

NAJWA ADRA

American Institute for Yemeni Studies

Tribal Mediation and Empowered Women: Potential Contributions of Heritage to National Development in Yemen

Abstract

When demonstrations against Yemen's former regime first began in 2011, observers expressed surprise at two developments: first, that women led the demonstrations, and second, that Yemen's heavily armed tribes did not lead the country into civil war. Instead, a significant number of tribesmen went into cities to protect demonstrators from harm, and others protected their own communities from the incursions of outsiders. This article suggests that both developments are rooted in a deeply engrained tribal heritage that provides social capital, contributes to Yemeni society's resilience and counteracts stereotypes of primitivism by prioritizing mediation, dialogue and consensus above the facile use of force or terrorism. Ways in which this heritage can be harnessed to support national reconciliation and development are proposed. Yemen's tribal heritage is threatened by recurrent political and economic crises, various forms of modernism, and imported conservative interpretations of Islam that perceive tribalism as divisive and women's mobility unacceptable. By far the most serious threat to Yemen's population and heritage, however, is the current war unleashed by Saudi Arabia and its allies, which threatens to destroy the very foundations of Yemeni society.

Keywords

sustainable heritage
Yemen
customary law
tribal institutions
women in Yemen
development

I first went to Yemen in 1978 to conduct doctoral dissertation research on the semiotics of dancing. At the time, I was gratified by the support I received from local scholars and the communities in which I worked, but my concern over high maternal and infant mortality rates led me to a career in international development, which I felt would be more 'useful' than research on culture and the arts.

Consequently, my next visit to Yemen in 1983 was to study the local perceptions of breastfeeding and fertility. My biggest surprise was the reaction of my Yemeni hosts: 'Why have you switched to development instead of your important research on our valuable heritage?' It was only then that I began to understand the value many, perhaps most, Yemenis placed on their rich heritage.

The Potential Dynamism of Heritage

Yemen's living heritage is part and parcel of daily life and perceived by many as basic to Yemeni identity. As Michele Lamprakos has argued, *turath* (heritage) in Yemen does not necessarily connote the past but includes contemporary customs and structures perceived as having roots in the past.¹ This conforms to UNESCO definitions of heritage as living traditions. It also supports recent scholarship in anthropology. As Dale Eickelman, citing Edward Shils, suggests, "'Traditions' are clusters of cultural concepts, shared understandings and practices that make political and social life possible [...]. They coexist with and shape the experience of modernity'.² The understanding of tradition as a dynamic process acknowledges decades of social science research demonstrating that change everywhere incorporates both the old and the new. It rebuts assumptions that 'progress' is a linear process held back by homogeneous conservative traditions.³

Terms referring to heritage: *turath*, *'urf* and *aslaf al-qabayil*, among others, are often proudly invoked by Yemenis in describing behaviour they consider admirable.⁴ This does not imply a static vision. It is assumed that while foundational principles, such as egalitarianism or attitudes towards community involvement, tend to have long histories, specific practices adapt to changing socio-economic conditions, or they are discarded.⁵ As Brian Graham points out, heritage everywhere is selective and responsive to change.⁶

Every society revisits its discourses on the maintenance of certain practices. As early as the 1970s, members of rural communities in Yemen were introducing innovations⁷ and debating the continued relevance of traditions such as tribal law and the appropriateness of women's late-night wedding celebrations. Such discourse has become more intense over time, often dividing communities. The following example demonstrates recurrent local friction in some communities in rural Yemen between those who appreciate given forms of heritage and voices that disparage the same heritage. Between 1998 and 2005, music and dancing at weddings were banned by several communities in the valley of al-Ahjur, in which I have conducted intensive field research [Figure 1].

The ban, common to other rural communities as well, was due both to the rising cost of musicians and in deference to newly introduced conservative interpretations of Islam that frowned on traditional expressive culture. I was told that every wedding during this period was preceded by extended, charged debates on the permissibility of music and dancing. Those who wished to reverse the ban argued their children and youth were growing up *without a heritage*. The ban on music and dancing in this particular community was removed in 2005 with a compromise: women's dancing parties were limited to afternoon hours instead of the traditional evening parties that had lasted long into the night.⁸

This article will focus on two forms of living heritage in Yemen that I suggest can be harnessed to support Yemen's national reconciliation and development. The first involves principles of tribal organization which, I argue, serve as indigenous civil society and form important sources of social capital.⁹



Daniel Varisco.

Figure 1: Agricultural fields in al-Ahjur, 1979.

They include customary law, which has complemented Yemen's state justice system by maintaining security in rural areas for centuries.¹⁰ Tribal mediation, which undergirds Yemen's strong legalistic traditions, will be described in some detail. The second form of living heritage involves the historic economic participation, mobility, visibility and voice of *rural* women in Yemen. This contrast with urban ideals of women's seclusion exerts considerable impact on the society at large because the vast majority of Yemen's population is rural. Both sets of traditions counteract stereotypes of 'primitivism', and they reverse and blur the usual East–West binaries and assumptions on conservatism vs modernity. This article proposes incorporating living forms of heritage into national development policy, adding another dimension to the usual discourse on sustainable heritage that focuses on tourism and economic pursuits.

My discussion is based on long-term ethnographic field research in al-Ahjur in Yemen's northern highlands during eighteen months in 1978–79, four months in 1983, and an additional four months in 2005. I have visited this region multiple times in the intervening years. Development consulting in Yemen, 1983–2005, has led to travel and research elsewhere, providing me with perspective and exposure to Yemen's ecological and cultural diversity. Desk research has supplemented my own fieldwork.

The timing of my research is significant, not only because of a nearly thirty-year interval between the first and latest periods of formal research. My first trip to Yemen occurred at a time of vast economic and political change, yet one in which Yemeni pride in their civilization was largely intact.

North Yemen's rural areas were not historically colonized by a foreign power, and Ottoman occupation was limited to Yemen's cities. Likewise, the impacts of British colonization in the south and east were largely limited to urban centres. Thus Yemen's central and northern highlands did not suffer from the social and cultural fragmentation of many former colonial states. Field research in rural Yemen became more difficult in the twenty-first century as local and national conflicts negatively impacted security. As I write this, Yemen is embroiled in warfare, with few prospects of relief in the near future. Much of Yemen's heritage survived the internal conflicts of the past 37 years. Whether or not it can also survive the current external onslaught and associated internecine conflict is still to be seen.

No living heritage exists in a vacuum. Thus the two forms of heritage under discussion will be contextualized, first within economic and political changes, and then within other forms of cultural heritage in Yemen. A brief definition of tribalism in Yemen follows. Discussion of tribal mediation and rural women's status will be illustrated with four case studies drawn from my ethnographic field research. Threats to this important heritage come from political unrest, 'high-modernist' attitudes,¹¹ imported conservative interpretations of Islam, and most recently the grievous bombardment of Yemen by external forces. These will be discussed in turn. To conclude, I provide examples of the positive impact of these forms of heritage on recent political developments and their potential for furthering post-conflict efforts at reconciliation and nation-building.

Social, Economic and Political Contexts

All sectors of Yemeni society were in flux in the 1970s. Both North and South Yemen were recovering from revolutions that led to the establishment of a republic in the North and a socialist state, the People's Democratic Republic of Yemen (PDRY), in the South. Yemen was flooded with food imports that were easier and cheaper to access than locally grown grains and legumes. Grain farming was drastically reduced; terraces were abandoned and allowed to erode, thus negatively impacting traditional methods of water conservation.¹² Television arrived in parts of rural Yemen in the late 1970s, bringing a heightened awareness of the global diversity of lifestyles; persuasive images promoting the nation-state; and conservative, often radical, interpretations of Islam new to rural Yemenis.¹³ The 1970s oil boom in Saudi Arabia and the Gulf States provided lucrative employment for migrants, with remittances directly benefitting rural areas and women.¹⁴ Significant increases in capital investment included roads, diesel-powered mills and electric generators providing electricity to local communities.¹⁵ The flow of remittances came to an abrupt halt, however, in 1991, when Saudi Arabia and the Gulf States forcibly returned 800,000 Yemeni migrants in response to President Saleh's refusal to support military action against Iraq. The impact on North Yemen's economy was disastrous.¹⁶

By 2015, Yemen's population had grown to over 26 million. Although functioning schools are still not available in scattered rural communities, villages near towns benefit from formal education. Most young men and women in these communities have completed secondary school. In 2005, I was pleasantly surprised to meet twelve women from a single small village who had graduated from Sanaa University. With education, however, come new ideas of urbanity and modernity, not all of them supportive of indigenous tribalism

or of women's public voice. Cosmopolitan health services, on the other hand, are virtually non-existent, while traditional medicine has largely died out.

Ali Abdallah Saleh became President in 1978. The 33 years of his regime were marked by cronyism, corruption and capital flight.¹⁷ This, along with high unemployment rates, ongoing conflicts within Yemen and environmental degradation, exacerbated poverty and insecurity. The unification of North and South Yemen in 1990 was marked at first by active party politics and a vibrant civil society.¹⁸ But unification also provided the pretext for the formation of the Saudi-backed Islah Party to counteract socialist influence. Ostensibly an opposition party, its leaders worked hand-in-glove with the President to marginalize southern Yemen and its leaders. Hostilities led to a civil war in 1994, won by the North. Northern leaders then proceeded to confiscate lands in the South to intensifying southern resentment. Yemen's northern highlands were subject to six wars following Saleh's scorched earth policies against Houthis, who organized initially to protest the establishment of Saudi-backed Salafi schools proselytizing in their communities.

