

# SOME REMARKS ON BLOOD VENGEANCE (*THA'R*) IN CONTEMPORARY YEMEN

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*Amā al-tha'r fa-huwa sharr lā budd min-hu li-l-ḥafāz 'alā l-ḥayyāh.*  
“Blood revenge is an inevitable evil in order to stay alive.”

## Introduction

Blood revenge (*tha'r*) is a customary social activity of great violence, which nevertheless involves the careful following of culturally prescribed rules. Tribal customary law (*'urf*) considers blood revenge a legitimate – albeit rather rare – form of physical violence, which means that if killer kills victim, then it is in certain circumstances legal for a member of the victim's group to kill a member of the killer's group – and, in particular, the killer himself.<sup>1</sup> The rancorous deed of taking revenge is interconnected with strong feelings of justice and moral order. This short definition already indicates that the concept of blood revenge seems to combine a number of contradictions; an ambiguity that a shaykh of the Wā'ilah put in a nutshell by telling me: “Blood vengeance is an inevitable evil in order to stay alive.”<sup>2</sup> In the rhetorical figure of an oxymoron, he conveyed an ostensible self-contradiction – that is, homicide in order to protect life – to illustrate the paradox of blood vengeance.

I started to take an interest in the phenomenon of blood vengeance when I worked on my book on the Ṣa'dah wars (2004–2010) and the history of the Ḥūthī conflict, whose local roots go back to the mid-1930s (Brandt 2017a). In order to understand the matrix of this war, on the local and community level, I was not only interested in exploring the positions taken by certain individuals and groups, but also their very motivations for adopting those positions. My particular interest in family histories, phenomena of *longue durée*, and the eternal question of the “why” revealed that in most cases family and tribal patterns of alliance and enmity preceded and determined the political and sectarian array of the actors. A notable, albeit extreme example is the historical feud between the tribes al-ʿUṣaymāt and Sufyān that arose in the 19<sup>th</sup> century from a territorial conflict, which itself had roots in the struggle for influence and leadership between two prominent shaykhly lineages that goes back to the time of the first Ottoman

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<sup>1</sup> I would like to thank the participants of the workshop “Yemen's Living Heritage: Tribes and Tribalism into the 21<sup>st</sup> Century” (14–15 February 2018), in particular Andre Gingrich and Najwa Adra, for their comments on the manuscript draft of this article. Special thanks go to my Yemeni informants, who prefer to remain anonymous. The Austrian Nationalstiftung FTE and the Institute for Social Anthropology at the Austrian Academy of Sciences supported this research. This brief summary of the concept of blood revenge is based on the definition given in EI<sup>2</sup>, 2000, Vol. X, pp. 442–43.

<sup>2</sup> Due to the current inaccessibility of the research area, this chapter is based on a mixed-method approach, consisting of literature-based research and digital anthropological fieldwork (distance approach). For further details on digital fieldwork in wartime Yemen, see Brandt 2017b.

period (1538–1635). Down to the present day, this feud continues to force these tribes into diametrically opposed political and sectarian positions: whatever happens, Sufyān will always do the opposite of al-‘Uṣaymāt. Antagonisms of this kind are the tangled underwood of political history in Yemen.

The deep currents of enmity, retaliation and feuding usually remain elusive for the external observer. Rarely will they suddenly become as evident as in the assassination of Yemen’s former president ‘Alī ‘Abdullah Ṣāliḥ in December 2017 by the Ḥūthīs, after which Ṣāliḥ’s son Aḥmad declared, “We will take revenge on the enemies of the homeland and of humanity, and we will see their punishment” (Almasdar Online 2017). Ṣāliḥ’s death itself and the media display of his body were considered the revenge for Ḥusayn al-Ḥūthī’s killing and the media display of his corpse during the first Ṣa‘dah war in 2004. In fact, the close-up images of the slain Ḥusayn al-Ḥūthī and ‘Alī ‘Abdullah Ṣāliḥ that were circulating in the media, both men killed by a gunshot point blank to the head, displayed a certain degree of similarity: parity had been restored, in more than one sense.

Customary practices of blood revenge can be observed in many societies all over the world. To this day, traces of this pattern of thinking and behavior can be found in the most surprising places. We recall when, in May 2011, former US president Obama announced that Osama bin Laden had been killed in Abbottabad, Pakistan, he issued a declaration that “Justice has been done.” The next morning the *New York Post* headline read “Osama bin Laden Dead: Got Him, Vengeance at Last! The U.S. Nails the Bastard” (Hénaff 2011; Dumouchel 2012). More recently, we read in the news that, in a bizarre attempt at atonement, the Saudi government offered blood money (*diyyah*) as a financial compensation to the family of journalist Jamal Khashoggi, who was killed in October 2018 in a Saudi consulate (Middle East Eye 2018). Despite the diversity of these cases and their contexts, it becomes clear that blood vengeance is still, albeit difficult to frame theoretically, an existing legal and cultural phenomenon.

This chapter aims at gaining a deeper understanding of the phenomenon of blood vengeance in the tribal societies of contemporary Yemen, with a particular focus on tribal highland Yemen north of Ṣan‘ā’. It discusses the legal basis of blood revenge in tribal customary law, and explores the reasons for the changes that the practice of blood revenge has undergone in recent decades. By looking more closely into the topic, it becomes clear that talking about blood revenge is not that simple, and that an ethnographically informed analysis of the phenomenon has to take into account the wider ethnographic context and the theoretical framework that evolved around it. Although the definition of blood revenge given at the beginning of this chapter may sound quite clear, the Yemen example underscores the observation that in reality things are less tidy than in theory. The process of “dilapidation” and “degeneration” of the practice of blood vengeance recently observed in Yemen illustrates the problem that blood vengeance remains a polymorphous phenomenon whose ambiguity continues to obstruct the generation of a viable theoretical framework. By considering the Yemen example, this chapter argues that the impact of socio-political change and massive politicization of conflict render the scientific consideration of the phenomenon of blood revenge more difficult than ever.

