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WORKSHOP

YEMEN'S LIVING HERITAGE

TRIBES AND TRIBALISM INTO THE 21ST CENTURY

ABSTRACTS



ABSTRACTS (in alphabetical order)

NAJWA ADRA

“Qabyala”, or what does it mean to be tribal in Yemen?

What does it mean to self-identify as tribal in Yemen? To some extent the response varies with the responder and may range from references to Yemen’s rural population, tribal organization or farming and herding professions to genealogical links. Tribal leaders are likely to respond with a discourse on *qabyala*. This is a uniquely Yemeni term that sums up an ideology of cooperation and protection combined with space for personal autonomy. It is also an aesthetic construct in that tribal markers replicate relationships central to *qabyala*. Legally, *qabyala* provides the basis for tribal customary law, which in turn codifies the principles of *qabyala*. In daily life, *qabyala* is often assumed rather than articulated, but behavior that contradicts its principles is soundly criticized. Over the years, I have been surprised with the consistency in which *qabyala* is defined by people from diverse regions and professions in Yemen. Opponents of tribalism also use the term, but with a negative spin.

Socio-economic and political changes over the past 20–30 years have negatively impacted adherence to the principles of *qabyala*. Government co-optation of tribal leaders and the vast accumulations of wealth accrued by cronies of the government created leaders whose behavior often contradicts *qabyala*. Among the local population conflict due to the unequal distribution of resources undermined the power of customary law with noticeable and previously unheard of breaches appearing since the early years of this century. On the other hand, the principles of *qabyala* may have contributed to the resilience of residents of Sanaa and northern rural communities to the incessant bombardment and conflict of the past two years. This paper will discuss *qabyala* in its historic and contemporary manifestations.

MARIEKE BRANDT

Some remarks on blood revenge (“tha’r”) in contemporary Yemen

Blood revenge (arab. *tha’r*) is a customary social activity of great violence that involves, nevertheless, the careful following of culturally prescribed rules. It is a form of retaliatory violence, with the relatives of someone who has been killed seeking vengeance by killing the culprit or one of his relatives. The scientific investigation of the phenomenon of blood vengeance is problematic for several reasons. On the one hand, the topic has created a huge literature, in anthropology as well as in history, but this amount of work has yet not brought about an accepted definition. On the other hand, in anthropology the concept of blood revenge is closely associated with Segmentary Theory, which itself has aroused a great deal of controversy among anthropologists, and parts of which are regarded as defunct.

In Yemen’s tribal system, blood revenge is considered a form of legitimate – but rather rare – physical violence, which takes effect when the family of the victim refuses to accept blood money, and instead opts for taking revenge in order to wipe out any claims that the victim’s group had on the killer’s group as a result of the original homicide. The process of revenge is governed in great detail by the rules and regulations of tribal customary law. In recent decades, however, Yemeni statistics observed both an increase in blood revenge cases and their growing non-compliance with the rules of customary law. These studies relate the aggravation and “dilapidation” of blood feud in Yemen to the weakness of the state’s judicial sector and the proliferation of “negative aspects of tribalism”, which resulted in transformation of blood revenge from an “accepted marginal case” into a “common pathology”.

In my lecture, I wish to look deeper into this matter and challenge these rather simplistic causal connections. I argue that the observed increase and aggravation of blood revenge and its growing non-compliance with tribal customs and traditions is not caused by the lack of presence of the state and “negative aspects of tribalism”, but rather by societal transformations and the state’s deliberate manipulations of tribal violence. The intrusion of the state and state politics has led to a gradual weakening of tribal norms and customs but failed to fulfil the state’s obligations to provide an effective apparatus of law and law enforcement able to control violence.

STEVEN CATON

Tribes, Poetry and the Change Revolution

In 2011, what became known as the “Change Revolution” led to a massive outpouring of people, men and women, of all walks of life and from all parts of the country, protesting the regime of President Ali Abdullah Saleh and demanding his ouster. Among the most important of these groups, in terms of number and power, were tribesmen, who laid down their arms outside the University of Sana’a to join the protestors in peaceful resistance. This took the form of mass marches in the streets of Sana’a as well as occupying Change Square in what became a tent city. And it was tribal poetry that was most performed in these venues, circulating among the protestors and disseminated on youtube. This paper examines two questions: the role of tribesmen in the Yemen Arab Spring and the ambivalence non-tribesmen in the protests felt towards them and their future in a democratic Yemen; and the very public voice they had through their poetry.