Anti-government protests, largely organized by women, began in January 2011 inspired by protests in Tunisia and Egypt, and in response to a bid by Saleh to extend his term in office [Figure 2]. Protestors' demands included government transparency, employment opportunities, security sector reform and an end to corruption.¹⁹ Within a month protesters set up a tent city near Sanaa University [Figure 3] in what became known as Change Square (Maydan al-Taghyir). Demonstrations and tent cities in Taiz and elsewhere followed.



Benjamin Wiacek.

Figure 2: Anti-government demonstrations in Sanaa, February 3, 2011.



Atiaf Z. Alwazir.

Figure 3: Tent city established near Sanaa University, February 3, 2012.



Atiaf Z. Alwazir.

Figure 4: Women mixed freely with men in the tent cities, March 30, 2011.



Atiaf Z. Alwazir.

Figure 5: Tent city bookshop, Sanaa, September 27, 2012.

Remarkably, demonstrators from a variety of social strata and political affiliations, men and women, all lived, ate and slept together in these tents, thus creating a camaraderie that crossed social boundaries and turning public squares into domestic spaces [Figure 4]. In a testament to Yemeni entrepreneurialism, a tent bookshop [Figure 5] was established. Popular support for these tent cities was notable, with urban women providing food and medical treatment, and tribesmen coming into the city to protect protestors. Tent cities also became loci for artistic and cultural expression, which will be discussed in greater detail below.

Meanwhile, Islah leaders seized this opportunity to split with Saleh and compete for his position,²⁰ leading to continuing violence that began during the demonstrations. In 2013, a Gulf Cooperation Council (GCC) agreement, brokered by the United Nations, arranged for a transfer of power to a transitional government headed by former Vice-President 'Abd Rabbuh Mansur Hadi. A National Dialogue Conference composed of representatives from established political parties, including that of the former president, youth, women and marginalized groups, was charged with developing a framework

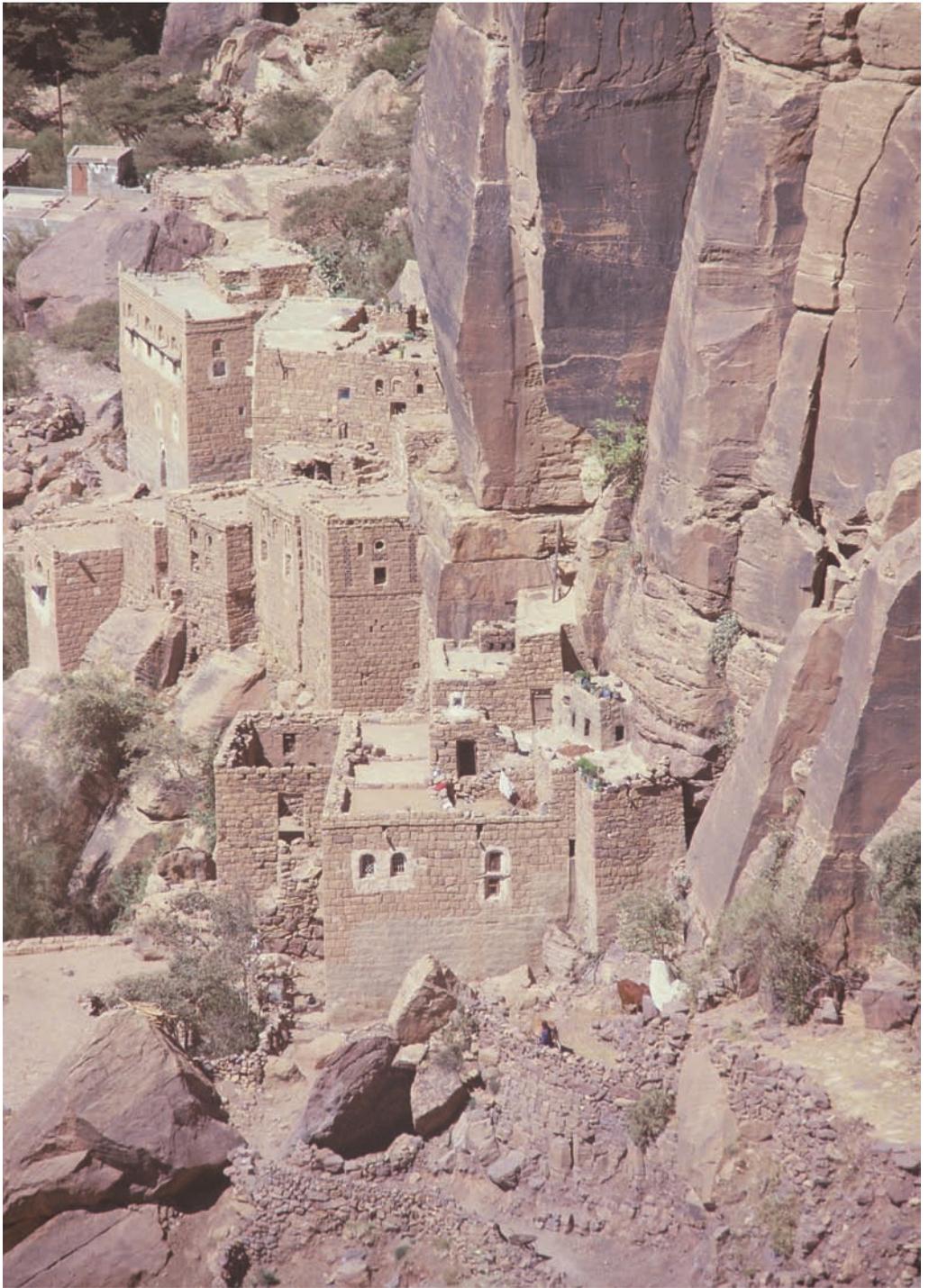
for a new Yemeni constitution. Unfortunately, its recommendations, reflecting eleven months of debate and consensus formation, were largely ignored by the entrenched elites whose power was sustained by the GCC agreement.²¹ President Saleh agreed to step down on November 27, 2014 after he was granted immunity and permitted to remain an active political actor in Yemen.

Unrest in Yemen proliferated. Offshoots of al-Qaeda in the Arabian Peninsula (renamed Ansar al-Shari'a in Yemen) and the so-called Islamic State (also known as ISIS, ISIL, or Da'esh) have taken over vast swathes of territory. Houthis, now an organized military movement allied with Saleh, consolidated their control over the North and began moving South into other areas of Yemen, including Sanaa and Aden.²² President Hadi, whose term was technically over, requested Saudi support on March 25, 2015. The Saudi response was quick. The next day, a Saudi-led coalition began bombing ostensibly military targets. Civilian homes, mosques, schools and hospitals have been destroyed. Important heritage sites have been hit, including the newly restored Marib Dam, the 800-year-old citadel in Taiz, Bayt Qasim in Old Sanaa, a historic Zaydi mosque in Saada, the restored Temple of Nakra at Baraqish, and the Dhamar Museum. Some of these were UNESCO-designated World Heritage Sites. This siege has led to a humanitarian crisis. On July 9, 2015, the United Nations Office for the Coordination of Humanitarian Efforts estimated that '21.1 million people – 80 per cent of the population – require some form of humanitarian protection or assistance [...] 1.27 million have been displaced since March 2015. 12.90 million people are food insecure [...] and human trafficking has increased'.²³ Yemen's population has been polarized by unprecedented sectarian animosity. Relentless bombing continues into October 2015, the time of writing.

Yemen's Diverse Heritage: Melding the Tangible and Intangible

Traditions of tribal customary law and assertive women in Yemen exist within rich and diverse milieus of architecture – well known to this journal's readers²⁴ – poetry,²⁵ music²⁶ and dancing traditions with hundreds of distinct dances, relatively unknown outside Yemen.²⁷ Other forms of cultural heritage in Yemen include highly expressive but fast disappearing dialects and distinct South Arabian languages,²⁸ silver crafting techniques,²⁹ star calendars,³⁰ principles of agriculture and irrigation,³¹ biodiversity³² and health lore.³³ Poetry is especially pervasive throughout Yemen as the primary accepted form in which to express feelings, thoughts and opinions.³⁴ Opposing sides of formally mediated disputes phrase their positions through composed or improvised verses, as do friends and relatives in an argument.³⁵ Work chants accompany all construction.³⁶ Rhyming proverbs pepper daily conversation.³⁷

As the reader will note in the case studies below, tangible and intangible forms of heritage meld, confounding attempts to separate them and demonstrating the artificiality of a tangible/intangible divide.³⁸ For example, like other valued 'public' activities that occur inside Yemeni houses, legal cases are often discussed and mediated indoors in a *majlis* or *diwan*, the famed guest room with large windows that offer beautiful views, known as *mafraj* in urban contexts [Figure 6 and Figure 7]. As Lambert argues, spaces inside houses are polyvalent, muddying private/public distinctions: 'House interiors can become, alternately, concert rooms, offices, family gathering spaces, etc.'³⁹ Customary



Daniel Varisco.

Figure 6: The village of Bab al-Ahjur, 1979.



Maria Marechaux.

Figure 7: Woman in Yemen serving drinks to a guest in a majlis.

law specifies the rules of behaviour of non-kin in outdoor and indoor landscapes alike. Cases mediated orally, often through poetry, are recorded in writing, leaving a 'tangible' precedent to inform subsequent decisions. Several documents that record principles of customary law have been published in Arabic and European languages.⁴⁰

My own research, as well as the research of others, demonstrates that structural principles appear to be shared between Yemeni architecture, music, poetry, dancing and tribal organization.⁴¹ All forms of heritage contribute to the resilience of Yemeni society by governing the rules and boundaries within which individuals maintain economic and personal security and exercise creativity.⁴² Living heritage provides social capital and contributes to the resilience of local communities. Nonetheless, heritage may be threatened by economic and political change as well as the influx of new ideas.