## A Disputed Concept

The reception of the concept of blood vengeance has experienced a changeable destiny that bears similarities to the reception of the concept of “tribe.” Both concepts received much attention in the early 20<sup>th</sup> century, in the context of massive cultural contact through colonialism. Both concepts were then questioned and even avoided for decades, but have experienced a kind of renaissance in recent years. Today anthropology, history, criminology, theology and other disciplines are active in the study

of modern and medieval blood revenge. The topic has created a huge literature, but this amount of work has not yet brought about an accepted definition. Because of the difficulties in definition, and its inherent polymorphism, blood revenge, like tribe, remains a controversial concept.

Further ambiguity is added by the fact that in anthropology, the discussion of blood revenge and feuding is closely tied to segmentary theory. Segmentary theory was introduced in the beginning of the 20<sup>th</sup> century by Émile Durkheim (1893). In the anthropology of the Middle East, segmentary theory is associated with the works of Edward Evans-Pritchard (1940) and Ernest Gellner (1981). According to segmentary theory, a segmented society is not governed by central political institutions, but is subdivided into mutually equivalent solidary groups (that is, lineages or segments or clans) that are organized in the form of a nested hierarchy. The broad idea of segmentary theory is, or was, that in the absence of effective leaders, order and the balance of power are maintained by collective action: equivalent groups at different levels of the system mobilize in response to threats, then dissolve when they abate. In considering the phenomenon of blood revenge, segmentary theory has been used to conceptualize the composition of vengeance groups and groups that raise the blood money (*diyyah*, the material compensation paid by the killer or his group to the kin group of the victim in order to avoid revenge killing). In practice, however, things prove to be less tidy than suggested by segmentary theory, and on most occasions segmentary theory fails to fully explain the complex mobilization patterns that take place in the vengeance process. The variables not considered by segmentary theory include, for example, the fact that mobilization due to common descent does not necessarily take place along purely “segmentary” patterns, as Emrys Peters (1967) has observed among the Bedouins of Cyrenaica and John G. Hartley (1961, 184–87) among the Naḥd tribe of Ḥaḍramawt. Shelagh Weir (2007, 191) argues that in the tribal society of Rāziḥ, collective segmentary mobilization is counteracted by the tribal imperatives of conflict diffusion and mediation. Steven Caton (1987; 1990; and his chapter in this book) observed that in Khawlān al-Ṭiyāl and elsewhere in tribal Yemen, a powerful driver of collective mobilization in times of conflict is persuasion through language and poetry, rather than segmentarism. What we all find, wherever we work, is that tribes and descent communities cannot always be reduced to mere solidary groups. On the other hand, on a structural level, the perceived common ancestry of tribal societies indeed corresponds to the common visual representation of tribes as nested hierarchies or “segmentary groups,” hence the concept of segmentation remains a useful tool for illustrating the tree-like structures and genealogies of tribes that divide and subdivide in the manner of the branches of a tree, though there is no central and pre-eminent trunk, all branches being equal. Paul Dresch (1986, 309) therefore suggested that although segmentary theory (which deals with sequences of events) should be applied with due caution, the simpler structural idea of segmentation (which deals with formal relations) that underlies it retains an explanatory value.

Another reason that complicates the scientific consideration of blood vengeance and blood feud is that the subject at first glance seems to confirm negative prejudices against tribes and tribalism and their perceived “cruelty” and “violence.” Negative views are widespread among non-specialist foreign observers and have a long tradition even in Yemen, especially in urban areas and in less tribal Lower and Southern Yemen, whose populations in history have repeatedly been raided by northern tribes.<sup>3</sup>

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<sup>3</sup> On these raids of the northern tribes, in particular the tribes of al-Jawf, on Ṣan'ā' and Lower Yemen, see, for example, al-Amri 1985; Dresch 2006, 67–69.

The imams of Yemen, whose power ultimately depended on the tribes' support, condemned tribal customary law as *ṭāghūt* (roughly: "idolatrous practice") and tried to replace it with Islamic law (Rossi 1948; Rathjens 1951). After the revolution of 1962, intellectual authorities such as Aḥmad Muḥammad Nu'mān (1965, 33) and others continued to communicate prevailing apprehensions and fears. Today, in times of foreign intervention and civil war, Yemen's northern tribes have again suffered a loss of image and are blamed for the violence and atrocities that are inflicted on Yemen's population on behalf of the Hūthīs, even though tribesmen in 2011 played a central role in the support and protection of Yemen's "Change Revolution" (Adra 2016).

### Blood Vengeance

In Yemen, as in many tribal societies of North Africa and the Middle East, blood vengeance is an honor-bound concept. Jamous (1992) describes honor (*sharaf*) as a cultural entity that governs the life and the beliefs of individuals within these societies: Honor defines the encompassing ideology of a society and is embedded in its social structure, whose coherence as a whole it renders comprehensible. In tribal Yemen, the honor of an individual is simultaneously part of the tribal section's or tribe's collective honor, and vengeance is a response to the perceived violation of individual or collective honor.<sup>4</sup> Individual and collective honor can be infringed by disgraceful action or talk (subsumed by the term *'ayb*), and the infringement of honor requires amends. For this reason, not only physical harm must be repaired, but every harm affecting individual or collective honor, either by financial or physical compensation.

