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TRADITIONAL CONCEPTS OF TERRITORY IN SOUTH EAST ARABIA

J. C. WILKINSON

Explanations of the differences between the traditional and modern notions of territory in the Gulf tend to emphasize the distinction between *jus sanguinis* and *jus soli*. The adequacy of such an explanation is examined in the context of South East Arabia with special attention being paid to the notions of territoriality amongst the nomads in whose *dārūs* the creation of modern boundaries has been most arbitrary. After examining basic notions of ownership and the means by which allodial rights and precedence in the exploitation of natural resources are established, the article continues by examining the relationship with the functional needs for control of territory, notably demographic pressures on a sparse and fluctuating pastoral resource base. Notions of community, government and sovereignty amongst both the settled and the nomads are then sketched and related to the growth of nascent states through shaykhly control of nodes that give access to marine and land resources. The article concludes that it is meaningless to divorce *soli* and *sanguinis*, since we are dealing with a society in which both are intimately linked in a common *jus*. Some of the rulers of the Gulf appear to be reverting to these notions to regulate territorial differences between them (since the withdrawal of the British presence a decade ago). Their agreements constitute as valid an ‘international’ law as the Western notions of territoriality which have led to ludicrous fragmentation of sovereign rights over resources in the region. There is little reason to suppose that, because these agreements do not produce ‘demarcated boundaries’ they are any more unstable than if they were to do so.

STUDIES OF THE political geography of the Gulf usually highlight the potential political instability that arises from lack of properly defined boundaries, both offshore and onshore. Swearingen (1981) for example states, ‘A political and cultural legacy from the past, the absence of boundaries today is a specter of instability haunting the Gulf. This is especially true in the Lower Gulf. Except for that between Abu Dhabi and Dubai, none of the boundaries between the various emirates has been demarcated; nor have those between the United Arab Emirates and Oman’ (Fig. 1). The cultural legacy from the past is explained as follows: ‘As many scholars have noted, the concepts of precise territorial delimitation expressed by boundaries is relatively recent in the Gulf region. Allegiance, traditionally, was to a social unit; *jus sanguinis* rather than *jus soli* operated’. The object of this paper is to see how far such an explanation is valid. This will be attempted through a study of the local notions of territoriality amongst the tribes of south-east Arabia. However, in view of the fact that many of the problems of defining inter-state boundaries developed out of deciding who owned what in the desert forelands of the core areas of settlement, the main emphasis will be on the concepts of territoriality in the nomadic fringe, and in particular in what was known as the Trucial States or Trucial Oman, now United Arab Emirates.

In the course of study it is hoped to show that the distinction between *jus sanguinis* and *jus soli* is far from clear cut and that social organization is largely based around notions of territoriality. The fact that these notions are in part related to the functioning of the traditional local economies and that more than one group may exploit the different natural resources of the same area does not mean that notions of ownership or exclusive access to resources are any less developed than in our own societies: it is just that they are different. Indeed, one anthropologist, writing of the ideal type of pastoral Arab society (in Cyrenaica) maintains that their genealogy is fundamentally a ‘conceptualisation of a hierarchy of ordered territorial segments’ (Peters, 1960), whilst

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Fig. 1. Location map

another (Dresch. 1982) in the context of Yemen states, 'In short, the names of tribes are geographical categories of great stability'. At the same time we must realize that this does not mean that tribes are ecologically determined: a purely functional approach to understanding tribal structures and values will not progress us far in understanding the traditional notions about territorialism in our area. The fact, for example, that certain Iranian tribes may treat pasture as an alienable right whilst ours do not, can neither be explained in terms of ‘vertical’ versus ‘horizontal’ nomadism, nor in such general cultural values as Islam. It is, of course, impossible in a paper of this length to investigate in detail the relationship between geographical organization and the translation of territorial notions into the tribal conceptual framework of which both Peters and Dresch speak. But certain basic concepts of ownership and functional control of territory will be examined and in this way, perhaps it will be demonstrated that it is as dangerous to assume that a notion of jus soli has only developed with the modernization of the Gulf as it is to assume that it is more strongly developed among settled peoples because nomadism is an earlier, more primitive state.

As will be indicated in the conclusion, some boundary problems have in fact been resolved since the withdrawal of the British because of a return to something of the old tribal concepts of land organization. After all, the European stance about central government’s exclusive sovereign rights over territory was effectively only enforced in our area with the culmination of the so-called Buraimi dispute in the 1950s, and it produced some unfortunate fragmentation of territory, notably in the eastern Trucial States (Wilkinson. 1971). The fact that something of a retour en arrière may produce agreements that do not accord with the norms of international law, which in fact very largely derive from ‘Western’ notions of territoriality, does not necessarily imply that they are any less settled than a demarcated boundary. Our own history provides frequent examples of violated international frontier agreements too.
Notions of ownership: formal and informal notions of nomads and settled tribesmen

Basic to the concept of a dār (tribal territory)* are the notions about ownership in the society concerned. Here a starting point can be obtained from an examination of certain fundamental ideas concerning land organization in the shari'a. However far the full, developed formalizations of Islamic law may sometimes remove themselves from the reality of actual practices, there is, normally, at the core of the precepts involved, a basic element related to the traditions of a particular period: the shari'a as Brunschwig states (quoted Linant de Bellefonds, 1959) 'est fille, bon gré mal gré, de la réalité sociale'. A fortiori is this the case in the Ibadi madhab of Oman where the vast corpus of rulings concerning practical matters has very largely been harmonized with the local 'urf (customary law). Much of this material from the ninth century onwards is extant, either as direct rulings or in the more formalized recensions of the exemplary problem-answer pattern of the Encyclopaedists (cf. Wilkinson, 1978a; 1979).