NADWA AL-DAWSARI

Tribal Women's Role in Conflict Mitigation in Yemen

Women in tribal areas in Yemen are often portrayed in the mainstream media as weak, voiceless and victims of tribal traditions that suppress and discriminate against them. Very little effort has been done recently to explore the role women play and the influence they have on their communities, particularly in relation to conflict. My field work experience and previous studies I did on women in tribal areas demonstrated that women are not always passive actors in conflict. Many women are active in resolving conflicts within their families and communities, and on rare occasions respected older women may intervene in violent disputes. In a number of case studies, I documented, women were able to influence mediators and powerful community members to intervene and prevent the escalation of dispute into violence. But women also in some instances can instigate revenge killing by encouraging their male relatives to take revenge for their loved ones.

During this war, women in tribal areas were active in mitigating conflicts that might impact the delivery of aid into IDP camps and needy communities. For example, in Jawf, local women successfully negotiated the entry of aid after it was blocked by local tribesmen who felt they were unfairly excluded. Women also have been involved in prisoner swap and in the evacuation of injured fighters.

The proposed paper will examine the role of women in conflict mitigation in tribal areas in Yemen before and during the war focusing on the tribal areas of Mareb, Shabwa and Al-Jawf. The paper will be based on interviews with tribal women and review of case studies. The researcher will also interview experts on tribal women including Najwa Adra and Shelagh Weir as well as Yemeni development workers who did field work in tribal areas.

PAUL DRESCH

Some Principles and Continuities of Tribal Law

From at least the time of Ibn al-Mujâwir (c. AD 1200) we have mentions of a customary law distinct from Islamic law among Yemen’s tribes. This is not, as it often is elsewhere in the Islamic world, a matter of purely local practices. Nor is it the residue of an ideal Islamic law. Instead, we have a reasonably well documented tradition or set of traditions that is self-consciously distinguished from *sharî`ah* and that embraces, in its essential points, a large part of Yemen.

Kitâb al-âdâb wa-l-lawâzim fi hukm al-man`, found by R.B. Serjeant, dates probably to about AD 1320. At least two of the texts found by Ettore Rossi (his Bin Zinbâ’ text and *Kitâb al-tabiyîn*) appear to derive from this or from a text very like it. They can be dated with reasonable confidence to the 16th Century or the very early 17th. Another of Rossi’s texts dates to AD 1649. All these are in the nature of short treatises. Later documents of a different genre, pacts among tribes from Jabal Barat in the 18th century, show a good deal of overlap with the Serjeant and Rossi material in vocabulary and usage, as do records of disputes among tribes more recently. The present paper outlines the changes we can see in such law. (For example, multiple amends range from two-fold through four-fold to eleven-fold). It also summarises those principles that appear to remain constant for centuries, and highlights the way in which such principles contrast not only with classical *sharî`ah* discourse but with state-centred law of the kind that Europe largely takes for granted. As Frank Stewart has pointed out, while non-*sharî`ah* Maghrebi law turns on “community”, tribal law in Arabia is “transactional”; more than this, Yemeni law makes very clear the importance of reciprocal protection and a logic of hospitality.

ANDRE GINGRICH

Munebbih's north western borders across the 20th century: Temporality and agency in territory-related contracts under changing conditions of regional hegemony

My paper will discuss the north western borders of Munebbih tribal territory between the early and the late 20th century. It thereby moves from the final phases of the Ottoman Era through the short period of Idrisi influence after WW I, on to the period of the 1934 war between the Saudi kingdom and the Imamate. Philby's observations in his role as a member of the border demarcation committee are then contrasted to oral history reports about that particular border zone during the civil war of the 1960s, as I documented them during my own field work in the 1980s. Based on these materials, the second section then develops some conceptual tools for understanding temporality and agency in the contexts of maintaining or changing territory-related contracts. These are then discussed under the conditions of an increasing imposition of statehood upon local and tribal agreements of customary law. One of the consequences of these processes is the growing opposition between local forms of understanding negotiable, frequently changing, and "usable" boundaries versus linear, enduring, and monopolized forms of state borders. The paper concludes with some reflections on how this opposition is further transformed under the conditions of modern technologies and of new forms of warfare in the present.

