

Introduction

This book examines the changing relation between writing and authority in a Muslim society. Its backdrop is the end of an era of reed pens and personal seals, of handwritten books and professional copyists, of lesson circles in mosques and knowledge recited from memory, of court judgments on lengthy scrolls and scribes toiling behind slant-topped desks. As understood here, the calligraphic state was both a political entity and a discursive condition. My aims are to reconstruct one such textual polity and detail its gradual transformation in recent times. In highland Yemen, located in the southwestern corner of the Arabian Peninsula, the initial inroads of the printing press, new-method schools, and novel conceptions about the state and its texts date to the late nineteenth century, but many aspects of the venerable local manuscript culture persisted well into the twentieth.

Textual domination, in this analysis, entails the interlocking of a polity, a social order, and a discursive formation. I focus attention on a number of discursive features, particularly modes of authoritative expression, that are shared by several categories of texts and built into the practices of a number of important institutions. I trace connections between the literary processes behind the constitution of authority *in* texts and the social and political processes involved in articulating the authority *of* texts. For all its complexity, however, textual domination is a partial phenomenon, one that intersects in each historical instance with other dimensions of authority and with the relations of a specific mode of production. In the case at hand, neither the patrimonial-bureaucratic aspects of state authority nor the agrarian context of the associated production system are given the full treatment they deserve.

While it is perhaps well understood that complex Asiatic states, from the hydraulic (Wittfogel 1957) to the theatric (Geertz 1980), have derived legitimacy and exercised control by means of various types of written texts, precisely how they have done so in particular settings is not. From the formal interpretation of sacred scriptures to the mundane recording of administrative acts, textual relations have underpinned diverse polities. To investigate the role of texts in a specific state, however, requires a view of writing that stresses its cultural and historical variability rather than its universal characteristics, and its implication in relations of domination rather than its neutrality or transparency as a medium.

This inquiry differs from a standard political history with respect to its categories, chronologies, and choices of significant institutional sites. As is indicated by the compounds (textual authority, textual domination) I use to qualify Max Weber's familiar terminology, this is partly the consequence of narrowing a project that he elaborated. Other differences derive from extending a type of analysis developed by Michel Foucault (1970; 1977) to a non-Western setting. While Foucault's studies of shifts in "epistemological space" in the West must be adapted to the currents of a different history, his detailed investigations of the "small acts" and the "micro-physics" of disciplinary power assimilate readily to ethnographic method. Both Foucault and Benedict Anderson (1983) suggest new ways anthropologists and historians can read texts for their changing "rules of formation." I have drawn on Anderson's path-breaking analysis of the print foundations of that relatively recent type of "imagined community," the nation-state. My efforts to depict the calligraphic state are, in part, a response to his call to understand nationalism in relation to the "cultural systems that preceded it, out of which—as well as against which—it came into being" (1983: 19).

Writing at the time of his collaboration in the 1950s with the Islamicist Gustave Von Grunebaum, Robert Redfield predicted that the then existing division of scholarly labor in research on the literate "world civilizations" would eventually yield to a convergence. He wrote that "the contextual studies of anthropologists will go forward to meet the textual studies made by historians and humanists of that same civilization" (1967 [1955]: 30). For the Middle East the anticipated convergence has spawned divergent outcomes, which have been assessed by Talal Asad. At the conclusion of his review, Asad advocates a redoubling of *textual* efforts: "If one wants to write an anthropology of Islam, one should begin, as Muslims do, from the concept of a

discursive tradition that includes and relates itself to the founding texts" (1986: 14).

Two research activities, local-level ethnography in a provincial town and textual analysis of works of Islamic jurisprudence, have been brought together here. A distinctive feature of the resulting presentation is the juxtaposition of circumstantial detail concerning recent highland history and practice with the arguments and rationales of formal Muslim scholarship. Such juxtapositions raise several questions. While the principal texts referred to have been important in the highlands for centuries, they are with one exception neither indigenous nor specific to Yemen, having enjoyed equivalent esteem in places as different from the highlands as Egypt and Indonesia. Such texts have thus figured centrally in the processes of unity and diversity in interregional thought in Islam. While the book is intended to contribute to the specific history of Yemen, it also addresses textual concerns of broader civilizational and comparative relevance.