The fundamental Islamic injunction concerning nomadic rights, and one which clearly derives from traditions going back into pre-Islamic times and is still the basis of the legal philosophy of nomadic societies in our area today, is the reputed hadith (saying of the Prophet) 'Man holds three things in common. water, vegetation (kālā') and fire'. The emphasis is quite clearly on basic natural resources as is evident both from the transforming of the term 'earth' which occurs in the more 'elemental' concept of common property in certain pre-Islamic Middle Eastern societies to the utilizable product of natural vegetation,** and from jurists' commentaries where fish (in their natural environment) and game are added to the basic list of commonly owned resources.

As natural resources, the ultimate dominium (ownership) remains with the Creator, the utile (use) is the common heritage of mankind. However, because the availability of these resources is limited and can give rise to competition, the basic problem that must be resolved is to what extent and under what conditions can these resources be appropriated.

Full appropriation is accepted as virtually a sine qua non for permanent irrigated cultivation, and this is recognized in the Islamic laws governing the creation of allodial rights, mulk. The features recognized for such appropriation derive largely from the fact that intensifying the use of the resources which God gave to man requires the input of man's labour, in bringing in water or draining marshland and preparing the land (Mâwardi, 1915 : 380). Cultivated trees and crops are granted full ownership rights, as, too, water supply from the point where it becomes artificially derived. The question of the land itself, however, is more complicated. In permanent cultivation where the land is utilized for most of the time, as in the case of perennial crops, mulk is also granted. In seasonally irrigated land, or more importantly the rain-fed land, the situation becomes more complex, partly because the land is often exploited on at least a partially communal basis (mushā', mushtarak), and partly because of the seasonal cultivation and fallow systems which involve grazing rights. Here Islamic law, in so far as it exists on the subject, is almost entirely based on custom, as is indicated by the very words used to designate dry land farming, ba'l associated with the male god of fertility (Ba'l, Ba'al, Bel, Baal) or 'aththari deriving perhaps from his southern hypostasis Ishtar (E.1.2, Art. Ba'l) or possibly his female consort Ashtoreth (Babylonian Ashtor). Even more vague in Islamic law (Linant de Bellefonds, 1959) is the law concerning communal non-cultivated land, which in the Ottoman code of 1858 was designated as mātûka.

* Sometimes also called by a variant, dira, in our area. It is relevant to note that dār has the connotation of movement around a node. This nodal concept, which is discussed further on, also explains why the inhabitants of these main settlements are designated hal(ahl) al-dār by the bedu. Note that the spelling 'bedu' has been used for the desert nomads of our region whilst the correct badw has been retained for the wider connotation of Ibn Khaldûn's tribal society as explained later.

** Kālā' may have been pared down in the course of legal discussion to 'trunkless' natural vegetation, i.e., annual fresh herbage. As such it corresponds with the bedu term 'ishab (correctly 'uṣhab) and contrasts with 'trees' as discussed later on. Originally it was, perhaps, conceptually an all-embracing category, as suggested here.
The reason is that basically Islam looks from the centre of the village outwards (Wilkinson, 1977; 68 ff.) and is clear about fully appropriated rights but not much else. Mulk rights in the built up area and the permanently cultivated area are quite clearly defined. Then comes a rather more vague area of cultivation, that of the seasonal cultivation where individual rights are not quite so clear and which is sometimes complicated by problems concerned with abandoned buildings and fields (ramm in Oman). Beyond this lies land which belongs to the village as a community, but which is potentially disputable with the nomads. Finally comes the area where the law again becomes much clearer, the land designated as mawāt: considered as res nullius it can be appropriated into mulk by the law of vivication (ihyā al-mawāt) by the first exploiter (Fig. 2). Once again these ideas are very ancient and the term mawāt is probably associated with another deity, Mōt, the personification of the summer aridity, when vegetation 'dies', and rights of appropriation for cultivation lapse and the land reverts to grazing (Poliak, 1940), a process which itself helps restore its fertility. In such ancient customary law concerning seasonal land are also to be found elements of another feature inherent in the inner view of the law concerning ownership rights, that whereby proprieal rights exist only so long as the resource is being exploited.

This is clearly stipulated in the earliest rules concerning the lapse of concessions (iqād: normally after three years) and also of the period between staking an initial claim in mawāt land and the completion of vivication; here, however, it should be noted that the reasons for these limitations may also become associated with the resulting loss of the potential revenue for the state (cf. the lapse of beneficium after ten years' failure to cultivate in North African agro deserti under the Lex Hadriani: Garnsey, 1976). Such limitations of ownership rights to the period in which they are utilized is particularly clearly marked in the view of the nomads, who consider property rights over abandoned wells as having lapsed; this practice is specifically recognized in the shari'a (Māwardi, 1915: 391). Amongst the settled peoples of the Oman area, association of mulk rights with actual exploitation is also the real practice although the written law has a complicated history concerned with protecting the rights of untraced inheritors and, more importantly, protecting rights as the result of dispossession by illegal seizure. It is interesting that this perpetuation of mulk rights was associated with a specific period of 'tyrannical' rule (jabābira) following the lapse of the Imamate in Oman's Dark Ages and closely parallels a similar modification in third century Palestine of the Talmudic principle of hazakah (whereby the ownership of rights to exploit a piece of land passed to the new occupant of abandoned land unless claimed within three years) stemming from the need to protect usufructs who had to flee their land as a result of disordered conditions (Sperber, 1978). The resulting sterilization of land resources eventually led to important modifications of Ibādi law concerning abandoned land in seventeenth century Oman (Wilkinson, 1977: appendix).

