

JEWS AND MUSLIMS IN LOWER YEMEN

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JEWS AND MUSLIMS IN LOWER YEMEN

A Study in Protection and Restraint, 1918-1949

BY

ISAAC HOLLANDER



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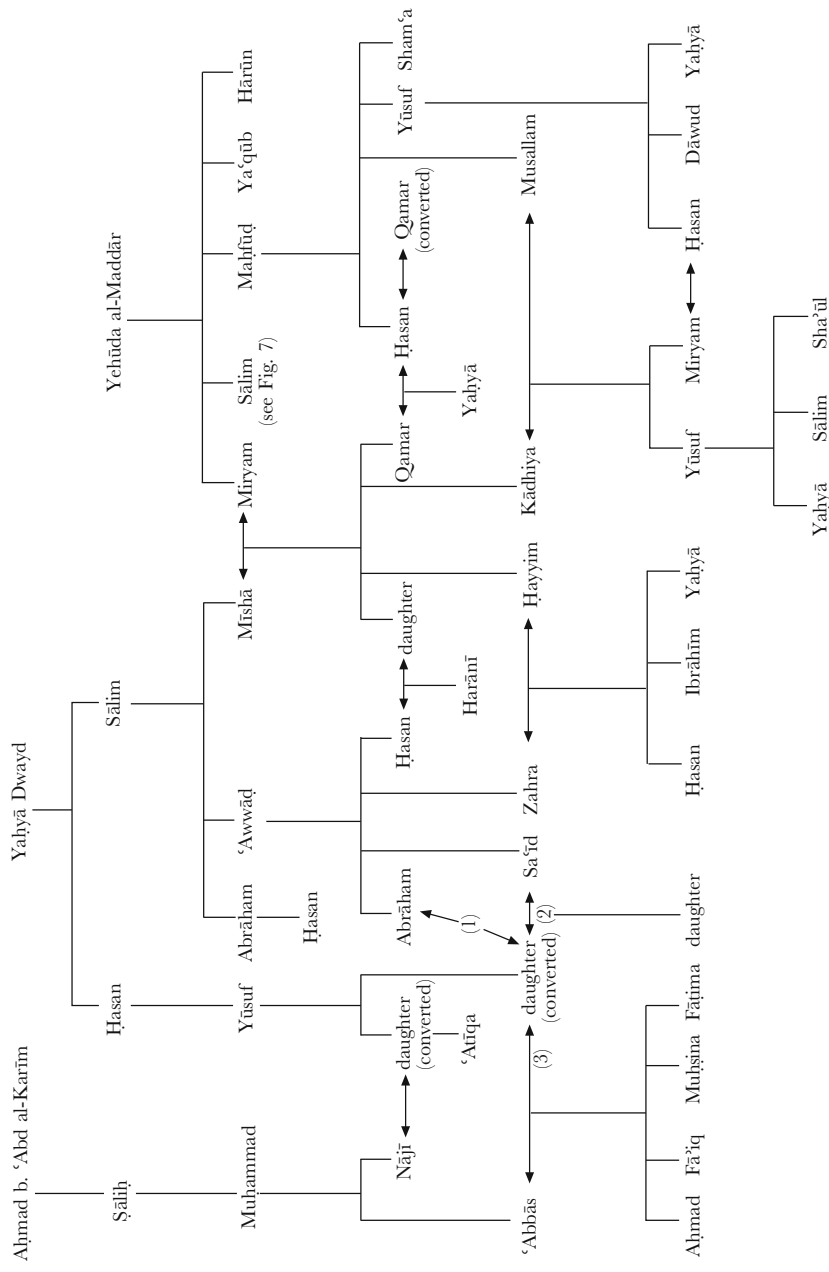
To my Mother and Father
To Frances
And for Ilana, Amber, Jasmine and Ella

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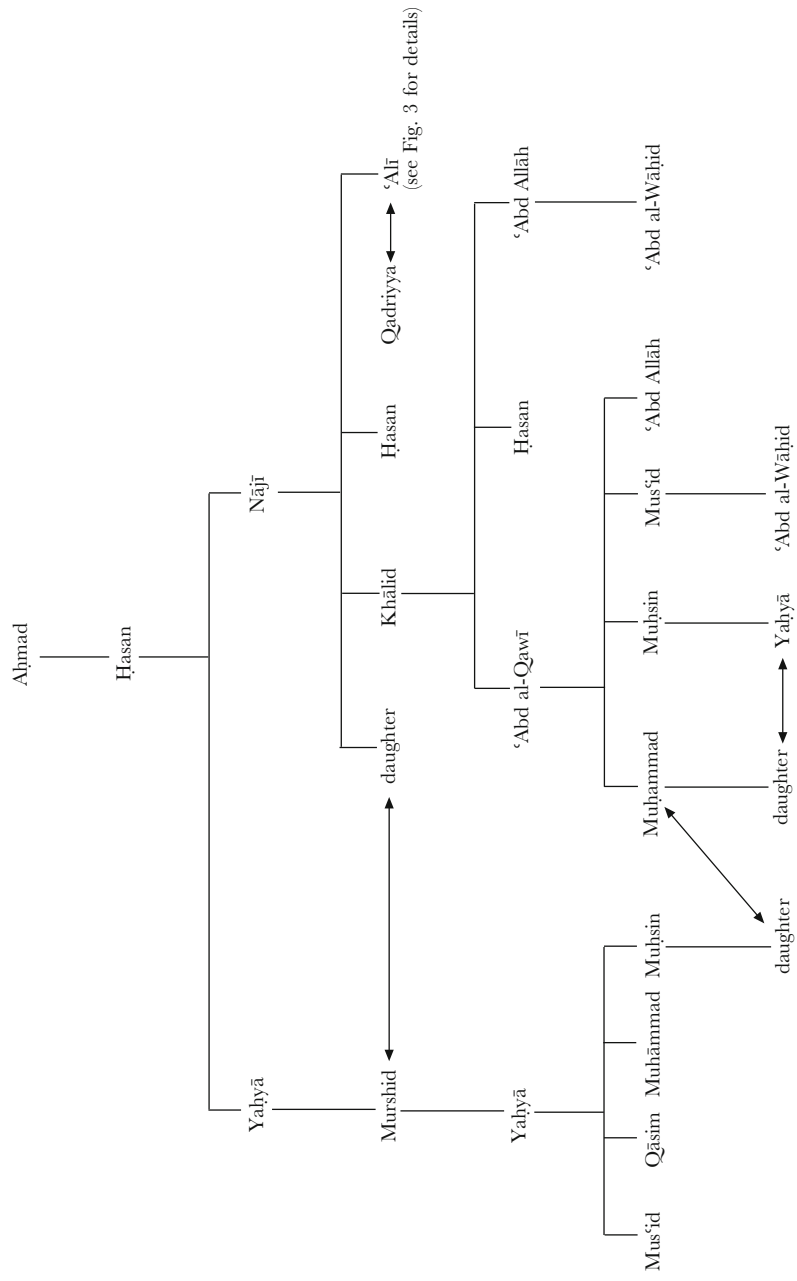


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PREFACE AND ACKNOWLEDGMENTS

Professor S.D. Goitein (1900–1985) committed himself to “further the understanding of the world of Arabic Islam and its relationship to the Jewish people”;¹ and he manifested a special passion for the Jews of Yemen, to whom he referred as the “most genuine Jews living among the most genuine Arabs,”² or the “most Jewish and most Arab of all Jews.”³ Goitein spent much time among Jewish Yemenis who had arrived in Israel during 1949–50, eventually focusing on the population of a Yemeni village, pronounced al-Gades, which was resettled in June of 1950 in Giv‘at Ye‘arīm village near Jerusalem. Goitein’s *ex situ* study of al-Gades, carried out between spring 1952 and summer 1953,⁴ resulted in an ethnographic account of the village in his 1955 paper *Portrait of a Yemenite Weavers’ Village* and in a linguistic assessment in his 1960 article *The Language of al-Gades*. Reflecting on this period of work some two decades later, Goitein spoke of “vast collections about these villagers from Lower Yemen, who are so completely different from the townsmen of Higher Yemen, whom I had described in my publications from the 1930’s.”⁵ Today, the material is housed in the library of the Ben-Zvi Institute in Jerusalem, together with additional Yemeni materials gathered by Goitein during his decades of Yemeni research involvement. My work on the doctoral thesis upon which this book is based was initiated by the Institute’s generous invitation to investigate these collections.

For their invitation and their continued accommodation of my research requirements, it pleases me to thank the successive directorates of the Ben-Zvi Institute: Michel Abitbol and Menahem Ben-Sasson, Avraham Grossman and Meir Bar-Asher, Haggai Ben-Shammai

¹ In Attal 1975: xxviii.

² Goitein 1974: vii.

³ In Attal 1975: xxiii.

⁴ Goitein 1960: 356. Goitein notes that “the village was continuously revisited for the purposes of checking old, and collecting new, material until summer 1959” (Goitein 1960: 356 n. 12).

⁵ In Attal 1975: xxiv. On these geographic terms see Chapter Two, section II.

and Nahem Ilan, Eyal Ginio, Menahem Ben-Sasson and Miriam Frenkel. I acknowledge also the assistance provided by the staff of the Institute library and in particular Robert Attal, who aside from simplifying my access to the material also shared with me his knowledge of the archive's history.

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and Humanities Research Council of Canada. I wish to thank the concerned institutions, donors, academic committees and administrative staffs for their work on my behalf and for their investment.

I am fortunate to have benefited from the learned suggestions and criticisms of Reuven Amitai, Muhammad Aziz, Kathryn Babayan, Michael Bonner, Jill Cherniak, Esther Cohen, Saadya Eisenberg, Ofer Efrati, Muhammad Fadel, Haim Gerber, Michael Gilsenan, Harvey Goldberg, Bernard Haykel, Robin Judd, Ronit Kark, Oren Kozanski, Alexander Knysh, Michael Lecker, Flagg Miller, John Persons, Raji Rammuni, Yitzhak Reiter, Martin Schaffner, Ron Shaham, Moshe Sharon, Frank Stewart, Lucine Taminien and Avraham Yinnon. I am grateful to them all. Special thanks are due to Brinkley Messick and David Powers for their encouragement as well as for their leads and stimulating criticisms, and to the reader from E.J. Brill for many splendidly constructive comments and criticisms. Moshe Piamenta provided me in his *Dictionary of Post-Classical Yemeni Arabic* (1990 and 1991) with a specialized linguistic tool which proved indispensable.

I extend my thanks to my teachers Amnon Cohen and Aharon Layish for introducing me to the world of Islamic court documents, and to Menahem Ben-Sasson, who introduced me first to the social and institutional world of the Cairo Geniza and then to the archive which underlies the present study. I would like to express my thanks to Menahem Ben-Sasson and Aharon Layish also for their guidance as supervisors of my doctoral thesis. I am grateful too for their confidence in my ability to bring the project to a successful finish, and for the credit granted by the other members of my dissertation committee: Harvey Goldberg, Gideon Libson and Yehuda Nini.

For their assistance, encouragement and hospitality it is my pleasure to thank Menashe Anzi, Claire and Sammy Barsam, John-Marc Barsam, Zihra and Sālim Ben-Yiṣḥaq, Frances and Amiram Bogot, Merle and Dean Brenner, Ephraim Cohen, Qamar and Ibrāhīm Ḥayyim Dwayd, Donny Elbaum, Michael Glatzer, Jennifer Lewis, Rina and Nathan Melammed, Zion Meshullam, my parents-in-law Shamʿa and Sālim Milḥān, Raḥel ʿŌvadya, Rachel Persico, Frank Samuels, Sarah and Arie Schechter, Lori and Michael Schmidt, Barūd and Sālim Sharʿabī, Meir Sharʿabī, Arthur Soclof, Suzy and Jeremy Weitz, and Yafa and Aaron Weitz. I express my gratitude to the venerable informants listed in the *References* (section II) alongside other Yemenis who extended sustenance, shelter and friendship. *Baynanā ʿaysh wa-milḥ*.

My father, Samuel Hollander, transmitted to me many years ago a penchant for textual analysis and his observations on the present study are incorporated throughout. I appreciate too the moral example and pecuniary support that he and my mother, Arlette Hollander, extended over the years and I dedicate this study to them with love. It is further dedicated as a token of my affection and admiration to my spouse Ilana and to our daughters, Amber, Jasmine and Ella, who shouldered with courage and grace more than their fair share of the burden. May they perceive in what follows a fragment of their heritage.

