authority regulates access	Participation depends on permission and conformity	Sustains male-dominant control of

<sup>57</sup> Romanet Perroux, 'The Deep Roots of Libya's Security Fragmentation'.

<sup>58</sup> Chigbu, 'Anatomy of Women's Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway'.

<sup>59</sup> Spadaro and Yeaw, *Women in the Modern History of Libya*.

<sup>60</sup> Romanet Perroux, 'The Deep Roots of Libya's Security Fragmentation'.

<sup>61</sup> Di Stefano, *The System of Differences*.

<sup>62</sup> GABV, 'Empowering Women to Drive Social Change'.

Reputational sanctions	Stigma for asserting rights/visibility	Discourages claims, leadership, and dispute escalation	public authority channels Reduces willingness to pursue formal enforcement
Asset restriction (incl. inheritance waiver pressure)	Social pressure, delayed distribution, substitution	Weakens economic security needed for sustained engagement	Sustains dependency and constrains bargaining power
Institutional fragility	Inconsistent enforcement and protection	Increases reliance on informal settlement	Produces uneven rights realisation across localities
Economic coercion dynamics	Control over money/property within the family	Limits autonomy even without overt violence	Increases vulnerability and narrows strategic choices

Source: Author’s Synthesis Based on the Reviewed Literature

Overall, this section supports a central proposition that is consistent with the study’s inheritance focus: women’s contributions to the social and cultural system are extensive and structurally important, but the extent to which those contributions translate into recognised authority and durable social participation is conditioned by enforcement environments, customary regulation, and women’s access to assets-inheritance being a pivotal mechanism of that access.

## **STRATEGIES FOR MANAGING WOMEN'S INHERITANCE IN CONTEMPORARY LIBYAN CULTURE**

Managing women’s inheritance in contemporary Libya requires a strategy that is simultaneously normatively grounded (aligned with Islamic justice principles), institutionally realistic (sensitive to uneven enforcement and local dispute pathways), and socially implementable capable of working within kinship and customary dynamics without reproducing coercion. The literature reviewed earlier implies that inheritance restriction persists less because of ambiguity in entitlement and more because of implementation mechanisms: informal gatekeeping, pressure to waive shares, substitution of compensation for land, and social sanctions against women who insist on their rights.<sup>63</sup> In a governance environment marked by fragmentation and variable institutional capacity, effective strategies must, therefore, address both the formal rule and the informal enforcement ecosystem.<sup>64</sup>

### **Normative Clarification and Rights Literacy**

A first strategy is rights literacy that translates inheritance principles into clear, locally

<sup>63</sup> Chigbu, ‘Anatomy of Women’s Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway’.

<sup>64</sup> Romanet Perroux, ‘The Deep Roots of Libya’s Security Fragmentation’.

intelligible guidance for families, women, and community intermediaries. While inheritance shares are doctrinally defined, women's practical access often depends on whether families treat inheritance as an enforceable entitlement or as negotiable family property. Public-facing rights literacy-delivered through mosques, community organisations, women's networks, and civic education, can reduce the interpretive space in which selective readings are used to justify denial or coercive waiver.<sup>65</sup> Importantly, rights literacy should not only state what women inherit but should address common informal practices that undermine that right (e.g., delay tactics, pressure to waive, and compensation instead of land) and clarify that coercion contradicts justice-based norms.<sup>66</sup> Use short, scenario-based guidance that mirrors common household disputes (e.g., a sister pressured to waive land share), explaining permissible settlement options versus coercive or invalid practices. This is particularly useful in kinship-governed settings where moral arguments and reputational concerns influence decisions more strongly than formal legal language.<sup>67</sup>