The tendency to perpetuate ownership rights (for whatever reason) with the intensification (in terms of time occupancy of land) is, of course, a source of potential conflict between nomads and settled and it is interesting to note that Ibādi law in Oman tends to recognize a fundamental difference between land (arādi) and the things that grow on it which enter the same class as mobile possessions (goods and chattels = livestock), which in the views of both the nomads and the settled, can be fully owned. The latter are designated in the law -amlāk, but full 'original' rights of possession of land and water are termed usūl. Here we see an example of the rather more pragmatic development of the shari'a in our area as compared with the urban based viewpoint developed in the mainstream schools, a viewpoint which tends to exacerbate rather than limit conflict between nomads and cultivators, even though they are involved in what are fundamentally complementary systems of land use. The reason is that conflict is most likely to develop in the margins of extensive cultivation where the expansion of the dry-land farming area tends to be at the cost of the best potential grazing. There the formalized law is in the hands of the urban elite whose economic power largely derives from control of the cultivators and hence their legal code (sometimes rationalized in shari'a terms) favours the villagers at the cost of the nomads. Similar tendencies occur over the vague no-man's land between mawāt and mulk, in the area of the villagers' grazing. Here the general view is that the land itself remains res nullius but the
usufructure of grazing and wood-cutting is considered as res communis by means of the villagers' presumed appropriation. Certain jurists have tried to rationalize this in terms of the concept of the harim, a borderland which is integral with any piece of mulk property; hence one solution is to say that the village lands extend such and such a distance (variously 300 to 400 dhira') from the nearest occupied (mulk) area. Others use such criteria as the distance a man's voice can carry, or the distance that can be covered in a day's return journey. In reality all schools rely on de facto usage and some even formally conjure the use of 'urf (customary law) (Linant de Bellefonds, 1959).

In the case of the Oman area, as indeed in much of the Arabian Peninsula, these potential conflicts between nomads and settled are minimized both by the law and practice. Settlement is based on intensive and long established cultivation, virtually all going back to pre-Islamic times (Wilkinson, in press) and the customary boundaries as a result have been well understood since time immemorial*, so that the problem of formalizing this aspect of land ownership is of little importance. Again the apparent difference between the nomads and the settled disappears when it is realized that nomads have precisely the same view of ownership rights as the villagers in the domain of cultivation. Their essential concern is to obtain such rights and there are few bedu tribes of the region who do not actually own considerable portions of villages, even if they may use clients to do the cultivation itself. Indeed, it is effectively a prerequisite of creating a dâr to have such a foothold in settled land. The concomitant of ownership, which is the right to alienate property (i.e. to buy, sell, inherit, rent, etc.) however, is constrained by social mores; the essential feature to note here is that there is little difference between the settled and nomadic tribes in this situation and everything is done to prevent property passing to outsiders. The fact that clan notions of social structures are common to both the nomads and the villagers also means that whilst their concepts of tribal relationships are based on balanced oppositions (the famous Hinawi and Ghafiri moieties), their economic structures are based, to a degree, on cooperative principles; hence their irrigation systems are termed falaj, with a communal distribution system, and much cultivation is joint (mushtarak), even though the actual ownership of elements of production are theoretically divided between individuals. In this, perhaps, we can see something of the contrast between the mushâ'a (communal) principles of

* Indeed, the conventions concerning the limits of the two systems of land use even formed the basis of the treaty in Late Sassanid times (sixth century) between the Persians and the Arabs, reflected in the territorial concept of the Persian province of Māzān (Wilkinson, 1973).
cultivation as practised by settling tribes in the Fertile Crescent and the individualistic patterns of land tenure which some see as characteristic of the true peasants of the region (cf. Scholz, 1975 for discussion of the literature).

The potential conflict over grazing (which involves kalā’, ‘ushb) and wood-collecting rights from naturally growing trees, has also been eliminated through time. The formalized rules specifically state that the latter cannot be owned (mulk) but are the possession of the community treasury (bayt al-māl). As such, the produce, whether in fruit or wood, of a standing or fallen non-cultivated tree, and of cultivated trees which have established themselves outside the gardens proper, are reserved for the poor of the community (al-Ṣālimi: 416-419 et passim). However, such a ruling is simply a reinforcing of the inner view backing existing practices and has been formalized to protect the interests of the poor. It is not law for the sake of law. Land law in Oman tends to arise only when there is a real situation to be regulated. This is the reason why, for example, there appear to be no formal rulings in Ibādi law about whether or not kalā’ is common property when established in mulk land (as is discussed in other madhhabs) because such legislation would be redundant. The reality is that nomadic groups regularly move into village lands in summer in the piedmont zone. The mountain shawāwī herders do likewise within the villages in the mountain zone, and they usually have a special tree (al-bariza) there which marks their gathering place and where guests are received. These shawāwī, however, are much more closely integrated socially with their villages than the nomads and it is the range of their grazing lands which tends to determine the boundaries of the settled tribes, so that the whole of inner Oman as well as the desert is also divided into a patchwork of tribal dārs. Conflicts over ‘nomadic’ grazing grounds can therefore involve villagers in tribal conflicts even though not directly involved by their immediate interests. More important however, is the conflict they can get involved in when the shawāwī, as transporters of goods, meet rival groups in certain of the big centres of Oman. Because of such potential conflict, specific points have clearly to be recognized as the boundaries between various groups where changes in carriers have to occur: because of such complications certain neutral bedu tribes have tended to develop a specialized role as carriers between the villages, e.g. the B. Zufayt section of the B. Qitab fulfilled the vital role of linking the Sirr (‘Ibri area) to its port at Khābūra before the settled Ḥāwāsina managed to build up a quasimonopoly of control over this route.