NOTE ON STYLE

In transliterating Arabic text into English I follow the system of the *International Journal of Middle East Studies*. In transliterating Hebrew text into English I adopt the system suggested in *The Jewish Quarterly Review*, 79:1 (1988), iii (which, of course, does not represent a Yemeni Hebrew pronunciation). I have tried to remain true to the source material by not attempting to standardize spellings or pronunciations. A certain individual may be referred to first as Abrāham and then as Ibrāhīm, or as Mḥummad instead of Muḥammad. Another example of this policy involves the classical Arabic *ḏād* and *zā'* which tend to be voiced identically and are often interchanged in the sources. Where doubtful of pronunciation, I transliterate into the classical Arabic or modern Hebrew version. Thus for the local word denoting "subjects" or "farmers," which appears in the material in various forms, I have used the classical form, *ra'yya*. For details on Yemeni Arabic and Hebrew script, consult Piamenta (1990: vii–x). Names of the Islamic months, as well as a number of common terms (such as shaykh and imām), are not italicized.

To enhance the clarity and accuracy of the English product, I have allowed myself some leeway in translating primary sources. I try to use appropriate English counterparts to Arabic idioms. I punctuate my translation, add quotation marks and place portions of text between parentheses where this furthers clarity. I add editorial interpolations in brackets. In the case of translated narratives I break dialogues into paragraphs to reflect a change of topic or speaker. I do not number lines, since line-per-line adherence to a narrow-column original limits options for accurate translation. Where I feel my translation might be contested, in cases of special interest and in cases of technical language, I include a parenthesized transliteration of the original text.

Lengthy quotes in this study are visually identifiable by their smaller font. Quotes from documents are indented on both sides of the column of text while other quotes are indented on the left side only.

Dates relate to the Gregorian calendar. Where a numeral indicates a *hijrī* year, it is suffixed by the letter "h." For a comparison of *hijrī* and Gregorian years between 1918 and 1949, consult Appendix C.

LEXICAL NOTE

Some recurrent terms are most profitably introduced at the outset. The following constitute broad definitions only and it should be kept in mind that differences exist between geographical zones and contexts of usage. For further elaboration and references to literature consult the relevant entries in Piamenta (1990 and 1991).

Depending on context the term *raʿwī* is used in our sources to denote a subject, protege, peasant, villager, farmer or tenant-farmer. Its plural form is *raʿyya*, which may also refer to the peasantry or a subject population as a group, Jews included. The term *qabīlī* (pl. *qabāʾil*), in Upper Yemen signifying “tribesman,” in our area simply indicates a Muslim villager.

An agricultural terrace is denoted in our material by the term *jirba* (pl. *jirab*), *shāqa* (pl. *shuwaq*), *ḥawl* (pl. *aḥwāl*) or *ṭaraf* (pl. *aṭrāf*). A small, squarish terrace is a *hawba* (pl. *huwab*), while *shrī* (pl. *ashrāʾ*) specifies a narrow, elongated, hillside terrace not irrigated by stream water. Fields bear proper names, which especially in the case of large terraces may carry the denominative pronoun *Dhī*, or *Dhī al-*.

The term *khayr* (“blessing”) denotes a harvest and irrigated tracts (*sāqī*) in our area provided two a year. White sorghum (*dhura bayḍāʾ*) was grown from Nīsan (March–April) to Ḥeshvan (October–November), an agricultural season termed *ṣurāb*. Corn (*shām*), beans (*fāṣūlya*) and squash (*dubba*) would be grown from Kislev (November–December) to Nīsan, an agricultural season termed *qiyāḍ*. Unirrigated rainfed plots (*dāḥī*) would provide only an autumn *ṣurāb* harvest of cereal grains. Grain is termed *ṭāʾam* or *ḥabb*.

Land is measured in *qaṣabas*, each composed of sixteen square cubits (*dhirāʿ* pl. *adhruʿ*), or alternately in *shaklas*. The *qadaḥ* (pl. *aqdāḥ*), a dry measure of cereals ranging from 36 to 40 liters, is divided into eight *thumnas* (pl. *athmān*). Each *thumna* is divided into eight *nafars* (pl. *anfār*). Each *nafar* is two heaped handfuls. The *raṭl* is a weight measure of about half a kilogram or slightly more, while the *tanaka* is a box-like fuel tin providing a liquid measure. The monetary unit is the *riyāl*, a heavy silver coin often referred to in our material as

qirsh or *qirsh hajar*. (Its nominal value late in 1937 was about two shillings.)¹ The *bawla* is one-tenth of a *riyāl*, the *bakma* one-quarter of a *riyāl* and the *buqsha* one-fortieth of a *riyāl*.

¹ Scott 1947: 77.

A small town, with few habitants; a great king came upon it, surrounded it and raised over it formidable bastions. Therein was a hapless wise man; it was he who by his wisdom saved the town. But no one remembered that hapless man.

Ecclesiastes 9:14–15

INTRODUCTION AND PLAN OF WORK

I declare before you that I was a person wealthy in all forms of wealth. I was master *tōra* reader for the congregation (*ḥazan la-šibbūr*), and town headman (*ro'sh ha-ṭir*) for [both] Arabs and Jews. I would surrender myself and my money on their behalf, especially for the Jews, [for we were] in the diaspora. (On their account, in the town of Ibb, I was thrashed murderously with shoes by Sayyid Ḥasan bin al-Imām al-Mahdī, who received the *jizya* payment¹ for the Arab *ḥijrī* year 1363.² He beat me in front of four Jews from our town.)³ I was able to write [in] Assyrian [script as well as in] Arabic; I learned the numerals, [both] Arabic and Hebrew;⁴ I know arithmetic: I was appointed over all kinds of grains of the Arabs—nobles⁵ and farmers—from four borders. And [still] I have [owed to me] cash, grain and ghee by Arabs from five borders.

Yahyā son of Ḥayyim Mīshā Dwayd (d. 1989)

Yahyā Ḥayyim's statement, translated from the original Hebrew, provides the introduction to a passionate letter of appeal. It was addressed to Šan'ā'-born Ḥayyim Šadōq, who had been serving since 1946 as the head of the Jewish Agency office responsible for the absorption of Jewish immigration from Yemen to Mandate Palestine and later to Israel.⁶ The Dwayds had arrived in Israel late in 1949, at the

¹ *Jizya* refers to the poll-tax tribute payable by Jews to the Muslim state, in return for which their lives and property are entitled to protection. As prescribed in the Qur'ān (Sūra 9: 29), *jizya* is to be paid by the People of the Book (*ahl al-kitāb*—taken to refer to Christians and Jews) while in a state of humiliation. For this passage see below, text at n. 21.

² The year 1363*h* began on December 28, 1943 and terminated on December 17, 1944. In this study I use Hāshim (1990) to determine corresponding Gregorian dates for dates appearing in the source material belonging to the 14th *ḥijrī* century (the *ḥijra* being the emigration of Muḥammad the prophet of Islām from Mecca to Medina in 622 C.E.). For dates appearing in terms of the Hebrew calendar I use Spier (1952). The first column in Appendix C provides the Gregorian starting date of each *ḥijrī* year between the years 1918/1337*h* and 1949/1369*h*.

³ For a detailed description of this event, see Chapter Six, section III.

⁴ In the original: "Arabic and Arabic[!]"

⁵ Lit.: kings.

⁶ (Šadōq 1985: 69; cf. Šadōq 1989: 12). Ḥayyim Šadōq had immigrated to Palestine with his family in 1930. Ḥayyim the Jewish Agency administrator was the

height of the operation named “On Eagles’ Wings” and popularly referred to as “Magic Carpet” or “Flying Carpet,” which airlifted over 41,000 Yemeni Jews to the newly established state between June 1949 and September 1950.⁷ In Israel, the immediate basic needs of most of these immigrants were provided for by the Jewish Agency in eight centrally located reception camps (*maḥanōt ‘ōlīm*).⁸ But in 1951 these camps were being emptied,⁹ and many immigrants who under various circumstances found their way to the smaller, more numerous and often outlying transit camps (*ma‘abarōt*) were unable to sustain themselves.¹⁰ The Dwayds were among them: Yaḥyā Ḥayyim explains that he was writing the letter fourteen months after arriving in the ‘Emeq Ḥefer transit camp at Giv‘at Ḥayyim (Camp “A”) because his household was destitute, even though by February 1953, he and his parents had begun receiving support from the Ministry of Social Services (*misrad ha-sa‘ad*).¹¹ He himself was blind—like his seventy year old father, Ḥayyim Moshe (pronounced Moesha or Mīshā) (d. 1960)—and bedridden. Other relatives, struggling to support their own families, were unable to assist. The letter, which seems

brother of Yōsef the Jewish Agency entrepreneur (Ṣadōq 1985: 75). Between June 1949 and September 1950 Yōsef Ṣadōq went on numerous missions within Yemen, facilitating the immigration of Yemen’s Jews on behalf of the American Joint Distribution Committee and the Jewish Agency (See Parfitt 1996a: 209, 211, 282). “Zadok’s duties included forming legal contacts with the Arabs and their institutions, the affairs of Jewish émigrés before such time as they arrived at the camp [“Ḥāshid Camp” outside of Aden (I.H.)] and financial arrangements with émigrés on the road” (Parfitt 1996a: 209). According to Parfitt (1996a: 211), Ṣadōq not only energetically facilitated the immigration but also played a crucial role in stimulating it.

⁷ Levitan (1990: 12–13) provides the following figures relating to three stages of immigration in the period following the establishment of the State of Israel. Between December 15, 1948 and March 21, 1949, 5,550 Yemeni Jews who had been stranded in Aden were flown to Israel. Between June 28, 1949 and September 24, 1950, 41,092 Yemeni Jews and 1,770 Adeni Jews were flown in, along with 200 from Djibouti and 200 from Asmara. Between October 1950 and April 1956 were added 1,344 Yemeni Jews and 449 Adeni Jews, bringing the total to 50,605. Levitan based his figures on three sources, the data from which did not always correspond: Israel’s Central Bureau of Statistics; the Jewish Agency, and the American Joint Distribution Committee (Levitan 1990: 32 n. 42). Cf. the figures kept by the Government of Aden, according to which 41,914 Jews left Aden for Israel between June 1948 and September 1950 (Parfitt 1996a: 283).

⁸ Ṣadōq 1985: 139.

⁹ Ṣadōq 1985: 163.

¹⁰ Ṣadōq 1985: 203–204.

¹¹ Yaḥyā Ḥayyim mentions the Hebrew month of Shevaṭ 5713, which fell that year between January 17 and February 15, 1953.



Photograph 1: Yaḥyā Ḥayyim Dwayd. Elyakhīn, 1956 (S.D. Goitein)

to have been composed in March 1953,¹² is a plea both for an investigation into the circumstances that led to Yaḥyā's becoming blind and for additional financial assistance. Contrasting starkly his haplessness in Israel with his own record as a selfless public figure in Yemen, Yaḥyā Ḥayyim might have added that his father had once, like himself, held the title "headman"—literally "wise man" (*ʿāqil*) in Arabic.¹³

It must have grieved the former village headman (for al-Maqhāya, the "town" referred to by Yaḥyā Ḥayyim, was in fact a village) to have to plead for his family's sustenance. Yet throwing oneself on the mercy of a higher authority by literary means was in Yemen a convention with which Yaḥyā Ḥayyim was very familiar, as will become clear in this study. By writing such a letter of appeal—a *shakwā*—or having one written up on one's behalf, or even by shouting at the relevant front door, any individual who felt wronged (a *mazlūm*) could bring him or herself to the attention of a high official, indeed of the ruler of Yemen himself, the Zaydī imām; responding to such an appeal was a duty.¹⁴ Yaḥyā Ḥayyim however was no longer in Yemen and his appeal was unremarkable among the numerous quaint *shakwās* addressed to Ṣadōq, the Jewish Agency official, and to David Ben-Gurion, the Prime Minister of Israel.¹⁵ It remains an open question whether his particular appeal was ever acted on; or, indeed, whether it was even dispatched.¹⁶

While we may never come to understand the circumstances bringing to rest Yaḥyā Ḥayyim's Hebrew *shakwā* among the papers of the late Prof. S.D. Goitein, it is thanks to Goitein that it has been at

¹² The letter itself is undated, unstamped (I refer to it as "Undesignated [1]"—see Appendix D section I) and improperly addressed, suggesting a draft. Another folio, written in a neater hand, is dated March 18, 1953, and contains one line of text only, beginning with the words: "Honorable Sir, Ḥayyim Ṣadōq, may God preserve him and lengthen his days!" This seems to have been the beginning of a final copy which was never completed, although this may not be known for sure. Both folios are located in box 9 of the Goitein archive at the Ben-Zvi Institute in Jerusalem.