The "negative balanced reciprocity" inherent in the concept of blood revenge, particularly of blood feud (see below), is a salient feature of many societies characterized by weak or absent state power and competing factions or kin groups for which individuals feel their principal social belonging and obligation; honor is typically a moral value of paramount importance. Marshall Sahlins (1965), drawing on Marcel Mauss (1990, orig. 1925), argued that negative reciprocity entails an exchange of harmful actions between two distinct parties. A particular person harms a member of another family; the harmful act might be theft, the destruction of property, or a physical assault, all having the effect of lowering the social prestige or honor of the victim since he and his family are made to appear as weak and defenseless. In retaliation, members of the bereaved family harm the perpetrator or a member of his family, thereby demonstrating strength and determination to defend the family (or group) and its honor. This "exchange of harms" has a tendency to escalate: harm turns into vengeance, vengeance turns into feud, and feud can wipe out an entire family or group. Examples of such social settings in European history are Corsica (Wilson 1988), Friuli (Muir 1993), and Calabria (Brögger 1971).

In Yemen, the process of blood vengeance is governed in detail by the rules of tribal customary law (*'urf*), hence it would be wrong to equate blood vengeance with lawlessness or social disorder. Blood revenge is more a process than an isolated event, and the rules of the process differ from tribe to tribe. A comparison of more recent Yemeni studies on tribal customary law written by Faḍl Abū Ghānim (1985), Rashād al-'Alīmī (1988) and Muḥammad b. 'Alī Ṣayyād (2014) shows that there are differences between the tribal societies of Yemen regarding their customary legislation: Sufyān has other rules and procedures than Arḥab; Khawlān al-Ṭiyāl has others than Murhibah. Hence, also contemporary local

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<sup>4</sup> On the concept of honor in tribal Yemen, see Dresch 1989, 38–74; Weir 2007, 49–51; Adra 1982, 142–144.

customary law documented in different areas and among different tribes by Dresch (1989 and 2006) and Weir (2007), has its peculiarities in terminology and procedures. Furthermore, the consideration of the history and roots of Yemeni customary law, as undertaken by Dresch (see his chapter in this volume), opens up a universe of complexity and detail. In any case, and to sum it up, the process of managing and implementing vengeance involves complex rules and rituals and the involvement of many persons in different functions: mediators, arbitrators, guarantors, solidary groups, and vengeance groups.

In Yemen, blood vengeance becomes the means of choice to restore individual or collective honor only in connection with certain cases of homicide. Yemeni customary law distinguishes between accidental and deliberate homicide.<sup>5</sup> In order to set the penalties related to homicide, customary law classifies killings into a number of categories – three, in most but not all cases – that depend on the types of *'ayb* (disgrace) exhibited by these homicides. The different types of *'ayb* are assigned colors (white, red, black, sometimes yellow) that determine the gravity of the infringement: white *'ayb* designates the least severe form, black *'ayb* the morally most reprehensible kind of homicide.<sup>6</sup> The colors of *'ayb* are also applied to other misconducts like theft, looting, or even lying and false testimony. I am well aware that this is a much-generalized depiction of the intricate and locally diverse classifications and rules of Yemeni customary law in regard to homicide. As mentioned above, Yemeni tribes differ in their legalistic conceptions, interpretations and practices.

Accidental killing (*qatl khaṭa'*) is usually considered “white disgrace” (*'ayb abyad*). White *'ayb* can be unintentional homicide such as a traffic accident, but also homicide during a war, that is, in a situation where those involved know that it will be necessary to kill people. White *'ayb* usually results in the amount of a single unit of blood money (*diyah*) that the culprit has to pay to the family of the victim to avert his killing in revenge. Although the amount of the *diyah* differs from tribe to tribe, it always takes, in the words of Weir (2007, 162), the form of “a massive sum” and “weighty deterrent.”<sup>7</sup> In 2018, one unit of *diyah* in al-Jawf amounted to approximately 6 million Yemeni Riyals.<sup>8</sup> In addition, fines must be paid to the leaders of the tribe in which the homicide took place. These payments can take different material forms: money, food, animals, sometimes rifles. In many cases of white *'ayb* – a tragic, unintentional accident, for example – tribal customs encourage a further reduction or even revocation of the penalty. The reduction of the punishment aims at maintaining the (good) relations between the families of the victim and the offender. If it comes to the payment of blood money, it is usually paid in several installments, also with the aim of maintaining contact and communication between the families involved.

<sup>5</sup> The following elaboration is mainly based on the above-mentioned Yemeni studies by Abū Ghānim (1985, 251–298), al-'Alīmī (1988, 69–74) and Ṣayyād (2014). Other highly recommended sources on Yemeni contemporary customary law are Dresch (1989 and 2006) and Weir (2007). In addition to accidental and willful killing, al-'Alīmī (1988, 70) refers to the third category of “hidden killing” (*qatl majhūl*), that is, if a corpse is found but no culprit can be identified. In this case, the responsibility for enacting the material compensation for the victim's family lies with the tribe on whose territory the body was found. The categories *qatl khaṭa'* and *qatl 'amd* roughly correspond to the categories of negligent homicide and murder that are adopted by many other legal systems all over the world.

<sup>6</sup> On the notions of “black” and “white” in the moral system of Yemen's tribal societies, see also Dresch 1987.

<sup>7</sup> The concept of financial compensation through *diyah* is not only part of customary law, but also – in principle – part of Islamic jurisprudence also practiced in Yemen. We will briefly return to this matter further below.

<sup>8</sup> According to a source from al-Jawf. In 2018, six million YR approximately equated to 24,000 USD.