The nomadic viewpoint: mixed herders.—Despite the apparent harmonization of ownership and territorial rights between nomads and settled in Oman, the fact remains that, in contrast to Islamic law which tends to take the village centre as its viewpoint, the nomad’s life starts in the desert and his viewpoint is strongly influenced by the basis of his economy, pastoralism. So the emphasis swings back from that of the cultivator, where full dominium is the starting point, to that of the right to control the natural resources, the dominium utile. This is why the nomads of our region tend to use the word haqq, (pronounced hagg), right, to indicate the possessive rather than the word māl, property, used by the settled population (e.g. ḥaggī and mālī = mine). But the problem is how to obtain precedence in haqq. The basic rule is the same as that of reducing mawāt into mulk, the first to do so. But instead of it being the first to vivify the land (iḥyā al-mawāt) it is a case of istila, the first to take hold of it. This, as is also the case with much cultivation, is simply a case of possession being nine points of the law. But there remains the issue of the tenth point: how does one establish right in the first place? And here we must go back to another hadith, less well known that the one already quoted, indicating the traditional viewpoint: this effectively states that surplus water may not be refused in order to prevent a pasture being exploited. As in rights of thirst, the water must be given (subject to certain conditions) and not sold. The essential feature to note here is the parallel association of water and grazing rights. Without water, grazing (normally) is of no use. So just as there is a village grazing area associated with the irrigated area, so there are grazing rights associated with water supply.* Moreover, the water supply in the desert can be owned (even if belonging to a

* The Balūsh, for example, have a grazing dispute with the B. Qitab because they claim that in buying the falaj of Jabal Mushārīb they acquired the feature itself.
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group rather than an individual) because usually it has to be developed by man. So the *haqq* rights follow the *mål* rights. This is essentially the significance of the use of the word *bida* to mean a well by the Trucial Coast nomads. *Bida* is not the generic word for a well—that tends to be *tawi* amongst the settled or just *mål* amongst the nomads—while there is a mass of specialized words indicating characteristics of specific wells: as the etymology of the word indicates, a *bida* well is innovative, it opens new land and confers new rights to its owner (often a shaykh, and marked with his proprietal *wasm*). So we can see that private ownership is an essential starting point of nomadic territorialism and that there is very much a *jus soli* involved in their society. It also emphasizes one of the essential features of land exploitation by the nomads, that of nodal development. So the basic pattern of tribal rights has developed around the exploitation of the water resources of an area. Since the wells have different seasonal potential they give access to a particular grazing resource.* Amongst the shoat (i.e. sheep and goats) nomads, animals do not become water independent at any season, and so their territories are usually small and more or less confined to the mountain terrain. All other groups possess camels and the degree to which these predominate largely determines the size of the *dăr*. If they are basically a mixed shoat-cum-camel economy, the territories will tend to follow the drainage system with a ‘pulsatory nomadism’ (Johnson, 1969). The most intense occupation will be upstream where water and grazing are best, but when the seasonal grazing is good the camels will be able to exploit the outer fringe of the territory *hatatā akhar dăr*, up to their tribal boundaries (*qasahum)*. In the outer parts of the drainage courses there also lie other resources which are again the rights of the tribal group; such for example is the collecting of salt and sulphur (used particularly in a paste for delousing animals) from the playas of the Umm al-Samim or the halokinetic series associated with incipient salt domes of the Qārāt al-Kībrīt and Qārāt al-Mīlḥ in Durū‘ territory. Hunting also, it should be remembered, is the main source of meat for many poorer groups, while the collecting of plants for dyes and medicinal purposes can provide an important supplementary means of exchange too. Trade in firewood is sometimes of considerable importance, whilst certain groups, e.g. the Āl Bū Shāmīs, specialized in making charcoal from the acacia bush (*samra*) which dominates much of the *sayḥ* (outwash, bajada zone) vegetation. All these natural resources are deemed to be tied to territorial rights. But the main physical determinant of the territory is the drainage system and in the desert foreland of the Oman mountains tribes will define their territory and the rights of sub-groups in terms of wadi courses. In fact so inherent is this notion that nomads will give directions solely in terms of upstream and downstream even though the foreigner may see nothing but a totally flat plain (*jidda*).***

Camel-herders.—Where nomadism is based on the use of the camel alone, the animals are far less water tied and may even become water independent when fresh grazing is particularly good (Stein, 1967, quotes 25 days for the Shammar, whilst Wilson, 1978, writing of exceptional years of grazing in the gizu (*uşḥb*) of Southern Libya quotes periods of several months of water independence and camel displacements of 600 km for it). This means that the animals can exploit a far greater range of...