### **Documentation and Early Process Standardisation**

A second strategy is process standardisation, which reduces dispute ambiguity at the start of inheritance distribution. In many systems, conflict emerges because procedures are informal, delayed, or undocumented. Standardisation does not require full formal litigation; it can be introduced through minimal procedural requirements: written inventories of assets, documented identification of heirs, and written settlement records signed in the presence of a trusted third party. This directly targets informal manipulation and silent exclusion where women's entitlements are reduced through opaque processes.<sup>68</sup> Practical mechanism: establish community-endorsed inheritance settlement sheets that record the asset list, heir list, proposed shares, consent statements, and a clear indication whether any waiver is voluntary and compensated. This responds to the core socio-legal issue that rights often fail at the implementation stage due to weak traceability.<sup>69</sup>

### **Safeguards Against Coerced Waiver and Economic Control**

A third strategy is explicit safeguards against coerced waiver, recognising that inheritance denial can function as economic coercion. Global frameworks on gender-based harm highlight that controlling women's resources and property can reduce autonomy and increase vulnerability even in the absence of overt physical violence.<sup>70</sup>

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<sup>65</sup> Natil, 'Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya'.

<sup>66</sup> GABV, 'Empowering Women to Drive Social Change'.

<sup>67</sup> Masuwd and Baroud, 'Exploring Cultural, Political, and Socioeconomic Influences on Collective Psychological Resilience in Libya'.

<sup>68</sup> Chigbu, 'Anatomy of Women's Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway'.

<sup>69</sup> Othman, 'Muslim Women and the Challenge of Islamic Fundamentalism/Extremism'.

<sup>70</sup> GABV, 'Empowering Women to Drive Social Change'.

In Libya's context, a coerced waiver may be socially framed as family unity or respect for elders, which complicates detection and enforcement. Therefore, strategies must include a clear distinction between voluntary settlement and coercive relinquishment.<sup>71</sup> Practical safeguards:

- a) Require a private consultation step for female heirs during settlement discussions (to reduce social pressure effects).
- b) Introduce a cooling-off period for any waiver document.
- c) Encourage the presence of an independent witness or mediator acceptable to the family but trained in rights protection (e.g., a respected community mediator with clear procedural boundaries).

These safeguards are justified in settings where reputational sanctions and kin pressure can substitute for formal coercion.<sup>72</sup>

### **Mediation First Pathways Linked to Formal Enforcement**

A fourth strategy is a tiered dispute-resolution pathway: mediation first, with clear escalation to formal mechanisms when necessary. In fragmented governance contexts, families often prefer settlement to avoid social rupture or uncertainty in courts; however, mediation without procedural safeguards can reproduce coercion. A tiered model can preserve social cohesion while still ensuring enforceability:

- a) structured mediation with documentation,
- b) supervised settlement validation, and
- c) escalation to legal action if rights remain denied.

This approach is aligned with socio-legal insights that rights implementation depends on how communities resolve disputes and how credible enforcement is perceived.<sup>73</sup> Design principle: Mediation must be rights-consistent, not merely compromise-driven. The mediator's role is to facilitate lawful distribution and documented consent, not to pressure women into concession for the sake of settlement.

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<sup>71</sup> Natil, 'Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya'.

<sup>72</sup> Masuwd and Baroud, 'Exploring Cultural, Political, and Socioeconomic Influences on Collective Psychological Resilience in Libya'.

<sup>73</sup> Romanet Perroux, 'The Deep Roots of Libya's Security Fragmentation'; Di Stefano, *The System of Differences*; Löw, 'Understanding Social Change'.

### **Asset Type Sensitive Solutions: Land, Housing and Liquidity**

A fifth strategy is to tailor solutions to asset type. Disputes are often most intense around land and housing because these assets carry symbolic lineage value and long-run wealth implications. The literature on patrilineal tenure shows that restrictions often concentrate on land ownership, not necessarily on movable assets, which is why cash compensation instead of land is a recurring practice.<sup>74</sup> Therefore, strategies should differentiate:

- a) Land/housing: stronger documentation, valuation, and consent safeguards; avoid forced substitution.
- b) Liquid assets: clearer distribution protocols and rapid settlement to prevent appropriation.

