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Closer look at Tribal Identity and Tribal Structure in Syria



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Dima Hussain
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Doha, Qatar
+974 44885996
Istanbul, Turkey
+90 342 326 5112
harmoon.org

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Introduction

This paper explores the meaning of the tribe and its formation in the Middle East, focusing on Syria. Understanding tribal identity and tribal structure¹ and how both have changed throughout history is key to understanding tribes in the Middle East in general and in Syria in particular. This study is vital in order to build a solid foundation for a more in-depth understanding of Syrian tribal identity and structure. This paper looks into several aspects that can better define and capture the complexity of the notion of tribe. The paper suggests that the notion of tribes is much more complex than appears at first sight and that it is neither a timeless notion nor one mold fits all tribes in Syria.

The first section examines the notion of 'tribe' in Syria and what differentiates it from the notion of tribe in other parts of the world. Tribes in Syria are defined by their social structure and norms, economy, and tribal laws. In this section, I will focus on the social structure and norms, explaining the characters of the tribe, including kinship, honor, individual reputation and others. I will then talk about the tribes' economy of pastoralism and, more recently, agriculture as part of the tribe's characteristics. This study shows how the economy type affected the classification of the tribes and both tribal identity and structure. I finally study how tribal law is practiced in Syria. The resulting outline of the tribal social, economic, and legal system will allow me to examine the way the tribe in Syria interacts with other tribes and with the central government.

The second section reviews the tribal identity in the literature of different Arab and Western scholars to get a better understanding of how the issue of the tribes has been presented. These two categories of writers have produced studies of the tribes in the Middle East, including Syria. Examining their publications provides a scanning of the field of tribe

¹ I am using these two concepts for the purpose of this paper to refer to the following meaning: tribal identity is the feeling of belonging to the tribe and group solidarity, tribal structure is the building of the tribe with its kinship hierarchy, chiefdom, and various branches and alliances. Both concepts will be further explained throughout the text and more specifically in the third section where they will be explained extensively.

study in Syria, what areas have been covered, and what areas need more investigation. The Western travelers, explorers, and scholars were writing against the backdrop of Western colonialism. Visiting the Middle East for the first time, they were amazed to find a very different world from their own, a world depending mostly on pastoralism and agriculture.² They reported back their experiences with either disdain or romanticism. Arab scholars strongly criticized Western writers and accused them of being orientalists, spies, and colonial agents. Arab scholars that preceded and followed the nineteenth century are the other important source to study the tribes. They focused on genealogy and naming the different tribes, providing clues to the history of the tribes and their interactions with other social groups in their community. Nevertheless, compared to other Arabic countries, recent studies produced by Arab scholars regarding the tribes in modern Syria are limited in number. In this section of the paper, I examine these two groups of writers side by side, as, while neither group offered any real in-depth analysis, their writing do provide important sources to understand how tribes' norms and patterns have changed over time.

The Third sections deal with the state and tribe dualism by examining the historical and theoretical correlation between the two. Some scholars have considered tribes to be pre-state formations that are on their evolutionary ladder to becoming states. This view is a result of preconceived notions of tribes in the Middle East, which result from comparing tribes in this area to tribes in other parts of the world. The reality is that tribes have contributed to state building in the Middle East as well as co-existing and even overlapping with the states. States in the Middle East have always worked through tribes, and manipulated them, while tribes have taken advantage of state power to enhance their own power and gain influence.³ I then explain how tribe's interaction with strong central governments in Syria played an essential role in changing the nature of the tribes. Due to the nature of both the tribe and the state, they were part of a power struggle relationship. Tribes gained power whenever the state was weak and lost power whenever the state was strong. There is, in other words, an inverse relationship

² Steen, E.J. van der, *Near Eastern Tribal Societies During the Nineteenth Century: Economy, Society and Politics between Tent and Town*, Sheffield; Bristol, CT: Equinox, 2013: xi.

³ Eickelman, D.F., *The Middle East and Central Asia: An Anthropological Approach*, Upper Saddle River, N.J : Prentice Hall, 1998: 124; see also: Khoury, P.S., and Kostiner, J., eds., *Tribes and State Formation in the Middle East*, Berkeley: University of California Press, 1990: 40.

between the tribe's power and the state's power. Tribes in Syria after the crisis are gaining more power and the tribal common law is more practiced more than before. The sulha logic itself is being borrowed by the various types of alternative litigation initiatives established by different military factions and NGOs.

What is a tribe in Syria?

Understanding the tribes in Syria and the Middle East in general has always been difficult for sociologists, historians and anthropologists working in the field. The notion of tribe and how it has developed is still not clear today. The word 'tribe' is used to describe a wide range of different groups and social structures in Syria depending on different criteria.⁴ The anthropologist Dale F. Eickelman, for example, classified tribal identities references in the Middle East into four categories: ethno-political ideology, administrative purposes created by state authorities, practical notions used by tribespeople themselves, and anthropological concepts.⁵

The first category, ethno-political identities, refers to the way ethno-political identities vary throughout the Middle East, but are generally based on a common patrilineal descent that forms a unified political identity. The second category is based on administrative efforts directed by states, including the Ottoman Empire, the colonial powers, and a number of independent countries in the Middle East. These administrative concepts perceive the tribe as a corporate identity with fixed territorial boundaries, even though these boundaries do not necessarily exist. The state also forms these administrative concepts in a way which gives privileges and power to certain tribal leaders, the ones that depend on the state support rather than the natural leaders as often understood by tribesmen. For example, the colonial powers

⁴ Ibid: 41

⁵ Eickelman, D.F., *The Middle East and Central Asia: An Anthropological Approach*, (n4): 124-28.

in various Middle Eastern countries, including Syria, promoted tribal identity and used tribal administration and registration techniques to push back nationalistic movements.⁶

The third category is a practical notion of the tribe that is implicitly held by the tribespeople themselves. This notion is what guides them in their social conduct and interaction with other groups. It develops through social practices and is not always formally articulated in an abstract manner; thus, such notions are hard for anthropologists to describe. Tribesmen, for instance, use the notion of tribe in different ways depending on their social and political status. Dominant individuals in the tribe often present tribe's ideology in a complex way to use in their relations with other tribes and to enhance their positions with state authorities, whereas lower-status individuals simplify the term that they use in their practical functions like land rights, marriage relations, and many other aspects of patronage.⁷

The last category described by Eickelman comes from anthropological analysis. Anthropologists have frequently depended solely on tribal leaders as their information sources, which often gave different understanding than what tribesmen would provide, not to mention tribeswomen. Anthropologists further hold the same popular understanding among urban Arabs of tribe as "primitive" and relics of the past.⁸ Actually, the term "primitive society" is particularly inappropriate for groups in Syria, such as Arabs and Kurds and others, if only on the bases of their scale, complexity and lack of unity.⁹ Anthropological concepts are based on sociological theories in an attempt to make sense of tribal social relations. These concepts are, in this logic, an authoritative explanation that are not more real than native urban groups' understanding. They even hold no less superior positions to the tribes.¹⁰ With the background given in this section in mind, I will give concrete understanding of the tribes in Syria by examining two important features of the tribes: tribal characteristics and tribal law. Tribal characteristics are the core of tribalism and tribal laws are the core of tribal order in their areas.