¹³ *ʿAqil* in the temporal Yemeni context should not be confused with the same term in the context of Islamic law, where it denotes the condition of sanity (Schacht 1964: 124).

¹⁴ Messick 1993: 171–176.

¹⁵ Ṣadōq (1985: 213–221) published a series of such appeals.

¹⁶ See n. 12. It was Shūdhya, Yaḥyā Ḥayyim's wife, who was to support the growing family during these difficult years. During the day she worked as an agricultural laborer; during the evening she handled the housework and raised the children (the couple had four, one born in Yemen and three in Israel).

all possible, half a century following Yahyā's muted plea, to remember the wise men of al-Maḡhāya. Drawing further on his archive, in this study I reconstruct and analyze some of the Dwayds' interpersonal relationships as headmen, grainstorers and landowners in their corner of Yemen during the 1930s and 1940s. In doing so I seek to shed light on the position of Jews living among Muslims in a rural setting, but also on the changing political, social and legal conditions within the wider society itself.

The position of Jews under Islām has often been portrayed in terms of degrees of tolerance, and comparisons have typically been drawn with the experiences of Jews elsewhere, particularly Christian Europe.¹⁷ Rarely have such comparative analyses been as well-argued as in Mark Cohen's 1994 book *Under Crescent and Cross: The Jews in the Middle Ages*. More commonly, the issue is resolved using polemically serviceable generalizations, as, for example, in Yehuda Ratzaby's declaration that "the Yemen diaspora was the harshest of all Jewish diasporas,"¹⁸ and the equally determined claim of Manfred Wenner: "Certainly all the evidence indicates that the Yemeni Jews were far better off than their European counterparts, and apparently the imams were, by and large, scrupulously fair in their treatment of them."¹⁹ But in a 1980 article titled *The Jews and Islam in the High*

¹⁷ For further elucidation of this point see, for example, Udovitch 1980: 661–662.

¹⁸ Ratzaby 1978: 231.

¹⁹ Wenner 1991: 30–31. For a vigorous critique of the persecution theme see Ahmad Dallal (1999). Dallal's notes promote a replacement agenda and nicely illustrate the topic's political serviceability: "It should be noted that until virtually the present day, Yemeni Jews seem to have achieved higher positions in the Islamic state of Yemen than they have in the Jewish state. In fact, in Yemen, Yemeni Jews were free to cultivate their own religio-cultural identity, whereas in Israel they suffered from social and economic discrimination because of this identity and were subjected to systematic pressure in order to force them to give it up in favour of European conceptions of Jewishness" (Dallal 1999: 101 n. 22); "[T]he Jews of Yemen, together with other Arab Jews, were forced to undergo a social, as well as a religious, conversion to 'proper' Judaism after their arrival in the newly-established state of Israel. After admitting children from Sephardic Jewish families to hospitals for treatment, hospital staff sometimes told their families that the children had died when, in fact, they were kidnapped and adopted by childless Ashkenazi Jews. The number of 'lost' Yemeni Jewish children is estimated at 340 to 600, far more than any imaginary number of children forced to convert in Yemen. . . . It is possible . . . that the details of accounts on the forced conversion of Yemeni Jewish orphans may be ideologically-motivated projections of the history of Yemeni children in Israel. Zionist ideology, which portrays European Jews as the emancipators of 'Oriental' Jews, thus compensated for this embarrassing episode by constructing a Yemeni Jewish history of permanent misery; as such, anything happening to

Middle Ages: A Case of the Muslim View of Differences, Abraham Udovitch replaced the question of relative tolerance with the following: "What was the peculiar mode of the relationship between the dominant Muslim religious group and non-Muslims?"²⁰ In his model Udovitch describes two concurrent elements, one flexible, the other constant. The immovable component is the basic premise of political, social and religious Muslim superiority and Jewish inferiority. As sanctioned in the Qur'ān, it is the Muslims' duty to refrain from physically suppressing *kitābiyyin*, or those possessing a Book, in return for their expression of humiliation and payment of a financial penalty:

Fight those who believe not in God and in the Last Day and [who] do not forbid what God and his Messenger have forbidden, such men who practice not the religion of truth, being of those who have been given a Book—[fight them] until they pay the tribute (*jizya*) out of hand and have been humbled.²¹

Islamic law draws covenantal implications from this passage and applies them to the term *dhimma*, a word denoting "responsibility." As presented by the Yemeni Zaydī scholar and imamic aspirant al-Mahdī Aḥmad b. Yaḥyā al-Murtaḍā (d. 840/1436),²² all legal schools

Yemeni Jews in Israel is justifiable on the grounds that their position there is superior to the one they had in Yemen" (Dallal 1999: 103–104 n. 41); "[I]t is interesting to compare accounts of the suffering of Yemeni Jews . . . to contemporary accounts of what they endured while being transferred to Israel. . . it is worth exploring whether the accounts of suffering by Yemeni Jews are a projection of what they suffered as a result of their 'emancipation' by European Israeli Jews" (Dallal 1999: 105 n. 48). For a less politicized survey of the "Jewish Minority Experience in Twentieth-century Yemen," see Parfitt 1996b.

²⁰ Udovitch 1980: 663. Similarly, in the first chapter of his 1984 book *The Jews of Islam*, Bernard Lewis outlined, and then intentionally avoided, the polemic-related pitfalls of dealings in comparative tolerance, meticulously defining his own agenda as follows: "Our present inquiry is limited to one question: How did Islam in power treat other religions? Or, to put it more precisely, how did those who, in different times and places, saw themselves as the upholders of Muslim authority and law, treat their non-Muslim subjects?" (Lewis 1984: 7).

²¹ Qur'ān 9 (*al-Tauba*): 29 (Udovitch's translation). Lewis (1984: 14–16, 195 n. 9) summarizes the varying interpretations propounded for the final clause (or clauses) of this passage (*'an yadin wa-hum sāghirūn*). Alternate understandings of the words *'an yadin* in the classical Islamic literature have included the following: that *jizya* must be paid under compulsion; in person; in recompense for the favor of being left alive; while receiving a blow on the neck; in cash; admitting the superiority of the Muslims (Kister 1964: 272–274). Kister argues that the original Qur'ānic intent was to call on the Muslim warriors then heading for battle to fight the enemy until they consented to pay tribute "according to their means and capacity" (Kister 1964: 278).

²² See Haykel 1997: 5.

concur that among inhabitants of Arabia, only Jews and Christians are regarded as *kitābiyyin*. Their required subjection to Muslim rule is reflected in their yearly payment of *jizya* at the most appropriate of three rates, defined for the rich, the intermediate and the poor. *Jizya* may be taken only from those whom the Muslims could lawfully kill had arms not been laid down, it being in exchange for blood (*badal* ‘an *al-dam*): exempted, accordingly, are minor males, women, slaves, the insane, the elderly, and the very poor. Only the imām or his appointees may conclude a pact of *dhimma*, symbolized by a summons of the *kitābīs* to pay the *jizya*. By becoming *dhimmīs*, the lives and property of *kitābīs* are to be considered inviolable as if they belonged to Muslims; and if the imām cannot guarantee this, he must refrain from collecting their *jizya* money.²³ On May 22, 1906, Imām Yaḥyā Ḥamīd al-Dīn proclaimed his pact with the Jews in Ṣan‘ā’. He announced their protection as *dhimmīs* in exchange for the yearly payment of *jizya* on the part of each legally major male, payable to an official dispatched by himself, and he determined the three levels of payment at 3 3/4 *riyāls*, 1 7/8 *riyāls*, and 15/16 of a *riyāl*.²⁴

In Udovitch’s model the flexible component is the definition accorded, in different times and places, to the premise of humiliation. Its breadth or narrowness, and its degree of application, were determined primarily by the Muslim overlords’ political and social considerations, less by religious-ideological considerations.²⁵ Pertaining to this flexible component of the model are various formal itemizations of the restrictions to be heeded by *dhimmīs*, beyond the payment of *jizya*.²⁶ Searching the Yemeni Zaydī legal literature for indicators of the status of Jews in Yemen, Yosef Tobi pointed out that the aforementioned Aḥmad Ibn al-Murtaḍā was the first Yemeni Zaydī scholar to particularize the laws designed to segregate the *ahl al-dhimma* (the *ghiyār* laws).²⁷ Imām Yaḥyā promulgated a similar list

²³ Ibn al-Murtaḍā 1949 (V): 456–457.

²⁴ Hībshūsh 1983: 189–191.

²⁵ Udovitch 1980: 664.

²⁶ Udovitch 1980: 673–680.

²⁷ Tobi 1990: 110; 1994: 100–101; see Ibn al-Murtaḍā 1332[h]: 114 and Ibn al-Murtaḍā 1949 (V): 458–464. Tobi’s article is part of a systematic and important effort on his part to induce Hebrew-language historians of the Jews of Yemen to take better account of Yemeni Muslim legal and historiographic literature.

in his 1906 announcement mentioned above, tailoring it to the task at hand: to rectify what must have seemed a deteriorated situation in Ṣanʿā' after over thirty years of secularizing Ottoman rule. He forbade the Jews from conspiring against any Muslim, raising their dwellings to surpass in height those of Muslims, jostling Muslims on the thoroughfares, frequenting places normally frequented by Muslims, discrediting the religion of Islām, cursing any prophet, teasing a Muslim about his religion, riding horses (any other animal must be ridden side-saddle), winking at, or drawing attention to, the nakedness of a Muslim, uncovering a *tōra* scroll outside the walls of the synagogue, raising their voices while engaged in liturgical reading, sounding rams' horns beyond their low pitch, and engaging in immoral acts. In short, the Jew is obligated to respect and defer to the Muslim.²⁸

The flexible-constant dichotomy is a useful one, provided we allow that in such areas as the rural expanses of Yemen, where political and social considerations of the imām and the learned elites would not necessarily have been identical to those of locally authoritative individuals or groups, the *dhimma* experience would have been *especially* variable. In the conclusion to his essay, Udovitch calls attention to the minimal contact of the populace with government in medieval Islām, while emphasizing the importance of situation and context at the interpersonal level.²⁹ He also draws on Lawrence Rosen's conception of the Muslim view of, and behavior towards, Jews in Sefrou, Morocco, during the 1960s.³⁰ The two following passage from Rosen's work are, in fact, of special relevance to the theme of the present study:

In order to understand the sociological basis of Muslim-Jewish relations in this North African community, perhaps the most important fact to appreciate is that in the social structure of the Muslim community itself, the fundamental social unit is not some aggregate of per-

²⁸ Hibshūsh 1983: 189–191. A more detailed edict dating from 1910 is translated in Parfitt 1996a: 41–42. It is significant that the lists attributed to Imām Yaḥyā do not include the extra humiliations solicited by some Yemeni scholars and enforced by some Zaydī imāms in the late 18th and the 19th centuries, such as the obligation to clean the Muslims' latrines. On the historical background of these additional humiliations and on the debate among Yemeni scholars as to their legality see Sadan (1998).

²⁹ Udovitch 1980: 680–681.

³⁰ Rosen 1972.

sons, but simply the single individual as the locus of a particular set of personal ties and personal characteristics. It is true, of course, that one is born into a group defined by ties of kinship and access to certain common resources, and it is equally true that such groupings may act as corporate bodies in respect to those sources of their well-being that they share in common. But it is also true that such groupings are only minimally corporate and that persons in this society are not, simply by virtue of their birth, placed in a hierarchy of social positions or groups that totally define the ways in which they can act or be acted towards by others. Rather, each individual, using both the minimal rights and duties associated with his inherent positions and a wide range of personal, contractual, and often *ad hoc* ties to others, forges a network of affiliations and has attributed to him by others a series of valued personal characteristics which will be as individually distinctive in their particular patterning for any one person as they will be socially typical in the ways in which they will have been formed and attributed. Throughout his life each man, free from an elaborate set of binding obligations to the members of the groups into which he is born, will derive his identity from that highly personalized network of associations which he himself will have constructed.³¹

According to Rosen, relations of Muslims to Jews are a particular variation of this general perspective:

The sheer recognition on the part of the Muslim that a very significant proportion of his relations with a Jew is open to personal evaluations and relationships—just as they are with fellow Muslims—constitutes a recognition of the fact that a Jew is no more fully characterized by his religious origins alone than is a fellow Muslim by his ethnic or residential affiliation. Of course, the particular features that define baseline conceptualizations and particular kinds of consociate relation for persons of different backgrounds varies significantly. But the two stages of conceptualization themselves are applicable to all persons. Thus, in a way which is as typical in its underlying principles as it is distinctive in its resultant patterning, Jews are indeed treated as members of the community of men even though they are obviously not members of the community of Believers.³²

The concept of society as made up of independent individuals each possessing a network of continuously negotiated dyadic relationships, and the idea that the form or degree of subjection warranting tolerance or protection—the threshold of *dhimma*, so to speak—fluctuated

³¹ Rosen 1972: 437.