Operational recommendation: require transparent valuation for any land-to-cash substitution, with a documented option for the woman to retain land ownership if she chooses. This reduces the capacity to disguise denial as compensation.<sup>75</sup>

### **Community Legitimacy and Norm-Shifting Interventions**

A sixth strategy is norm-shifting that targets the reputational and moral narratives used to discipline women's claims. Where women fear stigma for taking brothers to court or breaking family unity, legal rights remain under-claimed regardless of formal entitlement. Research on gender regimes and social mobilisation suggests that norm change requires legitimate narratives that resonate with local moral frameworks and avoid framing rights as an imported ideology.<sup>76</sup> Implementation design: highlight rights as justice, family protection, and preventing injustice, and use locally credible messengers (respected women, community leaders, and trained mediators). Emphasise that fair inheritance reduces long-term family conflict rather than producing it.

Finally, institutional strategies must acknowledge enforcement constraints. Strengthening inheritance enforcement in Libya is inseparable from broader questions of institutional capacity and legitimacy. Yet even under constrained conditions, incremental measures can improve accountability: public access to simple procedures, standardised documentation templates, designated points of contact, and minimal monitoring of disputes to identify patterns of denial.<sup>77</sup> Minimal viable

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<sup>74</sup> Chigbu, 'Anatomy of Women's Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway'; Aliyu, 'Muslim Women and Contemporary Challenges'.

<sup>75</sup> Natil, 'Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya'; Serrar et al., 'Determination of Lead, Cadmium, and Arsenic Concentrations in Breast Milk of Women Living in Misrata, Libya'.

<sup>76</sup> Moghadam, 'Institutions, Feminist Mobilizations, and Political Economy'; Nulman and Schlembach, 'Advances in Social Movement Theory since the Global Financial Crisis'.

<sup>77</sup> Romanet Perroux, 'The Deep Roots of Libya's Security Fragmentation'; Di Stefano, *The System of Differences*.

reform: local administrative support for documentation and validation steps, combined with basic legal aid referral pathways for women whose claims are persistently denied.<sup>78</sup>

In summary, effective management of women's inheritance in contemporary Libya requires strategies that (i) clarify entitlements in locally legitimate language, (ii) standardise and document inheritance processes to reduce manipulation, (iii) protect women against coerced waiver and economic control, and (iv) build tiered dispute-resolution pathways that connect community mediation to enforceable outcomes. These strategies directly target the documented gap between normative rights and lived implementation and treat inheritance as a structural component of women's socio-economic security and social participation.

### **RATIONALE FOR WOMEN'S ENTITLEMENT TO INHERITANCE IN ISLAMIC CIVILISATION**

Women's entitlement to inheritance in Islamic civilisation rests on an integrated moral legal logic in which wealth distribution is treated as a matter of justice (*'adl*), protection from harm (*raf' al-darar*), and preservation of social order through clear, enforceable rights. Within this framework, inheritance is not a discretionary family favour but a divinely anchored entitlement that recognises women as independent legal subjects with the capacity to own, receive, and control property. The rationale is therefore simultaneously (i) normative-grounded in Islamic principles of justice and inviolable rights and (ii) functional-designed to stabilise families and protect vulnerable members through predictable wealth allocation. At the societal level, this entitlement supports economic security, reduces dependency, and strengthens women's ability to contribute meaningfully to social and cultural life, particularly where caregiving burdens and gendered opportunity constraints can heighten women's need for asset-based stability.<sup>79</sup> In contemporary socio-legal debates, inheritance is also recognised as an institutional hinge between rights and lived outcomes: where entitlement is respected, women's security and participation expand; where entitlement is constrained by informal practices, dependency and vulnerability can deepen even when rights are formally acknowledged.<sup>80</sup> Table 4 consolidates the principal rationales in a structured way, connecting each rationale to its ethical basis, social function, and relevance to implementation.