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Khoury, P.S., and Kostiner, J., eds., *Tribes and State Formation in the Middle East*, (n4): 41.

¹⁰ Eickelman, D.F., *The Middle East and Central Asia: An Anthropological Approach*, (n4): 127-28.

Tribal characteristics

Several characteristics distinguish tribes in Syria from other social groups. The tribal characteristics shape the assumptions and behavior of the tribe's members. They further define the tribe's members relationships within their tribe and with other tribes, and provide the cultural tools of tribe's members interactions. These characteristics are: kinship relations, chiefdom, honor, personal reputation, and the tribe's economy. In what follows I describe each of these in turn.

Kinship relations in the tribes of Syria is a system of patrilineage that generates a group feeling (*Aṣabyah*)¹¹, which in turn leads all tribe members to cooperate. This connection is best defined by the popular Arabic proverb "Me against my brothers, my brothers and I against my cousins, my cousins and my brothers and I are against the world." The structure of genealogical units and their defined relations of alliance and antagonism is what brings the whole tribe together. This segmentary-lineage is a historical model that existed in different parts of the world and was confirmed by Robertson-Smith, and later on by Emile Durkheim's ideas on "mechanical solidarity."¹² The social hierarchy system is not obvious within this patrilineal structure; on the contrary, there is a concept of equity that forms the relationships of tribe members and thus tribes are seen as egalitarian societies.¹³ The role of the elders or even the tribe leader is marginalized by believers of egalitarianism in tribal society on the basis that none of these have absolute power over the tribe.¹⁴ Another reason given for such a belief is that personal reputation is the basis for political power if political power exists at all in tribal

¹¹ Group feeling or *Aṣabyah* is a popular term in Arabic refers to the feeling of belonging to a certain group. It is mostly used in the tribal context to refer to the tribal unity and sense of shared destiny. The term was firstly used in literature by Ibn Khaldoun in his *Muqaddimah* to refer to this social bond of communities as the motive of political change.

¹² Lindholm, C., *Kinship Structure and Political Authority: The Middle East and Central Asia*, Comparative Studies in Society and History, Vol. 28, No. 2, Apr., 1986: 343-44.

¹³ Steen, E.J. van der, *Near Eastern Tribal Societies During the Nineteenth Century: Economy, Society and Politics between Tent and Town*, (n3): 10-11.

¹⁴ Something that is becoming more and more true under the effect of urbanization and political polarization after the Syrian crisis.

system.¹⁵ According to such understanding, the tribal society lives in a state of nature and have a social contract like the one that Hobbes and Rousseau talked about.

Another feature of the tribal kinship is the tribe's networks and branches. The tribe in Syria is usually divided into several "*asha'ir*" (clans), which consist of several '*afkhadhs*' (lineages) and '*hamulah*,' while at the bottom of the tribe structure is the family or a single household.¹⁶ However, these terminologies are used in a more complex way or interchangeably. A tribe like 'anaze in Syria, which is a large tribal confederation that migrated from Arabian Peninsula before Islam, might be referred to as a tribe, confederation, or even '*ashira*' (singular of '*asha'ir*'), while some of its constituents of Hasanah, Sba'ah, and Fad'an may be referred to as '*asha'ir*' or tribes. Just as the network of the tribes is complex and changeable throughout history, also its size can expand or shrink as a result of conflicts or alliances with other tribes. A large and powerful tribe might shrink to the size of a clan, but still call itself a tribe. The terminology also changes according to the country, the area, and the tribe itself.¹⁷

Chieftdom is concentrated by the position of the tribe leader; the prince (*amir*) or the sheikh. Some big tribes have *amir* which is considered to be the leader of the whole tribe and it is a prestigious position rather than a real political one, while most other tribes and clans have sheikhs. The sheikh's main duty is to represent the tribe in dealings with outsiders and lead his tribe in the face of other tribes. Sometimes the sheikh is also a judge, but this depends on his personal qualities and knowledge of the tribal customary law and it is not part of his responsibility as a sheikh per se. Generally, the sheikh does not create or enforce tribal law, but rather adheres to the law like other tribe members.¹⁸ The process of choosing the sheikh varies across time and region, but the sheikh is usually selected by the tribesmen from among the most honorable, wise, and courageous personalities. Sometimes sheikhs are appointed by

¹⁵ Ibid; see also: Lancaster, W., *The Rwala Beduin Today*, Cambridge: Cambridge University Press, 1997: 73.

¹⁶ Chatty, D., *Syria's Bedouin Enter the Fray. How Tribes Could Keep Syria Together*, Foreign Affairs, November 13, 2013, Accessed: January 30, 2018. <<http://www.foreignaffairs.com/articles/140266/dawn-chatty/syrias-bedouin-enter-the-fray>>

¹⁷ Steen, E.J. van der, *Near Eastern Tribal Societies During the Nineteenth Century: Economy, Society and Politics between Tent and Town*, (n3): 8-9.

¹⁸ Bailey, C., *Bedouin Law from Sinai & the Negev: Justice without Government*, Yale University Press, New Haven, Conn., 2009: 15.

the government. In all cases, the norm is that the sheikh must be a member of a high-status family called the sheikhly *Beit* (sheikhly house) and is inherited from one generation to the next within this family.¹⁹ As mentioned above, the amount of power that a sheikh has over his tribe is controversial, differing from one tribe to another and from time to time. The lack of absolute power of the sheikh is the basis to believe that tribal communities are egalitarian or at least more egalitarian in comparable to others.²⁰

Honor is the core of the tribe's moral system. It is what tribal society believes distinguishes them from and makes them superior to others. The honor system is very important because it defines tribe members' individual actions and the way they interpret others' actions, and it is also the basis for the hierarchal social division within the tribe. It is what gives the sheikh and other tribal notables in the tribe their legitimacy in the eyes of other tribe members. The code of honor is ancestry, origin, and nobility. It is also a morality code of general aspects of modesty, generosity, honesty, sincerity, loyalty, and keeping one's word. More importantly the code of honor refers to independency and being free, which in turn implies several virtues, including personal strength to face challenges alone and freedom from dominance by others. Honorability in the eyes of others is achieved through assertiveness, fearlessness, self-control, and pride. A Lacking of the above-mentioned qualities disqualifies an individual from position of responsibilities, respect, and keeps him under the dominance of others. What gives the honor code its weight is, however, less its content and more the necessity to adhere to it. This suggests that the code of honor might differ from one tribe to another. A breach of honor is serious for both the tribe and the individual, as it might bring war to the former and the loss of the social status to the latter.²¹

Personal reputation is a very important means of distinguishing oneself and gaining influence within the tribe. There are several ways an individual can distinguish himself. One

¹⁹ Chatty, D., *Leaders, Land, and Limousines: Emir versus Sheikh*, University of Pittsburgh- of the commonwealth System of Higher Education, *Ethnology* volume: 16(4), 1977: 389 (journal article).