³² Rosen 1972: 446.

according to context, assist in formulating the central inquiry of the present study. However, my primary purpose is not to investigate how Jews were treated or beheld by Muslims, as in the studies mentioned thus far. Rather, I wish to test the applicability to the case of pre-1950 rural Yemen of the premise underlying Udovitch's concluding statement that "... the Jews were politically irrelevant and thus could not affect the elements in the balance which would determine either the ease or the misery of their individual and communal existence."³³ More precisely, I seek to understand if such subordinated individuals may themselves have acted, from within the frameworks of their relationships with Muslims, to improve their condition: whether the balance or equilibrium alluded to by Udovich was not negotiable, and whether thresholds of *dhimma* were not challengeable. *My first of two overall working hypotheses in pursuit of this end is that answers to such questions can be found somewhere in the microscopic histories of the relationships themselves.* I shall refer to these as "relationship histories."

Microhistoric study accommodates our thematic objective; but it also has important merits in its own right as a historiographic method, the purpose of which is "to elucidate historical causation on the level of small groups where most of real life takes place and to open history to peoples who would be left out by other methods."³⁴ Its fruitfulness is championed by Carlo Ginzburg—whose name has since the late 1970s become associated with what has been defined as the Italian *microstoria* tradition—and Carlo Poni:³⁵

Microhistorical analysis . . . has two fronts. On one side, by moving on a reduced scale, it permits in many cases a reconstitution of "real life" unthinkable in other kinds of historiography. On the other side, it proposes to investigate the invisible structures within which that lived experience is articulated. . . . Between the form and the substance there is a gap that science has the obligation to fill.³⁶

According to the advocates of *microstoria* the thread running through the process is "the name." The initial task of the *microstoria* researcher is to journey between institutional and private archives in search of

³³ Udovitch 1980: 683.

³⁴ Muir 1991: xxi.

³⁵ Muir 1991: x.

³⁶ Ginzburg and Poni 1991: 8.

documentation concerning a specific individual.³⁷ He or she can then embark on a “. . . minute analysis of a circumscribed documentation, tied to a person who was otherwise unknown.”³⁸ Behind this kind of nominative methodology is the conviction that “[t]he lines that converge upon and diverge from the name, creating a kind of closely woven web, provide for the observer a graphic image of the network of social relationships into which the individual is inserted.”³⁹ The method according to its proponents approaches anthropology in that it seeks to correct the “. . . one-sidedness of the archival material that must serve as field material to the historian.”⁴⁰ The parallel between the penultimate quotation and Rosen’s perception of interpersonal relations in Sefrou is a case in point.

From a variety of vantage points anthropologists and ethnographers in fact argue for the application of small scale study to Yemeni society. The reason turns on the country’s spectacular heterogeneity, depicted, for example, by Shelagh Weir:

Although research in Yemen is still in its infancy, it is already clear that the country contains a great variety of social formations, and that settlements similar in size and appearance can differ significantly in their internal structure and organization, and in their relations to their surroundings. Caution should therefore be exercised before generalising about Yemeni ‘towns’, and even more so before plunging into comparisons with the rest of the Middle East.⁴¹

Three decades earlier it was Goitein who recognized the microscopic approach as the most appropriate manner in which to study the “tribe” of Yemenite Jewry. In his ethnographic research of al-Gades, he advises that:

. . . a village, a little town, a district, a family, a local craft—should be studied as completely and as thoroughly as possible. Only after a considerable number of such special studies will have been made, will it be worthwhile to attempt a new synthesis in the description of whole “tribes.”⁴²

³⁷ Ginzburg and Poni 1991: 5–6.

³⁸ Ginzburg 1993: 22.

³⁹ Ginzburg and Poni 1991: 6.

⁴⁰ Ginzburg and Poni 1991: 4.

⁴¹ Weir 1986: 237.

⁴² Goitein 1955: 4.

A similar message is conveyed by Martha Mundy in *Domestic Government*, her book on the society of the villagers of Wādī Ḍahr, where the household (rather than status groups, or the tribe or town) is projected as the smallest unit of political society. Mundy points out that:

... the non-centralized nature of political relations will require that we link this study to others of similarly small scale if we are to compose, in time, a social history of Yemen.⁴³

Adding to the general thematic and historiographic advantages already surveyed, such insights highlight the value of microscopic study both for describing the “tribe” of Yemenite Jewry and for a less circumscribed social history of Yemen.

I accept the foregoing perceptions. However, it is important to emphasize that while *microstoria* may approach ethnography the two disciplines are not identical. Where direct observation is possible, the ethnographer can efficiently direct data collection to address the issues selected for study. Particularly meaningful is the possibility to conduct personal interviews with research subjects or to make use of questionnaires: documentary archives ordinarily do not provide this type of customized information. Yet the systematic studies of rural Yemeni society which began in the mid-1970s have not applied this advantage to the case of the Jews of Yemen. One reason for this is that it is undiplomatic for a non-Yemeni researcher to display too much interest in the departed Jewish population, however often the topic may surface in the course of informal conversation. A more fundamental problem, however, is strictly methodological. While some ethnographers may ascribe historical relevance to their observations, close attention should also be paid, at least as far as concerns Yemeni society, to a point made by Gerd-R. Puin: because of rapid social change, it was already the case in 1984 that “. . . an ethnographic issue like *hijrah* is, in part, already a question of social history.”⁴⁴ A comparable statement, but with a greater degree of pos-

⁴³ Mundy 1995: 5. Cf. Ratzaby's (1989) article on the Jewish community of the adjacent village of Qaryat al-Qābil. While introducing the sixteen documents dated from 1712 to 1937 upon which he bases the study, and after specifying the especially close ties between al-Qarya's members and their Ṣan'ānī co-religionists, Ratzaby proceeds to claim that the material may serve as an example for any village in Yemen (Ratzaby 1989: 123–124, 142).

⁴⁴ Puin 1984: 490. The term *hijrah* typically denotes settlements inhabited by *sayyids*, or the Muslim aristocracy claiming descent from Muḥammad, distributed about the tribal areas of Zaydī Yemen. See below, Chapter Two, section III.

itivism, might be made regarding study of the Jewish sector of Yemen which departed the country over fifty years ago.

My reconstruction of relationship histories addresses the cross-disciplinary dilemma by supplying for a question of social history the degree of detail and background scenery expected of a contemporary ethnography. What makes this possible is my incorporation, in addition to archival-type documentary material, of an accompanying supply of first-hand oral material transcribed in Israel during the early to mid-1950s, or some twenty years before systematic ethnographic research in the areas of former imamic Yemen became possible. It remains true that the contents of this body of transcribed oral data, like any archival material, cannot be controlled by the researcher. For this reason I chose not to require the material to cover a predefined problem, but to adopt a reverse approach: to learn, as a first step, what the source material does reflect, and only then to define an appropriate theme of study. Chapter One, the first of two propaedeutical chapters, describes this interdisciplinary method. I explain how my sense of the archive's peculiar structure and of the sources' strengths and limitations suggested a microhistoric approach, then drew me to the Dwayd case, and finally caused me to fixate on the theme of "equilibriums" and "thresholds" of *dhimma*.

In Chapter Two I lay out my quest for a conceptual framework permitting effective consideration of the central theme—the negotiation of *dhimma* within interpersonal relationships. I find no such guiding thread in the existing scholarly literature on the Jews of Yemen, a lacuna which I suspect reflects the regrettable fact that study of the social history of the Jews of rural Yemen has been hampered by ideological and methodological considerations. The barriers I have in mind correspond to those pointed out by Ginzburg with regard to the "direct study of lower-class society" in pre-industrial Europe,⁴⁵ in his book *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller*. Ideologically, "[t]oo often, original ideas or beliefs have been considered by definition to be a product of the upper classes, and their diffusion among the subordinate classes a mechanical fact of little or no interest."⁴⁶ Yet historians devoting their attention to the lower classes, and questioning the notion of

⁴⁵ Ginzburg 1992: xvii.

⁴⁶ Ginzburg 1992: xiv.

their “subordinate culture,” encounter scarce evidence as to their behavior and attitudes, since their culture was largely oral. Available contemporary sources tend to be “indirect,” first, because they are written; and second, because their writers were associated with the dominant culture.⁴⁷

Already subordinate on account of their religion, the Jews of *rural* Yemen were viewed superciliously also by their more literate co-religionists in the towns, a perception epitomized by Yehuda Ratzaby in his claim that “. . . the number, quality and level of enlightenment of the town Jews was higher than that of the village Jews,”⁴⁸ and that “of all towns, Ṣan‘ā’, the capital of Yemen, assumed nine [out of ten] measures of learning (*tōra*) and wisdom.”⁴⁹ This sentiment may have contributed to the condition, remarked upon by Ratzaby elsewhere, that so much of the research on the Jews of Yemen has focused upon Ṣan‘ā’—Yemen’s largest town, situated in the geographic center of the country—and a handful of other towns.⁵⁰ Related to this attitude are two additional ideological barriers: the romanticism according to which the Jews of Yemen have *as a rule* preserved the culture of the Jews of ancient times, and the illusion that Jewish society may be studied independently of its non-Jewish environment.

How the three preconceptions come together in scholarly writing is exemplified in an article by Raṣōn ‘Arūsī on marriages of minor Jewish girls in Yemen. The author claims, *inter alia*, that “fathers married off their minor daughters to improve their financial situation”⁵¹ (the financial situation of their daughters, that is). ‘Arūsī explains that the bride’s father provides her with a dowry (*nedūnya*), and that the money paid by a man to his future father-in-law (*demey mōhar*) would be spent by the latter on the bride; that “such was the Talmudic regulation, and this was the practice in Yemen until the final period . . . though there were fathers, far away from the centers of guidance, who did not assist their daughters by providing a dowry. . . .”⁵² In point of fact, however, the convention of providing

⁴⁷ Ginzburg 1992: xv.

⁴⁸ Ratzaby 1989: 123.

⁴⁹ Ratzaby 1989: 123.

⁵⁰ Ratzaby 1989: 124.

⁵¹ ‘Arūsī [1993]: 61.

⁵² ‘Arūsī [1993]: 61.

the bride's guardian with such a payment—termed *shart* in Yemen—opens the door to coercive marriages. Furthermore, it has no place in Jewish law. Nor, for that matter, has it a place in Islamic law. Rather, it was a widespread customary norm, practiced by Muslims and Jews alike.⁵³ Beyond this, 'Arūsī proceeds to dismiss the impression of a 1911 onlooker that daughters are sold to their husbands by their fathers, explaining that the eyewitness's "western-critical eye caused him to err here."⁵⁴ Such appropriations of the history and culture of the Jews of Yemen by prolific "insiders" have not helped to foster, in the Hebrew scholarly literature, an atmosphere conducive to rational debate.

Plainly, historiography of the Jews of Yemen should take account of the fact, now widely acknowledged largely due to Goitein's work of almost half a century ago, that the overwhelming majority of Yemen's 60,000–70,000 Jews were villagers, thinly distributed over a space dominated by a Muslim population perhaps sixty times its size.⁵⁵ But here one comes up against a methodological barrier: the environment of such Lower Yemen Jewish villagers as the Dwayds is itself insufficiently clear. Anyone wishing to study the peasant-inhabited expanses of pre-modern Yemen faces the difficulty depicted by Ginzburg with regard to pre-industrial Europe—a dearth of "direct" evidence. For many years it was Goitein's 1955 ethnography of al-Gades that provided "the only detailed description we have of rural conditions during the Mutawakkilite period."⁵⁶ Paul Dresch alludes to the problem, pointing out that while the Zaydī imamate possesses a unified political history of its own,⁵⁷ and while tribesmen

⁵³ For a full explanation of my position see Hollander 1995a; especially 13 n. 41, 12 n. 35, 18 n. 52.

⁵⁴ 'Arūsī [1993]: 61. On the visit of this man, Shmū'el Yavne'eli, to the al-Maqhāya area see Chapter Four, section I.