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<sup>78</sup> Alkhal, 'Changing Urban Identity and Character in Libyan Historical Cities'; Alkour and Mohd Hussain, 'The Impact of Arab Culture on the Practice of Violence Against Women in Libya'.

<sup>79</sup> Akhter and Siregar, 'Contemporary Challenges and the Role of Muslim Women in Developing Society'; GABV, 'Empowering Women to Drive Social Change'.

<sup>80</sup> Chigbu, 'Anatomy of Women's Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway'; Moghadam, 'Institutions, Feminist Mobilizations, and Political Economy'; Natil, 'Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya'.

Table 4: Rationales for Women's Inheritance Entitlement

Rationale (Islamic logic)	Ethical principle	Legal status of right	Social function	Economic mechanism	Gender justice contribution	Risk if violated	Implementation leverage	Key source (s)
Justice-based allocation	Justice ( <i>'adl</i> ) and equity	Defined entitlement, non-discretionary	Prevents arbitrary exclusion	Predictable distribution of wealth	Recognises women as legitimate heirs	Entrenches injustice and dependency	Rights literacy + enforceability	81
Recognition of women's legal personhood	Human dignity and accountability	Women as independent legal subjects	Elevates status within family order	Ownership/control of assets	Counters erasure in kinship systems	Normalises exclusion as "custom"	Documentation + consent safeguards	82
Protection from harm and vulnerability	Removing harm ( <i>raf' al-darar</i> )	Protective entitlement	Shields against widowhood/divorce shocks	Asset-based safety net	Reduces coercive dependency	Heightened vulnerability and economic control	Legal aid + mediation safeguards	83
Family stability through predictable rules	Social order and dispute reduction	Clear allocation rules	Minimises intra-family conflict	Reduces bargaining ambiguity	Limits coercion via clarity	Escalating disputes, hidden coercion	Standardised settlement processes	84
Balance of rights and responsibilities	Proportionality and fairness	Rights linked to social duties	Aligns welfare with obligations	Ensures women have resources for dependents	Supports caregiving roles without exploitation	Unpaid burden without asset support	Community norm framing	85

<sup>81</sup> Moghadam, 'Institutions, Feminist Mobilizations, and Political Economy'; Natil, 'Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya'.

<sup>82</sup> Akhter and Siregar, 'Contemporary Challenges and the Role of Muslim Women in Developing Society'; Ismail, 'Social Transformations in the Structure and Functions of the Libyan Family'.

<sup>83</sup> GABV, 'Empowering Women to Drive Social Change'; Elhajji and Mihai-Yiannaki, 'Strategic and Regulatory Challenges of Mergers and Acquisitions in the Libyan Banking Sector'.

<sup>84</sup> Guclu, 'Social Change and Development'; Löw, 'Understanding Social Change'.

<sup>85</sup> Masuwd and Baroud, 'Exploring Cultural, Political, and Socioeconomic Influences on Collective Psychological Resilience in Libya'; Akhter and Siregar, 'Contemporary Challenges and the Role of Muslim Women in Developing Society'.

Wealth circulation and inclusion	Collective welfare ( <i>maṣlahah</i> )	Instrument of distributive justice	Broadens inclusion in wealth circulation	Prevents asset hoarding by a subgroup	Supports inclusive development	Concentration of wealth and exclusion	Transparent valuation + distribution	86
Prevention of coercive appropriation	Integrity and non-oppression	Right protected from coercion	Limits exploitation by stronger actors	Blocks forced waiver/substitution	Protects women from economic coercion	Coerced waiver framed as “unity”	Cooling-off + private consultation	87
Moral accountability for denial	Ethical accountability and deterrence	Denial treated as injustice	Deters rights violations	Encourages compliance norms	Reinforces legitimacy of women’s claims	Normalisation of denial practices	Legitimation via moral discourse	88
Compatibility with social participation	Empowerment via lawful assets	Enabling entitlement	Expands agency in social/civic life	Capital for education/enterprise	Increases participation capacity	Constrained participation and voice	Link inheritance to participation outcomes	89
Clarity against selective interpretation	Norm coherence	Interpretive stability	Reduces misuse of religious language	Limits manipulation of claims	Protects women’s legitimacy to claim	Distorted narratives justify denial	Rights education + trained mediators	90
Alignment with socio-legal governance	Rule consistency	Supports enforceable rights	Strengthens trust in institutions	Predictable dispute pathways	Reduces informal gatekeeping	Informal dominance over formal rights	Tiered mediation-enforcement design	91