²⁰ Abu Lughod, L., *Veiled Sentiments: Honor and Poetry in a Bedouin Society*, Berkely, CA: University of California Press, 1986: 78-81.

²¹ Steen, E.J. van der, *Near Eastern Tribal Societies During the Nineteenth Century: Economy, Society and Politics between Tent and Town*, (n3): 11; Abu Lughod, L., *Veiled Sentiments: Honor and Poetry in a Bedouin Society*, (n20): 85-7.

way is by gaining a reputation as a generous, wealthy individual. Individuals of the tribe may even allow themselves to become bankrupt in order to create such a reputation. Another way of distinguishing oneself is heroism in the battlefield, especially back in time of raids, because this is seen as a sign of an individual's ability to protect the tribe and advance its legacy. Mastering some form of arts, like poetry, is also considered worthy of great respect. Many of those who have become tribal legends were, in fact, famous poets whose poems keep alive the memory and the fame of their tribe, such as Nimer bin Adwan from the Adwan tribe in Jordan. Personal reputation is valued because it bestows fame and honor not just on the individual, but on the tribe as a whole. It should be pointed out, that while earning a good reputation means a higher social status, and indeed some kind of leadership role, it does not bring the individual into competition with the sheikh. The position of the sheikh is different from that of a hero or a poet; the sheikh is the representative of the tribe, while the hero is the source of pride for himself as much as for the tribe.²²

Tribal economy is defined by its source of income and its property ownership system. The source of economy of the tribes in the Middle East is often believed to depend on pastoralism (herding camels), but in reality, this is only true of a small number of tribes still living in a completely nomadic state, the beduin or *bedu*. Oppenheim noted three categories of tribes: nomadic tribes, half nomadic, and peasants. The nomadic tribes breed camels and consider themselves of higher rank than other tribes. Half nomadic tribes breed sheep and also work on the land; however, they only plant forage seeds and not vegetables.²³ They live in houses or huts, but move to tents close to their pastoral areas during spring and summer seasons, and so thus they are half settled and half nomadic. The third category, Oppenheim's peasants, are settled in one place. They live with their tribe or clan and work in husbandry.²⁴ Most tribes currently have shifted to the third pattern of life and have adapted more and more to the urban lifestyle. Tribes trade their pastoral and agrarian products, and they may also have other economic options depending on their area and their social networks. Most recently tribesmen

²² Steen, E.J., van der, *Near Eastern Tribal Societies During the Nineteenth Century: Economy, Society and Politics between Tent and Town*, (n3): 11-12.

²³ husbandry in general and the husbandry of vegetables in particular is despised by nomadic tribes.

²⁴ See: Oppenheim, M., Braunlich, E., Caskel, W., Shubber, M., *Bedouins*, Arabic translation published by Dar Alwarrak for publishing, UK, part 1, 2007: 12-13.

entered all types of professions and interact more with other urban communities. In terms of the tribe's ownership system, this also depends on the type of tribe. Back in time when tribes lived pastoral nomadic life, they recognized two types of ownerships: collective and personal property. Land was a collective property. No one may own land individually, whether the tribe camping land or the pastoral lands. Personal property includes a tribe's member's own tent or house, their animals, the income of their labor in agriculture or trade, and even spoils gained from successful raids on other tribes, if such raids are still practiced by the tribe.²⁵ Nowadays, collective property of land has completely vanished for non-nomadic tribes and only personal property exists.

Tribal laws

Tribal laws are customs which pre-date Islam by thousands of years and are practiced by tribes in the Middle East.²⁶ These laws have developed out of the tribe's traditions and their needs to ensure security and peace throughout the deserts

and among tribes. The main source of tribal law is non-codified customs, which are in most cases very ancient. They are more or less similar throughout the Arab region, since the tribes' moved and migrated on several occasions within the region. Some laws have been influenced to some degree by Islamic law, particularly in North Africa, while the effect of Islamic law is less apparent in Syria and the Middle East. However, since the time of sedentarization pressures practiced by modern governments in the area, Islamic legal terms and institutions have penetrated increasingly into tribal customary laws. Tribal laws are tribal in the sense that outsiders to the tribe do not enjoy the protection of the tribal laws and are in need of the protection of a tribe member, a sponsor or *Kafeel* to be eligible to abide by the tribal laws. Tribal laws are not territorial, but personal laws, and are within the area of private

²⁵ Steen, E.J., *Near Eastern Tribal Societies During the Nineteenth Century: Economy, Society and Politics between Tent and Town*, (n3):12-13.

²⁶ Al-Krenawi, A. and Graham, J., *Conflict Resolution through a Traditional Ritual among the Bedouin Arabs of the Negev*, 38(2), 1999: 165-66. (journal article).

law, more specifically civil and criminal law.²⁷ Tribal laws regulate every aspect of its tribe's members' life and generally includes traditional dispute resolution processes, which consists of tribal proceedings and punishments system. In addition to other tribal laws like revenge, or dakhaleh (right to protection). Each of these methods is a serious system of inherited practices that form rights and duties among tribe's members and, as such, the tribal system as a whole.

The dispute resolution process, or, as it is called in Syria, the *ṣulḥa*, is a set of peaceful measures to end a conflict that could otherwise unravel into violence. Since tribes, as discussed earlier in this paper, are held together by an honor code, any assault on one of the tribe's members is an assault on the whole. Tribesmen believe that revenge will negate the offence to their honor. Revenge obviously leads to acts of counter-revenge from the other tribes.²⁸ Such back-and-forth reactions can keep the violence alive between the two parties for years, causing major losses and casualties. Conflicts are dangerous and the best way to deal with them is to stop them at an early stage. The potential for escalation encourages both sides of the conflict to seek reconciliation, or *ṣulḥa*. The *ṣulḥa* is usually practiced by a notable person or group of people known for their wisdom and their knowledge of the tribal custom laws.²⁹ This person is called a judge or *'arfeh*, a person of wisdom, depending on the geographical area of the tribe. The judge either inherits his position from his father who was also a judge, or becomes a judge because he has accumulated knowledge of the tribal customs through practice and good reputation.³⁰ Judges usually listen to the complaints of the two adversary parties and listen to witnesses. Having measured the facts against tribal laws, traditions, and logic, they then issue their ruling. Judgments include compensation, reparations, or even exiling the violating party from the tribe or the village. They never issue corporal punishments; rather, all punishments are monetary. Punishments might further include deporting the wrongdoer outside his village, especially in murder cases or assaulting women cases, because they are considered to be of a grave nature crimes and shameful acts

²⁷ Abu-Rabia, A., *Paternity Suits in Tribal Society in the Middle East*, US-China Law review, 9(1), 2012: 30-32, (journal article).

²⁸ Bailey, C., *Bedouin Law from Sinai & the Negev: Justice without Government*, (n18): 68, 158.

²⁹ Lang, L., *Ṣulḥa Peacemaking and the Politics of Persuasion*, Journal of Palestine studies, 31(3), 2002: 52-66, (journal article).