⁵⁵ Basing himself on fiscal figures reflecting the early 1940s, Nello Lambardi (1947: 156) estimated the Muslim population of Mutawakkilite Yemen at 4,069,087 individuals and the Jewish population at between 60,000 and 70,000. These figures provide at best a general orientation only and reveal nothing of the distribution of the two populations, or of the social fragmentation of the Muslim population. Few Jews lived in the Tihāma, for example.

⁵⁶ Carapico and Tutwiler 1981: 37 n. 23. Since the writing of this statement, knowledge has been substantiated by Carmella Abdar's Hebrew-language, interview-based M.A. thesis focusing on trades and clothing as reflective of the standing of the Jewish village of Ṣurm al-'Awd in Mikhlaḥ al-Nādira (Abdar 1988), and by ensuing articles (e.g. Abdar 1994).

⁵⁷ See also Messick 1993: 123–131 ("Official History").

maintain an abundance of *akhbār*, “self-contained tales, which come in no particular sequence,”⁵⁸ peasants are “. . . people whose history seems always to be the unwritten obverse of whoever dominates them: they, more than others, are the ‘people without history.’”⁵⁹

This study embarks, therefore, on a venture of a circular nature: its portrayal of Jewish history in rural Yemen will depend on an innovative exposition of the past history of other groups occupying the same domain.⁶⁰ In Chapter Two I suggest that in order to comprehend a specific dyadic relationship, an understanding of the local political climate is required, in terms of the identities and agendas of the people locally in charge, as well as in terms of the reciprocity between the local political condition and that of the wider region, indeed, of the country as a whole. Now although the shaykhly territorial units that constitute Lower Yemen have not been spotlighted thus far in the literature, I hypothesize that it is the shaykhly territorial unit—rather than Jewish community structure—which provides the most helpful prism for our purposes, the natural context for the evaluation even of an ostensibly community-related office such as the Jewish village headman. *This constitutes our second overall working hypothesis.* To help test it, I have adopted the *‘uzla*—the administrative unit frequently based on the territory (*bilād*) of a descent group of shaykhs—as the fundamental criterion for sorting relationship histories within the study.

Chapters Three to Seven focus on the Dwayds’ experiences in their home *‘uzla* of Bilād al-Shu‘aybī. Here I seek to interpret the Dwayds’ relationship with the Banī al-Shu‘aybī—the descent group

⁵⁸ Dresch 1990: 272.

⁵⁹ Dresch 1990: 274.

⁶⁰ It may be profitable to underscore the two counts on which such an exposition would be innovative. First, there is the circumstance that the history of the peasant-inhabited expanses of Lower Yemen has hitherto not been a focus of the scholarly literature on Yemen. Second, while the aforementioned recognition of the importance of the rural experience has produced attempts to characterize Jewish-Muslim relations in the countryside, these have not resulted in the kind of new insights on the relevant Muslim societies needed to breach the methodological barrier described above. I refer here to essays by Bat-Zion Eraqi-Klorman (1995) and Tobi (1999b). (Using an almost identical handful of Jewish literary sources, both scholars generalize that Muslim-Jewish relations in rural Yemen were based on a *jār* [patron-protégé] system of tribal protection, rather than on the *shar‘ī dhimma*. As the title of his article suggests, Tobi limits the generalization to “. . . the Tribal Regions in North Yemen,” while Eraqi-Klorman does not differentiate between tribal and non-tribal areas.)

sharing the territory's name—and in particular their relationship with the prevailing *ʿuzla* shaykh, in the light of the latter's own relationship dynamic with the central government. It was within the boundaries of this territory that first Ḥayyim Mīshā and later Yaḥyā Ḥayyim officiated as village headmen. However, though Ḥayyim Mīshā took on his duties as headman in 1934 and Dwayd headmanship consequently belongs to the heart of the Mutawakkilite period (the period during which Imām Yaḥyā Ḥamīd al-Dīn ruled Lower Yemen, as I later outline in greater detail), the political traditions of the territory which informed the Dwayd-Shuʿaybī relationship predated even the Ottoman occupation of highland Yemen in 1872. I begin therefore in Chapter Three by reflecting on the source and nature of Shuʿaybī ascendancy and on the differentiation between two Shuʿaybī *ʿuzlas*: Bilād al-Shuʿaybī al-ʿUlyā (“Upper” Bilād al-Shuʿaybī) and Bilād al-Shuʿaybī al-Suflā (“Lower” Bilād al-Shuʿaybī). I also elucidate the working hypothesis facilitating the central thematic inquiry of these five chapters. Building upon this foundation, Chapters Four and Five portray the climate explaining Ḥayyim Mīshā's headmanship. Yaḥyā Ḥayyim's headmanship activities are covered in Chapter Six, and Chapter Seven brings the Dwayd relationship with the Shuʿaybīs up to the year 1948.

Though the overall structure of Chapters Three to Seven is sequential—this is after all a developing relationship history—three of the five chapters focus largely on the theme of headmanship. Within this portrait, a fascinating question emerges relating to the authority of the Dwayds over Muslims in addition to Jews. What might Jewish headmanship over Muslim villagers entail and what were the peculiar conditions which made such an apparent anachronism possible? I argue that to understand Dwayd headmanship it is necessary to differentiate between the *ʿāqil*'s duties generated at the *ʿuzla* level (Chapter Four) and *jizya* collection, which was a dictate of the imamic government (Chapters Five and Six).

It is also possible to view the breakdown of Chapters Three to Seven in terms of the shifting interrelationships between three tiers of administrative authority: first, the imamic government and its regional appointees; second, the prevailing *ʿuzla* shaykh; and, third, the village *ʿāqil*. Chapters Three and Seven deal largely with the government-shaykh relationship, Chapter Four focuses on the shaykh-*ʿāqil* relationship, and Chapters Five and Six on the *ʿāqil*-government relationship.

Three subsequent chapters reconstruct relationship histories anchored beyond the borders of the home territory, within the neighboring territories of Bilād al-ʿAdhārib (Chapters Eight and Nine) and Bilād al-Ḥayqī (Chapter Ten). These relationship histories accord not only geographic and administrative but also topical diversification to the study, by sampling aspects of Dwayd activity besides headmanship, which is highlighted in the chapters devoted to the home *ʿuzla*. Chapter Nine accords special attention to grainstorage, while Chapter Ten focuses on ownership of land.

Largely because of their relatively good storage capacity, drought resistant cereals have traditionally been the major crops in Yemen:⁶¹

... the most important form of savings at the domestic level was putting up grain in the family stores. This grain might be divided into several categories: seeds selected for replanting the following year, grain representing domestic consumption requirements until the following harvest, grain set aside in anticipation of a rise in prices, old or inferior grain for animal consumption, and grain stored against future crop failures.⁶²

“Stored grain was the foundation of the old agrarian polity.”⁶³ But while ancient underground silos still exist (invariably in a state of disrepair) the interpersonal activity surrounding the formerly key function of grainstorer does not. In today’s market economy grain is imported from overseas and available year round, and grain produced locally is stored in barrels, so that the old commercial-sized local grainstorer around whom much of the activity took place and upon whom the surrounding population depended at times for survival is no more. Dwayd experiences highlighting their function as grainstorers are, like their headmanship, of inherent historical interest (as Appendix B explains in more detail).

Though this is an analytical study rather than a purely descriptive biography of the Dwayds—one in which description is directed by thematic relevance—the sum total of its three concurrent relationship histories does in fact yield a sequential narrative. This is most clearly perceived when I link the relationship histories reconstructed in Chapters Eight, Nine and Ten through an event taking

⁶¹ Carapico and Tutweiler 1981: 9.

⁶² Carapico and Tutweiler 1981: 21.

⁶³ Messick 1993: 12.

place in the summer of 1948, the date at which the preceding Chapter Seven draws to a close. And following the Conclusions, an Epilogue (Appendix A) brings the overall story up to the Dwayds' 1949 departure. Also, above and beyond its three separate relationship histories and the pattern linking them, the study incorporates additional levels of storytelling which often occupy center stage. Surfacing intermittently is a story of the second salient Jewish house in al-Maḡhāya, that of Ḥayyim Mīshā's brother-in-law Musallam Maḥfūḍ al-Maddār, Musallam Maḥfūḍ's son Yūsuf Musallam, and Yūsuf Musallam's son Yaḥyā Yūsuf. The story of the Maddārs' own extended relationship with the Shu'aybī shaykhs is particularly pertinent to the issue of Dwayd headmanship and is brought up to date as that of the Dwayds progresses. Another level of storytelling answers the essential requirement, described above, to understand local political climates and the regional and country-wide developments affecting them. Thus, though microscopic analyses constitute the foundational elements of this study, the net result adds up to a macro perspective on a region and its socio-political and ethno-religious tensions.

CHAPTER ONE

SOURCES AND METHOD

Goitein refers to his Yemeni “collections” in the plural (see Preface) and this unindexed material is in fact stored in two places in the Ben-Zvi Institute library. Hundreds of original “Yemeni documents” deposited by Goitein at the Ben-Zvi Institute library prior to his departure from Israel in 1957 are now located in a series of cardboard folders. A separate body of material, transferred to the Ben-Zvi Institute from Goitein’s home in the United States by his heirs following his passing in 1985, is located in thirteen upright boxes as well as two large ringed binders. In addition to 356 additional “Yemeni documents” (located in the binders), the trove includes such material as personal correspondence and notes, reels of tape recordings, article drafts, bibliographies, an index of place-names in Yemen where Jews used to live—and also a series of notebooks containing transcribed interview sessions. It is with “Yemeni documents” and interviews that I concern myself in this study, and in the present chapter I introduce this material.

I. *The Yemeni Document Caches*

The term “documents” as used in this study refers to deeds of purchase, sharecropping agreements, transcripts of litigation proceedings, payment receipts, acknowledgments of debt, acknowledgments of guarantor status, appointments of agents, witnessed statements of testimony, divorce agreements, personal notes and letters; in short, paperwork written in Yemen and intended to be read in Yemen. The documents come in a vast assortment of shapes, sizes and sometimes baffling handwritings. Some employ peculiar Yemeni script, many are inartistic in the extreme,¹ many represent local dialects in

¹ But see Messick (1993: 231–237) for an analysis of the artful Yemeni “spiral text.”

transcribed form. The overwhelming majority are written in Arabic letters. Some however are in a Hebrew script used by Yemeni Jews—“Assyrian” script, as Yaḥyā Ḥayyim would put it; these too invariably approach the Arabic vernacular of their composers.²

Help in categorizing this mass of writing is provided by the work of Brinkley Messick, whose research is furthermore pertinent because it centers on Ibb, the provincial town of about 5,000 inhabitants (c. 1950) located some thirty-five kilometers to the west of al-Maqhāya.³ (1) The everyday conduct of business in Ibb, government or private, relied on written messages. We have already mentioned the *shakwā*, the letter of appeal brought by a petitioner to the place of the governor or judge and carried in by a guard or young relative of the official. Written too are many informal private contacts, such as preliminary proposals made in the context of arranging marriages.⁴ (2) Alongside the various types of notes and messages are *mu‘āmalāt*, the generic term covering an assortment of dispositions of a legal nature and pecuniary transactions, as well as documents relating to dispute resolution.⁵ The former group comprises a variety of document types, including the *farz*, which specifies the portion of an estate to which an heir is entitled; the *ḥaṣr tarika*, or the detailed breakdown of an entire inheritable estate; the *baṣīrat shirā’* (or simply *baṣīra*), documenting sale of property; the *ijāra*, or lease agreement; the *waraqat dayn*, a person’s acknowledgment of a debt; and the *naẓīr*, or payment receipt. The second group of *mu‘āmalāt* are documents representing dispute resolution: the *ḥukm*, or binding legal judgement text issued by a *ḥākim*, the government court judge; *taḥkīm*, or arbitration proceedings; and the *ṣulḥ*, or mutual settlement. (3) A third category of documents are those which buttress activities defined in the *mu‘āmalāt*. Thus a *mashhad*, or witnessed record of an oral testimony, might be prepared in preparation for litigation; while supporting a given transaction there may be the acknowledgement of an individual as to his position as guarantor (*kafāla*), or a formal guarantee (*ḍamān*).

² For details on the peculiarities of Yemeni Arabic and Hebrew script, consult Piamenta (1990: viii–x).

³ The underlying framework and many of the particulars appearing in the following two paragraphs are derived from Messick 1990.

⁴ Messick 1990: 63.

⁵ Messick 1990: 63.