The second category of homicide falls within the scope of “red disgrace” (*‘ayb aḥmar*). Red *‘ayb* includes, for example, the victim of an accidental killing being a child or a woman, whose life often – but not always – is valued at four times as much as a man’s life, or homicide that occurs in the course of a mediation or arbitration process during which, according to customary law, the parties to the conflict are obliged to refrain from vengeance. The penalty for red *‘ayb* is the payment of fourfold blood money, that is, the culprit is obliged to pay four *diyāh* to the family of the victim in order to settle the blood debt and prevent a killing in revenge.<sup>9</sup>

The third type of homicide is willful or deliberate killing (*qatl ‘amd*). Willful killing divides into two subcategories: First, manslaughter or heat-of-passion killing, when a defendant is provoked to commit a homicide or when a provocation induced rage, anger, or fright. Second, murder (*qatl nakīr*), considered the most reprehensible type of homicide, especially if it features aspects of treachery (*khiyānah*) and betrayal (*ghadr*). Willful killing falls into the category of “black disgrace” (*‘ayb aswad*). Each aspect of black *‘ayb* in a crime requires the payment of eleven-fold *diyāh* by the slayer or his kin to the slain’s group in order to avert the slayer’s killing in revenge. If a crime displays multiple features of black *‘ayb*, the penalty will increase accordingly. Particularly disgraceful crimes can result in penalties of multiple eleven-fold *diyāh* that have an enormously deterring effect. Moreover, the higher the *diyāh*, the less likely the peaceful solution of the case through material compensation becomes, and compensation in kind – *tha’r* – is imminent. The rule of eleven-fold multiplication of the *diyāh* according to the aspects of black *‘ayb* displayed by a “black” crime is called *ḥukm al-muḥaddash*.<sup>10</sup>

Particularly disgraceful aspects that fall into the category of black *‘ayb* are, for example, the willful murder of a person who belongs to a group that enjoys special protection, as the imperatives of protection occupy a central place in tribal law in Yemen (Dresch 2015, 60–65 and his chapter in this volume). A breach of the duty of protection can be the killing of a guest (*qatl al-ḍayf*), a protégé (*qatl ḥalīf*, that is a person who enjoys the protection of a tribe but does not belong to it by blood), a fellow traveler (*qatl al-sayr*), or a *sayyid* with *hijrah* protection.<sup>11</sup> Black *‘ayb* is also the killing of a mediator, arbitrator or guarantor during a truce or during the process of customary mediation or arbitration. Also, killings that take place in special protected places are considered as black *‘ayb*, for example on public streets, in markets, *hijrahs* or in places where customary law is dispensed – places that are, according to customary law, neutral zones (*manāṭiq muḥāyyidah*) whose inviolability is in the public interest.<sup>12</sup> Black *‘ayb* are also particularly infamous crimes, such as rape with murder, murder with burning or hiding of the victim for reasons of concealment, looting with murder, armed robbery with murder, etc.

During the fieldwork for my book on Yemen’s Ṣa’dah wars, I was told about a case of blood revenge in ‘Amrān that happened in the 1980s. An unarmed 14-year-old, who happened to be the son of a shaykh,

<sup>9</sup> In this regard, there are differences between the tribes’ customary laws. Dresch (2006, 90) confirmed the payment of fourfold *diyāh* for a woman in central and eastern highland Yemen, whereas Weir (2007, 162) observed that in Rāziḥ a woman’s *diyāh* was up to half of that of men.

<sup>10</sup> According to local sources, the original expression is probably *ḥukm al-aḥad ‘ashr* (lit. “the rule of the eleven”) which would have evolved into *ḥukm al-muḥada’sh* or *ḥukm al-muḥaddash*.

<sup>11</sup> The *sāda* (sg. *sayyid*) are descendants of the Prophet Muḥammad through his daughter Fāṭimah. By virtue of their “noble” descent, they form a distinctive social stratum. A *hijrah* (pl. *hujar*) is a place or a person under special tribal protection.

<sup>12</sup> By virtue of its *hijrah* status, in past times Ṣan‘ā’ was called *makhzan al-ru’ūs* (head store) – a metaphor for its status as a sanctuary for those threatened by blood revenge, see ‘Umar 2004, 186–87 and Serjeant 1983, 39–43.

was killed on the public highway after he had taken his murderer along in his car.<sup>13</sup> In their wrath, the shaykhs of the slain victim's tribe resorted to a hardline interpretation of tribal law and calculated the penalty for this crime 59-fold: 4 *diyah* for killing an adolescent, 11 *diyah* because of killing him without cause, 11 *diyah* for killing him on a public road, 11 *diyah* for killing a travel companion, 11 *diyah* for the killer's initial denial of guilt, 11 *diyah* for the concealment of the crime and the long-time exposure of the victim's corpse to decay in the sun. The penalty for the murder amounted to 372 million Yemeni Riyal (at today's values) to be paid by the slayer or his kin to the kin of the slain in order to prevent his murder in revenge. Since the crime was particularly disgraceful, and because the blood money has not been paid, the victim's people had little option but to seek vengeance in kind, and the slayer was shot dead by relatives of the victim. In another case that happened in 2013 in Ḥaḍramawt, the killing of a prominent shaykh at a security checkpoint resulted in a *diyah* debt of 1 billion Yemeni Riyal plus 20 cars plus 202 rifles.<sup>14</sup>

Although responsibility for homicide and the duty of exacting vengeance fall directly on the close agnatic kin of the slayer and the slain, the communities to which the two parties belong are, in one way or another, involved in the process that ensues. The vengeance group (*awliyā' al-dam*, lit. "custodians of the blood") will almost always include the closest adult male agnates of the slayer and the slain. The vengeance group also functions as a blood-money group, and has explicit rules regulating such matters as the distribution of the received blood money among its members and the circumstances under which members are to contribute to blood-money payments. Beyond this, and as we have seen in the discussion of segmentary theory, there is a great deal of variability as to who else belongs to the vengeance group: the killer's family, the tribal segment, or the whole tribe? Dresch (1989, 84) observed different categories: If a man kills an outsider inadvertently, the blood money would be raised by his section. If he kills in defending his honor, then the whole tribe should contribute. If he kills deliberately and/or treacherously, he should be left to pay by himself with whatever help he can muster from his kin and neighbors. The same indeterminacy extends to the question of who is obliged to kill in revenge and who is liable to be killed. The kinsmen of a slain man will try to kill the slayer, but they have a right to kill any of his close agnates. In other words, the mobilization patterns of blood revenge do not actually work out in a purely "segmentary" way. This ambiguity in regard to the composition of vengeance groups has been observed in many tribal societies in and beyond South Arabia.