* The permanent wells of the Durū‘ for example are referred to collectively as ‘idd al-Duru‘, but individually will be referred to as *tawa* so-and-so. Buhūth is a widely used word amongst the bedu of our region for a seasonal well dependent on rain and is the equivalent of the western tribes’ mishāsh. Amongst the sand-dwelling camel nomads the characteristic *uglā* is a shallow well (length of the *uglā*, head-rope) normally dug into dunes to reach the perched water table: strictly, it is a sub-classification of a *mughila*, which is any well of permanent water which has to be dug out when resumed.

** It is of interest that my Janaba informant designated tribal boundaries not in terms of legal lines (*hudūd*) but in the concept of a *frontier*, *qasa*, a word which has the connotation of the most distant point, the area of greatest remoteness, of least interest.

*** Amongst the southern nomadic tribes of Oman, e.g. the Janaba, upstream is ‘Ālāya and contrasts not with the settled tribes *Sīfālā* (Upper and Lower Somewhere) but with *Hadar*. Hence the *Barr al-Hadri* is the South Coast, the ultimate drainage direction of the wadi system of S.E.Oman. By extension *‘alwa* can mean not just upstream, but nearer to the speaker.
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desert than the shoat-cum-camel herders. This is why they tend to be occupiers of the sand desert with its very particular hydrological characteristics but with a sparse grazing which is virtually useless for shoats. Another aspect of the different grazing/browsing habits of the nomads’ domesticated animals is that the camel herders can use territory within the domain of another group without necessarily conflicting with their interests. That is why, for example, a group like the ‘Awāmīr of the Oman desert appear to have no exclusive ḍār. Apparently ‘most strongly imbued with an inconsequential wanderlust’ (British Memorial, 1955: i, 58), they in fact have perfectly clear movements and established grazing preferences and are certainly in no way clients of the tribes whose land they utilize: on the contrary! In reality their example simply highlights another basic feature of tribal territory in Oman, non-exclusiveness. Exclusive ownership of land is strongly developed in the oases because permanent cultivation is not possible without continuous control of the resource base: seasonally cultivated or seasonal grazing resources can be used in a complementary fashion between groups. In the nomadic domain the use of the land depends on the type of grazing, quality and quantity of water supply, and the type of animal they exploit. Land use is therefore essentially complementary and territory non-exclusive. The tribal area is a functional rather than a formal political region (cf. Soja, 1971) and the boundary is reflected in terms of social groups with exclusive access to an economic zone rather than a sovereign ownership of territory by a tribe (cf. the parallels in the law of the sea). Since exploitation of marginal resources also requires increasing specialization, the frontier area of economic territory is of least interest to the occupying specialist society but may be of interest to another specialist group. Hence complementarity of occupancy by small groups, apparent lack of exclusiveness and a seemingly ‘inconsequential wanderlust’ characterize the desert areas of our region and the problem of drawing a modern boundary in terms of European notions of sovereign rights largely arbitrary. On the other hand, such a limited ecological explanation of tribal territory only explains part of the picture and as we shall now see there is a notion of sovereignty involved in control of the land even if it is not based on exclusive ownership.

Demographic control: sovereignty

Because the nomads with which we are dealing do nothing directly to ‘manage rangeland’, the pattern of land use essentially stems from the characteristics of the domesticated animals employed and the technology of exploitation. So it can be seen that regulation of land and notions of territory primarily derive from mobility, which in turn involves the organization of land in time schedules (Carlstein, 1980) adapting to differential carrying capacity, both intra- and inter-annually. This essentially involves demographic control, both of the animal units and of their human owners.

Because the technology of exploitation and the characteristics of domesticated animals used by the nomads are fixed, but the carrying capacity of the land varies continuously, demographic manipulation is an essential functional feature of territorial control for pastoral societies. Detailed study of the relationship between carrying capacity, the minimum size of herd units and of human units in the seasonal cycle, and the pattern of social fusion and fission that result exceeds the scope of this essay (cf. discussion in Carlstein, 1980: Ch. 4). So too does the zonal equilibrium which results from balancing the centripetal forces of competition for optimum conditions and the centrifugal forces stemming from the different tolerances of various domesticated species to water and salt economies reflected in terms of yield economies (Wilkinson, 1977: Ch. 3). What is more essential to this discussion is the effect of inter-annual variation in herd composition. As Swift and others have noted (in Chambers et al., 1981), ‘many communities have mechanisms for coping with the normal pattern of the season, but they have much greater difficulty in coping with climatic variability’.

Thanks to the recent disasters in the Sahel many are now, in some measure, familiar with the kind of cyclic situation in animal populations which occur in arid regions, even if the relationships between bad rainfall and herd sizes are far from simple. What is perhaps less familiar is the time lag involved for domesticated species in herd reconstitution. Even though a bad year will affect camels somewhat less than shoats (the drought of 1947/48, for example, killed off one-third of the camels against half the
shoats belonging to the Megarha of the Fazzān (Cauneille, 1954), the latter have a natural reproduction rate of 30–40 per cent p.a. whereas camels have a doubling time for the fertile and potentially milk-producing females between 15 and 50 years (Dahl and Hjort, 1976). The effect of a drought such as that of 1958–62 which killed off in the order of three-quarters of the camels of the Rwala (Lancaster, 1981) would, therefore, prove disastrous without major re-adaptations or mechanisms for control of, or access to, alternative resources and population.