It is self-evident that personal notes and letters are not “court” documents, and do not depend for their preparation on government functionaries. But this is true also regarding other document types, with the exception of the *ḥukm*. Messick reports that these are written by *kātib*s—document copyists and document writers; and he clearly differentiates between the two. Document copyists typically may be approached outside government offices to draft petitions and to copy existing notes and messages, but are not considered qualified to draft the legal documents used to support rights and obligations in legal undertakings. This is the profession of the document writers:

If a dispute over a contract occurs, the writer is the first line of defense for the documentation. Documents do figure in legal proceedings, but it is the writer, even if he does not appear, who must hold up in court. His personal honor and reputation are weighed in an evaluation of any document he has written and signed. Documents seem to stand alone as pieces of evidence, only because of the judge’s intimate acquaintance of the local men who produce them. Handwriting alone is often sufficient for an Ibb judge to know who wrote a document.⁶

Members of the traditional educated class, these experts enjoy a high social status, and constitute a specialized group widely recognized within Ibb society. Their qualifications include fine penmanship, knowledge of the *sharī‘a* (Islamic law), a record of integrity and an honorable reputation (*‘adāla*), as well as an appropriately stern demeanor. They must display interest not in the pecuniary benefits of the vocation but in the facilitation of legal undertakings and the peaceful settlement of discord. Besides writing contracts, in fact, they also involve themselves in dispute resolution; either indirectly (often, an ostensibly uncomplicated transaction actually represents a monetary settlement), or directly:

As opponents are brought together, a document writer, acting as a mediator, will prepare a succession of written settlement formulations, ever more closely approximating the finally agreeable terms. Court judges and arbitrators are alternatively available in Ibb, but document writers working as mediators are equally common settlement agents.⁷

The involvement of document specialists, therefore, accompanies but also overlaps that of the government court.

⁶ Messick 1990: 70.

⁷ Messick 1990: 67.

Unlike the case in Ibb, in rural areas the nearest government judge would often be located the better part of a day's walk away and would therefore not be immediately accessible; this circumstance, presumably, placed local document specialists in a position to cater to a larger proportion of dispute cases. At the same time, however, it appears that in the villages relatively few cases actually reached the stage of litigation. Messick observed that villagers sometimes omit documentation entirely, explaining that "...adequate security exists in the form of the personal bonds of a small community, rendering any further guarantee superfluous."⁸ This hypothesis is related to his observation in Ibb, that:

[t]he soundest documents, produced by the foremost document specialists, tend to be associated with undertakings in which the human relationship is relatively insecure. By contrast, weak documents, often authored by nonspecialists or even rank amateurs, are typical of dealings between close friends or close associates.⁹

Indeed, the material in Goitein's archive of rural documents is rarely written in the excellent script required of an Ibb specialist (barring those *ahkām* actually produced by government courts). It is conceivable that the distance of these rural areas from the centers of learning was reflected in a somewhat less pronounced division between document copyists and document specialists than was observed by Messick in Ibb. However, this situation would not necessarily negate the usefulness of such documents to their holders, as Messick indicates:

[I]t is difficult to draw firm conclusions about document legality based on the textual features of a document alone. The character of witnesses and the relationship between the contracting parties usually have a greater impact on eventual outcomes. An undertaking buttressed by an airtight document may fail for other reasons, while one supported by a seriously flawed document may remain untroubled over time.¹⁰

These points suggest the likelihood that in different places, the interdependencies between persons, document experts, and government courts were conceived of differently; and that *a fortiori* a significant variance existed in this regard between rural areas and Ibb. This

⁸ Messick 1990: 71.

⁹ Messick 1990: 72.

¹⁰ Messick 1990: 75.

complexity is examined later in the study.¹¹ At this point I wish to point out only that the document *categories* to be found in Goitein's archive are the same as those Messick found in Ibb, and that for the most part this paperwork is not that of Islamic *sharʿa* courts.

A few documents from Goitein's collections have appeared in print in two Hebrew language articles published by Yehuda Ratzaby. In his 1993 article, *Jewish Affairs in Non-Jewish Courts in Yemen*, and in his 1995 article, *Yemenite Jewry in Non-Jewish Courts: Eleven New Court Documents, 1864–1950*, Ratzaby described the potential of rural Yemeni documents to “fill two missing links in the study of the Jews of Yemen: Jewish-Muslim relations and Jewish religion under non-Jewish adjudication”;¹² and “to enrich our knowledge of the Jewish aggregations of the south and north, about whom so little is known.”¹³ Ratzaby transcribed from Arabic script to Hebrew script and translated from Arabic into Hebrew fourteen of the archive documents. He presented them to the reader, grouped together with fifteen documents from other sources, under topical headings and granted each document a title. These titles go some way in conveying the wide range of topics covered by the material. Thus under the heading *Between Jews and Muslims* appear the Ben-Zvi documents titled by Ratzaby as follows: “Muslim Women Sell Land to a Jew”; “A Jew Purchases a Slaughterhouse from a Muslim”; “A Partnership between Jews with regard to an Arab Orchard”; “A Jew Borrows Money from a Muslim”; and “A Muslim Guaranteeship for Jews before Government Authorities.” Under the heading *Between Jews and Jews* appears the document accorded the title “A Monetary Compromise between Jews.”¹⁴ Under the heading *Family* appear the titles “A Couple's Divorce”; “A Man Bequeaths to his Wife”; and “A Division of an Inherited House between Brothers.”¹⁵ *Between Israel and the Nations* includes the titles “Lease of a Field from a Jew,” “A Gentile Owes Grain to a Jew” and “A Blood Feud between Jewish and Muslim Children.”¹⁶ An arbitration over an alleged theft was curiously classified under *Religious Matters*, because the goods in question were religious

¹¹ See especially Chapter Eight, section IV.

¹² Ratzaby 1995: 99.

¹³ Ratzaby 1993: 517. Ratzaby alludes here to the rural population outside Ṣanʿāʾ.

¹⁴ Ratzaby 1993: 521–535.

¹⁵ Ratzaby 1995: 103–107.

¹⁶ Ratzaby 1995: 125–128.

books; and a man's demand for his portion of his father's estate was similarly classified because that man was an apostate.¹⁷ Now I demonstrate in this study that the use of topical headings—even if in themselves accurate—as *the primary device* to classify Goitein's documents goes counter to the archive's fundamental nature and mitigates against the kind of gainful research it merits. This point will be explained more fully in the following paragraphs.

The fundamental character of the archive to which I refer relates to the fact that Yemenis treasured and preserved their legal documentation and records. In times of personal danger documents were kept with friends, and in times of more general unrest they were moved farther afield. Rarely were these documents displayed; for one thing, they have been known to disappear: Messick cites an extreme example of a powerful local shaykh who ate a document brandished by a peasant so as to extinguish proof of the latter's ownership of a piece of property. More common is the loss of documents deposited with judges for examination. On a much more regular basis, however, the safeguarding of documents mirrors such circumstances as a senior brother's control over the financial affairs of a deceased father's household and over the ownership rights of

¹⁷ Ratzaby 1995: 120, 123. Ratzaby's paramount finding in these two articles is that village Jews turned to Muslim "courts" in large numbers: "Up until now we were of the opinion that those turning to the adjudication of Gentiles were a minority within the camp of Israel, and that matters settled before outsiders were those between Jews and Muslims. Lately, a number of documents have come my way. Their inspection revealed that Jews turned to Muslim judges even in purely religious matters, large and small, which are completely out of place in non-Jewish courts" (Ratzaby 1995: 99). Ratzaby limits his finding to village Jews and contrasts this condition with his perception of Šanʿānī Jews (Ratzaby 1993: 515). His imprecisely termed finding ("judges," "courts") is in reality a belated acknowledgment of the phenomenon: Ratzaby was one of those employed by Goitein to gather documentation from the new immigrants (Ratzaby 1995: 99). Also incorrect is Ratzaby's statement that Goitein's archive at the Ben-Zvi Institute consists only of "about one hundred" documents (Ratzaby 1995: 99). Ratzaby does not provide the reader with the library serial numbers relating to the documents selected for publication. I am in a position to remedy this in two cases: the document entitled "A Couple's Divorce" (Ratzaby 1995: 103) is B.Z.G. 123 (see Hollander 1995). And the document "A Monetary Compromise between Jews" (Ratzaby 1993: 535) is actually the *verso* of B.Z.G. 321 (see below, Facsimile 3b), and represents an appended acknowledgment of the arbitration proceedings found on the document's *recto*. It is signed by Muḥammad ʿAbd al-Qawī al-Shuʿaybī—the shaykh who acknowledged Ḥayyim Mīshā's headmanship as we shall see (and not Muḥammad ʿAbd al-Rshī, as in Ratzaby's transliteration and translation). For this document in context see below, end of Chapter Four, section III.



Photograph 2: Yemeni documents from the estate of S.D. Goitein, Jerusalem, 1980s (Shimon Rubinstein)

his fellow heirs, or a woman's keeping her documented rights safely beyond her husband's reach.¹⁸ For circumstances such as these, "[b]unches of long and narrow rolled documents and shorter folded ones are bound together with a string, wrapped in cloth, and locked in chests."¹⁹ Quite naturally, such "bunches"—or caches—might include any combination of the types of documents referred to thus far in this chapter; and documents in a typical cache normally would be written by an assortment of hands representing widely different shades of authority and spread out irregularly over time.

The overwhelming majority of the documents in Goitein's archive reflects this condition: the archive comprises perhaps a dozen such family caches, now shuffled together and dispersed in various locations within the Ben-Zvi Institute library. This archive should not, therefore, be mistaken for a *sjill*—a chronologically organized and possibly topically assorted *qāḍī*-archive, written in the identifiable hand of official scribes, such as were maintained in provincial centers in the Ottoman Empire. We turn now to consider additional distinctions between these two sources of documentation—the Yemeni document cache and the *sharī'a* court archive—in order to arrive at the most useful classification of the Goitein documents.

In the registers of a single *sharī'a* court located in a center of administration through which thousands of persons may have passed, there does often exist a certain regularity, and a chronological clarity, which can support a topic-centered approach to their study. A continuum of persons approaching court with similarly defined problems, a series of rulings and terminologies reflecting a certain legal norm, a series of prices attached to similar commodities—all encourage researchers to select a social, demographic, legal, or economic theme reappearing in that particular administrative center, and to carry out in-depth study of the topic through one or more specific time periods. At the same time, such an archive also reveals the *spectrum* of legal formulations employed by that particular court, allowing insights to a range of social, economic and political phenomena. There is little such regularity in Goitein's collection of Yemeni documents. As already intimated, while many of the documents may have been prepared in order to increase chances of success in future

¹⁸ Messick 1990: 63–65.

¹⁹ Messick 1990: 63.

court litigation or in official appeals, they should not themselves be termed court documents: few were products of centrally located, government-sponsored courts of law. Further, any single cache reflects only the story of a limited number of persons in a limited number of legal situations. And only rarely does one find in Goitein's collection more than a single cache from any particular habitat. To accord this latter haphazardness its full geographic meaning, it may be noted that the former "North Yemen" has been described as "decentralized on a scale unmatched anywhere else in the modern world."²⁰ Still in the mid-1970s more than eighty-six percent of what was at the time the North Yemeni population lived in villages of less than one thousand residents, and there were over fifty thousand towns and villages.²¹ The fact that Jews were a minority group provides little relief to the researcher: the index of locations which had been inhabited by Jews, prepared by Goitein in the early 1950s, contains over one thousand one hundred entries—a conservative number, reflecting, primarily, those places referred to by his informants from among the fifty thousand new arrivals.²²

The irregularity and eccentricity of Yemeni caches cautions against embarking on an orthodox topic-centered research project based on the Goitein collection. Wider processes cannot be easily observed: topically similar cases are few and far between, and the common ground in terms of geography, subject and genre is minimal; conclusions of even meticulously researched projects might represent little more than generalizations tenuously set in time and space. This collection does not lend itself to the exigencies of such quantitative research projects as have been attempted based on *ṣijill* material.

Yet for all their advantages, *qāḍī*-archives too have their limits as providers of source material for social history. As indicated by Dror Ze'evi, their use for quantitative history itself is problematic: fundamental questions exist regarding the representativeness of the study sample.²³ Aharon Layish describes the problem as follows: "... only a small proportion of all disputes were brought to the *sharʿa* court,

²⁰ Wenner 1991: 21.

²¹ Wenner 1991: 21.

²² For Goitein's description of the sources he used to compile the index see Goitein 1983b: 199 n. 3.