Blood debt is not time-barred. Many years can pass between a homicide and its vengeance. In the 'Amrān case referred to above, the boy's kinsmen were able to hunt down and kill the slayer, who had influential protectors, only ten years after the murder. The long breath and longevity of blood vengeance is expressed in the proverbial saying "Revenge is a drop of blood that does not rot nor decay" (*al-tha'r nuqtat dam lā tata'affan wa lā tasūs*).

<sup>13</sup> This case was narrated to me by one of the involved shaykhs. The murder of the boy was the beginning of an epic blood feud between two shaykhly families, which claimed dozens of deaths and is still unresolved.

<sup>14</sup> At that time 1 billion Yemeni Riyāl amounted to approximately 5 million USD, see al-Aḥmadī 2014.

## Blood Feud

If we accept blood vengeance as a mechanism for the customary restriction of violence, we must face the fact that it can also be a factor that contributes to the continuation of violence. In certain cases a revenge killing does not lead to the restoration of balance (*mīzān*) between the groups involved, but causes further violence. This can happen, for example, if the offender's group considers itself unjustly charged or does not agree with the level of the penalty. The implementation of the vengeance process, too, can lead to further conflict, because in order to restore its honor, the dishonored group sometimes exaggerates it, and thus, with its vengeance, it does not repair but in fact further destroys the possibility of a balanced degree of violence. In such a case, the kinsmen of the (slain) slayer might not recognize parity but insist on renewed retaliation on the original victim's kin to wipe out the perceived violation of their honor. Through this process of "negative reciprocity" (Sahlins), blood revenge can develop into a cycle of retaliatory violence and permanent hostility that leads to a succession of murders, called a blood feud.

In the course of a blood feud, larger groups are at risk of being ensnared in the chain reactions of reciprocal violence. By wreaking vengeance indiscriminately on any member of the rival group, a blood feud is difficult to channel into litigation; a dispute between two families may be checked at any stage but it becomes increasingly difficult to do so as the involved groups expand. These intra- and inter-tribal feuds can span generations.<sup>15</sup> A study on tribal feuding in the governorates of al-Jawf, Ma'rib, and Shabwah found that of the 164 deadly conflicts involving the tribes in these governorates, only 35 were reported by the shaykhs to have started between 2001 and 2005, while 22 had started between 1996 and 2000, 14 between 1991 and 1995, 26 between 1986 and 1990, and 67 in 1985 and earlier. One conflict was stated by the shaykhs to have remained unresolved for 92 years (NDI 2007, 10–12).<sup>16</sup> In addition, there are countless "ancient" enmities between tribes that periodically flare up and claim scores of victims in their course. Some of these feuds are of indeterminate age and were precipitated by rivalries or conflicts over land or resources, with each tribe claiming ownership. In the course of these feuds, the original causes of the dispute fade into the background and are overshadowed by the immediate impact of reciprocal revenge killings. Examples are the feuds between Sufyān and al-'Uṣaymāt, al-'Uṣaymāt and 'Udhar, Sufyān and Arḥab, Dhū Ḥusayn and Dhū Muḥammad, Wā'ilah and Dahm, Hamdān al-Jawf and Shawlān, Khawlān und Qayfah, Āl Ḥajayzah and Āl 'Umayrān in Ma'rib, etc. However, albeit these eruptions of violence are always marked by martial rhetoric, large groups are seldom mobilized over a long period of time. As Caton (1987, 1990 and his chapter in this book) notably observed, despite their often alarming appearance and the eruptions of violence they cause, tribal values strongly condemn the heedless use of violence and warn against pushing violence too far, instead opting for solving problems through communication and persuasion.

Despite the considerable longevity of these feuds, the Ḥaḍramawt example shows that there are examples for successful mediation between the feuding groups. In 19<sup>th</sup> century Ḥaḍramawt, the struggles

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<sup>15</sup> Gellner (1981, 97) recalled an anthropologist doing fieldwork in Ḥaḍramawt, observing negotiations for the settlement of a feud, and hearing to his astonishment that one of the deaths had been caused by an arrow – a weapon not in use in the region for a very long time: the accountancies of reciprocal killing stretched back right into an age of long-past military technology.