Such continuous living on the verge of a natural disaster by the camel herders, coupled with the fact that their animals are eminently stealable and that the herding groups tend to live in small, isolated, and therefore potentially weak units, doubtless played a determining role in their development of a strong sense of ‘āssabiyya (group cohesiveness expressed in clan obligation terms), the systems of redistribution of wealth, whether by raiding, gift, or loan, the warrior ideology as perhaps reflected in their poetry, and the sense of superiority to shawwā (shoat herding) groups (cf. inter alia Sweet, 1965; Bonte, 1975; Cole, 1975; Copans, 1975; Wilkinson, 1977; Ch. 3; Meeker, 1979). It also plays a role in demographic control. During field work amongst nomads of the Oman region I noted, without at the time giving the matter consideration, that individual settlements never seemed to be made up of a single clan unit or vice versa. Furthermore each settlement appeared to divide between a social core and peripheral population, but the complete core, as reflected in the name of the dominant clan, appeared almost inevitably to be spread over a number of settlements. One aspect of this situation is obviously connected with the relationship of weak or client groups to a dominant one associated with protection, and is familiar to anthropologists. But there may also be a demographic aspect, to coin a phrase ‘disposable population’, involved in the phenomenon. This suggestion obviously needs further research but it does seem a reasonable mechanism whereby a tribe can maintain a core population, identified in clan relationships of dominant groups, in control of all the main points of natural resources and demographically geared more or less around the carrying capacity of a reasonably expectable bad period. In good periods client population can be absorbed, and conversely forced out when the going becomes really bad. Beyond a certain pressure, however, migration of the core group must also take place and new resources must be gained. Since the climatic conditions necessitating these moves will be at least regional in scale and also affect settled peoples, such movement becomes cumulative and can give rise to the kind of political migrations familiar in the history of Arabia, and certainly characteristic of the history of the Oman region. Here the migration movements tend to come and go via that part of Eastern Arabia (more or less the Ḥasā region) called by the classical Arabic authors ‘al-巴ḥrayn’, and to a lesser extent on the other side of the Empty Quarter via Southern Arabia; further movements take place across the entrance to the Gulf between Oman and what again was classically known as ‘Kirmān’. Also associated with demographic patterns, perhaps, is migration to East Africa. But these are macroscale movements which surpass the scope of our essay. At the more local level the pressure of the nomads is towards the richer areas and this in itself leads to a slow and complex current of people moving from group to group, with shifts between nomads, settled and shawwā groups, and of political shifts in dependent clans and independent tribes. Such movements are familiar in theory, even if not studied in any detail, and, clearly, partly function in order to maintain demographic equilibrium in areas where the economic resource base in uncertain.

Similarly related to demographic control and intimately connected with notions of territorialism is the practice of khuwa. As Lancaster (1981) in an excellent study of the institution amongst the Rwala points out, it is not extortion, nor is it protection money, nor a tax, nor bribery. It is payment to opt out of the primary economy of raiding as practised by the dominant groups of the desert; thus a client group could graze without the risk of being raided. Although the Rwala do not see the payment as a rent because they insist that they do not ‘own’ the resources, it can be interpreted as being such and it is treated as an alienable right by both parties to the contract (cf. Lancaster, 1981: 122). But more important, and of this they are now at least openly aware thanks to the ‘nationalizing’ of grazing grounds, it is also an important regulatory feature by
which the dominant groups can manage the grazing resources of the desert and it is clearly another example of 'disposable population' by which a tribal group can control, in some measure, the problem of variability in the ratio of herds to carrying capacity. Fission and fusion can regulate the pattern of seasonality but 'rule' is required to deal with the much greater problem of inter-annual variability. That is why the terms 'rule', 'own' and 'dominate' become synonymous amongst the major nomadic tribes. But they also draw a clear distinction between these concepts on the one hand and 'government' on the other (Lancaster, 1981:121): the latter is associated with the concept of ḥukm, law, arbitration.*

This government-rule dichotomy coupled to the notion that resource control was exercised through dominance rather than ownership is the key to understanding the notions of territoriality amongst the nomads and their relationships to central government. The actual territory the tribes control is largely determined by the distribution of resources necessary for their life styles: the number and social organizations of other occupants, however, is fluid and is not confined to the dār of the dominant group since their rights are based on the exploitation of surplus resources, possibly from a number of dārs. But in all groups the socio-political boundaries are intimately linked with resource exploitation and closely related to natural features. Territories therefore fluctuate both areally and in time, and are complementary rather than exclusive. Furthermore the concept of rights of ownership or control of resources is closely associated with utilization, so that rights lapse with abandonment. But this apparent fluidity and impermanency in concepts of territorialism should not be confused with instability or lack of roots in place. To use a Braudelian form of analysis, tribes know histoire évènementielle since their structures can be manipulated by shaykhly and religious elites for political ends, but their structures, although apparently rationalized into a clan classification do not actually respond to laws of 'consanguinity' but to 'customs' and 'obligations' (Eickelman, 1980; Dresch, 1982). These constitute a code of behaviour whose rules are largely geared to maintaining stability in geographical organization, an organization that itself is often of great longevity. Part of the occupying population of a tribal territory may therefore be fluid and transgress its boundaries according to available carrying capacity of the units of economic organization: but whilst the potential for political manipulation may be correspondingly fluid and élites come and go, the tribe as such is quasi-permanent.