³⁰ Stewart, F.H., *Tribal Law in the Arab World: A Review of the Literature*, Cambridge University press, 19(4), 1987: 475.

by tribe's members. The amount of money or *dieh* (as it is called in Arabic) is decided by the judge, who usually issues his sentence in proportion to the incident and the degree to which it violated the tribal customs and honor code.³¹ The judge also depends on the precedents in the area and the amount of money sentenced in other cases. Expelling the guilty party from the tribe denies him his tribes' protection, something that is similar to civil rights deprivation in state-related legal systems. The judge decides how far from the tribe should the expulsion be and then the expelled party is prevented from trespassing these agreed-upon limits. If the expelled party ignores the judge's order and returns to the tribe before time, he will become *mahdoor dam* (under the threat of being killed for revenge) and no one from his family or tribe may seek to take his revenge or ask for compensation. The expulsion might not be permanent, but rather a few months, a year, or more depending on the incident and how much time is needed for the wounds to heal.³²

Another notion in tribal custom is the *Dakhaleh* (right to protection), which is very similar to the right of seeking political asylum in modern terms. When someone is followed by others from his tribe seeking revenge, he can ask for protection from another tribe, a certain influential person, or the sheikh of another tribe in his area. At this point it becomes the tribe, the sheikh, or the notable person's duty to protect him. Moreover, it is a dishonor if anything bad happened to his protection seeker, that is usually called guest or *dakheel*. It does not matter here if the *dakheel* is guilty of a shameful act or not. He will be granted protection regardless of his deeds.³³

Tribal identity in literature

³¹ See: Kennett, A., *Bedouin Justice: Laws & Customs Among the Egyptian Bedouin*, Cambridge University Press, New York, 1925: 36,46.

³² Furr, A. and Al-Serhan, M., *Tribal Customary Law in Jordan*, South Carolina Journal of International Law and Business, 4(2), 2008, Available at: <<http://scholarcommons.sc.edu/scjilb/vol4/iss2/3>>.

³³ The author interview with a member of Adwan Tribe from the countryside of Idlib province in Syria.

Both Western and Arab scholars have produced literature on tribes. Looking into these two genres of publications provides a valuable resource to understand tribal identity. These two groups of scholars used their cultural and epistemological understandings and portrayed the societies they are studying in different ways and through different types of classifications. In this section, I discuss both groups of scholars with examples of their studies.

Western scholars and visitors of the nineteenth century

Western scholars and travelers of the nineteenth century produced, through their writings, an image that cannot be ignored of the tribal identity in Syria. They applied their western epistemology and existing social and anthropological theories in order to understand and explain the tribal communities in the Middle East. It is important to explore their methodologies in order to understand the tribal identity from an outsider's point of view.

Western colonization in the Middle East began in the nineteenth century. Scholarships and reports produced by missions to explore the area under the pretexts of missionary activity, spying, and other assignments informed the League of Nation's mandate system in the early twentieth century.³⁴ Nineteenth-century Ottoman Syria, or greater Syria (including the modern states of Syria, Lebanon, Jordan, and Palestine) was a new destination for European adventurers and travelers, who wrote an abundance of travel books and reports about the area. The decline of the Ottoman empire, which had ruled the area since the sixteenth century, ultimately led to its defeat in the World War I, which paved the way for new forces to replace them. These periods followed what was called the golden age era of Europe of the seventeenth and the eighteenth centuries, the second industrial revolution, and the colonization of lands that produced streams of wealth. This period opened the door for new lands and cultures to discover. The Middle East attracted Western explorers of various kinds; anthropologists, archeologists, religious missionaries, military officers, spies, explorer

³⁴ for more information refer to: Satia, P., *Spies in arabia: the great war and the Cultural Foundations of Britain's Covert Empire in the Middle East*, Oxford: Oxford University Press, 2008.

travelers, and romantic travelers. The most favored destination was Palestine, the holy land, but Mecca, modern Jordan, and Syria were also popular destinations.³⁵

Western visitors came with certain perceptions and sometimes prejudices about the region. Bedouin tribes featured prominently in the Western conceptions of Middle Eastern Society and history. Writings about the Arab tribes and the Bedouins varied from disdaining the vulgarity of the tribes in comparison to western civilization to praising their generosity, freedom values, and their scorning of luxury. Victor Muller, a French scholar, is an example of a critical scholar who saw less value in the tribal community. He wrote in his book *Commandant Victor Muller en Syrie avec les Bedouins* that "If the Bedouin is modest, this is because he is unable to carry his properties to distant places. If he is satisfied with his life, it is because he does not want to experience anything that he does not know. If sometimes he is generous, it is because he is waiting to be treated with the same generosity by his guest or because generosity satisfy his personal ego."³⁶ Max Von Oppenheim, a German historian, is an example of a scholar that admired the Bedouin culture. In his book *Die Beduinen*, he praised the Bedouins and their value of freedom and wrote that: "The Bedouins glorify their freedom and have a strong sense of independence. Nothing in their opinion is better than living in the desert. For this, they disdain any source of coercion, governments, taxes, military service, sedentary and work. The Bedouins do not leave their tribalism except in extreme cases."³⁷ Many western scholars wrote about the tribes in Syria, including Anne Blunt and Lawrence, the romantic writers who were fascinated with the desert and its dwellers. Some scholars produced valuable work such as Oppenheim, who wrote four-parts book about the Bedouins and Burkhard, a Swiss historian, whose notes on the history of Bedouins and Wahabis remain valid and important today.

Analyzing these writings, we can examine several anthropological theories adopted by the various writers. Firstly, two schools of philosophy tried to understand tribes in the Middle East: degenerationism and positivism. Degenerationists believed that the progress in technology

³⁵ Steen, E.J. van der, *Near Eastern Tribal Societies During the Nineteenth Century*, (n3): 18-22.

³⁶ Alsinjri, A., *the Bedouins in Western eyes*, Arabic Cultural Center, 2008. (book in Arabic): 14.

³⁷ Oppenheim, M., Braunlich, E., Caskel, W., Shubber, M., *Bedouins*, (n18): 81.

and the material world led to moral degeneration and distance from the “ideal state” that supposedly existed somewhere in the past. This school was popular in the religious circles, although it is not a religious idea per se, and under which the concept of the “noble savage”³⁸ was justified. Degenerationists studied the primitive cultures in order to trace a lost moral and spiritual nobility and recover eternal truths. John Lewis Burckhardt, who travelled to Syria and Palestine and wrote about his travels between 1784- 1817, held degenerationist views.³⁹ Positivists, on the other hand, believed that Western societies have developed from savages living in primitive societies through various stages of social organization and accumulation of knowledge into enlightened beings living in nineteenth-century western societies. This point of view was adopted by some scholars who studied Bedouin tribes, such as Oppenheim. Tribes for this group of scholars were units that had preserved the primitive stage through which European humanity had passed over time. Some scholars used this concept to study the notion of state in the Middle East. Other anthropological theories that were considered related to whether humanity evolved out of one original race or whether there have always been different races: the monogenists versus polygenists. These theories affected the way scholars and western visitors looked and analyzed tribes in the Middle East, how they considered the issue of tribes and their place on the evolution ladder, and eventually whether they are on developing or degenerating paths.⁴⁰

The travelers of the nineteenth century used comparative methods of anthropology to try to understand the Arab tribes. They compared the ‘savage’ Arab tribes to Native American ‘savages’ and believed that they both shared common features: both were combative, primitive, and ruthless. Some, like William Francis Lynch, who is an American naval officer who visited the region between 1801- 1856, were very critical of the Arab tribes. Lynch compared Arab to Native American tribes and concluded that native Americans had the

³⁸ A concept used in referring to indigenous people who are ignorant and primitive, but also untainted by the modern civilization and having the wisdom of elderly and the connection with nature. The phrase itself is dated back to John Dryden’s play “the Conquest of Granada” in 1672.