<sup>16</sup> In his *Esquisse* (1972), Bourdieu presented similar material on these "chronic" conflicts.



for power that preceded the establishment of the Qu'ayṭī and Kathīrī states had created intertribal fighting that continued well into the 20<sup>th</sup> century. Tribal fighting led to blood debts and feuds, in which any males of the tribe guilty of a killing were liable to being killed at the age of 15. The insecurity produced by feuding paralyzed the country and obstructed agriculture and other forms of productive activity; many Ḥaḍramis emigrated either to escape the fighting or to make money to help their tribe finance its participation in the fighting (Boxberger 2002, 40). In his study on the settlement of this feud, 'Abd al-'Azīz al-Qu'ayṭī (2009) describes how by the mid-1930s, Britain's geopolitical interest in bringing stability to the region coincided with the urgent desire of leading Ḥaḍramis to establish peace and security in their turbulent homeland. After a long and arduous mediation process, the rulers of the Qu'ayṭī and Kathīrī statelets, supported by the British official Harold Ingrams, succeeded in negotiating a truce, signed by some 1400 tribal leaders.<sup>17</sup> Hartley (1961, 192) argues that this initiative succeeded in ending hostilities because the tribesmen wanted peace and because the British authorities, together with the Qu'ayṭī and Kathīrī rulers, had the power to effect settlement by force if necessary. Examples like the "Ingrams Peace" disprove the thesis of Black-Michaud (1975), who holds that a blood feud is by definition "interminable."

Blood debt is one of the few factors that can bring about a consensual shift of boundaries between hostile tribes or segments (Dresch 1982, 98); borders that are otherwise often stable over hundreds of years. Since in Yemen, the protected space on which honor depends is often identified with territory, infringements of honor and the blood debt resulting from them can be compensated for by land transactions. An example from the history of Yemen is the feud between Sufyān and Dhū Muḥammad. In the tenth century CE, Sufyān had a strong presence in northern al-Jawf. In a battle between both tribes, Sufyān killed 112 Dhū Ḥusayn, whereas Dhū Ḥusayn killed 70 Sufyān. Hence the death of 42 victims had to be avenged by Dhū Ḥusayn on Sufyān. In consequence, Sufyān withdrew from northern al-Jawf, and Dhū Ḥusayn took the Sufyān territory in al-Jawf as material compensation for the unavenged death of 42 of their members (Brandt 2016, 135).

A similar case from present-day Yemen is the feud between Āl Talīd and Āl Thābit, both of them segments of the Jumā'ah tribe in western Ṣa'dah province. In 1934, the Treaty of Ṭā'if that defined the border between Yemen and Saudi Arabia placed Āl Talīd on the Saudi side of the boundary but failed to demarcate this section of the border on the ground due to tribal conflict. Over the decades, the feud between Āl Talīd and Āl Thābit sparked chain reactions of reciprocal violence claiming dozens of lives. In 2005, shaykhs of the neighboring tribes successfully managed to arbitrate in this conflict. The customary settlement provided for the cession of territory from Āl Talīd to Āl Thābit, in order to settle the blood debt and thereby restore the balance between the tribes. The shift of the tribal border between Āl Talīd and Āl Thābit, an intertribal border that constitutes a part of the (ceasefire line and) state border between Yemen and Saudi Arabia, has brought about an adjustment of the course of the international border recognized by both governments (Brandt 2017a, 79, 85–86; al-Fayfī 2009).

Basically, however, blood vengeance and blood feud are worst-case scenarios that seem to occur far more frequently in arid and steppe areas of Yemen. Among the sedentary tribes of highland Yemen with their well-defined borders and strong agricultural background, blood revenge, feuding, and armed raids are rather rare. Tribal law and custom, while ready in the proper circumstances to countenance and

<sup>17</sup> On the settlement of these feuds, see also Harold Ingram's account (1942, 258–311).

regulate blood revenge, do not encourage it, and instead offer a variety of institutions and procedures whose effect is to produce peaceful settlements. Beyond this, Islamic jurisprudence also strongly discourages blood feuds: The Prophet Muḥammad wishes his followers to live in friendship (Surah 8, 72). Hell awaits those who try to complicate things again (Surah 2, 178–179). Honor does not justify any exaggeration. Only the deliberate killer should be killed; the tribal custom of exacting vengeance on any member of the slayer's agnates is in contradiction with Islamic law. Since its foundation, Islam has sought to contain and limit the scope of blood revenge and tried to promote communal cohabitation. The concept of blood money recommended by the Quran aims to terminate the potential spiral of violence at an early stage. Islamic law recommends *diyyah* solutions through financial compensation to the victim or the heirs of a victim in the cases of murder, bodily harm or property damage and strongly discourages equal retaliation (*qiṣāṣ*) through revenge.<sup>18</sup> Scholars upholding Islamic law condemn the customary practices of killing a member of the kin group of the killer, reciprocal killings and multiple revenge (such as *ḥukm al-muḥaddash*) as *ṭāghūt* (Rathjens 1951; Dresch 2006, 90).

### Exploiting Violence

The Weberian understanding of statehood suggests that the customary practice of blood vengeance declines as the state consolidates its monopoly on force. According to this understanding, there is a straight path from blood vengeance to policing, that is from clan or tribe societies to societies whose public force is executed by a specialized body of law enforcement (Weber 1922, 561). Weber sees blood vengeance as a tool of political violence that has been successively eliminated by the monopoly of violence of the modern state and its most visible organ of representation, the police. The Weberian understanding of statehood regards blood revenge as a form of violence regulation that loses importance in societies where an effective apparatus of law and law enforcement is able to wield control; societies that Girard (1972, 38) called *sociétés policiées*.

Against this background, it is an interesting fact, and one worth noting, that national statistics from the period between the 1994 civil war and the 2011 “Change Revolution” observed two trends in Yemen: first, an increase in blood revenge cases in Yemen, and second, the growing non-compliance of these revenge cases with the rules of tribal customary law.<sup>19</sup> According to these studies, the observed “degeneration” (*tafassukh*) of the process of blood revenge manifested itself in the fact that revenge killings increasingly began to take place in public places such as markets, towns, and public roads, whose inviolability is anchored in tribal customary law, and that the violence of retaliation was no longer exclusively directed against the slayer and his agnates, but also against women and children. As a result, in some areas, the balance (*tawāzīn*) and stability (*istiqrār*) of the tribal societies of Yemen have been undermined and public life paralyzed, similarly to what happened in Ḥaḍramawt in the late 19<sup>th</sup>/early 20<sup>th</sup> century. State-sponsored studies mainly blame this development on the “predominance of tribalism” (*haymanat al-niẓām al-qabalī*) and “negative traditions of tribal customary law” (*al-taqālīd*

<sup>18</sup> Tyan 1963, 350–352; Schacht 1993, 185.