<sup>86</sup> Chigbu, ‘Anatomy of Women’s Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway’; Aliyu, ‘Muslim Women and Contemporary Challenges’.

<sup>87</sup> GABV, ‘Empowering Women to Drive Social Change’; Serrar et al., ‘Determination of Lead, Cadmium, and Arsenic Concentrations in Breast Milk of Women Living in Misrata, Libya’.

<sup>88</sup> Moghadam, ‘Institutions, Feminist Mobilizations, and Political Economy’; Natil, ‘Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya’.

<sup>89</sup> Al-Khamaiseh and Bailey, ‘Developing a Sustainable Leadership Model for Jordanian Schools through Participatory and Expert Engagement’; Razzaq, ‘Migration and Social Change in Middle Eastern Countries’.

<sup>90</sup> Natil, ‘Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya’; Ismail, ‘Social Transformations in the Structure and Functions of the Libyan Family’.

<sup>91</sup> Romanet Perroux, ‘The Deep Roots of Libya’s Security Fragmentation’; Di Stefano, *The System of Differences*.

Long-run social cohesion	Social cohesion and fairness	Justice as cohesion mechanism	Builds legitimacy of social order	Reduces resentment and marginalisation	Supports dignity and belonging	Polarisation and intergenerational conflict	Community dialogue + procedural fairness	92
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Source: Author's Synthesis Based on the Reviewed Literature

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<sup>92</sup> Spadaro and Yeaw, *Women in the Modern History of Libya*.

## LIBYA’S SOCIAL AND CULTURAL SYSTEM ON INHERITANCE

This section synthesises the study’s interview-based thematic findings to explain how inheritance is socially mediated in Libya, and why a formally recognised entitlement can become constrained at the implementation level. Consistent with socio-legal scholarship, the evidence indicates that inheritance outcomes are produced through an interaction between normative entitlement, customary governance (*urf*), and institutional enforcement conditions, rather than through legal rules alone.<sup>93</sup> Table 5 provides the thematic map linking the findings to the study’s research questions.

Table 5: Thematic Map of Inheritance Mediation

Theme	Core mechanism	Typical implementation pattern	Implication for women’s status	Link to RQ
Normative entitlement vs customary practice	Rights reframed as negotiable	Delay, partial distribution, substitution offers	Formal rights do not equal effective control	RQ1
Kinship authority and unity narratives	Informal regulation via reputation	Stigma for claiming; “keep property in family” framing	High social cost discourages claims	RQ1- RQ2
Institutional fragmentation	Uneven enforceability	Reliance on informal settlement; weak documentation	Power-based outcomes, low auditability	RQ1
Participation and security impacts	Asset insecurity to constrained agency	Reduced economic options, dependence, limited civic role	Lower autonomy and participation capacity	RQ3
Women’s navigation strategies	Negotiated compliance or escalation	Mediators, religious legitimacy narratives, legal escalation	Rights pursued through complex bargaining	RQ2

Source: Author’s Synthesis Based on the Reviewed Literature

### Theme 1: Normative Entitlement Versus Customary Implementation

Participants’ accounts consistently distinguished between (a) recognition in principle-inheritance as a legitimate right-and (b) restriction in practice-inheritance as a

<sup>93</sup> Romanet Perroux, ‘The Deep Roots of Libya’s Security Fragmentation’; Di Stefano, *The System of Differences*; Natil, ‘Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya’.