Key Terms Defined: Tribe and Tribalism

There is considerable confusion in the literature on tribalism in Yemen and what the term implies locally.⁴³ In Yemen, 'tribe' refers to rural indigenous territorial groups that have long coexisted with cities and states,⁴⁴ but in recent years, urban migrants and their descendants have continued to self-identify as tribal. Tribes and tribal units are held together by reciprocal obligations of cooperation among their members.⁴⁵ Customary law regulates such obligations within and between units. Dispute resolution is based on mediation and

consensus rather than coercion, and poetry is often the preferred medium for presenting opinions.⁴⁶ Tribal organization is flexible: the units and subunits responsible to help in any particular occasion depend on the specific needs of the project. It is also inclusive, permitting the fluid incorporation of members as needed. In sum, tribal organization provides a situational model to enable groups of varying size to mobilize quickly and effectively to accomplish given tasks.⁴⁷ Its flexibility enhances communities' ability to adapt to changing circumstances and mirrors the flexibility and improvisation that underlie principles of architecture, music and dancing.⁴⁸ Several forms of heritage reinforce an egalitarian ethic that overrides status distinctions among and within Yemen's tribes.⁴⁹ Among these is the observation that members of all status groups, including those who do not self-identify as tribal, perform *bara'* [Figure 8], a men's dance and tribal icon. Whenever I have asked about this, the invariable response has been, 'Status distinctions are erased in *bara'*'.⁵⁰

Despite reciprocal social and community obligations, the tribal *economy* is not communally organized. The vast majority of farmers in the North own at least part of the land they cultivate. The household is the primary economic unit. Customary law does not regulate an individual's financial dealings, and entrepreneurial activity is not constrained by law or tradition.⁵¹ In Yemen and elsewhere in the Middle East, economic matters were historically, and remain, the concerns of individuals and not of the wider group to whom one owes



Daniel Varisco.

Figure 8: Bara', a dance that represents tribalism in parts of Yemen's highlands, performed in al-Mahjar, al-Ahjur, 1978.

reciprocal obligations of service and protection. Thus, tribal economics contest Rousseauian and Marxist assumptions that traditional societies are, by definition, collective and not individuated.

It was easy in the 1980s to predict the demise of tribal identity in al-Ahjur and its replacement with a wider nationalism.⁵² I had heard some returned migrants from Saudi Arabia criticize tribal life and refer to themselves as *fellahin* (peasants) instead of *qabayil* (tribesmen). The former term would have been deemed insulting only a few years before. Certainly over the years, respect for the national government has increased, as did enthusiastic participation in national elections by women and men. I was aware that then-President Saleh had made efforts to curry favour among tribes by establishing a Directorate of Tribal Affairs and legitimizing customary mediation as long as both parties to the dispute agreed. Nevertheless, I was surprised when in 2005 my friends in al-Ahjur framed their discussion of recent changes as examples of the dynamic sustainability of tribalism (*qabyala*). Rules had been established to ban shooting rifles in the air during celebrations because of the injuries they cause, and limits were placed on bride-wealth that had mushroomed to sums unaffordable for most young men. Some tribal units were redefined to reflect population growth, and younger village leaders were elected.

Community projects were still accomplished through traditional methods of tribal organization. Although some individuals were reporting disputes to the local police station, which simply forced their adversaries to pay the police a fine, most disputes continued to be resolved through traditional mediation. All members of the community participated in the deliberations and shared responsibility for paying or receiving reparations. What I had not foreseen was that tribalism and nationalism were not perceived as contradictory. Women and men actively debated national politics, and women were eager to show me the ID cards that allowed them to vote in the 2003 parliamentary elections. Tribe and nation had become two loci of identity, each entailing its own set of responsibilities, a situation that is increasingly common globally.⁵³

Case Studies and Discussion

I include the following case studies in abbreviated form to provide examples of customary law as it is currently practised. (The full cases can be found in my 'Tribal Mediation in Yemen and Its Implications to Development'.⁵⁴) The first case provides an example of a typical mediation process. A quarrel had occurred on privately owned property. The second case is included as an example of the adaptability of customary law to changing circumstances. The third and fourth cases refer to domestic disputes, which do not usually involve the entire community. They are included here to illustrate safety nets and rights of married rural women in Yemen's central highlands.

Case 1: The Mediation Process

In 1979, two tribesmen quarrelled on the land of a highly respected mediator. As they argued, one of them pulled out his dagger (*janbiyya*), which men wear daily as part of their traditional dress. The other man grabbed the dagger and fled. There were no witnesses. The man who took the dagger went to the mediator, asking him to arbitrate and giving him both his own and his adversary's daggers as guarantee. The next afternoon a crowd of men gathered in the mediator's *majlis*. The two culprits were unarmed. Also present

were the elected leaders of the two men's villages. (Villages in this region are the units responsible for the payment and receipt of reparations. They also form the locus for collaborative projects such as building schools, mosques, health centres and local roads.)⁵⁵ Each disputant presented his case, and the assembled men gave their opinions.

A consensus eventually emerged: each man had wronged the other, both had dishonoured the mediator by quarrelling on his land, and neither of them could justify his actions. Meanwhile, women discussed the same case with the mediator's wife in an adjacent building. Children, who moved easily between the men's and women's gatherings, were marvellous messengers, providing verbatim accounts of the proceedings to both sides. In the evening, men and women discussed the case at home. More discussion followed the next day, as the men included the opinions of their mothers, sisters and wives.⁵⁶ The final decision was based on consensus and legal precedent: both men together would contribute a cow for damages and to signal their atonement (*hijar*). This would cost each of their villages the equivalent of \$300.00 at the time. The cow was to be butchered and the meat divided among the disputants and their respective villages.

This case illustrates the local prioritization of due process over the facile use of force. Loss of control in a fit of temper has profound social and economic consequences. A simple brawl required the payment of \$600.00 worth of reparations, a significant sum in the 1970s. As Weir writes, "There are strong sanctions against hotheaded physical aggression, and bloody violence is rare and abhorred. Daggers are associated more with the *maintenance* of order than its desecration, for they are routinely given as pledges of submission to legal process."⁵⁷

The procedures followed in this case resemble dispute resolution throughout Yemen. Mediation by a third party is essential, and all adult members of the community are expected to contribute to the resolution of disputes. Disputants choose their own arbitrators and hand over their weapons in a public display [Figure 9]. There are, of course, differences in scale. Disputes between entire tribes may involve multiple tribal and political leaders along with their retinues. Important government officials, even the president, may be asked to mediate. In such cases, disputants' positions are often presented in carefully crafted verse.⁵⁸

Case 2: The Qat Thief

This case study of an attempted theft provides an example of the adaptability of customary law to societal change. *Qat* (*catha edulis*) leaves act as a stimulant when chewed; they keep chewers awake and decrease their appetite. Historically, *qat* was chewed only on special occasions, but its use has increased exponentially since the 1970s [Figure 10].⁵⁹ *Qat* is a highly lucrative cash crop, and *qat* fields must be fenced and carefully guarded against intruders. In 2004, a man was caught trying to steal *qat* leaves from trees growing in a field. When confronted by the guard, he pulled his dagger in an attack pose. The guard responded by shooting and wounding the thief. Following the principle of restorative justice, the wounded man and his village brought a case against the guard, and the guard's entire village was held responsible for the costs of the thief's medical treatment.⁶⁰ The judgement was controversial because the victim in this case was a thief caught red-handed.



Benjamin Wiacek.

Figure 9: Tribal leaders with weapons contributed by tribesmen from the Bakil Confederation to demonstrate their willingness to accept a mediated resolution of a murder charge in order to avoid a feud. Suburb of Sanaa, May 17, 2012.



Daniel Varisco.

Figure 10: Qat in al-Ahjur planted among sorghum in Dhuhar, al-Ahjur, 1979. Round guard houses are visible, centre and rear right.

Subsequently, the village leaders of al-Ahjur agreed on new rules to deal with *qat* thieves. Henceforth, if a thief is shot in the act and killed, the sum owed to his survivors is limited to 50,000 Yemeni riyals (YR), approximately \$255.00 in 2004, paid by all of the families in al-Ahjur (about 20,000 people distributed among 24 villages). This renders each household's contribution minimal. If the thief is hurt but not killed, a maximum of 250,000 YR (\$1,125.00) is paid for his medical treatment, again by the entire population. If, however, the guard beats the thief with a stick and does not use his gun, the thief is owed no amends whatsoever. In this way, the principles of restitution were maintained, and the inducement to severe retaliation against the thief was minimized.

Case 3: The Intractable Father-in-Law

When a married woman is offended or injured by her husband or in-laws, she has the right to return to her father's or other kinsman's house. Her departure initiates an informal process of negotiation between her husband and her kin. In this case, recorded in 1979, Randa,⁶¹ whose husband was a migrant labourer in Saudi Arabia, lived alone with her ill-tempered father-in-law, Yahya, who constantly scolded her and made unreasonable demands on her time. She did not want a divorce but could not bear life with her father-in-law. Following custom, she went home to her father, who agreed to keep her at home at his expense until her husband returned. This left Yahya alone with no one to fetch water or cook for him. He offered his irate in-laws gifts and apologies, but father and daughter were adamant – this was not the first time she had left in anger (*hanaq*).

Desperate, Yahya sought the help of mediators from Randa's village, who accompanied him on a surprise visit to Randa's father's house, with a request for clemency. The father refused, arguing that his daughter had just cause (*hijja*). The mediators agreed that Yahya should curb his temper but argued that he deserved another chance. The father remained unmoved. With no way to coerce the father or daughter, the mediators then removed their head coverings and placed them on the father's lap in an act that signifies the strongest form of entreaty. With this act (*jihan*) they requested Randa's father to forgive Yahya on their honour. He had to give in; he could not dishonour his guests, but Yahya would not be able to insult Randa again without also insulting the mediators.