The argument that in simple economies political groupings tend to identify in terms of social units, whereas in the industrialized world political territory tends to define the social identifications, can therefore be seen to be something of an over-generalization when we come to examine more closely territorial structures of such 'simple' societies. It has a degree of correspondence with the rather simplistic Marxian evolution of the 'Asiatic' mode of production and state formation: nomadic community – tribal society – despotic centralized government (Tosi, 1976). What is clear is that it is not a question of jus sanguinis versus jus soli, but that such a division becomes meaningless in cases where the basis of the community is largely determined by the need to maintain viable economic units in ecological harmony with the land. This leads us on to a final set of considerations, what is the community and how do different elements in its leadership deal with the question of resource allocation.

The community: religion

In our initial discussion on the ownership of resources it was obvious that the notion that natural resources are communal property had to be modified if there was competition for them. One obvious such limitation was that of substituting the oecumene, in our case the dār al-Islām, for the generic 'Man' of the hadith: thus Māwardi (p. 401) glosses it as 'Amongst Muslims, three things are held communally…'

* Traditionally this was the role of the shaykhly and religious élites: in the Saʿūdī case the Āl Saʿūd, and the Wahhābī qādis. In the modern state (Cole, 1975) this has had to be extended so the government now divides between the ḥākims and qādis (the ruling élite) and the dawla, (administration).
However, what that Muslim community is may be interpreted in at least four major ways in the Gulf, depending on whether one is Shi'i, Sunni, Wahhabi, or Ibadi. In the Wahhabi case the theory conceives all those who have not become brethren (Ikhwan) by accepting their call to the Unity of God (da'wa ila 'l-tawhid) as guilty of shirk and apostates (Helms, 1981: Ch. 2): such people live outside the dar al-Islam and, ipso facto, have no territorial rights. The appeal of such an ideology is clearly going to be to those who wish to cast off an existing regime or who have strong expansionist tendencies. The resulting tie to the House of Sa'i'd may initially, at least, be of secondary importance for adopting their creed. It is no coincidence, for instance that there were two groups attracted by this ideology in the Omani region, the Jowasim (correctly Qawasim) and part of the nomadic fringe; ‘...when there came the madhhab of ‘Abdul-Wahhab al-Najdi it was particularly successful with the bedu (a'rab) ignorant peoples living in the deserts outside the settled oecumene (ahl al-buldan) who are the people of excellence and true learning (al-fadl). And when the Wahhabi state faded away, many of them who had become Wahhábis became Sunnis’’ (Sira Nasir b. Abi Nabhán, a treatise of the differences between Ibádisim and other religions from the middle of the nineteenth century). Wahhabism simply joined a line of other ex-Bahrayni’/Najdi ideologies, such as that of the Qarëmita (Carmathians) and earlier still the extreme Khawarij groups, known as Najdiya, who also believed in a religious transformation of the bedu notion of hijra by which one moves out from the rule of a ‘tyrant’ and declares those who do not join you to be your enemies. With the passing of these movements, the Omani frontiersmen had lapsed into Sunnism and joined the growing band of opponents of the Ibádi regime, which from the tenth century AD onwards had increasingly become identified with the tribal structure of central Oman. In other words the frontier tribes identified their independence of the core through subscribing to Sunnism, or, when neighbouring ‘al-Bahrayn’ was powerful, in the current ideology uniting that region.

Ibadism by contrast was ideologically the complete opposite of Wahhabism. Based on quieterist principles of reform from within the community, it pragmatically recognized other Muslims as ahl al-qibla (believers) under ‘tyrannical’ or non-constitutional leadership (jubbâr). In times of expansion their fight was to restore the true Muslim community by overthrowing those involved in tyrannical rule and unjust behaviour (ahl al-baghi): but always under the condition that other Muslims are considered as believers and that their property is inviolate (Wilkinson, 1976; 1982).

In this briefest of discussions of the three main Islamic ideologies affecting our region we can immediately identify certain associated social-cum-territorial relationships: the Omani core of settled tribes associated with Ibádisim, the peripheral tribes asserting their independence via Sunnism and a nomadic fringe opportunistically tending to identify with expansionist ‘heresies’ emanating from the neighbouring region of ‘al-Bahrayn’. Shi'ism and its associated Ja'fari law is largely absent from our region, although very important elsewhere on the Arab side of the Gulf, where it is associated with settled, non-tribal peoples—peasants, and to some extent, urbanites.

A religious interpretation of what constitutes the community therefore, is one way of defining and narrowing community rights to resources. Its complement was the nascent state where power was based on shaykhly control of centres giving access to essential resources. Let us look at this in the particular context of pearl mining and the marine environment.

* Nascent states: nodal control of access to resources

Resources of the sea are very much treated as public domain: furthermore the shore constitutes an extensive harím (integrated border region) attached to it of 500 dhra' (cf. 40 dhra' for a well, and 300–500 for a qanât: Kitáb Manthūrat al-Asyākh: Ch. 35). Certainly there is no question of establishing exclusive territorial rights over the pearl banks, and the concept of carving up the sea bed in order that the resources can be ‘owned’ by a particular ‘state’ and their exploitation alienated to foreign oil companies is a pure European imposition. But as explained elsewhere (Wilkinson, 1977: 20–25) this does not mean that there was no concept of territorialism involved. The community which had access to the pearl banks was ex silentio the inhabitants of the Gulf, and in
If we turn to the region itself, we must start by examining its climatic features. South East Arabia and the Gulf region have a hot, dry climate with little rainfall and a marked seasonal variation in temperature. The desert is characterized by long periods of extreme heat, with temperatures exceeding 50°C in the shade and dropping to below freezing at night. The vegetation is sparse, consisting mainly of low, heat-resistant shrubs and succulents. The soil is rocky and infertile, with little organic matter. These conditions have shaped the way of life of the peoples of the region, particularly the nomadic tribes who have developed a lifestyle adapted to the harsh environment. The traditional economy is based on pastoralism, with nomadic tribes raising camels, sheep, and goats. These animals provide milk, meat, and wool, which are traded for other goods. The nomads also engage in pearling, a lucrative occupation that involves diving for pearls in the shallow waters off the coast.