³⁹ See his book “*Travels in Syria and the Holy Land*”. Burckhardt was known for his rediscovery of the ancient city of Petra in modern Jordan in 1809 and his extensive visits to the Middle East. In Syria, he disguised as sheikh Ibrahim ibn Abdallah to protect himself against robbery and hide his European identity. He had close contact with Bedouin tribes and in his notes, he classified tribes geographically and according to their political and social system. He further recorded the tribes’ habits, dress, arms, diet, art, music and poetry.

⁴⁰ Steen, E.J. van der, *Near Eastern Tribal Societies During the Nineteenth Century*, (n3): 23-4.

capacity to be civilized by the effects of the western civilization, while the Arab 'savages' were degenerates, and a sign of their own civilization declining.⁴¹

Arab scholars and intellectuals of later centuries strongly criticized Western travel narratives. They referred to the western 'explanation' of eastern culture as "Orientalism". This disparaging term embodied their criticism of the whole concept and stressed the West's arrogant attitude towards the eastern culture.⁴² This movement questioned western writers' intentions; some accused them of being agents of western colonialism. Other critics targeted the methodology of the western travelers and writers of the nineteenth century, arguing that western scholars used safe passages, and thus received their information from their guides and villagers without further investigating to cross-check the accuracy of their narratives. As a result, they were not able to witness the true culture of the region and might have collected misleading information nuanced by the religion, personal history, and imagination of the single narrator. In addition, earlier writers clearly influenced the later writers who adopted ideas or even copied directly without trying to prove or disprove any of the earlier perceptions.⁴³

⁴¹ Steen, E.J. van der, *Near Eastern Tribal Societies During the Nineteenth Century*, (n3): 26-7.

⁴² "Orientalism" was first launched by the Egyptian philosopher at the University of Sorbonne in Paris, Anouar Abdel-Malek in his article "*Orientalism in Crisis*" in 1962, but most famously by the Arab scholar of Palestinian origin, Edward Said, who worked in Columbia University in New York and devoted a whole book about the term. See his book "*Orientalism*", published in 1979 and provoked further discussion and controversial responses.

⁴³ Suwaed, M., *The Image of the Bedouin in Travel Literature and Western Researchers Who Visited Palestine in the Nineteenth Century*, Kinneret College and Western Galilee College, Akko, Israel, 2016: 92-3.



*"Syrian Villagers." Photograph from Oppenheim's *Vom Mittelmeer zum Persischen Golf* (1899). Dr. Max Freiherr von Oppenheim, *Vom Mittelmeer zum Persischen Golf durch den Haurān, die Syrische Wüste und Mesopotamien* (Berlin: Dietrich Reimer, 1899), vol. 2, facing, p. 254.

Arab scholars and intellectuals

Another important source of literature to understand the tribes in Syria are the Arabic publications. Although there are few Arabic studies and publications about the tribes in Syria as an anthropological topic, existing studies mostly focused on the genealogy of the tribes, their numbers, geographical location, and their leaders. They give less attention to tribal identity, socioeconomic structure, and tribes relationship with central governments.⁴⁴ We can find dozens of books of genealogy written by famous sociologists and historians of their time

⁴⁴ Khoury, P.S., and Kostiner, J., eds., *Tribes and State Formation in the Middle East*, (n4).

such as Ibn Hazim, Al Qashqalandi, Abn Kalbi, and others.⁴⁵ These books were published between the ninth and fourteenth centuries, after which time there was a gap in studies were done, especially on Syria, until the publishing of the book “‘ashaier Alsham” (Tribes of the Sham Region) by the scholar Ahmed Waṣfi Zakaria in 1945. The book is 807 pages, written in two parts in Arabic, and is a rare example of Arabic-language scholarship on the Bedouins and tribes of Syria. Zakaria himself noted that: “modern scholars in Syria have paid far less attention to their country’s tribes and geography than did their ancestors. Nor have they followed in the footsteps of their fellow scholars in Iraq, Egypt, Palestine, and Jordan, who studied the tribes paying particular attention to understanding the formation of the tribes and their development as a way to understand their society.”⁴⁶ Zakaria described the tribes and clans in Syria and the Levant area, their genealogy, geography, traditions, practices, and beliefs, litigation, and poetry, as well as government efforts at sedentarization and tribal laws introduced during the French mandate.

Another important book on the tribes of Syria is *Syria’s Peasantry, the Descendants of its Lesser Rural Notables, and their Politics*, written by the Palestinian scholar Ḥanna Baṭaṭu, published in 1999. Baṭaṭu worked mostly on Iraq, but his book on Syria is an innovative and an important source for sociologists interested in understanding the Syrian society, economy, and politics. Baṭaṭu pointed out the complexity of the various tribal, rural, and urban identities in Syria. He also explored these identities within the various minority groups in Syria, including religious and national minorities, an area that is usually neglected when studying tribal identity in the Middle East. The focus is usually on nomadic, pastoral, and mostly Sunni tribes. Though Baṭaṭu’s book is a landmark, it is still a very limited source for the study of tribes because it mainly focuses on pastoralism rather than tribal aspect of the Syrian society. In his analysis of the various social formations of Syria’s peasants, Baṭaṭu’s study reflected a complex but limited classification of the tribal and non-tribal groups inside Syria. Baṭaṭu, for instance, differentiated in his book between five categories of Syrian peasants: (i) peasant-gardeners

⁴⁵ Arab books in genealogy are more than one can count but to mention few: Jamharit Ansab Alarab (genealogy collection of Arab) for Ibn Hazim, Anssab Ma’ad and Yemen Alkabeer (genealogy of Ma’ad and the great Yemen) for Ibn Kalbi, Nihaiet Alarab fi Ma’rifet Anssab Alarab (the end of hustle in acknowledging the genealogy of Arabs) for Al Qashqalandi.