Yahya paid the equivalent of \$200.00 in reparations, half for Randa with the remainder distributed equally among the mediators. One of the mediators recorded the proceedings in writing. Randa returned to live with Yahya. She bought a gold coin with her share of the money and wore it as a pendant, a visual reminder that she could leave again if provoked. In this case, the aggrieved woman's father supported her grievances. The next case study describes women's more limited options when their immediate kin do not support them.

Case 4: The Protector and Protégé

The fourth case from 1983 illustrates a custom in which people who have exhausted other solutions to their problems place themselves under the protection of a more powerful person.⁶² The case involves polygyny, which few women in rural communities tolerate. In this case, Warda, whose husband had remarried, wanted a divorce, but both her father and husband refused. She decided to seek the help of her father's brother in Sanaa, about

35km away. On the road to Sanaa, she accepted a ride from a highly respected local leader known to her. This act placed her under his protection and obliged him to actively negotiate on her behalf.⁶³ His intervention, along with her uncle's, finally granted her a divorce. Warda was roundly criticized by her in-laws for risking her reputation by riding in a car alone with an unrelated man. Ultimately, her behaviour was justified, both by customary law and this leader's reputation as someone who respects women's honour.

Women and Customary Law

All legal systems in Yemen – customary, Islamic and State – assume a woman's dependence on her male kin. Since tribal law does not regulate behaviour within the immediate family, women's safety nets protect them only if their fathers and brothers are decent, but their resources are limited if they do not have the support of their families as the last case study demonstrates. Moreover, tribal ideology is male-oriented. Men are charged with representing their tribe in public venues, and tribal leadership is overwhelmingly male.

This male bias is attenuated, however, by rural women's economic contributions, an egalitarian ethic, and Yemeni notions of honour and men's respect for and attachment to their mothers and sisters. Rural women's active participation in the local economy assures them greater respect than might be expected from an admittedly patriarchal society [Figure 11].⁶⁴



Daniel Varisco.

Figure 11: A husband and wife winnow grain together, al-Ahjur, 1979.

The vast majority of rural women in Yemen are not bound by the rules of seclusion demanded of women in towns and cities. They travel freely between communities and to and from local markets. Gender mixing is the rule in rural communities. In many villages, women and men danced together at weddings and other celebrations until the early years of this century. Women routinely participate in, and contribute to, dispute resolution as well as other community matters, although tribal ideology denies their right to do so.

Space is sometimes divided to mark gender boundaries, but such boundaries are often breached. In the first case study cited above, children repeatedly spread men's and women's opinions across ostensibly bounded spaces. Gender boundaries dissolved in the subsequent family discussions summarizing the proceedings of each *majlis*. The third case, a marital dispute, was also discussed in a *majlis*. Although only a few people participated, the proceedings were soon related to the entire community, again blurring boundaries between 'inside' and 'outside' or 'private' and 'public'. In the final case, the aggrieved wife met her 'protector' on a road, the most 'public' of landscapes, after having been rebuffed in her attempts to resolve her problem in more intimate spaces. Her act, consistent with customary law, nevertheless challenged ideologies that would relegate women to 'private' spaces.

A major component of tribal honour in Yemen is that a tribesman will never, under any circumstances, assault a woman.⁶⁵ This conception of honour stands in contrast to some other societies in which women may be punished for transgressing a family's 'honour'. Until the 1980s, 'honour killings' were largely unknown in Yemen. Furthermore, it appears that the majority of Yemeni men take the injunction to protect their daughters and sisters seriously. When, in 2000, a conservative Yemeni parliament proposed allowing judges to force 'disobedient' wives (who had gone home to their kin in *hanaq*) to return to their husbands, this created 'an uproar' among most segments of society and government.⁶⁶ As Würth cogently argues,

The campaign [to drop the proposed law] was successful because it was based on an amalgam of customary and Islamic norms in defense of the legislative *status quo*. Implicitly, activists of all political shades also argued that the control of paternal relatives over women correlates to male protection for women in cases of marital conflict and in the absence of state interference into 'family affairs'.⁶⁷

In the Zaydi North, men do not control their wives' property. Although brothers routinely ask their sisters to cede their inheritance of land to them, they can only do so if they can insure their sisters' life-long support. The majority of women accept this option, but some women refuse it, choosing to manage their own lands instead.⁶⁸ Women everywhere in rural Yemen control the family's moveable wealth, giving them control over the family's financial decisions in times of stress.⁶⁹ Cash crops, however, are generally men's responsibility. Thus, increases in cash cropping, such as *qat* cultivation, both reduce women's workloads and potentially restrain women's decision-making powers and their mobility.⁷⁰

Most Yemeni rural and urban women I have talked with are very much aware of gender inequalities and the injustices that accrue from them. They complain bitterly of heavy workloads, brothers who do not live up to their promises of support, husbands who disparage them, mothers-in-law with inordinate labour requirements, and in particular, decisions in which their

opinion is not consulted. Tribal egalitarianism leads them to expect equal rights and treatment.

Yet, this picture of economically independent women does not appear consistent with the low gender-gap rankings for Yemen compiled by international organizations.⁷¹ Several factors explain the apparent paradox: labour force participation surveys normally focus on wage labour and ignore work performed on family-owned lands and businesses, which are the norm for men and women in rural Yemen.⁷² If women's contribution to the agricultural or artisanal fishing economy were included, it would most likely yield a participation rate of at least 80 per cent.

Women's economic contributions and active participation challenge a formal ideology of male protection. They fall below the ideological radar as informal aspects of culture that Herzfeld dubs 'cultural intimacies'.⁷³ These are defining elements of culture and identity of which all are aware and many enjoy, but which do not fit with the idealized images that leaders wish to project. Hence, rural surveys in Yemen inadvertently skew data by using standard questionnaires. When someone in an official capacity asks a random person in Yemen what women do, the usual response is that women's duties are limited to domestic tasks. It is only when one observes women's work or asks specific questions, such as, 'Who weeds?' 'Who thins crops?' 'Who sows grain?' and 'Who harvests specific plants?' that the variety and importance of women's agricultural activities become apparent.⁷⁴

Expatriate scholars and development officers are generally unaware of the important economic and political roles of rural women.⁷⁵ Their experience in Yemen tends to be limited to urban contexts where female seclusion is the ideal, and for many westerners, images of veiled women induce stereotypes of victimization.⁷⁶ Moreover, Yemeni feminists tend to take their culturally mandated safety nets for granted, assuming them to be examples of universally held norms of decency.⁷⁷ Just as women's participation is overlooked by many Yemenis, safety nets for women fall below the radar of international development agencies because they are not often discussed by Yemeni feminists.

Nevertheless, Yemen's poverty, low literacy rates and dismal health statistics provide the major reasons for women's low rankings. According to the CIA *World Factbook*, the female literacy rate was 59 per cent that of males in 2011.⁷⁸ Maternal mortality was 200 deaths per 100,000 births. Schools are rare in scattered rural communities. Even where rural school buildings exist, teachers rarely show up. Where schools are accessible and well-staffed, parents will only send their daughters if they trust the teachers. Finally, drop-out rates for children and adults are high during harvest season, which, in the highlands, corresponds to the first three months of the academic year.⁷⁹ Yemen's high rates of infant mortality, morbidity and maternal mortality are serious problems. Although Yemen's cities are well served by health facilities, the vast majority of rural areas lack health centres. The highest mortality rate for women occurs during their childbearing years (15–39), reflecting the dangers of early marriage norms and dearth of primary health care facilities. Despite these indices of poverty, rural women in Yemen do not behave like victims. They are unusually assertive, stand tall, walk with long strides and express themselves loudly and with confidence [Figure 12]. As Sheila Carapico asserts, 'Yemeni women may be the most liberated, though not necessarily the most privileged, Arab women'.⁸⁰



Benjamin Wiacek.

Figure 12: Women in Sanaa demonstrating against the past president and in support of women's equality, March 4, 2011.

'Trickle Up' Heritage

When demonstrations against Yemen's former regime first began in January 2011, observers – urban Yemeni intellectuals as well as expatriates – expressed surprise at two developments. First, women organized and led the demonstrations.⁸¹ Nobel laureate Tawakkol Karman was only one of many female leaders and participants.⁸² As is well known, Yemen's history includes powerful queens and contemporary dynamic urban women as political leaders [Figure 13]. Less understood are the traditional roles and activities of rural women in Yemen. Their mobility and visibility in public spaces reverse and blur the usual East–West binaries and assumptions on 'conservative' traditions vs 'modern' practice.

The second surprise for many was that Yemen's heavily armed tribes did not lead the country into civil war. Instead, a significant number of tribesmen went into cities to protect demonstrators from harm, and others protected their communities from the incursions of outsiders. The vast majority of Yemen's tribal population – some 21 million men and women forming an estimated 80 per cent of the total – monitored national politics from afar as they debated governance options with their kin and neighbours. I suggest that both women's leadership and tribal restraint were due to a deeply engrained heritage, which empowers women and prioritizes mediation, dialogue and consensus above the facile use of force or terrorism.



Najwa Adra.

Figure 13: Ambassador Amat Alsoswa, National Dialogue Conference Participant, former Yemeni Ambassador to the Netherlands and former founding Minister of Human Rights, November 2015.

The principles that sustain customary law are not limited to communities that self-identify as tribal. They have informed values and ‘trickled up’ into the daily lives of most Yemenis. Consensus, legal process, respect for, and protection of, women and the unarmed population have long been valued throughout the country. Trade guilds that historically regulated urban markets follow similar rules of mediation and consensus building. Until the late 1980s, women could travel safely and confidently throughout Yemen.