Another question concerns the nature of the formal textual thought. The specific types of text involved are basic manuals of *shari'a* jurisprudence and their commentaries. Containing concise summaries of principles intended for memorization by advanced students and for reference by practicing scholars, manuals were the representative and authoritative works of the several schools of *shari'a* thought. Although legal phenomena are a major concern of the following chapters, caution must be attached to the conventional gloss for the *shari'a* as "Islamic law." The *shari'a* is better characterized, to adapt a phrase from Marcel Mauss (1967: 1), as a type of "total" discourse, wherein "all kinds of institutions find simultaneous expression: religious, legal, moral and economic." "Political" should be added to this list, for the *shari'a* also provided the basic idiom of prenationalist political expression. For the social mainstream, the *shari'a* represented the core of Islamic knowledge, while the basic *shari'a* manuals were the standards of formal instruction. This total discourse was first modified and displaced, creating something approximating the form and separate status of Western law, as part of the larger processes that brought about the rise of nation-states. Given its former discursive range, the codifications and other, often radical changes worked upon the *shari'a* were fundamental to the creation of these new states, in far more than the narrow legal sense.

In treating the *shari'a* as the centerpiece of a societal discourse, I place emphasis on the appropriation of its idioms, the flexibility and interpretability of its constructs, and the open structure of its texts. In

this manner I have moved away from an understanding framed in terms of the Western standard for law, which has obscured the shari'a's different range of social importance and its distinctive modes of interpretive dynamism. While suggesting that the discourse was considerably less ideal and rigid than has frequently been claimed, I recognize that the practical status of the shari'a has varied widely according to place and time in the Muslim world. In Yemen, the level of shari'a applicability has been comparatively high. In the twentieth-century imamate in particular, shari'a constructs provided the principal language of statecraft, shari'a manuals were studied by all advanced students, exclusive-jurisdiction shari'a courts handled both civil and criminal cases, and the shari'a tithe on agrarian production was the main source of government revenue. In addition, a spectrum of jurisprudence-anchored transactions, dispositions, and other types of relations structured undertakings ranging from commercial dealings and agrarian leases to the transmission of family estates. Not to be underestimated, however, are such important local limitations to the scope of the shari'a as the predominance of tribal custom beyond the sphere of the state and the roles of administrative and commercial custom within it.

A question remains concerning the relation of shari'a text to social practice. I devote considerable attention to fine points of doctrine in works that are in some cases many centuries old and in others, mainly contemporary shari'a-based legislation, too recent to have been fully implemented. The simple justifications for such attention are that the old manuals were considered actively authoritative by local scholars until recent decades and that the new legislation had become the law of the land. Recognizing, nevertheless, the often substantial remove of such law "on the books" from many aspects of ordinary experience, I have also examined several types of what might be termed intermediate texts. An important example is the collection of interpretive guidelines on specific doctrinal matters established for court application by ruling Yemeni imams, including those of this century. Still closer to local realities are documents and writings that pertain directly to practice. The corpus I have utilized dates mainly from the last century and a half and was obtained from private individuals and official sources in the provincial capital Ibb. These texts include complaints, nonbinding opinions, and court judgments; deeds of sale and other contracts; estate papers of several types; and various sorts of bureaucratic records. Although purely local in address, most represent documentary genres

known to other Muslim societies. Such writings formed the basis for a specialized ethnography of texts, an inquiry into practice and its written representation, resulting in a genre-by-genre view of structure and change in textual authority.

Historical writing provides another perspective on the relationship between formal doctrine and local practice. I have made use of the works of a long series of distinguished Yemeni historians, beginning with Ibn Samura of the twelfth century A.D. and continuing down to such transitional figures as Zabara, al-Wasi'i, and al-Jirafi, from the first part of the twentieth, and such contemporary scholars as Muhammad and Isma'il al-Akwa'. All these historians shared a common intellectual formation in the texts of shari'a jurisprudence. As is true also of the shari'a manuals and the other types of texts I have used, the histories are both sources for and objects of analysis. In particular, the important genre of biographical histories is vital for tracing the lives of individual carriers of shari'a knowledge and for examining manifestations of the genealogical theory of intellectual transmission. In older annalistic works, I looked for structural assumptions and methods rather than dynastic chronologies, while in the first printed works, by the quasi-official historians of the present century, I read for evidences of a discursive rupture.