⁴⁶ Refer to Zakaria, A.W., *Asha’ier Alsham, Dar Al-fikir, Damascus: Syria, 1945*, (written in Arabic): 5.

and agricultural peasants; (ii) the pacifist peasants and the peasants of warrior origins; (iii) the orthodox and the heterodox peasants; (iv) the clan-less and clan-linked peasants; (v) the landed and landless peasants. The tribal aspect came here only in one of the categories. However, the book is a successful invitation for deeper research in the tribal society in Syria through further classification and analyzing the current identity held by various groups.⁴⁷

Most recently a book by Mohamad Jamal Barout was issued in 2013 about the Syrian Jazeera area (Hasakeh, Raqqa, and Deir Elzour) and how it developed historically since mid-twentieth century till the seventies. The book studies the various ethnic migration waves to the area and their interaction with the tribes in the area in the context of studying the various projects aimed at developing the area by the Ottomans and later by the French mandate. It further focuses on how these dynamics affected the social integration and the new national identity to the nascent Syria. The book is valuable source for studying the tribes in the Syrian Jazeera and the history of their alliances, migration, and aspiration. The book, though, is limited for studying the tribes in Syria in terms of the area of study and the focus of the study which is on the economic and political development of the area, with limited focus on the anthropological and sociological aspects of it. However, the book is very important source to understand better the Syrian Jazeera area using valuable sources of national archives, old newspaper, and biography books on the Syrian Jazeerah.⁴⁸

Tribe and State

The notion of tribe cannot be studied in isolation from the notion of state. Scholars have failed to produce a common definition of the tribe because the term itself covers a wide range of social formations. Scholars studying states have faced similar problems; they struggled to define the concept. Perhaps reaching one solidified definition is not necessary or even possible. Furthermore, reaching a shared understanding of tribe and state concepts, risk

⁴⁷ Refer to Baṭaṭu, H., *Syria's Peasantry, The Descendants of its Lesser Rural Notables, and Their Politics*, Princeton, N.J. : Princeton University Press, 1999: 11-37.

⁴⁸ Mohammed Jamal Barout, *Altakawon Altarikhi Alhadeeth lil Jazeera Alsoria (The Modern Historical composition of the Syrian Jazeera)*, Arab Center for Research and Policy Studies, 2013.

ending up with assumption and false interpretations. It is vital, however, to introduce tools that clarify the notion of tribe while avoiding the trap of generalization, falsification, or even simplification of the notion. One method that scholars have adopted to clarify the idea of tribe is to understand the tribe in relation to the state. This approach suggests that both tribe and state can be defined in terms of their relations with each other.⁴⁹

Groups known as tribes in the Middle East have never been isolated groups of “primitives”⁵⁰. They have always been in contact with states and their agents. Furthermore, both states and tribes have played an active role in establishing and maintaining each other. Almost all governments have delegated responsibility for controlling tribal areas to the tribal leaders, whereas many tribal leaders have played an active role in recruiting their tribe’s members to ensure the interests of the state. At the same time, tribes have always been a problem for governments and governments have always been a problem for tribes. No tribe in the Middle East has remained totally unaffected by any state and its influence in forming, transforming, or deforming tribes.⁵¹ Some smaller egalitarian tribes, for instance, avoided having charismatic leaders hoping thus to avoid state intervention and interest in recruiting the tribe. Other, larger tribes with strong leadership held massive power that threatened the states and with the capacity overthrew the government.⁵²

Historians and anthropologists agree that today there is no example of a “pure” tribal society in the Middle East. This is partly explained by the tribes’ interaction with the central state. The various state formations that existed in the Middle East, including monarchies, military juntas, and other forms of totalitarian governments, struggled to exercise exclusive coercive authority since they first came to power in the twentieth century. This struggle was mainly caused by the lack of support to their legitimacy given by the various social and

⁴⁹ Caton, S.C., *Ideology and the Semiotics of Power*, in: Khoury, P.S., and Kostiner, J., eds., *Tribes and State Formation in the Middle East*, Berkeley: University of California Press, 1990: 74.

⁵⁰ “primitive” tribalism according to Ernest Gellner in his book *Saints of the Atlas* “covers tribal group which is a closed political unit, recognizing no obligations outside itself, and which is also a kind of ultimate cultural unit, lacking conceptual or symbolic bridges to the outside world”.

⁵¹ Tapper, R., *Historians, Anthropologists, and Tribespeople on Tribe and State Formation in the Middle East*, in Khoury, P.S., and Kostiner, J., eds., *Tribes and State Formation in the Middle East*, (n51): 40.

⁵² Thaber, R., *Tribalism: historical paradox in the twenty first century*, *Omran Journal*, vol. 14, 2016 (in Arabic): 12.

political groups, including tribes. At the same time, the process of forming states in the Middle East led to changes in the traditional forms of tribal authority and destruction of tribal loyalties. New groups and movements that preserve certain tribal characteristics have emerged as a result, but are now shaped by other factors, including class, ethnicity, and ideology.⁵³

Some scholars went further to suggest that there is an inverse relationship between state and tribe power, that the tribal identity is sturdier when the national identity is feeble. Some anthropologists and historians concluded that many tribes were able historically to form states. States were established depending on the sources of the tribe. This cycle of power relations between the tribe and the state is not a new notion. It was, for example, a central idea in Ibn Khaldoun's fourteenth-century theory about the formation of the states in the Middle East.⁵⁴ The inverse power balance between tribe and state is particularly evident in today's wartime Syria. Faced with a power vacuum and the lack of an adequate alternative to provide protection and other services, the tribes are reviving themselves to fill the gap.

Tribes and state in Syria

Tribes have not been isolated from the formal government's coercive power in Syria. Their mutual existence and interactions has changed according to the type of government in power and the policies that the government adopted to relate to the tribes. While, successive central governments in Syria have dealt with tribes in different ways, most have pushed to sedentarize nomadic populations. Sedentarization policies varied from peaceful to aggressive. The Ottoman empire, the French Mandate, independent national governments, and the Assad regime adopted different strategies to recruit tribes and minimize their threat. During some periods, tribal power was tolerated and tribes were allowed to practice tribal laws freely or with minimum supervision. In other periods, the government was very oppressive and abolished any formal recognition of the tribal laws.

⁵³ Khoury, P.S., and Kostiner, J., eds., *Tribes and State Formation in the Middle East*, (n4): 6-7.

⁵⁴ *Ibid*: 7-10.

It is noteworthy that these practices differed according to the central government's larger strategy. The Ottomans were interested in stabilizing their ruling over the Arab region, including Syria. They sought legal, administrative, and agricultural order. This was reflected in organizing the land ownership of the tribes and controlling their arms. In addition, wherever possible the Ottomans sought to impose and collect taxes, a burden which mainly fell upon smaller and weaker tribes.⁵⁵ The French Mandate, on the other hand, were interested in keeping Syria under their control and fighting the nascent nationalist political and ideology movement, which led the Arab revolt against the Ottoman and was the main reason behind defeating the Ottoman empire in the Arab region. The French, therefore, decided on "divide and rule" as the best strategy. They tried to gain the loyalty of minority groups in order to put them in confrontation with the nationalist project. The French dealt with the minority tribes and the Bedouin tribes on those bases and gave them self-governance rights, which affected both the tribal and national identity.⁵⁶ Then came the independent national government, and the United Arab Republic, which pursued a policy of homogenization to build a national identity. They sought to sedentarize the nomadic tribes and curtail any practice of their traditions and customary laws.⁵⁷ Finally, in the Assad era the regime worked cynically to provide patronage to the tribes and use them to underpin the Assads' power, while at the same time undermining their unity and changing their identity. The Assad regime carefully worked to link the tribe with his regime, not just politically, but even socially, through interfering in their tribal Sulha and the nomination of sheikhs.⁵⁸

While all these efforts have weakened tribal identity and unity in Syria, they did not succeed in abolishing this identity altogether. The main reason behind that could be related to the fact that the successive central governments have each failed to provide a better social

⁵⁵ Khoury, F., *The Tribal Shaykh, French Tribal Policy, and the Nationalist Movement in Syria between Two World Wars*, Middle Eastern Studies, 1982.