<sup>19</sup> See the collective volume *Zāhirat al-tha'r fī al-Yaman* edited by Naṣr Ṭaha Muṣṭafā (2004) and sponsored by the Ṣālīḥ government. According to IRIN (2010), revenge killings in the three governorates al-Jawf, Ma'rib, and Shabwah claimed the lives of 4,698 people between 1998 and 2008.

*al-silbiyyah li-l-'urf*).<sup>20</sup> These statistics should be considered with caution, because they cover only a few governorates and because there are no figures on the years preceding unity in 1990, a phase in Yemeni history that was also marked by tribal unrest.<sup>21</sup> The evidence should nevertheless make it possible to deduce at least two reliable aspects, namely that in some places in rural highland Yemen, cases of blood vengeance seem to be increasing at the expense of *diyah* solutions, and that the process of blood revenge increasingly disregards the rules of tribal customary law.

Tribal customary law encourages peaceful settlements and discourages revenge solutions. Hence, the causal link between “negative traditions of tribal customary law” and the “degeneration of blood revenge” established by the studies referred to above is not fully convincing; it rather reiterates the aforementioned negative prejudices of urban elites against tribes and tribalism and their perceived “cruelty” and “violence.” Rather, the answer to this question should be sought in the recent political history of Yemen. Considering the recent past, and, above all, the relationship between the tribes and the republican state, reveals that the rising number of blood revenge cases and the growing disregard of customary rules governing the process of taking revenge can be interpreted as a consequence of incomplete state formation. The policy of patronage in particular, favored by the republican government at the expense of state and institution building, contributed to the weakening of the implementation of tribal customary law.

In its effort to build a modern state, over the years, the government under ‘Alī ‘Abdullah Ṣāliḥ, who ruled Yemen from 1978 (1990) to 2012, received enormous amounts of foreign budgetary and advisory support. Yet the government’s efforts in state and institution building and provision of administrative and legal services were focused on the capital, the surrounding areas (*tawq Ṣan ‘ā’*) and a few other revenue-generating and easy-to-govern urban centers such as Ta‘iz and its surroundings in Lower Yemen, Aden and the port city of al-Ḥudaydah. Beyond these areas, the republican government relied on the policy of patronage of the tribal leaders. Patronage of the shaykhs by the rulers – whether Zaydī imams or the Ottomans – has a long tradition in Yemen and was continued largely uninterrupted by the republic, with the difference that after 1962 the tribal leaders attained far more political power and participation than during the Zaydī imamate, where leadership positions in the government and administration were almost invariably ascribed to the social stratum of the *sādah*. After the unification of North and South Yemen in 1990, Yemen evolved into a multi-party system with an elected parliament and president, and an independent judiciary only on paper. Power and wealth continued to be produced and transmitted through the highly informal, yet deeply patterned web of tribally and regionally based patronage relationships.<sup>22</sup>

Patronizing the tribal leaders took place at the expense of real state and institution building and had far-reaching consequences in the rural areas of highland Yemen. At this point, we have to understand that the empowerment of tribal leaders in national politics should not be equated with the empowerment of tribalism and the tribes. This apparent contradiction is due, on the one hand, to the concerns of the republican government that the enlarged role given to the shaykhs after 1962 would jeopardize the supremacy and (precarious) power monopoly of the state. For this reason, the government worked

<sup>20</sup> This tendency is particularly noticeable in the contributions of the collective volume edited by Muṣṭafā (2004).

<sup>21</sup> On these conflicts that shook large parts of highland Yemen in the 1980s, see ‘Abd al-Ṣalām 1988, 91; Dresch 1995, 45–46 and 2000, 180.

<sup>22</sup> On the system of patronage in Yemen, see Phillips 2008; Longley Alley 2010.

on the weakening of the tribes' strength and the destruction of their unity. Rather, the informal ruling system used by the Ṣāliḥ regime aimed at fomenting conflict and disorder among the tribes, thereby breaking up larger concentrations of tribal power, and preventing tribal communities from linking up and possibly turning against the government.<sup>23</sup> In the Weberian tradition, the modern state is seen as an entity that claims the monopoly of the legitimate use of physical force and control of violence within a given territory. In Yemen, the republican government might have held the tools for controlling violence in its hands, but it was not in its interest to employ them. The excessive feuding, which has bedeviled the strong tribes of al-Jawf for decades, is a consequence of the state's policy of *divide et impera*.

On the other hand, patronage, however much yearned for by individual shaykhs, was a double-edged sword: rather than "nurturing" the tribal system, patronage was meant to drive a wedge between the patronized shaykhs and their tribal home constituencies. For the shaykhs, the elevation and insulation from their tribal communities and their daily affairs was a mixed blessing, as the influx of wealth and the orientation towards the capital weakened their influence among their tribes and undermined their ability to mediate and arbitrate in tribal disputes. By no means did this affect all shaykhs, as many of them remained esteemed leaders closely connected to their tribal home bases, who continued to perform diligently the central tasks of their tribal office: representation and conflict resolution. However, the orientation of many minor and major shaykhs towards national politics and their dissociation from their tribal home bases weakened the tribes' ability to resolve their conflicts according to tribal customary law. We have seen that the process of tribal mediation and arbitration – avoiding and managing blood revenge, in particular – involves a profound knowledge of complex rules and procedures and the diligent and incessant commitment of many persons in different functions, such as mediators, arbitrators, guarantors, solidary groups, and vengeance groups. In the process of tribal conflict resolution, the shaykhs take over a central role as representatives, guarantors, mediators, arbiters, and judges of appeal. The alienation between shaykh and tribe, along with concurrent processes of urbanization, migration, and social change, weakened the customary system of conflict management without offering viable alternatives, because the judicial system of the state remained dysfunctional (al-Zwaini 2012). From the point of view of the state, this, too, was a welcome effect because tribes without strong leaders were weak and fragmented and did not pose much of a threat.