The Gulf region is strategically located at the crossroads of trade routes between Europe and Asia, and this has had a significant impact on the region's history. The ports of Kuwait, Bahrain, and Qatar have been centers of trade for centuries, with goods imported from India, China, and the Ottoman Empire. TheInteractive content could be added here to enhance the user experience. The text could be organized into sections, subsections, or bullet points for clarity. The use of graphics, charts, or images could also be considered to illustrate key points. The text could be translated into multiple languages to reach a wider audience. The overall goal is to create an engaging and informative resource for users.
between two social structures, those which Ibn Khaldûn labelled badw and hadar. Hadar is the organization of a central government system operating through an urban network and controlling a rural hinterland from which derives most of its wealth. It is the system which operated in the conquered lands and the values of its urban-based élite constitute hadariya, civilization. Badw is not bedu but tribally organized society whose élite operates from oasis settlement and whose power derives from manipulating ‘kinship principles to regulate marriage, social interaction and the redistribution of power, force, wealth and benefits’ (Khuri, 1980: 1). Exchanges are essential to the use of resources of this environment and the nomads (a’rab) provide the means for that exchange as well as some of the produce. They are therefore integrated into badw society and, through their role in the supply of transport and cavalry, may have an influence greater than their numbers would suggest. More significant is the projection of their concept of honour on to tribal society in general, a viewpoint that makes the values of ‘umrân al-badw the counterpart of hadariya. But the real power resides in the control of the nodes of exchange and here there are two networks which are all-important, that of the shaykhly élite, whose power as arbiters (hâkim) stemming from the manipulation of customary tribal law may be reinforced by adoption and adaptation of the religious piety and science of Islam (‘ilm); and the merchant network which organizes exchange and the loyalties of whose membership cuts across ties of tribe, religion and state, and so permits the ‘internationalization’ of the resource base in a world where central government, in the hadar sense, is precluded. Nomadic concepts of territory must therefore be viewed simply as part of the total organization of badw society, a society where notions of tribal honour sometimes involving a certain unwritten jus sanguinis, may be used to manipulate the sedentary peoples by means of tenurial agreements and a pseudo-sharîka system, deriving in part from a written jus soli, but only in those places where there is a clear division between tribal and non-tribal society as instanced in Bahrain island (Khuri; 1980). Such separation into two laws becomes meaningless where the society itself is predominantly tribal and it is the tribesmen who themselves exploit the main economic resources of the region. This is the case in the Oman region and indeed, numerous other parts of the Islamic World, contrary to general belief that settled agricultural societies cannot be tribal. In such areas sanguinis and soli are simply two aspects of a common jus, just as directum and utile derive originally from a central concept of dominium in the origins of our own law.

A reversion to traditional concepts of territory?

The application of European principles for determining national territory to societies which conceived of territory and resource exploitation in a very different way is largely responsible for the ridiculous political fragmentation of territory on the Arab side of the Gulf, and the consequent divorce of frontier zones and core areas, so that oil occurs in countries with the least potential for development. The inability of these countries to absorb their oil revenues lies at the heart of OPEC’s strength and its success in converting control of the market from a consumer monopsony to a supplier monopoly. We are indeed paying dearly for encouraging the fissiparous tendencies in the tribal conceptualization of society, rather than developing the potential for fusion inherent in notions about communal ownership of resources.

Recently there has been something of a reversion to these old concepts, at least by the wealthy members of the Gulf community (perhaps because they can afford it). A number of boundary issues seem to have been resolved to the local satisfaction on the principles of non-exclusive ownership of territory, that may be parodied as the old Arab principle of ‘my house is your house’ (bayiti baytkum). The kind of unorthodox settlement of disputed land in the Eastern Trucial States, whereby Shaykh Zâyiid of Abu Dhabi simply bought the disputed zone to build a house on, again illustrates the kind of ‘unorthodox’ solution favoured locally, and which Swearingen sees as unstable.

* ‘Partnership’ contracts which in fact are not on an equal fiduciary or risk-bearing basis and hence do not conform to the true Islamic notions of sharîka (Firestone, 1975). They are particularly characteristic of pearling in the Gulf (Rumaihi, 1980), so that in some circumstances tribesmen, as well as the non-tribal categories, may also be enmeshed by debt mechanisms.
Similarly, once the British withdrew and stopped conducting the foreign affairs of its protégé states, many of the problems between them were simply resolved on mutual understanding between the local rulers. Qatar, Abu Dhabi, Saudi Arabia, and to some extent the Sultanate of Oman, have all come to something of an understanding about disputed zones, even if the nature of their understanding is not publicly stated, and may be only partial. Such agreement may even have as much chance of survival as if a boundary were staked out upon the ground. International law in the Gulf is what the national rulers of the area consider to be acceptable practice, and this is partly based on their own notion of territority as much, if not more, than our own. After all in the lifetime of a man like Shaykh Zāyid of Abu Dhabi it was only for a short span that Europeans could enforce the concept that a man’s written word was more legally binding than his spoken.

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