⁵⁶ Chatty, D., *The Bedouins in Contemporary Syria: The Persistence of Tribal Authority and Control*, Middle East Institute 64(1), 2010.

⁵⁷ Suwaed, M., *Historical Dictionary of the Bedouins*, Rowman & Littlefield, 2015; Mahhouk, A., *Recent Agricultural Development and Bedouin Settlement in Syria*, Middle East Journal 1(2), 1956.

⁵⁸ Van Dam, N., *The Struggle for Power in Syria: Politics and Society under Asad and the Ba'th Party*, London: I.B. Tauris, 2011.

and political system, one that could provide the sense of security and belonging that the tribe was able to deliver throughout history. That is why we can see now in Syria how the tribal identity is emerging again and traditional methods are restored to fill the vacuum of power that the crisis in Syria has left now for eight years.

Tribes and tribal *sulha* in post-crisis Syria

The most noticeable change in tribal structure in the time of post-crisis Syria is the move of the tribes and clans in Syria towards institutional work. This is due to various reasons, including the structural impact of political and economic breakdown, the emergence of different sheikhs for the same clan, internal displacement which has had a scattering effect on the clans' geographical locations. Additionally, there has been a rise in the number of individuals claiming to be the sheikh of their tribe after the natural leadership of the tribe was weakened during the Assad era, which made it more difficult for one person alone to claim exclusive control over his tribe. The tribes' sheikhs, thus, moved towards gathering together in councils that represented their various tribes, like Tribe Council of Bu Sha'ban, Tribe council of al-*Jabbur*, Tribe council of *Nu'im*, and others. These councils aim to face the aftermath of the war and provide some sort of solidarity and services to tribal clans. The next step was uniting efforts of the different single tribe councils to form a collective of tribes represented by one council, like the Syrian Tribes and Clans union, Free Tribes and Clans Council, Tribes and Clans Council in Euphrates, but the most important entity currently, in terms of number and effect, is the Higher Council of the Syrian Tribes and Clans. In addition to their role in providing social services, councils also play major political and military roles in the conflict.⁵⁹ These councils replaced the traditional sheikh rule as a social figure and political leader, which is an important transformation in the dynamic of the tribes. Moreover, it might reflect tribes' desire to be better integrated in the social and political scene in the country. The tribes' different councils also play an important role in resolving disputes through the tribal *sulha*.⁶⁰

⁵⁹ The researcher's interview with one member of the Higher Syrian council of Tribes and Clans, 28/12/2018.

⁶⁰ "Every week, we have four to five *sulha*, either for disputes that take place in Turkey or in Syria", said one of the sheikhs of the Higher Council of the Syrian Tribes and Clans during an interview in 24/09/2018.

After 2011, as many areas of Syria began to be outside the control of the Syrian regime, these areas lost access to many services provided by central government. Among such services were judicial and litigation services. Legal institutions and initiatives, like the Free Syrian Judiciary Council that was established in 2012, attempted to present themselves as a substitute.⁶¹ However, the effect of these bodies in organizing and establishing an alternative to the formal courts was very weak. Both the established political body of the opposition, the Syrian Council, or its successor the Syrian Coalition did not work on filling the judicial gap sufficiently either.⁶² Thus, it was left to the various military factions and some civilian institutions to regulate and fill the gap with initiatives. Some of these initiatives were more practical and effective than others, but in general they lacked unity and were not sufficient to bridge the legal gap.

The various factions that controlled non-regime areas created sharia and military courts as an alternative. These courts resorted to Islamic sharia⁶³ as their source of law, however, there is no clear method on how to apply sharia in the different disputes.⁶⁴ Some of the courts, usually the ones related to the most fundamentalist military factions such as Fateh Alsham Front (formerly known as the Nusra Front), believed in a literalist interpretation of sharia. In their view, any effort to codify sharia should be rejected as inconsistent with true Islamic teaching because codification would only represent one reading of the sharia, and thus close

⁶¹ The Free Syrian Judiciary Council was established by four dissident judges. The council launched a number of initiatives and structures for the judiciary body, but they eventually failed to provide a unified strong judiciary. Free Independent Syrian Judiciary Council, Enabbaladi, January 2016, <https://english.enabbaladi.net/archives/2016/01/free-independent-syrian-judiciary-council-2/>, last visited on 14/02/2019; Nazeer Rida, *Kodat Mounshakoun Youlinoun Ta'sis Majlis Alkada'a Alsouri Alhour (Disendet judges announce the establishment of the Free Syrian Judiciary Council)*, Alsharq Alawsat newspaper (article), September 2012, <http://archive.aawsat.com/details.asp?section=4&issueno=12351&article=696249#.XFaf162ZPs0>, last visited on 29/01/2019.

⁶² *Majlis Alkada'a Alsouri Alhour Yadoum 85 Kadi Yasoun Liltageer (Free Syrian Judiciary Council include 85 Judges Seek Change)*, Enab Baladi (electronic newspaper), December 2015, <https://www.enabbaladi.net/archives/56702>, last visited on 29/01/2019.

⁶³ Islamic sharia or Islamic laws that are derived out of the precepts of Islam, particularly the Quran and Prophet Mohammed's teaching.

⁶⁴ Assad Hanna, *Syria's Sharia Court*, Al-Monitor (e-newspaper), December 2016, <https://www.al-monitor.com/pulse/originals/2016/02/syria-extremist-factions-sharia-courts-aleppo-idlib.html>, last visited on 29/01/2019.

the door on further diligence in Islamic jurisprudence. On the other hand, some more tolerant factions resorted to several rules of law derived from sharia and coded in a way that simulates civil coded law. Some also adopted the Unified Arab Code, which is a code model extracted from Islamic sharia which was created by the Arab League as a code model in an effort to unite the legal systems in Arab countries.⁶⁵ Sharia courts field map mirrored the military factions' ones and the courts used the military factions' forces to execute their decisions and gain legitimacy. The sharia courts, however, were unable to create a just and acceptable alternative to the government's established courts. This was largely due to three reasons. Firstly, the judgements of these courts often conflicted, especially in the courts using un-coded sharia, which left the ruling to the judge's discretion. The judge, in these courts, had discretion not only in reaching a final conclusion, but also when organizing litigation. This led to fluctuations in the judge's decisions and the kind of sanctions applied. The second reason related to the lack of judicial independence of these courts, due in part to the close control of military factions that kept the courts as a tool to achieve their interests and strengthen their governance over the areas in which the courts function. Thirdly, the judges in the sharia courts were inexperienced religious persons (shareien) with no legal background, or any kind of higher education in most cases, which made them unable to carry out their undertakings efficiently.⁶⁶

Civil society organizations also played their part in providing judicial alternatives to the regime. One example is the Free Syrian Lawyers, a local civilian organization, that succeeded in establishing arbitration centers in 2014 in several areas located outside the control of the regime. Currently, they have five centers concentrated in the northern areas and in Idlib. The arbitration centers rely on the 'Syrian Arbitration Law Number 4 of 2008' as their source of law and cooperate with lawyers, judges, engineers, traders, and tribe leaders to form arbitration committees. The centers lack implementation measures, and therefore use social pressure to carry out the final judgements. Here, the centers use logic identical to that of the tribal *sulha* (tribal reconciliation using tribal laws). They use social norms, like honor and good

⁶⁵ Mickael Ekman (ed), ILAC Rule of Law Assessment Report: Syria 2017, International Legal Assistance Consortium (ILAC), November 2016.