The structure and conduct of the National Dialogue Conference also drew on Yemeni tradition. In Carapico’s words,

The experiment of the National Dialogue Conference deserves to be seen as a Yemeni initiative drawing on indigenous precedents and activism, and thus as a possible avenue towards a new, negotiated social contract between regions, parties and stakeholders in a pluralistic and decentralized polity.⁸³

Women formed 26 per cent of Yemen's National Dialogue Conference, four percentage points short of the agreed-upon 30 per cent. These numbers compare favourably with a mere 18 per cent female participation in the United States Congress and 22 per cent in the Parliament of the United Kingdom. Heritage and tradition are not necessarily 'conservative'.

Other forms of heritage and expressive culture were evident during the demonstrations and the tent cities set up by protestors. Prime examples include Yemen's poetic traditions, which have been the preferred forms of protest against personal and political injustice throughout Yemen's history. All sides articulated their positions and energized political sentiment through poetry.⁸⁴ Dialects were put to good use in punning and for humour. Lines of poetry were used to bolster political opinions in discussions with friends and relatives. Ditties protesting the former regime, as well as pro-regime lyrics, were repeated by children who heard these on television. This is not new to Yemen. Non-confrontational ways of expressing differences and protesting injustice are institutionalized in Yemeni society, including the use of pithy rhyming phrases that synthesize the protester's position and invite a similar considered response from his or her adversary. Young women, unhappy with their parents' choice of spouse for them, will sing their objections and their reasons within their parents' hearing.⁸⁵ Steven Caton has described the use of varieties of poetry to mediate disputes, discuss political differences and assert identity.⁸⁶ Yemen's strong poetic traditions have provided Yemeni women and men, young and old, with practice in resisting the abuse of authority using sophisticated, non-confrontational language.

Dancing and music were frequent during demonstrations and in tent cities. Imported forms of poetry, music and dancing were appropriated and performed alongside traditional forms. Filmed dance sequences of performances in the tent cities shown in the media and on YouTube include examples of indigenous and global dance forms, older men's comedic parodies of hip hop and young men learning traditional dances [Figure 14 and Figure 15]. This variety reflected the mixture of people from diverse regions, status and political orientation who participated in the demonstrations against the government and occupied the tent cities set up in public squares [Figure 16]. In Laurent Bonnefoy's eloquent description:

Students and recent graduates of major cities [...] quickly transformed the movement into a lively political festival. The activists proved very creative. They developed new means of communicating, chanted innovative slogans, used art, music, theatre and poetry as mobilization techniques, and managed to start bridging the existing gaps between the various political groups, new and old, traditional and urban.⁸⁷

The borrowing of expressive forms from elsewhere provides further evidence for the malleability of tradition in Yemen.

Sustaining Heritage: The Potential Contributions of Tribal Heritage to National Development

Although Yemen is economically the poorest country in the Middle East, it may be the wealthiest in 'social capital', defined by Moser as 'intangible rules, norms, obligations, reciprocity and trust that govern local interaction as well as rules regulating and governing formalized institutions in the marketplace, political system and civil society'.⁸⁸ Thinking of heritage in terms of social



Atiaf Z. Alwazir.

Figure 14: Dance lesson in traditional Tihama dancing in the tent cities, November 6, 2011.



Atiaf Z. Alwazir.

Figure 15: Singer/musician in Sanaa's tent city, May 27, 2011.



Atiaf Z. Alwazir.

Figure 16: Visual artist in Sanaa's tent city, April 11, 2011.

capital is more inclusive than focusing on its economic benefits. It permits a more expansive discourse on sustainability and a multiplicity of possibilities for sustaining heritage. Among these are the incorporation of principles of heritage in governance, rural development programming and school curricula. Sustaining some forms of heritage, such as mediation and tribal cooperation, can further national reconciliation and help Yemenis rebuild their country after the massive destruction of the current war.

Yemen's economic traditions, based on private property, encourage entrepreneurship. Indigenous models favour family-owned businesses over large capital accumulation. Although this appears at odds with neoliberal economics, it is highly adaptive to local conditions. Yemen's water resources are not sufficient to support large-scale industry, hence the continuing economic importance of its rural economy. With over 26 million hungry mouths to feed, massive unemployment and shrinking wage-labour opportunities abroad, Yemen's labour-intensive rain-fed agriculture appears sustainable rather than 'primitive'. While the centuries old terrace agricultural system has been harmed by development that led to the overuse of groundwater from tube-wells, the potential exists to revive sustainable dry farming practices.⁸⁹ For men and women, work in family enterprises is not necessarily less empowering than industrial labour for low wages. Extension services for women that cover livestock care, agriculture and artisanal fishing along Yemen's coasts, would respond to their expressed needs.⁹⁰ Support for Yemen's agricultural sector would help maintain women's mobility and voice and provide rural Yemenis with alternatives to urban migration, which is not always kind to women.⁹¹ Given the nature of the threats to women's mobility discussed below, official recognition that women's participation and voice are indigenous to Yemen, and not foreign imports, would provide women valuable support.

Historically, on the Arabian Peninsula and in the wider Middle East, tribal law, Islamic law and state law have coexisted and borrowed from each other.⁹² Customary law in Yemen has helped maintain security where state justice has been ineffective or non-existent.⁹³ Yemeni courts are notoriously overburdened, and cases take years to come to trial while disputants languish in prison. Judges are not paid well, and corruption is rampant. Laws that recognize tribal arbitration as legally binding if both parties willingly agree to submit to it, like the Law of Arbitration of 1992, would help tribes maintain security in much of Yemen as the new State rebuilds its defunct justice sector. (The recent growth of the conflict resolution industry in the United States, with its focus on mediation, arbitration and restorative justice, testifies to the success of these methods.)

Foundational principles of Yemen's heritage, such as community participation, elected leaders and an egalitarian ethic, conform to popular conceptions of democratic governance, if not to existing models of homogeneous, centralized states. Tribal models of organization that enable groups of varying size to mobilize quickly and effectively to accomplish given tasks, combined with an egalitarian ideology and elected leaders, provide an ideal format for civil society. The flexibility built into the system allows for fluid responses to a variety of needs. Policies legitimizing these practices will facilitate the rebuilding of Yemen's infrastructure as well as the disbursal of humanitarian aid. Decentralization is necessary for national reconciliation, given Yemen's diverse population with its disparate needs.

Utilizing local knowledge and personnel will empower local communities and help allay the concerns of those who have felt marginalized. As Yezid Sayigh argues:

Central and local security provision must be balanced. In highly fractured states and societies, centralizing approaches to security sector governance may be counterproductive [...] security sector reform cannot be resumed without accommodating alternative forms of dispute resolution and developing sustainable models of community policing, turning them into a complementary means of law enforcement rather than a substitute for security provision.⁹⁴

Heritage can be sustained through school curricula. Science courses that explain the reasons behind local practices, for example in agriculture, will enhance student learning as it affirms valuable heritage. Yemen's poetic traditions can also contribute to effective learning.⁹⁵ Just as the academic calendar of Europe and the United States was originally based on the agricultural cycle, with school holidays occurring during peak labour periods, the academic year in Yemen's highlands could be adapted to the harvest season by beginning in December and lasting through the summer. Given the rural high drop-out rates during harvest season, such an intervention would significantly improve school attendance.

These are all examples of sustainable heritage that have been, and can continue to be, utilized to foster national development. This is not to argue that destructive aspects of heritage should be retained – neither tribal feuding nor raids are sustainable. The central government may need to step in when local conflicts escalate, as it has historically. Nor should every imported idea be rejected – appropriate methods should certainly be incorporated into national strategies. The point is that development is most effective when it proceeds from the grassroots. It is important to realize that rural people are well aware of their needs and capable of making rational decisions. The incorporation of familiar, locally understood heritage improves a society's resilience. Globally, it increases the pool of creative solutions to problems that nations face or may face in the future.⁹⁶ In Dale Eickelman's words, there are 'multiple paths to modernity'.⁹⁷ Perhaps most relevant to sustainability is that tribal identity is not locally perceived to contradict national allegiance. Yemeni tribes and tribal units are as likely to unite on projects that further national development as they are to help their own community.

Threats to Yemen's Heritage

Tribalism in Yemen, as well as women's economic and political participation, are currently threatened, but not by the usual suspects of urbanism and industrialization.⁹⁸ Threats to Yemen's heritage stem from economic and political developments within Yemen, varieties of 'modernity' that assume rural life is uniformly 'traditional', 'conservative' and hostile to progress, imported conservative interpretations of Islam and, most recently, rampant externally funded violence.

Internal conflicts, unequal disbursement of services and government co-optation of tribal leaders have contributed to the erosion of customary constraints in many parts of Yemen. Beginning in the 1990s, feuding increased and spilled into cities. Women, children and other traditionally protected groups were caught in crossfire or targeted during episodes of violence. Domestic violence and child marriage have increased among impoverished urban migrants.⁹⁹ The Sunni/Shi'a sectarian split in which Saudi Arabia and its allies have framed the war on Yemen sets a dangerous precedent for the future.

Urban Yemeni and expatriate scholars, who have absorbed narrow perspectives on modernity and its assumptions that rural life is, by definition, 'conservative', 'patriarchal' and incompatible with nationalism, oppose tribalism, usually with little understanding of tribal governance. Behind this antipathy are assumptions that the only viable models of statehood are homogeneous, centralized, urban and industrial, models that Peter Evans has likened to agricultural 'monocropping'.¹⁰⁰ Such 'oversimplification of modernity', in Robert Hefner's terms,¹⁰¹ or 'high modernism' as dubbed by Scott,¹⁰² is based on an idealization of western models of modernization¹⁰³ and an exaggeration of the levels of injustice found in rural and tribal areas.