MARIE-CHRISTINE HEINZE

"Thuwwam, 'iswab" and 'dense daggers': The enduring political potency of the "janbiya"

The *janbiya* is one of if not the most prominent item of material culture in Yemen, an endofact almost entirely produced in the country. It comes in uncountable forms and styles, is said to date back to the great civilizations of Saba` and Himyar and continues to be worn by large parts of the (North Yemeni) male population until today. The most well-known saying in Yemen in relation to the dagger is '*aljanbiya turāth alyaman—zīna wakhazīna*' [the *janbiya* is the heritage of Yemen—adornment and treasure trove], alluding to the rich heritage of Yemen's cultural history and investing ideas of the nation in an item of male dress. Over centuries, it has captured the imagination of Yemenis and has become so rich in its language of symbolism that it has developed far beyond its primary functions. As both a supplement of 'traditional' male dress and as an instrument of violence (and its prevention), multiple discourses on modernity, civilization, and the future of the country converge in this one item and are reflected in the ways it is represented, debated, worn, manufactured, and sold. This paper will focus on some of the ways political power and debates about Yemen as a nation have been and continue to be reflected in and through the various forms, styles and representations of the *janbiya* over the course of the past centuries, particularly due to the direct association of the '*asib*' with 'tribes', 'tribalism' and being tribal in Yemen.

ELISABETH KENDALL

Tribal Dynamics in eastern Yemen's al-Mahra Region

This paper focuses on the tribes of eastern Yemen's vast and remote al-Mahra region, which, even after its territories were shrunk after 1967 remains 50% bigger than Holland or Switzerland. The tribes of al-Mahra are grouped into three main confederations, which maintain a delicate balance of power, both between one another and between themselves and the apparatus of formal Yemeni regional government. The stability of these tribal dynamics is important owing to al-Mahra's geo-strategically important location, with land borders to both Saudi Arabia and Oman as well as a maritime border to Somalia along its highly porous 560 km coastline.

This paper addresses the following questions: How relevant is the tribal system in contemporary al-Mahra? How are traditional tribal dynamics evolving in the light of the considerable challenges posed both by the current Yemen war (even in this remote region far from coalition bombs and Houthi incursions), and by the most recent wave of Islamist extremism such as the al-Qa'ida state that flourished in Hadramawt, al-Mahra's neighbor to the West, during 2015–16? The paper will draw on qualitative analysis gleaned from numerous fieldwork trips to al-Mahra, as well as quantitative data gathered in a comprehensive and carefully sampled survey. The survey, which was undertaken from December 2012 to January 2013, questioned over 2,000 men and women from all nine provinces of al-Mahra as well as the northern desert area currently classed as Hadramawt but where Mahris continue to dwell. It sought to ascertain Mahri political and societal aspirations. The data reveal noteworthy points of difference and similarity between Mahris dwelling in the vast desert provinces, where tribal identities are particularly strong, and those along the largely sedentary coast. Finally, the paper discusses grass-roots initiatives developed by Mahris after the survey to

HELEN LACKNER

A few observations on the changing role of tribes in Yemen's political economy in the past half century

While tribes are consistently mentioned in discussions of Yemen, this is rarely in the context of serious analysis or understanding of their role but rather either as a positive or negative simplistic justification/explanation for any societal features which do not fit neatly into the standard western or Westphalian discourse. While internationally, the neo-liberal agenda has successfully suppressed analysis based on economic relations, in Yemen and a number of other countries, 'tribe' has been used as a substitute for serious examination of the country's political economy.

My paper will examine three main trends in Yemen's social transformation in the past half century: first the rise of a new capitalist neo-liberal class, including people of all ascribed social statuses under the Saleh regime, belying the description of his regime as 'tribal'. Second, it will look at the partial reversal of this trend resulting from the rise of the Huthis, who are empowering the *sada* group as the more powerful political leaders, using ascribed status as a rationale for privilege and promotion. Thirdly, I will tentatively assess the likely long-term impact of the transitional period's partial and limited empowerment of social groups which had previously been weak, women, youth and low birth status individuals. It will conclude with an examination of the relevance of 'tribe' as a concept for understanding Yemen, given these fundamental changes and in particular the role of other ascribed social strata.