My approach to the on-the-ground reality of textual domination is thus twofold. In taking account of formal shari'a doctrine and such mediating texts as imamic opinions, local documents, and highland histories, I have endeavored to balance colloquial understandings with the viewpoints of a body of knowledge not constituted as an "informant's discourse" (Bourdieu 1977: 18). The unusual extent of my emphasis on the doctrinal is necessitated also by the fact that we have not yet properly understood the rationales contained: the appropriate sources, notably the shari'a manuals and commentaries I focus on, have not been given the contextual attention they deserve. Within the doctrinal corpus, reasonings and assumptions have not been understood systemically, in terms of their widely ramifying interconnections. Far from being unmindful of the ideological nature of the intellectual world presented by the jurists and historians I have read, I maintain that the requisite first steps in understanding the power implications of a discourse are to know its constructs and arguments, to analyze its linkages across domains, and to identify its modes of situating, appropriating, and silencing the world of the dominated. If the manuals and other texts cannot be taken as unproblematic sources for the derivation of

practice, they at least offer important clues to the construction of the terrain.

While in a structural sense such domains of activity as authoring, instruction, opinion giving, and notarial writing seemed to persist, in Marx's phrase, "untouched by the storm-clouds of the political sky," in another sense discursive reproduction was as decisively shaped by the presences (and absences) of states as it was by the movements of intellectual history. Reconstructing from highland history, my broad intentions are to indicate what an account of a textual polity might generally consist of while also identifying the predispositions particular to such a phenomenon in a Muslim society. As presented here, then, a textual polity entails both a conception of an authoritative text, involving structures of authorship, a method of instructional transmission, institutions of interpretation, and modes of documentary inscription, and a pattern of textual authority, which figures in state legitimacy, the communication of cultural capital, relations of social hierarchy, and the control of productive resources.

Historical materials are differently mobilized in two distinct sets of chapters. Mainly in the first set (chapters 1, 2, 4, 7, 8, 9, 11), evidence from various periods and of several categories is used to create a composite view of the calligraphic polity and discursive condition. Although based in large part on historical evidence, the picture created is nevertheless relatively timeless, as emphasis is placed on elucidating structural consistencies across the several domains of the textual polity. Interspersed in this presentation, the second set of chapters (3, 5, 6, 10, 12) is primarily devoted to a specific course of historical change in highland Yemen over the past hundred years. These two historical motives overlap, however, inasmuch as the reconstruction is close to the facts of earlier periods of Yemeni history and the specific history of recent change makes use of analytic constructs.

Chapter 1 introduces the culture of the authoritative text, taking the manuals of one school of shari'a thought as a specific instance. With the Quran as paradigm, the genealogies of textual transmission were anchored in recitation, a leitmotif of this "written law" tradition. Coupled with a distinctive emphasis on the efficacy of human presences, recitational methods recurred throughout key domains of textual practice, as is demonstrated in later chapters on instruction, court witnessing, the conduct of state affairs, and the creation of property instruments. In contrast to the theoretically self-sufficient legal codes that would eventually replace them, shari'a manuals were "open" texts, built of

contending viewpoints and always necessitating interpretive elucidation. Chapter 2 extends the discussion of manuals to a second major highland school of shari'a thought, that of the former ruling imams. An ideal imam was a commander capable of wielding the pen as well as the sword. In this century, the shari'a politics of the imams was initially turned against the occupying Ottoman Turks and was later challenged by the emergent discourse of the nation-state.