negotiable family matter. This pattern aligns with regional evidence that women's legally defined entitlements can be moderated by patrilineal norms that prioritise retaining land and housing within the male line.<sup>94</sup> In the Libyan context, the dominant justification for restricting women's effective inheritance was framed as protecting family property and cohesion, a logic that reclassifies women's claims as socially risky even when they are normatively legitimate.<sup>95</sup> Comparable debates across the region demonstrate that inheritance disputes frequently function as status disputes over authority and social order, not only distributive disputes over assets.<sup>96</sup>

## **Theme 2: Kinship Authority, Family Unity Narratives and Reputational Sanctions**

A central mechanism shaping inheritance outcomes is the informal regulatory power of kinship authority (e.g., elders, influential male relatives, and local mediation norms). Interview evidence indicates that the social cost of asserting inheritance rights can be elevated by reputational narratives: women who insist on their shares may be characterised as undermining family unity or violating expected gendered conduct. This mirrors wider findings that women's rights claims can be disciplined through stigma and social sanctions, particularly in contexts where informal governance is strong and institutions are weak.<sup>97</sup> In practical terms, the mechanism operates through soft coercion, including repeated discouragement, emotional pressure, or conditional offers framed as compromise. This is analytically consistent with gender-based harm frameworks that treat economic control and restricted access to assets as structurally coercive, even when not expressed as overt violence.

## **Theme 3: Institutional Fragmentation and Uneven Enforceability**

The findings indicate that inheritance disputes are strongly conditioned by the enforcement environment. In Libya's fragmented governance setting, institutional capacity, documentation practices, and trust in formal procedures can vary across localities, reinforcing reliance on informal settlement. This environment increases the likelihood that inheritance is resolved through bargaining and power rather than through transparent, rights-consistent processes.<sup>98</sup> Where documentation is weak, two consequences follow: (i) women's shares become easier to delay or dilute, and (ii)

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<sup>94</sup> Chigbu, 'Anatomy of Women's Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway'; Aliyu, 'Muslim Women and Contemporary Challenges'.

<sup>95</sup> Natil, 'Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya'; Serrar et al., 'Determination of Lead, Cadmium, and Arsenic Concentrations in Breast Milk of Women Living in Misrata, Libya'.

<sup>96</sup> Moghadam, 'Institutions, Feminist Mobilizations, and Political Economy'.

<sup>97</sup> Masuwd and Baroud, 'Exploring Cultural, Political, And Socioeconomic Influences on Collective Psychological Resilience In Libya'; Natil, 'Challenges to Local Human Rights Defenders and Community Peacebuilders in Libya'.

<sup>98</sup> Romanet Perroux, 'The Deep Roots of Libya's Security Fragmentation'; Di Stefano, *The System of Differences*.

settlements become difficult to audit for voluntariness and fairness. This reinforces the socio-legal gap between formal entitlement and lived access.

#### **Theme 4: Economic Security and Participation Effects of Restricted Inheritance**

Across interviews, restricted inheritance access was associated with broader impacts on women's socio-economic security and participation. Inheritance is a key pathway to housing stability, financial buffering, and the ability to invest in education or small enterprise; when women's access is constrained, dependency risks increase and participation options narrow. This aligns with the broader literature on asset control, which shows that limited property access reduces bargaining power and can restrict civic and economic participation.<sup>99</sup> Participants also described the practical interaction between care burdens and economic constraint: where women carry concentrated caregiving responsibilities, loss of inheritance assets reduces resilience and heightens vulnerability to economic control. This relationship is consistent with evidence that women's labour participation and leadership trajectories are moderated by household responsibilities and by the availability or absence of supportive social infrastructure.<sup>100</sup>

#### **Theme 5: Women's Navigation Strategies within the Socio-Cultural System**

The interviews further indicate that women do not respond uniformly; they deploy varied navigation strategies depending on family power dynamics and perceived social cost. These strategies include: (i) seeking legitimacy through religious-justice narratives, (ii) using trusted intermediaries to negotiate rights-consistent settlements, (iii) accepting substitution arrangements (e.g., compensation) under pressure, or (iv) escalating to formal pathways when informal mediation fails. Such patterns reflect wider observations that rights are frequently realised through negotiated compliance rather than direct enforcement, especially where informal governance carries higher immediate legitimacy than formal institutions.<sup>101</sup> Importantly, the data suggest that agreement in inheritance settlements should not be automatically interpreted as voluntariness; the presence of reputational sanctions and dependency conditions can produce compliance without genuine consent-again aligning with economic coercion framings.