ZACHARY LENTSCH

Uprooting the Qat-Tribe Nexus in the Sharqi Haraz

A deep-rooted trope in Orientalist and Yemeni literature, the "qat-tribe nexus" has seen some resurgence in scholarship on the political economy of Yemen. In this paper I ask whether it is worth re-evaluating the qat-tribe nexus as a subject of ethnographic inquiry in addition to its established status as an object of anthropological critique. As a case study I consider some of the difficulties in deracinating this concept through an ethnographic encounter with the Buhras' "war on qat" in the Sharqi Haraz, the largest and longest standing qat removal project in Yemen. Despite their embattled positions in the war on qat, there were uneasy entanglements between project proponents, land-holding tribesmen, and sharecroppers in terms of their shared understanding of qat removal as entailing some form of tribe removal.

This did not mean this war was easily won, however, as evidenced by the failure to remove qat on particular tribesmen's landholdings, the strategic realignment of project proponents in support of tribal elites, and the valuation of qat-farming in terms of *gabyala*, or tribal-ness. These snags in removing qat and tribe in the Sharqi show the salience of the qat-tribe nexus as a way of both understanding – and contesting – a beleaguered way of agrarian life.

LISA LENZ

The Yemeni Border Guard: Roles and interests of the Yemeni border tribes in securing the Yemeni-Saudi border

This paper will discuss the impact of Yemeni borderland tribes in securing the Yemeni-Saudi border by examining their role in recent border security activities. Special consideration will be given to their involvement in the 'Border Guard' – a joint Yemeni-Saudi military institution.

Since the establishment of the Yemeni-Saudi border in 1934, Yemeni tribal borderland residents have played a crucial role and were actively involved in maintaining and securing the border, while they obtained special rights and privileges in order to cross the border into Saudi Arabia in return.

In 2003, three years after the Treaty of Jeddah was signed which permanently defined the exact location of the Yemeni-Saudi boundary, the joint military institution of the *haras al-hudud*, the Border Guard, was founded by Saudi Arabia and Yemen. The formation of these army units was another step towards the implementation and control of the formerly partly undefined border. The Border Guard units were deployed on each side of the international border, particularly in the mountainous border region of the so-called Tā'if Line. Their main duty was guarding the border and combating smuggling and infiltration by illegal immigrants or terrorists as claimed by the Saudi government.

With the expansion of power of the so-called Houthi rebels in northern Yemen from 2004 onwards, many border shaykhs in Yemen's Sa'da province were expelled from their regions and have fled to the Yemeni capital or Saudi Arabia. Some of them have been members of the Yemeni Border Guard, which during the Houthi conflict split up into different fractions. Whereas parts of the Border Guard came to terms with the new Houthi suzerains, another of these fractions proved loyal to exile president Hadi and is now operating from Saudi territory.

Against the background of these complex socio-political developments in the Yemeni-Saudi border region, I will investigate the impact of tribal involvements on border security activities, such as the Yemeni Border Guard units, and which strategies tribal borderland residents involved in the Yemeni Border Guard pursue in order to enforce their territorial interests. I will answer these questions by relying on local informants with whom I conducted written online interviews. Academic literature and newspaper articles will complete the information provided by the interviewees.

DANIEL MAHONEY

Understanding Yemeni Tribalism: A Temporal Perspective

This paper focuses on understanding the diversity of ways Yemeni tribes have been differently investigated and analyzed (as based on varying questions, methods, data sets, and theories) by researchers who are primarily focused on discrete case-studies in different periods respectively from the prehistoric to modern eras. Its aim examines what may be learned from explicitly laying out these differences and how they may influence and create bias in the research and its conclusions.

From this standpoint, the question of: “what are the major changes or strong continuities for the tribes themselves over time?” may be modified to: “how do the differences in the research on tribes in different periods preclude or encourage comparison of tribes over time?”. Addressing this issue not only exposes the patterns and disjunctures of this varied research, but also creates a greater critical awareness of how these diverse approaches to Yemeni tribalism consciously and unconsciously rely upon and influence each other.