Chapter 4, on instruction, presents the methods and rationales of transmission in Quranic schools and in advanced lesson circles. In this complex "culture of the book," the recitational reproduction of authoritative texts relied on the backgrounded services of writing, while in a coexisting textual sphere reading and writing techniques were standard. Chapter 7 concerns the division of interpretive labor between two categories of worldly interpreters. An appreciation of the activity of interpreters called *muftis* is central to an understanding of the continuing vitality of the shari'a. Chapter 8 examines the relation between interpretation and social hierarchy as defined by the dominant shari'a image of society. Together with various legitimations, the contradictions of shari'a doctrine reinforced its hegemonic efficacy. Chapter 9, on the judgeship, further develops the ideal of presence as it relates to shari'a court processes and to governmental practice under the imams. Chapter 11 investigates the use of ordinary legal documents such as contracts and deeds, and considers why their value as evidence was questioned.

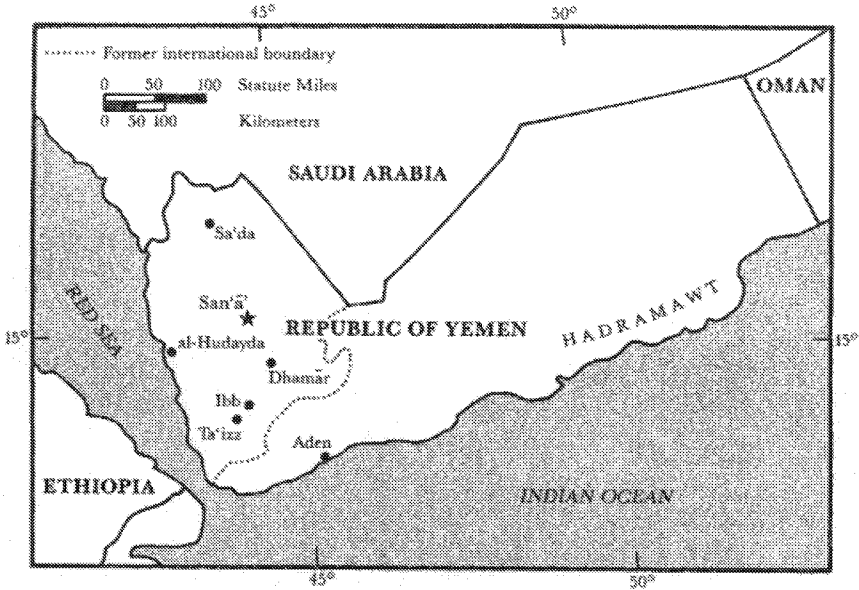
While this first set of chapters reconstructs the textual polity, the second set concerns the course of recent changes. Introducing themes relevant to the analysis of discontinuities discussed throughout the book, chapter 3 examines the transformation of authoritative shari'a texts through the process of codification. It begins with the pioneering nineteenth-century Ottoman code, considers the colonial-period contexts for such discursive shifts, and concludes with a brief account of shari'a legislation by the Yemen Arab Republic in the late 1970s. Chapter 5, on instructional changes, opens with a contemporary Yemeni skit that looks back at the old Quranic school. It then traces the late-nineteenth-century appearance and later imamic hybridization of "new method" schools. Chapter 6, on the local advent of print culture, examines twentieth-century textual initiatives in state publishing, library reform, and official-history writing. Chapter 10 analyzes the history of court reform and concludes with another recent skit, this one critical of former judicial practices. Chapter 12 departs from a

discussion (at the end of chapter 11) of how notarial practice has been changed by the intervention of the state and goes on to develop a summarizing spatial analysis. Shifts in the design of writing in genres such as letters and legal documents are related first to parallel developments in bureaucratic record keeping and in official seals, and then, by extension, to alterations in physical space and changes in the “space of knowledge.”

YEMEN

The corner of Arabia bordering on the Red Sea and the Indian Ocean entered the colonial age in 1839 with the British seizure of the old port of Aden; the highlands to the north were incorporated in the Ottoman Empire in 1872. At the turn of the twentieth century, the region found itself on the periphery of two great world empires: the British, with imperial interests focused on India, and the Ottoman, with its center of gravity in the eastern Mediterranean. British control in the south would not be lifted until 1967 (with the creation of the People’s Democratic Republic of Yemen), but that of the Ottomans in the north ended in 1918 with the collapse of the empire at the close of World War I. At that time, the highlands passed into the hands of the Hamid al-Din line of Zaidi imams, who ruled until the Revolution of 1962, which gave birth to the Yemen Arab Republic. Political artifacts of the colonial era, the two Yemens were finally unified on May 22, 1990, as the Republic of Yemen (map 1).