²³ Ze'evi 1998: 39–45.

which implies that even the *siḥill* in its entirety cannot claim to represent that part of the population that did not apply to *shari'a* courts and preferred to settle disputes by means of tribal arbitrators and under customary law."²⁴ Indeed, it is not known whether formal written records accurately represent the occurrences they describe; even the authenticity of quotes ostensibly made by people present in court is uncertain.²⁵ According to Ze'evi, the *siḥill*'s fragmentation into unrelated events invests its use for *narrative* history with the danger of creating false stories compounded by indemonstrable hypotheses as to sequence and context.²⁶ Entries in the register of a specific court, typically located in an administrative center, tend to contain information immediately relevant only to the specific day in the specific court. Documentation describing earlier or subsequent encounters between litigants which may have taken place elsewhere, such as in another court in town, in courts located in other towns, in a less formal venue of arbitration, or in an encounter in the litigants' own denominational court, does not normally appear. Furthermore, as pointed out by Layish, the ways to circumvent the *qāḍī*'s decisions were many and the extent to which conditions and instructions stipulated in a particular entry were in fact executed typically remains unknown.²⁷ Also, the legal formulations used by the court were often standardized and provide little insight either into the social background of the case or into the manner in which parties to a contract actually approached and concluded their deal. According to Layish, "[o]nly issues relevant from the legal point of view are recorded, and these are phrased in general terms that do not convey to the outside observer an accurate insight into the parties' states of mind, their specific motives, and the background to the events in question."²⁸ In the face of this limited contextual depth of field, therefore, a major challenge of *siḥill* study is to estimate what its results might represent beyond the walls of the *shari'a* court.

In her 1998 book, *Making Big Money in 1600: The Life and Times of Isma'il Abu Taḥiyya, Egyptian Merchant*, Nelly Hanna broke new ground by bringing microhistoric method to bear on the study of

²⁴ Layish 1998: 2.

²⁵ Ze'evi 1998: 50–51.

²⁶ Ze'evi 1998: 45–47.

²⁷ Layish 1998: 2.

²⁸ Layish 1998: 3.

siyills. From forty-four bound Cairene court registers, Hanna gathered several hundred cases focusing on the life and times of a single individual, who appeared in court as a witness, claimant, or party to a business venture.²⁹ The resulting portrait is itself broad and profound. Yet, as the following quote from Hanna's conclusion to a chapter on *The Structures of Trade* seems to suggest, this fine portrait may have been awarded implications that overstep the dimensions of the archival sources used to create it:

In the first place, there was probably not much new about the way that Isma'il Abu Taqiyya and his generation carried out their business. The tools and mechanisms that the court records mention—the partnership, the mandate, the sale on credit—seem to be similar to those that Goitein found in the Geniza documents of the twelfth and thirteenth centuries. This similarity testifies to a great continuity between these two periods in spite of the six centuries that separate them. Moreover, these partnerships and mandates seem, for the most part, to be well within the prescriptions of the *shari'a*. The trading system of the period can thus be considered to be a traditional one. And yet this does not mean that conditions were stationary over the centuries. A comparison with the period Goitein covered, for instance, shows a significant difference in approach—notably, a growing formality of trading relations, which indicates the complexity of the commercial situation in the later period. Goitein stressed the importance of family relations and informal relationships between merchants; family members played important roles organizationally and consequently family members had to be on good terms with each other. He found innumerable references to merchants cooperating with each other informally, carrying out mutual favors, and doing business on the basis of trust and friendship. For Isma'il Abu Taqiyya and his contemporaries, with the spread of the court system in Cairo, the tendency was to do things in writing and to record deals in court. . . .³⁰

This conclusion does not appear to take account of the fact that the results being compared ensue from different source genres each providing data of a specific nature. It is unremarkable that Hanna's study of formal court records would have produced an image of formal trading relations, just as it is natural that Goitein's study of haphazardly stashed personal and commercial correspondence would have produced a more informal portrait. It was while assessing the

²⁹ Hanna 1998: xxi–xxii, 197.

³⁰ Hanna 1998: 68–69.

use of *ṣijill* material for microhistorical research that Ze'evi highlighted a case where "[t]he record is a virtual opposite of the occurrence as understood by the participants."³¹ Microhistory can overcome some, but not all, of the *ṣijill*'s limitations as a source for social history.

Returning to the case at hand: a substantial Yemeni household document cache may combine advantages of both the formal *ṣijill* and the informal Geniza. It may include some legal documents ensuing from courts—located, perhaps, not in one but in a variety of administrative towns—as well as a much larger number of legal productions of local, unofficial document writers. At the same time it may include informal material: receipts, personal letters, and preliminary, draft versions of legal settlements. Moreover, in contrast to the Italian case, it is not necessary to journey between institutional and private archives in search of documentation concerning the specific individual:³² this eclectic array of documents would already be available in a “bunch,” inviting microhistoric study. When unrolled and laid out in chronological order, these documents are often mutually enhancing not only in terms of their substance but also in terms of their form. Here in fact lies the beauty and potency of the Yemeni cache, with its prospect of helping to place events, identities and quantitative dimensions (land areas, monetary values and so forth) in meaningful perspective, and the associated prospect of generating hypotheses regarding the intentions of the individuals involved—perhaps even their values and personalities—and their relationship histories. In sum, the Goitein archive is much more than an accumulation of generic contracts between generic Jews and Gentiles, men and women, brothers and sisters and husbands and wives. The very nature of the archive calls for a microscopic research approach, in which the historical “event” to be focused on is the individual, or individuals, around whom the documentation is assembled. That for us constitutes the most natural principle of classification.

The problem of classification also has an institutional dimension. At the Jewish National and University Library in Jerusalem, for example, a substantial number of documents obtained from Yemeni immigrants have in fact been topically compartmentalized and indexed. Thus Yemeni marriage contracts are accessible to the researcher via a card file labeled “marriage contracts” (*ketūbōt*), where may be found

³¹ Ze'evi 1998: 50.

³² Ginzburg and Poni 1991: 5–6.

such contracts from around the Jewish world. The index was apparently designed to assist the researcher of legal institutions rather than the microhistorian: to return a marriage contract to its original cache in order to view the particular event in context—time, place, monetary values and society—would be a daunting task. At the Ben-Zvi Institute the situation is fortunately more favorable because the documents of Goitein's Yemeni family caches have not yet been similarly dispersed and generically compartmentalized. On the contrary: the once distinct family caches were first scrambled together then dispersed in the Institute collections. Before choosing a cache for study it was necessary therefore to reconstitute the caches; this meant searching the entire trove—the 1950s folders as well as the 1980s binders—for pivotal players. This was a relatively straightforward task, because it is fair to assume that the candidates would be Jewish (the caches having been collected from Jewish immigrants), and because of the extensive use in the documents of patronyms (“the name”). More problematic was the accurate association to a particular cache of documents with no apparent linkage lead; above all, those documents containing no Jewish name. A number of caches began to take form even as many documents remained unclassified; of these, the Dwayd cache attracted me in particular because of its size and the diversity of its documents.

My original research proposal for this study listed sixty-seven Dwayd-related documents; but as my familiarity with the Dwayd habitat grew, I was able in later reviews of the Goitein archive to link to the cache additional documents that did not carry the Dwayd name. One group of documents particularly hard to attribute were such ownership deeds as were deposited with a creditor by way of collateral security (*marhūnāt*) pending restitution of a debt. This is because the information contained in these documents normally has nothing at all to do with the creditor; rather, these are documents—such as the *baṣīra*, *farz* and *ḥukm*—that grant the document depositor some kind of right to a property. If the debtor's rights are recorded in several documents, more than one document may be deposited to secure a debt. In the best of cases, an actual acknowledgement of debt (*waraqat dayn*) exists linking the name of the creditor to that of the debtor and allowing the attribution to the Dwayd cache of the documents pawned to secure that transaction.

An equivalent difficulty exists with regard to documents surrounding Dwayd land purchases. When a tract changes hands, so do the

“source documents” (*uṣūl*, s. *aṣl*) reflecting previous transactions, inheritance activity or litigation involving the property in question. Again, the final buyer—the Dwayds in our case—does not necessarily appear in these documents. The key link in this case is the final transaction deed, the *baṣīrat shirāʾ*³³—the Dwayd purchase identifying also the name of the plot (for each and every terrace has its own personal name) and its seller. Using this information one is occasionally able to work backwards in time, linking a string of documents to the cache. This retrospective exercise may sometimes be undertaken even in the absence of a final, key deed of purchase, thanks to the convention of listing the essentials of a new transaction in a concise clause added to the deed pertaining to the previous transaction involving the same piece of property.

The number of documents identified as belonging to the Dwayd cache eventually rose to 121: ninety-three from the 1980s binders and six from the 1980s boxes; and twenty-two from the 1950s folders. This is a large cache, but it is also a multidimensional one. Besides the Hebrew *shakwā* referred to at the outset, the Dwayd cache includes the following documents: (1) Two documents related to Ḥayyim Mīshā’s appointment to the position of *ʿāqil*; (2) Five documents describing the apportionment of inheritable estates (s. *faṣl*, *farz*); (3) One *ḥaṣr tarika*, a detailed breakdown of an entire estate; (4) Eighteen land purchase documents (s. *baṣīrat shirāʾ*); (5) Nine documents describing legal contestation, including court proceedings (s. *ḥukm sharʿī*), arbitration proceedings (s. *taḥkīm*), and mutual settlements (s. *ṣulḥ*); (6) Twenty-one documents acknowledging debt (s. *waraqat dayn*); (7) Two lease agreements (s. *ījāra*); (8) Eight documents containing the testimony of witnesses to specific events (s. *mashhad*);³³ (9) Three *shakāwā*; (10) Ten *jizya*-related documents, including rosters (s. *ʿadad*) and receipts (s. *naẓīr*); (11) Twenty-eight letters and notes, including some personal correspondence, materials relating to grain-silo management and community representation; (12) Two draft folios, reflecting informal activity leading up to a legal settlement;

³³ Cf. the Libyan conveyance of testimony documents (*shahādat naql*) described by Layish as “. . . a testimony given in court, by the plaintiff’s witnesses, endorsed by a *qāḍī* and registered in the *siḡill* with a view to being used at a future date as the need arises” (Layish 1998: 21 n. 2). Of course, we are not dealing with *siḡill* material and none of our eight *mashhads* were prepared in a government court.

(13) Sundry acknowledgments of obligation (s. *iqrār*), conferrals of agency (s. *wikāla*) and receipts not related to *jīzya*.³⁴

Dates, names, places and other details recorded in these documents, together with their thematic substance, are, of course, basic components in my reconstruction. However, whether in a polished official *ḥukm* or a hastily scribbled note, it is not always the information that a document was designed to record or to transmit which attracts my main interest as an investigating narrator. For example, it is only ostensibly that the *mashhad* describes an event as seen by the testifying eyewitnesses: often such a document is not a word-for-word rendition of testimony but a carefully edited presentation of events designed to support the individual commissioning it. The details included in the *shakwā* are also carefully chosen so as to mobilize opinion and motivate action; again, crucial facts are often to be found in the document's context rather than in its text. As for the *mu'āmalāt*, as Messick points out, "[i]n this highly contentious society, settlements commonly take the form of transactions, each of which must be written up in document form."³⁵ The real value of a document, therefore, is often best measured not by what it describes in words but by its relationship to its context: a sufficiently elaborated context—a relationship history—can reveal unwritten facts about a document's significance. At the same time, by becoming part of an overall sequence, each document, as an event in itself,³⁶ contributes to our knowledge of that wider picture. As in a picture puzzle it is the entire available image, paradoxically made up of many different pieces, which accords meaning to each individual piece; even when large chunks of the puzzle have yet to be pieced together or are lost forever.

Some of the documents in the Dwayd cache will in fact be used almost exclusively for construing context. Many of the *mu'āmalāt* represent *marhūnāt* (security documents) which, as explained, have nothing to do with the Dwayds. Instead they reveal parts of the surrounding human panorama and illustrate some of this population's own trials and tribulations. A continuum of *uṣūl* (source documents) too can be

³⁴ This breakdown must be taken only as a rough guide, as the documents often contain additional clauses worth considering in their own right. Letters, the simplest example, often represent both a query and a reply located on the *verso*.

³⁵ Messick 1990: 67.

³⁶ Cf. Ginzburg 1993: 29.

of contextual value, allowing one to trace the transaction histories of specific land parcels—for *microstoria* works not only with regard to humans—and often provides depth where the insights granted by security documents prove less revealing. Such documents also provide information on the administrative affiliation of villages in past eras.