⁶⁶ Researcher interviews with a number of tribal sheikhs in Countryside of Aleppo and Idlib areas.

reputation, in addition to the pressure of various social networks, such as family, coworkers, and neighbors to enforce a common sense of morals and responsibilities.⁶⁷

Tribal *sulha* still seems to be an important and effective alternative to the centralized judicial system because of its deep roots in the vast expanded tribal community in Syria. According to several tribal leaders interviewed for the purpose of this paper, the *sulha* practice has increased greatly since the uprising of 2011 because of the revival of tribalism, the rising number of conflicts, and the lack of a trusted and sufficient legal alternative. Additionally, the *sulha* appears to be a ready model that is sufficiently flexible to adapt to the emergent conflicts, whilst retaining a solid renown among persons with experience to practice it. The *sulha* is being practiced currently on various levels; disputes between individuals from the same tribe or clans, individuals from different tribes or clans, two different tribes or clans, and among military factions. The tribal *sulha* is mostly practiced among military groups where tribal members are involved as leaders and as fighters, like; *Jaiesh Ahrar Alashaier* (Army of Tribal Clans) in the city of Daraa before the city returned to the hands of the regime, *Ahrar Alsham*, and the National Army in northern Aleppo.⁶⁸

The tribal *sulha*, as such, was able to resolve several types of old and new conflicts arising from the war in Syria. One of the new type of discords that the *sulha* dealt with after the conflict in Syria are the arising conflicts between fighting factions who were supported by different tribes both financially and in terms of manpower. Conflicts between military factions occur due to disagreements on oil sharing, ransoms, prisoners of war, checkpoints and areas of control, to name a few. The tribe leaders in this case, out of fear that violence may escalate, have attempted to step between the fighting factions to solve the issue using tribal norms. For example, when a problem erupted between *Haiet Tahrir Alsham* (Nusra Front) and Free Syrian Front on their area of control in Idlib around 6 months ago, a reconciliation was established between the two parties by several tribal sheikhs. They agreed on a cease fire and the terms for the exchange of prisoners of war. Representative of the sharia court also were present, but the main actor in the reconciliation is the sheikhs and the proceeding was directed

⁶⁷ Researcher interview with Free Syrian Lawyer Organization, 20/12/2018.

⁶⁸ Researcher interviews with a number of tribal sheikhs in Countryside of Aleppo and Idlib areas.

according to the tribal *sulha*. It is important to note that the Nusra Front had among their forces fighters from Hadidiyn tribe in Idlib and the Free Syria Front had members of the *Mawali* tribe. This renders the *sulha* process familiar and acknowledgeable by the two faction members who are already part of the tribal community. However, even foreigners fighting in Nusra Front who come from other Arabic countries like Saudi and Egypt also belong to a tribal identity and see tribalism as part of their identity and accepted social norms. They still prefer sharia and its retribution based punitive system, but they would allow *sulha* to take place whenever there is no other solution in hands and whenever it is the most effective way to preserve their control.⁶⁹

After 2015 and after the sharia courts and Islamic military factions held tighter control in the areas outside of regime control, in Northern Aleppo and Idlib city, the tribal councils and sheikhs started to build closer alliances with the courts and its sharia judges (*sharieen*). Councils like Camp Notables Council and the General Council for Free Notables are working on arbitration committees consisted of tribal sheikhs, *sharieen*, and some formal police members to solve disputes and claims by civilians. They are apparently using an un-coded intertwine between Islamic sharia and tribal laws as their source of judgment and proceeding.⁷⁰ However, the effect of *sulha* practice on these different arbitration and reconciliation efforts is evident in the final judgments that is usually involve either paying an amount of money or expelling the offender, which are the same adjudication included in the tribal laws. Additionally, these reconciliation practices were not able to eliminate the traditional role of tribal *sulha* practiced by the *arfeh* (the tribal judge) that is still also performed today as it was centuries ago.

Tribalism is reviving and tribal *sulha* is still practiced in Syria today and even more than it was before the conflict due to the newly exacerbated need for such a mechanism. It is, however, facing new challenges, from the change in tribalism, tribal structure and leadership to the changing nature of the conflicts themselves. The tribal *sulha* is deeply rooted in the

⁶⁹ The researcher's interview with the sheikh of Bani Saied clan in Aleppo and countryside of Aleppo, 24/09/2018.

⁷⁰ The researcher's interview with one of the sheikhs of Nu'aim Tribe Council in Southern countryside of Aleppo, 28/01/2019.

common awareness of the Syrian and Arab society as a whole and, as a result, *sulha* logic, practices, and resolutions are borrowed, in whole or in part, by different types of non-state reconciliation and litigation initiatives.

Concluding remarks

Tribes in Syria have gone through several phases of changes and adaptations. However, the degree of these changes differed from one tribe to another, which has led to different degrees of tribal identity among different tribes. The affecting factors were both subjective and objective. The subjective factors were derived from the tribe's size, unity, influence, and leadership strength. The objective factors, on the other hand, included geographical and political effects. The tribe's location close to settled communities, or in influential areas such as the borders or the trade routes, affected the tribes' evolving paths. Additionally, the tribes' degree of interaction with the central government played an important role in their transformation. Since the nineteenth century, successive central governments in Syria have tried to push for sedentarianization and control over tribal affiliation by both peaceful and aggressive methods. It is noteworthy, however, that these practices differed depending on the central government's larger strategy towards the tribes. Another factor that characterizes the tribes in Syria is their belonging to a certain national or religious sect which controlled the tribes' historical experiments and survival mechanisms. Since tribes in Syria have not all evolved in a similar way or in a similar timeframe, then it might not be accurate to put them all in one basket and study them as a one bulk of society.

Tribal identity is an essential aspect of Syrian society. It will continue to be present in the future because it is part of the major communities' sense of belonging and feeling of security. While all of the above-mentioned factors have weakened tribal identity and unity in Syria, they could not abolish this identity altogether. That is why we can now see in Syria the re-emergence of tribal identity. Traditional methods of conflict resolution, including tribal ones, are returning to fill the vacuum of power caused by the Syria crisis. This refers to the validity of

the tribe subject in Syria today and to the tribes' role in securing and stabilizing the future of Syria.



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