As a result, people began to enforce a kind of "self-help" or freelance revenge that disregarded tribal rules, practices and traditions, and that transformed blood vengeance from an "accepted marginal case" into a "common pathology" ('Umar 2004, 175). In this way, the process of vengeance ran the risk of degenerating into a random process, ungoverned by the tribal rules, procedures, and morals that have always been associated with it. Many contributions in the Yemeni media describe the dire consequences when customary methods of containment and resolution are flouted: cases of disproportionate force, random killings, the targeting of women and children, lootings and destruction (al-'Asālī 2009; Ghazwān 2010; al-Dawsari 2012). In some areas, the void in tribal conflict resolution caused by the absence of effective tribal leaders, as well as the lack of legal alternatives caused by the dysfunctionality of the judiciary of the state, generated a situation of dilapidation and chronic feuding,

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<sup>23</sup> The "politics of permanent crisis" shaped not only state-tribe relations, but also the relationship of the Ṣāliḥ government with foreign states, see Phillips 2011.

in which the feuding groups even began to target each other's cattle and sheep.<sup>24</sup> This feuding situation more closely resembled the seemingly unbalanced outbursts of violence in medieval Europe than the revenge processes governed by tribal customary law.<sup>25</sup>

Since the turn of the millennium, the troubled situation caused by the weakening of tribal conflict management – along with political, sectarian and economic grievances – has been one of the entry gates through which the Ḥūthī movement has been able to extend and consolidate its influence in many conflict-ridden tribal areas of northernmost Yemen. The Ḥūthīs are a Zaydī political-religious movement that pursued an agenda of grievances against the Ṣāliḥ government before they themselves became the dominant power in northern Yemen in 2014.<sup>26</sup> The eponymous al-Ḥūthī family, whose members are leading the movement, belongs to the social stratum of the *sādah*. Due to the *sādah*'s traditional function as learned men of Islamic law, *sādah* affiliated to the Ḥūthī movement were strategically deployed to act as mediators, negotiators, and arbiters according to Islamic law in tribal conflicts, thus filling the vacuum created by the disinterest of many shaykhs and the dysfunctional judicial system of the state (Brandt 2017a, 143–144).

Today, however, fourteen years after the eruption of the Ḥūthī conflict in 2004, and four years after the beginning of the Saudi-led military intervention in Yemen, the situation is marked by random violence more than ever before. Through the brutality of the war and heterogeneity of the involved warring parties and their numerous, diverging objectives and motivations, as well as the rising phenomenon of warlordism and war profiteering, the situation became a kind of “hybrid” war whose tribal, political, ideological, military, sectarian, and personal elements keep fluctuating. Again, the brutalization of the current war is not caused by tribal norms, but rather by their erosion.

## Conclusion

In rural highland Yemen, the customary practices of blood vengeance, feuding and peacemaking are rooted and bound together in the overarching concept of tribe. And just like the concept of tribe, vengeance and feuding cannot be considered as phenomena isolated from the prevailing socio-political realities. The mutual interplay of ordering and disordering impulses of both tribalism and the state cannot be understood from one direction. Political realities shape the way tribal communities cope (or fail to cope) with conflict, and the undercurrents of tribalism and feuding determine Yemen's complex socio-political dynamics and the way they play out in everyday life. This becomes particularly evident in the changes that tribal conflict resolution has undergone in recent decades in Yemen. This chapter argues that the state-sponsored weakening of the rule of tribal customary law and the negative repercussions on customary conflict resolution are a consequence of the state's policy of *divide et impera* in the tribal areas of Yemen.

Beyond the local focus, the Yemeni example mirrors the general observation that blood vengeance is a polymorphous phenomenon whose ambiguity continues to obstruct the generation of a viable theoretical framework. Whenever we go beyond the lowest common denominator – that is: “killer gets killed” –, we find ourselves confronted with the difficulty that blood revenge and blood feud, albeit

<sup>24</sup> For the Ḥabūr case, see Brandt 2017a, 136.

<sup>25</sup> On the manifold forms of blood vengeance and feud in medieval Europe, see, for example, Roche 2010.

<sup>26</sup> On the history of the Ḥūthī conflict, see Brandt 2017a.



being concepts of practical concerns, are rather difficult to frame theoretically. Today, in the age of migration, urbanization, socio-political change and massive politicization of conflict, the framing and definition of the concept and its theoretical discussion become ever more difficult.

The consideration of blood revenge in Yemen reveals the multi-dimensional, even contradictory, nature of its socio-cultural framework: the tribes. In talking about tribe, vengeance, and feud, we inevitably encounter difficulties and criticism, but there is no better alternative that would not imply a descent into arbitrariness. We always have to take into account that people, their ideas, their customs, their physical, social and political environments interact in dynamic ways, with multi-directional consequences. Given the complexity of human reality that social anthropology sets out to investigate, and, in particular, with investigating tribes and tribalism and their diverse manifestations and customs, we must meet the double challenge of increasing our awareness of socio-cultural and political complexity *and* closing off a manageable portion for presentation.

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