Ultimately, this exercise in reflexivity leads back to questions regarding the potential synthesis and reconstruction of what it means to be a tribe or act as one in the Yemen. Can there be a unified and temporally-informed theory of tribes in Yemen? What might its limits and/or utility be? Can a deep history of Yemeni tribes be written without a narrative consisting of disjointed snapshots? Where/how do other actors or entities (e.g., ‘the state’) come into play to help form and delineate the larger socio-political context of Yemen?

MIKHAIL RODIONOV

Social Re-Stratification in Hadramawt during the last 25 years: An Anthropological Outlook

Social stratification in South Arabia, as a hierarchy of fixed social strata, was studied by Robert Serjeant, Abdallah Bujra, Walter Dostal, Abd al-Qadir al-Sabban, Engseeng Ho, etc. My own field research in Hadramawt took place in 1983–2008, during which I noticed fundamental processes of social re-stratification. In present day Yemen this process of social re-stratification has been gaining further momentum since the unification of the country in 1990, the 1994 Civil War and current conflict tearing Yemen apart.

Arabian social hierarchy has as its core a stratum of fully-fledged tribesmen with spiritual arbitrators (either *sadah*: descendants of the Prophet or *quda'*: hereditary jurist-administrators) above and the underprivileged strata without long genealogies and tribal affiliation below. Stratal hierarchy is based on 1) the principle of marital conformity with a tendency towards hypergamy (the brides are given within the same strata or above, whereas the grooms marry social equals or below), 2) a system of declared genealogies, and 3) the specific distribution of social and economic functions. The traditional arbitrating and religious functions of the *sadah* as the Prophet’s descendants have been contended at least from the 19th century onward. The Irshadi – Alawi conflict among the Hadrami reformers can be seen in part as a struggle against the marital conformity rules which destined *sadah* women to be married within their stratum only. Following Saudi Wahhabi standards, the Irshadis of Hadramawt and diaspora used to blame regular regular visitations of the tombs of the ‘*awliya'* (the pious), labeling the *sadah* and *mashayyikh* involved in this practice as *quburiyyin*, or tomb worshippers. Today the most active elements of the underprivileged strata in Hadramawt seek their origin within the tribal context. Of great value are freshly forged ties with the noble tribes of Kinda tracing their origin back to Qahtan, the legendary ancestor of South Arabian tribes. The reputed Hadrami carpenters of the Ba Tarfi clan maintain that they are descendants of the kings of Kinda.

Now the ex-underprivileged non-tribal strata members have established the Kinda Society under the patronage of the Kindite tribe of al-Say'ar. For a certain remuneration, the genealogies of the ex-weaklings, *masakin* (the poor) are *reinstated*, *strengthened* and *completed*. There is a permanent demand for genealogical experts able to complete this job according to old manuscripts. Another way of getting rid of hereditary stigma is to join an Islamic organization or political movement.

DANIEL VARISCO

"Qabīla" and "Jirba": The Role of Agriculture in the Northern Highlands of Yemen

The stereotypical image of an Arab tribesman is a nomadic Bedouin mounted on a camel in the desert. To be tribal in Yemen, however, is to be sedentary and most often to engage in agriculture. This is especially the case in the highlands with its fertile valleys that have been cultivated for several millennia since the ancient kingdoms of South Arabia. The 9th century Yemeni savant al-Hasan al-Hamdānī referred to this region as al-Yaman al-Khahra' (the verdant Yemen) due to the extent and variety of its crops. The civil society throughout the Islamic era in the highlands has been tribal, even in the areas where the Zaydī Imamate was established during the 9th century. Other areas, especially in the south, evolved more of a peasant/landlord relationship. Throughout Yemen agricultural activities were primarily governed by customary law (*'urf*), usually in harmony with Islamic legal principles. Irrigation from springs, wadi flow and wells was shared according to customary procedures, as was the ownership and sale of land. Local markets, where agricultural produce was traded, were also subject to customary tribal law.

This paper will discuss the historic role of agriculture in relation to tribal identity and tribal customary law and changes brought about through agricultural development and the current insecurity and open warfare. This includes the decline in water tables, land grabbing, the cash cropping of *qāt*, and reliance on imported foodstuffs. Although agriculture has declined in recent years, there is potential for sustainable development of Yemen's agriculture into the future.