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<sup>99</sup> Chigbu, 'Anatomy of Women's Landlessness in the Patrilineal Customary Land Tenure Systems of Sub-Saharan Africa and a Policy Pathway'; Aliyu, 'Muslim Women and Contemporary Challenges'; Akhter and Siregar, 'Contemporary Challenges and the Role of Muslim Women in Developing Society'.

<sup>100</sup> Akhter and Siregar, 'Contemporary Challenges and the Role of Muslim Women in Developing Society'; Al-Khamaiseh and Bailey, 'Developing a Sustainable Leadership Model for Jordanian Schools through Participatory and Expert Engagement'.

<sup>101</sup> Serrar et al., 'Determination of Lead, Cadmium, and Arsenic Concentrations in Breast Milk of Women Living in Misrata, Libya'; Ismail, 'Social Transformations in the Structure and Functions of the Libyan Family'; Razzaq, 'Migration and Social Change in Middle Eastern Countries'.

## CONCLUSION

This study examined women's inheritance within Libya's social and cultural system by treating inheritance not only as a legal entitlement but also as a lived social practice shaped by family authority, customary expectations, and the realities of enforcement. The analysis shows that the central issue is not the absence of a normative basis for women's inheritance but rather the persistence of an implementation gap in which formally recognised rights can be reduced, delayed, or informally negotiated in ways that limit women's effective control over assets. Inheritance therefore operates as a structural hinge: when women can access and control inherited property, their economic security and social participation expand; when inheritance is restricted, dependency is reinforced and women's participation remains bounded even when their contributions to family and community life are substantial. The findings demonstrate that women's inheritance outcomes are frequently mediated through kinship-based decision-making processes in which family unity narratives, reputational sanctions, and informal settlement practices shape what women can claim in practice and at what social cost. These mechanisms can convert inheritance from an enforceable right into a socially risky request, particularly when land and housing are framed as lineage property that must remain within the male line. In such conditions, women may comply with reduced shares or substitution arrangements not because they accept the fairness of the outcome, but because the social and relational consequences of insisting on their entitlement are perceived as too high.

The study further highlights that inheritance restriction should not be understood as a narrow distribution dispute; it has direct implications for women's long-term stability, housing security, and capacity to invest in education, health, and economic activity. The study also confirms that women's status and participation in Libya cannot be captured through a single indicator such as education or employment. Rather, women's contributions to the social and cultural system remain extensive-within households, community networks, and informal civic life yet the translation of these contributions into recognised authority is constrained when women's asset control is limited and when enforcement pathways are uneven. The relationship between caregiving responsibilities and restricted asset access is particularly important: where women carry heavy domestic burdens, inheritance becomes an essential safety mechanism, and restricting it increases vulnerability and reduces strategic options across the life course. On this basis, the study concludes that improving women's inheritance outcomes requires interventions that address both the formal and informal dimensions of inheritance implementation. Effective change depends on strengthening transparent settlement processes, ensuring that distribution is documented and auditable, and establishing safeguards that distinguish voluntary agreements from coerced waivers. It also requires community-facing strategies that reduce the reputational cost of claiming inheritance, and institutional pathways that make rights enforcement credible and accessible. Without these combined legal, procedural, and socio-cultural measures, women's inheritance will remain vulnerable to informal restriction, limiting women's economic security and weakening their ability to participate fully in Libya's social and cultural development.

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