The recent political history of the highlands involves entities as different as a bureaucratic empire, a patrimonial imamate, and a nation-state republic, while a colonial enclave was active immediately to the south. Unlike the countries of North Africa and the Arab successor states to the Ottoman Empire in the central Middle East, all of which came under some form of European control, the highland portion of Yemen was independent from 1919, avoiding a direct experience of colonial rule by a Western power. Imamic rule in the years 1919–1962 meant relative isolation from the rest of the world as the inaccessible mountain topography complemented an explicit policy of keeping Yemen closed to all but the most necessary outside influences. The clear and dramatic impacts of foreign rule in much of the “Third World”—colonial architecture, colon populations, appropriations of land, foreign-owned enterprises, extensive missionary activity, impositions of Western law, colonial languages, and so forth—did not occur



Map 1. The Republic of Yemen.

in highland Yemen. Prior to 1962 the main Western influences were mediated through Ottoman-introduced institutions or filtered northward along the trade routes from colonial Aden.

A challenge posed by this history is to understand a course of change that occurred amidst determined internal constraints and at an unusual remove from Western contacts. Despite its relative isolation, however, twentieth-century imamic Yemen was neither a medieval kingdom nor a cultural fossil "virtually unchanged," as one observer put it, "from the pre-Islamic or early Islamic period." According to now standard political histories (al-Shamahi 1972; Wenner 1967; Salim 1971; Stookey 1978; Afif 1982; Peterson 1982; Douglas 1987), the traditionalism of highland society was disturbed first by the rise of a nationalist opposition, starting in the 1930s, and then later and more decisively by the actions of former military cadets trained and radicalized by foreign advisors. Without detracting from the significance of these events, this study begins by assessing earlier restructurings under Ottoman rule at the turn of the twentieth century.

Ibb town (see fig. 1), where I resided for a total of two years in the mid-1970s and at the beginning of the 1980s (Messick 1978), is located



Figure 1. Ibb ca. 1950.

in the southern highland region known as Lower Yemen (*al-yaman al-asfal*). Upper Yemen begins with the higher elevations beyond the Sumara Pass north of town. The north–south road linking the principal highland towns runs from the capital, Sa‘a‘, south to Dhamar, descends into Lower Yemen at Sumara, and arrives at Ibb before continuing on to Ta‘izz, the capital during the 1950s. With Dhamar, also a provincial capital, Ibb shared the rank of fourth largest urban center in the Yemen Arab Republic with a population that has grown from 17,494 at the time of the first census in 1975 to 48,806 in 1986. At one point or another in Yemeni history most of the major highland towns and some of the coastal Tihama towns served as capitals for ruling groups, but Ibb has been perennially provincial.

At 6,700 feet above sea level, the town sits on a spur of the towering Jabal Ba‘dan massif and looks out over a seasonally verdant mountain valley. Stone villages dot the landscape, and here and there a few trees