ALEXANDER WEISSENBURGER

The Role of Tribes in Huthi Framing

Looked down upon by the Zaydi ruling elite as well as religious and secular intellectuals alike, tribal customs permeate life in northern Yemen, shaping and regulating aspects ranging from landownership over marriage and inheritance to conflict resolution. Few parts of life therefore remain completely unaffected by the provisions of customary law. At the same time tribal hierarchies have been used by the ruling elites of Yemen and Saudi Arabia to exert control over a territory in which the grasp of the Yemeni state was tenuous at best. Given the importance of tribalism for societal life in northern Yemen and the frequency with which this importance is highlighted in accounts of the Huthi conflict, it comes as a surprise that tribalism has hardly any place in Huthi rhetorics.

Like any social movement, the Huthis' ideational output is the result of a deliberate framing process. To attract followers, these frames have to resonate with their audience. It is therefore important that they align with the audience's own experiences, draw from a stock of cultural signifiers comprehensible to this audience and embellish aspects of the addressed group's own identities (Bedford & Snow 2000). For a religious identity movement like the Huthis to purposely leave out an important aspect of people's identity such as tribalism therefore tells us not only a lot about the movement itself but also about the addressed audience.

The paper will therefore first analyze Husayn al-Huthi's speeches with regards to the creation of communality by the employment of religious sentiments and the omission of solidarity or antagonism contingent upon tribal affiliation. These narratives will then be contextualized in the social, political, religious and economic situation of northern Yemen in the early 2000s. The paper will show how Husayn al-Huthi's ideas spread in a tribal society in which corruption, mismanagement, neglect and cultural high-handedness alienated large parts of the population from the regime, which had coopted and thus compromised traditional tribal leadership. The paper will argue that the lack of legitimacy of the regime in combination with the erosion of traditional modes of social organization opened spaces for religious actors playing on elements of sameness apart from tribal identity.

LAILA AL-ZWAINI

There Is No Custom But Shari'a: A Yemeni "shahāda" of Tribal Doctrine in an Islamic Frame

In the 80s, a member of the Khawlān-tribe in North Yemen enrolled himself in the High Judicial Institute in San'a to become a court judge. Muhammad al-Sudumi graduated with a thesis on tribal customary laws and punishments, which he later published as a book entitled *Nazarīyat al-'uqūba fi-l-sharī'a wa-l-a'rāf al-qabalīya fi ahkām al-qabā'il al-yamanīya wa-mafhūm al-naqā' wa-l-'ayb*.

In 'learning circles' with leaders from different tribes, Sudumi discussed his book and sought their authorisation that it was not only an accurate rendering of agreed tribal principles on criminal matters, but that these were also in conformity with *shari`a*. Their testimony was written down in a *shahâda*-document in May 1994, signed by seventy (*sic*) tribal leaders. Sudumi then sought, and received, a signature from the Ministry of Justice. Eventually, he asked me to frame his *shahâda*, and hung it prominently in his house.

What was I looking at? *Sharî`a* in the classical sense is seen as a distinguished textual legal corpus developed by jurists. Recent scholarship argues that *shari`a* is a discursive legal system that is being constructed by various interest groups, according to their particular views of how society and state should be. This theory is coined the 'social construction of *shari`a*' (Masud).

Was Sudumi here constructing *sharî`a*? He refers in his book to the *Qawâ'id al-Sab`în*, the Rules of the Seventy or The Rules of Barat (Dresch). In Sudumi's view, these Rules were based on the Prophet's Constitution of Medina, "like modern laws are derived from a Constitution". Or does Sudumi primarily seek tribal authority? "A tribal leader gains authority if he knows about *sharî`a*", he emphasised frequently.

This paper will analyse and contextualise Muhammad al-Sudumi as a legal actor, his *shahâda*, (relevant parts of) his book, and his audience. The year 1994 is of particular interest, as it was also the year of the civil war and the leap to power of Al-Islah party and *shari`a*-politics. Sudumi was a member of Al-Haqq party, an exponent also of Zaydi *fiqh*, active in the same period as the nascent Houthi-movement. Notable is further that in 1994, Yemen's first Criminal Code came into force, after more than 30 years of *de facto* and *de jure* 'criminal legal pluralism'. How to understand Sudumi's campaign to promote tribal *`urf* as *sharî`a*-proof and on a par with *qânûn*, in light of these events?