There are other reasons behind elite suspicion of heritage. Heritage that is flexible and adaptive or based on the slow and messy process of consensus formation, does not lend itself to standardization, nor to the easily packaged, tidy pictures of successful process that national leaders seek to project.¹⁰⁴ Especially on the Arabian Peninsula, Yemeni women's participation contradicts the formal patriarchal ideology that leaders seek to impose in their own countries. Probably due to a combination of such reasons, 'both local and external actors were among the forces attempting to [enforce centralization and] minimize the variety of acceptable models of governance and development during negotiations for Yemen's transition'.¹⁰⁵

Perhaps the most pernicious threats to tribalism and women's empowerment [Figure 17] stem from Wahhabi, Salafi and other forms of politicized Islam, arguably another form of modernism.¹⁰⁶ Islamists yearn for a single,



Atiaf Z. Alwazir.

Figure 17: Women holding a banner supporting women's political participation. The smaller card, bottom left, urges a 30 per cent quota to guarantee women's representation in government and political parties, June 11, 2011.

centralized, homogeneous Islamic nation. They consider tribal diversity divisive, condemn dialogue and consensus building as chaotic (*fitna*) and disapprove of rural gender mixing as well as Yemen's dance and poetic heritage. Although there have historically been Islamist movements in Yemen, Wahhabism, the Muslim Brotherhood and modern Salafism are not indigenous. Their recent proliferation in Yemen has been funded largely by the Kingdom of Saudi Arabia and the Gulf States.

This externally imposed conservative message has penetrated into rural society through teachers and a curriculum controlled by members of the Islamist Islah Party. Such imported conservative influences have become increasingly visible and audible in Yemen. Urban women complain that women are no longer as visible in public spaces as they were twenty years ago.¹⁰⁷ The *sharshaf*, a covering worn by women in Sanaa outside the home, barely covered the wearer's knees in the 1960s. It has gradually increased in length until it now drags along the floor. Women's songs and dances have been curtailed, as have traditional rural mixed-gender dancing and poetic exchanges. The practice of *hanaq* is censured. Although women have clearly benefited from educational and employment opportunities, many young rural and urban women who have completed secondary school now idealize seclusion and accept unprecedented pressure to obey their husbands as signs of modernity and urban sophistication. In contrast, both Zaydi and Shafi'i schools of Islam are considerably more moderate, and, in practice, more tolerant of expressive culture and gender mixing. Ironically, an older generation of rural Yemenis who value women's mobility and assertiveness is now considered 'old-fashioned'. Thus, understandings of 'modernity' vs 'tradition' in Yemen today reverse western understandings of this binary.

These threats to Yemen's heritage all pale, however, in light of the current random destruction of Yemen's infrastructure, heritage sites, homes, schools, hospitals and mosques. This, and the looming threat of continued violence, are traumatizing individuals and communities. It is difficult to know at this point whether Yemen's social capital is sufficiently strong to survive such unremitting assaults.

Conclusion

I have focused on forms of rural heritage in Yemen that I argue have 'trickled up' to impact the wider society. They have provided the foundational principles of the anti-government protests of 2011 that were organized and led largely by women, and which remained peaceful until entrenched elites transformed the protests into personal struggles for power. These forms of heritage include egalitarian tribal institutions that prioritize cooperation and enable groups of varying size to mobilize quickly and effectively to accomplish given tasks. They also include Yemen's sophisticated and effective customary legal system. Based on mediation and persuasion, customary law is restorative, transparent and locally accessible. It has proven sustainable over centuries, always in coexistence with urban and religious legal systems. Neither tribal organization nor customary law regulates private property or economic pursuits. The household is the primary economic unit, and entrepreneurial activity is not constrained by law or tradition. A combination of the need for women's labour in the agricultural sector and tribal egalitarianism, as well as injunctions to protect women, have resulted in important economic roles and safety nets for women. Rural life is not gender segregated, and rural women are not secluded. Despite a formal ideology of male dominance, rural women

in Yemen are assertive and comfortable in leadership roles. These traditions counteract western stereotypes of 'primitivism', and they reverse and blur the usual East–West binaries and assumptions on presumably conservative tradition vs progressive modernity.

These forms of heritage are not to be perceived as static, unchanging survivals independent of context, but vibrant, adaptive traditions that support security and civil society, women's empowerment, and social equality. They provide the resilience needed to adapt to change and overcome trauma. A major thesis of this article is that the most effective way to sustain heritage is to demonstrate its continuing relevance to social life in a globalized and rapidly changing world.

Tragically, Yemeni pride of heritage, as well as fundamental cultural principles, have been shaken by economic and political developments since the 1980s, and most severely by the current air and ground assault on Yemen. Yemeni pride, identity and sustainable heritage are being sorely tested. A young friend recently asked me what value anthropologists' study of heritage is to today's Yemen. She said, 'No one pays attention to the traditions any more, and in any case, Yemen is in tatters. It needs modern institutions.' Many people, like her, are questioning the relevance of heritage to current events in the Middle East. They feel that policy makers should focus on the future rather than the past. Although I fully understand the frustrations that engender these questions and the priority of humanitarian assistance wherever it is needed, my hope is that Yemen's rich heritage, like traditions elsewhere, will provide its resilient population locally appropriate institutions and social capital to rebuild Yemen. Only time will tell if even the strongest cultural glue can survive the massive destruction facing Yemen today.

Acknowledgements

My ethnographic research in 1978–79 was funded by a National Science Foundation Grant for Improving Doctoral Dissertation Research. My fieldwork in 1983 was funded by a MEAward, Population Council, and my 2005 field research was funded by the American Institute for Yemeni Studies. I gathered additional information on women's agricultural work and on tribal customary law during consulting assignments with the Food and Agriculture Organization (FAO), United States Agency for International Development (USAID), Department for International Development (DFID), the Netherlands Embassy in Yemen and the World Bank. (Some of my development reports are available in PDF at: <http://www.najwaadra.net/devrprts.html>). The case studies published here were previously published in my 'Tribal Mediation in Yemen and Its Implications to Development', and some are described in my doctoral dissertation, 'Qabyala: The Tribal Concept in the Central Highlands of the Yemen Arab Republic'. I thank my husband, Daniel Martin Varisco, for providing me details of the events in the men's *majlis* in Case 1 and for his helpful comments on a draft of this article. My sincere gratitude goes to the peer reviewers and editors of this article. Their careful reading and multiple suggestions have helped shepherd the argument towards increased coherence, another example of an intangible process with tangible results.

Suggested Citation

Adra, N. (2016), 'Tribal Mediation and Empowered Women: Potential Contributions of Heritage to National Development in Yemen', *International Journal of Islamic Architecture*, 5: 2, pp. 301–337, doi: [10.1386/ijia.5.2.301_1](https://doi.org/10.1386/ijia.5.2.301_1)

Contributor Details

Najwa Adra is a cultural anthropologist who has conducted field research in Yemen since 1978 and consulted in international development since 1983. Her publications cover heritage, including dance, oral poetry and tribal customary law. Her development experience includes projects on adult literacy, primary health care, informal justice and women's work in agriculture. She has cooperated with UNESCO on strategies for sustainable heritage.

E-mail: najwa.adra@gmail.com

Najwa Adra has asserted her right under the Copyright, Designs and Patents Act, 1988, to be identified as the author of this work in the format that was submitted to Intellect Ltd.

Endnotes

1. Michele Lamprakos, 'Old Heritage, New Heritage: Building in Sana'a, Yemen', *Viewpoints*, Special Issue: *Architecture and Urbanism in the Middle East* (Durham, NC: Duke University Middle East Institute, 2008), 33; Michele Lamprakos, *Building a World Heritage City: Sanaa, Yemen* (Farnham and Burlington, VT: Ashgate, 2015).
2. Dale F. Eickelman, 'Islam and the Languages of Modernity', *Daedalus* 129 (2000): 121.
3. Ibid., 121.
4. Najwa Adra, 'Qabyala: The Tribal Concept in the Central Highlands of the Yemen Arab Republic' (Ph.D. diss., Temple University, 1983).
5. Najwa Adra, field notes, March 19, 2005.
6. Brian Graham, 'Heritage as Knowledge: Capital or Culture?', *Urban Studies* 39 (2002): 1003–17. See also P. J. M. Nas, 'Masterpieces of Oral and Intangible Culture: Reflections on the UNESCO World Heritage List', *Current Anthropology* 39 (2002): 140.
7. Daniel Martin Varisco and Najwa Adra, 'Affluence and the Concept of Tribe in the Central Highlands of the Yemen Arab Republic', in *Affluence and Cultural Survival: 1981 Proceedings of the American Ethnological Society*, ed. Richard F. Salisbury and Elisabeth Tooker (Washington, DC: The American Ethnological Society, 1984), 134–49.
8. Adra, field notes, February 20, 2005.
9. Caroline O. N. Moser, *Ordinary Families, Extraordinary Lives: Assets and Poverty Reduction in Guayaquil, 1978–2004* (Washington, DC: Brookings Institution Press, 2009).
10. Najwa Adra, 'Tribal Mediation in Yemen and Its Implications to Development', *AAS Working Papers in Social Anthropology* 19 (2011): 9–10, accessed October 29, 2015, [doi: 10.1553/wpsa19](https://doi.org/10.1553/wpsa19).