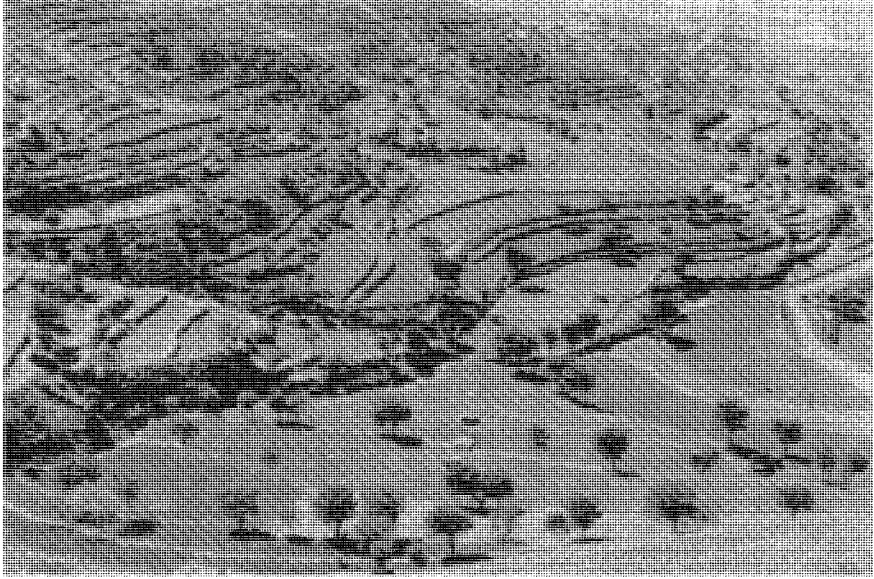


Figure 2. Terraced agriculture near Ibb.

edge the cultivation, but there are no forests to soften the rugged scenery. Until recent decades, producing terraces came up to the town walls. During the dry winter months, stone retaining walls of fallow terraces mark off the undulating valley floor and step up the mountainsides like curved contour lines on a map (see fig. 2). In the wet summer, these contours are obscured as sorghum, first a brilliant green and later a ripening yellow, blankets the countryside (Tutwiler and Carapico 1981; Varisco 1985). In the higher elevations of Ba'dan to the east, wheat is more common, while the lower slopes and wadi bottoms of al-'Udayn to the west specialize in two important cash crops, coffee and *qat*. Yemeni coffee acquired international commercial renown in the sixteenth century, but *qat*, the tender, alkaloid-containing leaves of which are consumed by many Yemenis on a daily basis, has retained a purely regional significance (Schopen 1978; Weir 1985; Varisco 1986; Kennedy 1987). Although there is some spring-fed irrigated cultivation, most of the local agricultural abundance is made possible by regular rains (nearly 1,500 mm mean annual). Pumped northward by the Indian Ocean monsoon system, moisture-bearing clouds begin to form over the valley about midday during the late spring and summer, providing spectacular afternoon storms.

Stored grain was the foundation of the old agrarian polity. During the fall harvest and for weeks thereafter, long lines of donkeys laden with grain earmarked as state tithes, endowment revenues, and landlords' shares still make their way up the old stone roads to Ibb. Carefully measured out and recorded, the grain is stored in numerous underground grain-storage pits located beneath houses and other buildings, and later disbursed as in-kind salaries, distributed as official charity, sold to grain traders, and directly consumed. Together with this redistributive flow of grain, long-distance trade, to which the region contributed agricultural and pastoral products, is as old as the town itself. Before the late 1950s, when the more dynamic members of the local merchant community began to move out to larger stores in a new commercial district fanning out below the main gate, Ibb's small shops, warehouses, and merchant hostels were strung along the two narrow thoroughfares that fork just inside the main gate and meet again before reaching the Great Mosque on the other side of town.

In former times (and to about 1960) Ibb was astride a major camel caravan route through the mountains, which linked the port of Aden with San'a', the principal northern highland town. Ibb was also a stopping place on an old pilgrimage route to Mecca. Foreign travelers of several centuries admired the cut stone steps with which the old road traverses the mountain passes at either end of the Ibb valley. Paved in 1975, the new main road reduced a six-day trip from Ibb to San'a' to three hours.

The capital since 1946 of a province bearing its name, Ibb was referred to as a town (*madina*) as early as the tenth century A.D., although in the immediately following centuries it was also described as a village and as a fortress. Under the rule of local dynasties in the thirteenth through the fifteenth century, the town was securely walled and endowed with such important facilities as an aqueduct, a public bath, and a number of mosques and schools. An eighteenth-century Danish traveler (Niebuhr 1792, 1:351) estimated there were eight hundred houses in the town. Closely clustered, multistoried buildings permitted a relatively large population to reside in a relatively small, walled-in space. Everything in the town, buildings, paved streets, walls, and bastions, was of locally quarried grey stone, creating an effect relieved only by the curves of whitewashed domes and the occasional tree in an intersection of alleys or in the market square. Until the 1950s, when expansion outside the walls began, the caretaker of the old main gate would call out for stragglers before locking up for the night.