11. James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT: Yale University, 1998).
12. Helmut Eger, 'Rainwater Harvesting in the Yemeni Highlands', *Jemen Studien* 1 (1984): 146–69.
13. Najwa Adra, 'The "Other" as Viewer: Reception of Western and Arab Televised Representations in Rural Yemen', in *The Construction of the Viewer: Media Ethnography and the Anthropology of Audiences*, ed. P. I. Crawford and S. B. Hafsteinsson (Høbjerg: Intervention Press, 1996), 255–69.
14. Edward Hogan, et al., *Agricultural Sector Assessment, Yemen Arab Republic* (Washington, DC: USAID, 1982).
15. Varisco and Adra, 'Affluence', 142–43.
16. Nora Ann Colton, *The Political Economy of Yemen* (New York: Palgrave Macmillan, 2012).
17. Ginny Hill, Peter Salisbury, Léonie Northedge and Jane Kinninmont, *Yemen: Corruption, Capital Flight and Global Drivers of Conflict* (London: Chatham House, 2013).
18. Sheila Carapico, *Civil Society in Yemen: The Political Economy of Activism in Modern Arabia* (Cambridge: Cambridge University Press, 2007).
19. Yezid Sayigh, *Crumbling States: Security Sector Reform in Libya and Yemen* (Beirut: Carnegie Middle East Center, 2015); Charles Schmitz, 'Yemen's National Dialogue', *Middle East Institute Policy Paper*, March 10, 2014, <http://www.mei.edu/content/yemens-national-dialogue>, accessed March 25, 2016.
20. Schmitz, 'Yemen's National Dialogue', 14–15.
21. *Ibid.*, 3.
22. Sayigh, *Crumbling States*.
23. 'Yemen', United Nations Office for the Coordination of Humanitarian Affairs (OCHA), <http://www.unocha.org/yemen>, accessed July 9, 2015.
24. Trevor H. J. Marchand, *Minaret Building and Apprenticeship in Yemen* (New York: Routledge, 2001); R. B. Serjeant and Ronald Lewcock (eds), *Sanaa: An Islamic City* (London: World of Islam Festival, 1983).
25. Steven Caton, 'Peaks of Yemen I Summon': *Poetry as Cultural Practice in a North Yemeni Tribe* (Berkeley: University of California Press, 1990); Muhammad 'Abdal Ghanim, *Shi'r al-ghina' al-san'ani/The Poetry of Sanaani Song* (Sanaa: Yemeni Center for Studies and Research, n.d.); W. Flagg Miller, *The Moral Resonance of Arab Media: Audiocassette Poetry and Culture in Yemen* (Cambridge, MA: Harvard University Press, 2007).

26. Jean Lambert, *La médecine de l'âme: Le chant de Sanaa dans la société yéménite/Medicine for the Soul: Sanaani Song in the Context of Yemeni Society* (Nanterre: Société d'Ethnologie, 1997); Muhammad Murshid Naji, *Al-ghina' al-yamani al-qadim wa-mashahiruh/Traditional Yemeni Song and Its Well-known Practitioners* (Aden: n.p., 1983).
27. Najwa Adra, 'Dance and Glance: Visualizing Tribal Identity in Highland Yemen', *Visual Anthropology* 11 (1998): 55–102; Ja'far Muhammad Al-Saqqaf, *Lamahat 'an al-aghani wa al-raqsat al-sha'biyya fi muhafazat Hadramawt/Observations on the Folk Songs and Dances in the Hadramawt* (Aden: Ministry of Culture, n.d.); Najwa Adra, 'Dancing Traditions on the Arabian Peninsula', *Conference on Music in the World of Islam*, Assila, Morocco, August 8–13, 2007, accessed October 30, 2015, <http://www.najwaadra.net/dance.html>.
28. Janet E. Watson, *The Structure of Mehri* (Wiesbaden: Harrasowitz, 2012); Samuel Liebhaber, *The Diwan of Hajj Dakon: A Collection of Mahri Poetry* (Sanaa: American Institute for Yemeni Studies, 2011); Antoine Lonnet, 'Quelques résultats en linguistique sudarabique moderne'/'Some Research Results on Modern South Arabian Linguistics', *Quaderni di Studi Arabi* 11 (1993): 37–82; Antoine Lonnet and M.-Cl. Simeone-Senelle, 'La phonologie des langues sudarabiques modernes'/'The Phonology of Modern South Arabian Languages', in *Phonologies of Asia and Africa, Vol. 1*, ed. Alan S. Kaye (Wiesbaden: Eisenbraun, 1997), 337–72.
29. Marjorie Ransom, *Silver Treasures from the Land of Sheba: Regional Styles of Yemeni Jewelry* (Cairo: American University of Cairo Press, 2014).
30. Andre Gingrich, *Sudwestarabische Sternenkalendar: Eine Ethnologische Studie zu Struktur, Kontext und Regionalem Vergleich des Tribalen Agrarkalenders der Munebbih im Jemen/Southwest Arabian Star Calendars: An Ethnographic Study of the Structure, Context and Regional Setting of Tribal Agricultural Calendars of the Munebbih in Yemen* (Vienna: Beitrage zure Ethnologie und Anthropologie, 1994); Daniel Martin Varisco, 'The Agricultural Marker Stars in Yemeni Folklore', *Asian Folklore Studies* 52 (1993): 119–42.
31. Amin al-Hakimi and Frédéric Pelat (eds), *Savoirs locaux et agriculture durable au Yémen/Local Knowledge and Sustainable Agriculture in Yemen* (Sanaa: Centre Français d'Archéologie et de Sciences Sociales, 2003); Daniel Martin Varisco, 'Sayl and Ghayl: The Ecology of Water Allocation in Yemen', *Human Ecology* 11 (1983): 365–83; Daniel Martin Varisco, 'The 14th Century Almanac Poem of 'Abd Allah ibn As'ad al-Yafi'i', *Oriente Moderno* XCII (2012): 29–64.
32. Daniel Martin Varisco, 'Indigenous Plant Protection Methods in Yemen', *GeoJournal* 37 (1995): 27–38.
33. H. Schöning and Ingrid Heymeyer (eds), *Herbal Medicine in Yemen* (Leiden: Brill, 2012).
34. Najwa Adra, 'Literacy Through Poetry: A Pilot Project for Women in the Republic of Yemen', *Women's Studies Quarterly* 32 (2004): 231–32; Caton, 'Peaks'; Miller, *Moral*.

35. Caton, 'Peaks'; Adra, 'Literacy'.
36. Jean Lambert, 'La musique dans la maison tour: Harmonie et dissonances'/'Music in Tower Houses: Harmonies and Dissonance', in *Sanaa: Architecture domestique et société/Sanaa: Domestic Architecture and Society*, ed. Paul Bonnenfant, *Revue des mondes musulmans et de la Méditerranée* 83 (1997): 164–73; Marchand, *Minaret Building*.
37. Caton, 'Peaks'; Adra, 'Literacy', 231.
38. Richard Kurin, 'Safeguarding Intangible Cultural Heritage in the 2003 UNESCO Convention: A Critical Appraisal', *Museum International* 56 (2004): 70; Michael Herzfeld, 'Intangible Delicacies: Production and Embarrassment in International Settings', *Ethnologies* 36 (2015): 41–57.
39. Jean Lambert, 'Le mafrağ et le maqyal: Rite social et poétique de l'espace'/'The *Mafraj* and the *Maqyal*: Social Ritual and the Poetics of Space', in *Sanaa: Architecture domestique et société/Sanaa: Domestic Architecture and Society*, ed. Paul Bonnenfant, *Revue des mondes musulmans et de la Méditerranée* 83 (1997): 154–63.
40. Ettore Rossi, 'Il Diritto Consuetudinario delle Tribu Arabe del Yemen'/'Customary Law of the Arab Tribes of Yemen', *Rivista degli Studi Orientale* 23 (1948): 1–36; Abdallah Maktari, *Water Rights and Irrigation Practices in Lahj: A Study of the Application of Customary Law in South-west Arabia* (Cambridge: Cambridge University Press, 1971); Jeffrey Meissner, 'Customary and Islamic Law in North Yemen' (Ph.D. diss., Columbia University, 1980); Joseph Chelhod, *Le droit dans la société bédouine/Law in Bedouin Society* (Paris: Librairie Marcel Rivière, 1971); Paul Dresch, *The Rules of Barat: Tribal Documents from Yemen* (Sanaa: Centre Français d'Archéologie et de Sciences sociales and Deutsches Archäologisches Institut, 2006).
41. Adra, 'Dance'; Lambert, 'La musique'; Caton, 'Peaks'.
42. Adra, 'Qabyala', 212–37.
43. For example, Adam C. Seitz, 'Ties that Bind and Divide: The "Arab Spring" and Yemeni Civil-Military Relations', in *Why Yemen Matters: A Society in Transition*, ed. Helen Lackner (London: Saqi, 2014), 50–67; Isa Blumi, *Chaos in Yemen: Societal Collapse and the New Authoritarianism* (London: Routledge, 2011); Stephen W. Day, *Regionalism and Rebellion in Yemen* (Cambridge: Cambridge University Press, 2012).
44. Paul Dresch, *Tribes, Government and History in Yemen* (Oxford: Oxford University Press, 1989); see also Andrea Rugh, *The Political Culture of Leadership in the United Arab Emirates* (New York: Palgrave Macmillan, 2007).
45. Adra, 'Qabyala', 134–35.
46. Steven Caton, 'Power, Persuasion, and Language: A Critique of the Segmentary Model in the Middle East', *International Journal of Middle*

East Studies 19 (1987): 77–101. See also Dresch, *Tribes*; and Saad Abdullah Sowayan, *Nabati Poetry: The Oral Poetry of Arabia* (Berkeley: University of California Press, 1985).

47. Adra, 'Qabyala', 135; Paul Dresch, 'Segmentation: Its Roots in Arabia and its Flowering Elsewhere', *Cultural Anthropology* 3 (1988): 50–67.
48. Adra, 'Dance'; Lambert, 'La musique'.
49. Adra, 'Qabyala', 29–82; Adra, 'Dance', 61–62; Shelagh Weir, *A Tribal Order: Politics and Law in the Mountains of Yemen* (Austin, TX: University of Texas Press, 2007), 51, 57–58; Varisco and Adra, 'Affluence', 135, 137–39.
50. Adra, 'Qabyala', 252–58; 'Dance', 50; Adra field notes, October, 2004.
51. Adra, 'Qabyala', 215–21.
52. Adra, field notes, February, 1983.
53. Katherine E. Hoffman and Susan Gilson Miller (eds), *Berbers and Others: Beyond Tribe and Nation in the Maghrib* (Bloomington, IN: Indiana University Press, 2010), 48.
54. Adra, 'Tribal Mediation'.
55. Adra, 'Qabyala', 122–26.
56. For women's informal participation in community conflict resolution, see also Weir, *Tribal*, 46; and Gerhard Lichtenthäler, 'Customary Conflict Resolution in Times of Extreme Water Stress: A Case Study of a Document from the Northern Highlands of Yemen', *Why Yemen Matters: A Society in Transition*, ed. Helen Lackner (London: Saqi Books), 194. For an example of women's formal participation in tribal conflict resolution, see Andre Gingrich, 'Inside an Exhausted Community, in *The Ethnography of Moralities*, ed. Signe Howell (London: Routledge, 1997), 152–77.
57. Weir, *Tribal*, 42, original emphasis. See also Marchand, *Minaret Building*, 107.
58. Caton, 'Peaks'.
59. Shelagh Weir, *Qat in Yemen: Consumption and Social Change* (London: British Museum Press, 1985); Lambert, 'Le mafraḡ et le maqyal'; Daniel Martin Varisco, 'Qat and Traditional Healing in Yemen', in *Traditional Knowledge and Practice, and Their Value in Today's World*, ed. Ingrid Hehmeyer and Hanne Schöning (Leiden: Brill, 2012), 69–102; Daniel Martin Varisco, 'On the Meaning of Chewing: The Significance of Qat (*Catha edulis*) in the Yemen Arab Republic', *International Journal of Middle East Studies* 18 (1986): 1–13.
60. For a description of traditional rules governing theft in this region, see Eduard Glaser, *My Journey through Arhab and Hashid*, trans. David Warburton (Sanaa: American Institute for Yemeni Studies, 1993).

61. With the exception of public figures, personal names used in this article are fictitious.
62. Dresch, *Tribes*, 60–61, 258; Carl Rathjens, 'Taghut gegen Scheri'a', *Jahrbuch des Linden-Museums* 1 (1951): 172–87.
63. Anna A. Würth, 'Mobilizing Islam and Custom Against Statutory Reform: *Bayt al-ta'a* in Yemen', in *Le shaykh et le procureur: Systèmes coutumiers et pratiques juridiques au Yémen et en Égypte/The Shaykh and the Prosecutor: Customary Processes and Judicial Practices in Yemen and Egypt*, ed. Baudouin Dupret and François Burgat (Paris: Centre d'études et de documentation économiques, juridiques et sociales, 2005), 304. Compare with Stewart's finding in the Negev, 'In some areas, if the guardian is unwilling to help a woman against her husband, a notable may take her part'. Frank Henderson Stewart, 'The Contract with Surety in Bedouin Customary Law', *UCLA Journal of Islamic and Near Eastern Law* 2 (2003): 259.
64. Najwa Adra, 'The Impact of Male Outmigration on Women's Roles in Agriculture in the Yemen Arab Republic' (report prepared for Food and Agriculture Organization of the United Nations [FAO], Rome, 1983, revised January 2013), accessed October 30, 2015, <http://www.najwaadra.net/impact.pdf>.
65. Adra, 'Qabyala', 157.
66. [Würth, 'Mobilizing'](#), 289–308.
67. *Ibid.*, 289.
68. Adra, 'Impact', 20.
69. Richard Tutwiler and Sheila Carapico, *Yemeni Agriculture and Economic Change* (Sanaa: American Institute for Yemeni Studies, 1981).
70. Adra, 'Impact', 5, 34, 36, 54.
71. *Gender Gap Index*, World Economic Forum, 2014, accessed September 9, 2015, <http://reports.weforum.org/global-gender-gap-report-2014/part-1/the-global-gender-gap-index-results-in-2014/>.
72. See, for example, *Yemen: MENA Gender Profile: Status of Girls and Women in the Middle East and North Africa*, UNICEF (2011), accessed September 11, 2015, <http://www.unicef.org/gender/files/Yemen-Gender-Equality-Profile-2011.pdf>.
73. Michael Herzfeld, *Cultural Intimacy: Social Poetics in the Nation-state*, 2nd ed. (New York: Routledge, 2005); Michael Herzfeld, 'Intangible Delicacies: Production and Embarrassment in International Settings', *Ethnologies* 36 (2015): 41–57.

74. Adra, 'Impact', 13–14.
75. Sophia Pandya, *From Arab Spring to War in Yemen: Challenges to Women's Activism* (Washington, DC: Rethink Institute, 2015); Sultana Begum, 'Still Waiting for Change: Making the Political Transition Work for Women in Yemen', *Oxfam Briefing Note*, September 24, 2012, accessed March 25, 2016, <http://policy-practice.oxfam.org.uk/publications/still-waiting-for-change-making-the-political-transition-work-for-women-in-yemen-244731>; Nelson D. Gunter, *Measuring Women's Status in Yemen* (Vienna, VA: D3 Systems, 2012), accessed March 25, 2016, <http://www.d3systems.com/wp-content/uploads/2010/09/Measuring-Womens-Status-in-Yemen.pdf>.
76. Lila Abu Lughod, 'Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism', *American Anthropologist* 104 (2002): 783–90.
77. Adra, field notes, September 24, 2004.
78. 'World Factbook', Central Intelligence Agency, last updated March 9, 2016, accessed March 27, 2016, <https://www.cia.gov/library/publications/the-world-factbook/geos/ym.html>.
79. Adra, 'Literacy'.
80. Sheila Carapico, 'Women and Participation in Yemen', *Middle East Report* 173 (1991): 15.
81. Wameedh Shakir, Mia Marzouk and Saleem Haddad, 'Strong Voices: Yemeni Women's Political Participation from Protest to Transition', *Saferworld: Preventing Violent Conflict, Building Safer Lives* (London: Saferworld, 2012); Tom Finn, 'Yemen's Women Revolutionaries', *Dissent Magazine*, 2015, accessed October 30, 2015, <https://www.google.com/search?q=yemen%27s+women+revolutionaries&ie=utf-8-&oe=utf-8>.
82. Sheila Carapico, 'Yemen Between Revolution and Counter-terrorism', in *Why Yemen Matters: A Society in Transition*, ed. Helen Lackner (London: Saqi Books, 2014), 34.
83. *Ibid.*, 47.
84. For an example of a popular oral poet protesting the former president, see YouTube, accessed March 15, 2015, <https://youtu.be/gcC0k9-w1CUY>.
85. Adra, field notes, March 1983.
86. Caton, 'Peaks'.
87. Laurent Bonnefoy, 'Politics and Islamists in the Yemeni Revolution', in *Why Yemen Matters: A Society in Transition*, ed. Helen Lackner (London: Saqi Books, 2014), 92.

88. Moser, *Ordinary*, 18.
89. Daniel Varisco, 'The Future of Terrace Farming in North Yemen: A Development Dilemma', *Agriculture and Human Values* 8 (1991): 166–72.
90. Adra, 'Impact', 54, 57–60.
91. Sheila Carapico, 'Gender and Status Inequalities in Yemen: Honour, Economics, and Politics', in *Patriarchy and Economic Development: Women's Positions at the End of the Twentieth Century*, ed. Valentine M. Moghadam (Oxford: Clarendon Press, 1996), 80–98; Adra, field notes, October 10, 1983.
92. William J. Donaldson, 'Customary Law, Islamic Law and Yemeni Sharecropping', in *Studies on Arabia in Honour of Professor G. Rex Smith*, ed. J. F. Healey and Venetia Porter (Oxford: Oxford University Press, 2002), 47–65.
93. Holger Albrecht, 'The Security Sector in Yemen: No State, No Problem?', *Peacebrief #42*, United States Institute of Peace, 2013, accessed January 16, 2015, <http://www.usip.org/publications/the-security-sector-in-yemen>; Sayigh, *Crumbling States*.
94. Sayigh, *Crumbling States*, 21.
95. Najwa Adra, 'Learning through Heritage, Literacy through Poetry', *Adult Education and Development* 70 (2008), accessed March 25, 2016, <http://www.dvv-international.de/index.php?id=723&L=0>.
96. Peter Evans, 'Development as Institutional Change: The Pitfalls of Monocropping and the Potentials of Deliberation', *Studies in Comparative International Development* 38 (2004): 34.
97. Eickelman, 'Islam', 131.
98. Nas, 'Masterpieces', 142.
99. Carapico, 'Gender', 92.
100. Evans, 'Development', 31.
101. Robert W. Hefner, 'Multiple Modernities: Christianity, Islam, and Hinduism in a Globalizing Age', *Annual Review of Anthropology* 27 (1998): 83–104.
102. Scott, *Seeing*, 87–102.
103. Hefner, 'Multiple', 86.
104. Scott, *Seeing*; Herzfeld, 'Intangible', 99; Michael Freeman, 'Universal Rights and Particular Cultures', *Human Rights and Asian Values: Contesting National Identities and Cultural Representations in Asia*, ed. Michael Jacobsen and Ole Bruun (Richmond: Curzon, 2000), 49.

105. Sayigh, *Crumbling States*, 27.
106. Hefner, 'Multiple'; Eickelman, 'Islam'; Omid Safi, 'Modernism: Islamic Modernism', in *Encyclopedia of Religion*, 2nd ed. (Detroit: Macmillan Reference, 2005), 6095–6102.
107. Nabeela Mufti, interview with the author, Sanaa, Yemen, October 2004.