Understanding the context of the documents also means appreciating them in terms of their own thematic genre. In three discussions, where the Dwayd trove cannot adequately illuminate such topical contexts, I have brought to bear additional, highly specialized document caches from the Goitein archive. One of these is the trove of a certain ʿImrān b. ʿImrān. Composed mainly of *jizya*-related receipts and notes, I put it to use as part of an exercise designed to accord comparative perspective to the experiences of the Jews of al-Maqhāya with regard to *jizya* payment.³⁷ The second auxiliary cache belongs to the Maddār family of al-ʿAdhārib (not to be confused with the Maddārs of al-Maqhāya mentioned above in our *Introduction and Plan of Work*). It is significant that while the Goitein trove contains documents from all over Yemen, the Maddār and the Dwayd caches are the only sizeable troves from neighboring villages. Now this circumstance does not increase the prospects of obtaining some kind of quantitative picture: the two caches display entirely different characters. The Dwayd cache may be described as a combined “political” and “business cache,” highlighting interaction with *mashāyikh* (Muslims of the shaykhly class) and government but also with a grain-storing clientele. It contains few documents in “Assyrian” script and reflects only occasionally on the Dwayds’ Jewish environment. The Maddār cache, by contrast, is not a grainstorer’s cache. It focuses rather on conflicts occurring within a family over matters of ownership and succession, and as such is strictly a “legal cache”; one in which a range of legal authorities active in the area, both Muslim and Jewish, achieve visibility. While beginning to explore the Goitein archive I reconstructed the Maddār story as an independent exercise.³⁸ The Maddār story has now proved to be of renewed value, according comparative depth to a discussion focusing on political and legal changes affecting not a Jewish but a Muslim house with

³⁷ See Chapter Five, sections III–VI.

³⁸ Hollander 1994 and 1997. I draw on the latter article, part of a collection published by I.B. Tauris Publishers, for many of the formulations used while revisiting the Maddār story.

whom the Dwayd grainstorers maintained a reciprocal relationship.³⁹ In the Epilogue (Appendix A), I draw on additional auxiliary caches to impart context to the Dwayds' departure from Yemen: from Goitein's material, the cache of Saʿīd Yaḥyā Damtī; and the private caches of Yaḥyā Yūsuf Musallam Maddār and Zion Meshullam.

Documents justify my selection for study of the Dwayd case and may be used in the various ways described above to impart detail and illuminate context.⁴⁰ However, documents represent only part of our source corpus as preluded in the *Introduction and Plan of Work*. Further justifying my choice of the Dwayd case and providing possibilities for the enhancement of context and detail is the coincident availability of transcribed oral interviews. I turn now to describe this material.

II. *The Interview Notebooks*⁴¹

Aside from gathering documents from new immigrants, Goitein seized the opportunity to interview the immigrants within months of their 1949–50 arrival in Israel while they were still congregated in a small number of reception camps, sampling at will from practically an entire rural population. These interviews were actually conducted by research assistants required to ask informants topically ordered sets of questions, a formal approach that governed the results. What mainly interested Goitein the linguist and social historian, however, were the occasions when an informant would wander off the assigned topic and refer to episodes which could not have been anticipated in any questionnaire. For not every assistant understood the value of allowing informants to express themselves with a minimum of interruptions, or was willing and able to learn how to push forward on this track. It was eighteen months before Goitein found the right man—"a craftsman from a small town between Higher and Lower Yemen, who had traveled extensively and had had many dealings with villagers"⁴²—by which time the immigrants had been dispersed

³⁹ See Chapter Eight, section IV.

⁴⁰ For a description of the system I employ in my references to the documentary portion of the source corpus, consult Appendix D, section I.

⁴¹ I owe some of the formulations in this section to Allen and Montell (1981).

⁴² Goitein 1955: 6 n. 10.

around the country. It was with this assistant at his side that Goitein embarked upon his linguistically-based ethnographic study of al-Gades between the spring of 1952 and the summer of 1953. The following is the relevant excerpt from *The Language of al-Gades*.

Of great usefulness was the assistance of my Yemenite adjunct, Joseph Tsioni or yu:suf as-sayya:ni, as he was called in Yemen, a silversmith, watchrepairer, etc. from the town of Dama:r. As soon as the mass immigration from Yemen set in, it became clear to me that with the limited time at my disposal, any adequate survey was out of the question without native assistance. It was, however, extremely difficult to find the right person. Finally, I chose Joseph, also a new immigrant, and for four years he was my indispensable assistant. Naturally, everything noted by him has to be checked, but he has already gained much experience and works with great circumspection. I possess three versions of many stories: my own notes, when I first heard them; secondly, Joseph's transcripts; and thirdly, records made in my office. Joseph's version is normally the most faithful, because when being recorded, people are not as unaffected as they are while talking to a fellow countryman. Furthermore, the present writer is naturally not able to take down as quickly as a Yemenite what has been said in an awkward idiom, which to be properly understood requires months even from a native. Joseph has written down, in his Yemenite Hebrew cursive, hundreds of pages of al-gades texts and these, used with the precautions imposed by the circumstances, form a very important source for our knowledge of that dialect. However, the texts given at the end of this article are exclusively transcripts of records made with the aid of a magnecord or a pentron recorder.⁴³

I am primarily interested in Sayyānī's transcripts not because of al-Maqhāya's proximity to al-Gades—six hours by foot (though six *jizya*-related interview sessions focusing on al-Gades and adjacent villages are of particular topical interest). My interest is due to the fact that our grainstoring headmen became two of Sayyānī's most prolific informants, despite the fact that they were not from al-Gades/Giv'at Ye'arīm. Sayyānī's ability to guide informants into extended and uninterrupted narratives, allowing them to relate in detail their perceptions of events which occurred in their vicinity, is fully apparent in six sessions held with Ḥayyim Mīshā, twenty-three held with his son, Yaḥyā Ḥayyim, and two joint father-and-son sessions. Blind and unable to work, Yaḥyā Ḥayyim must have had a great deal of spare

⁴³ Goitein 1960: 7–8.

time on his hands and must have welcomed the opportunity to be able to talk to someone about his past. Sayyānī, for his part, was able to visit Yaḥyā Ḥayyim time and again because they resided in the same village in Israel.

Also nearby lived other former residents of al-Maqhāya and of other area villages, some of whom Sayyānī interviewed. Though in terms of sheer volume the Dwayd narratives are in a league unto themselves, further perspectives on al-Maqhāya, al-‘Adhārib, al-Gades, and additional area localities are provided in twenty-three Sayyānī interview sessions. In all, the narrative source corpus for the present study comprises fifty-four Sayyānī interview sessions.⁴⁴

Sayyānī’s contribution does not end here: it was he who had collected the documents from Yaḥyā Ḥayyim. Indeed, additional portions of Dwayd narrative appear on a large number of Dwayd cache documents in Yūsuf Sayyānī’s tidy “Assyrian” script. For the most part these additions represent Dwayd comments in Arabic on the contents of a specific document, presumably written as Sayyānī took possession of the documents. It is difficult to overemphasize the usefulness of the first-hand background information contained in these marginalia. Helping to unravel difficult documents and to situate ostensibly mundane ones in living context, Yūsuf Sayyānī’s additions at times offer the added fragment of information required to associate a particular document with a still more detailed notebook narrative.

One characteristic of the narratives is that they often incorporate detailed conversations to which the narrator could not possibly have been privy; indeed, some events took place before their narrators were born. Thus, for example, when appropriations of property by this or the other shaykh in the distant past are described, what we are reading is in fact the narrator’s own perception of events. Yet the material retains its value. First, the manner in which the other side is perceived is valuable information when considering the behavior of a party within a relationship. The details or wording which flavor a narrative, however suspicious in terms of factual accuracy, may serve to reveal the narrator’s own frame of mind; indeed, what a person believes happened is often what dictates his actions. Second, the kernel of a narrative is less contentious than its particulars, and

⁴⁴ For a description of the system I employ in my references to the narrative transcriptions, consult Appendix D, section II.



Photograph 3: Yūsuf Sayyānī. Jerusalem, 1953 (S.D. Goitein)

can often be substantiated by information gleaned from supplementary literature (which may, in turn, represent oral sources that found their way into print).⁴⁵ Third, it is not the current narrator who invented most of the matter surrounding the kernel of a smoothly recounted story: seamless narrative characterizes the repertoire of local lore.

As the narratives enter the early years of the twentieth century, it becomes more frequently the case that the narrator is relating first-hand knowledge. Also more frequent are cases in which similar events appear in more than a single oral source. One expects the accounts of specific events to differ and they do, both because of individualistic flavoring by the narrators and because even direct observers tend to view different aspects of any one event. At the same time, alternative, divergent accounts of the same event or period can be collated to expand knowledge of the event, or they can be juxtaposed, either to cast doubt on a point or to indicate kernels of fact.⁴⁶

Although he was using a single source of data—narratives—Goitein published his ethno-historic and linguistic findings five years apart and in separate projects, according each its appropriate disciplinary treatment.⁴⁷ The present enterprise is not a study in linguistics not solely because I am not a qualified linguist.⁴⁸ The apparent distinction between Sayyānī's transcripts and transcripts of *tape-recorded* interviews (quoted above from *The Language of al-Gades*) is an important one. Sayyānī evidently took down quickly what was said by the informants; and although his transcripts were "very important," Goitein chose *not* to transliterate, translate and annotate them in his *Language*. That Sayyānī's transcripts are not, in the main, transcripts of tape-recordings is substantiated also by Goitein's description of his work with Sayyānī, appearing in the ethnographic article: "After familiarizing himself with the questionnaire, he frequently accompanied men and women from al-Gades to interviews, during which they would repeat—speaking into a pentron or magnecord—what they

⁴⁵ Such is the nature of the beginning of Chapter Three, section I and Chapter Eight, section II.

⁴⁶ Such is the nature of the end of Chapter Three, section I; see also, for example, the case of the apostate *ʿāqil* in Chapter Four, section III.

⁴⁷ Goitein 1960: 357.

⁴⁸ Goitein (1955: 10 n. 21) considered the language of al-Gades "the most evasive" Semitic dialect he had ever studied.

had told him previously; on other occasions, he pursued topics raised during recorded conversations.”⁴⁹ In the al-Gades project, Sayyānī the “adjunct” functioned as a stimulant and transcriber within Goitein’s psycho-ethnographic investigations.⁵⁰ To be sure, Sayyānī did transcribe some al-Gades tape-recordings syllable per syllable: the differences between the two styles are immediately evident when transcript notebooks are compared. But it seems that with his neighbors the Dwayds of al-Maqhāya, Sayyānī worked alone: there are no tape-recordings and no transcripts of such. Though the setting was formal—Sayyānī used a pen and notebook—the conversation was not.⁵¹

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I have up to this point presented separately the limitations and benefits of documents and narratives; it is time to describe how the two source types are integrated within this study. First, the source genres are mutually supportive in a general way. One source might provide the beginning of a reconstructed relationship history, another its end.⁵² In other cases, one reconstructed sequence might be predominantly based on one source genre, whether documentary or narrative, and the next sequence reconstructed using the other genre.⁵³

But the source material also comes together in more complex ways. Most narratives focus on extraordinary events the Dwayds themselves considered worth retelling. Likewise, many of the documents stand not for the ordinary but for the unusual; more precisely, they highlight times when things went wrong. Acknowledgments of debt, and documents deposited with the grainstorers by way of collateral, reflect debts which remained unpaid upon the emigration of the creditors from Yemen; documents of adjudication and arbitration reflect instances of dispute; conditions generating petitions to government officials are those which the commissioner of the document wished to change; inheritance deeds succeed a singular (if some-

⁴⁹ Goitein 1955: 6 n. 10.

⁵⁰ Goitein 1955: 6.

⁵¹ Reading Dwayd narratives is like sitting on the sidelines while one Yemeni tells his story to another. There seems to have been little incentive to “please the researcher.”

⁵² See, for example, Chapter Six, where narrative gives way to *jizya* assessments and receipts.

⁵³ See, for example, Chapter Eight, section IV and Chapter Nine, section II.

times expected) event; and written testimonies describe unusual occurrences in preparation for future adjudication. Time and again we find that Dwayd cache documents and notebook narratives converge over the same episode.

In such cases, the different source genres are mutually supportive. While the Maddār documents yield an insight into an extended legal struggle within a family and thus constitute a remarkably self-sufficient story, much of the Dwayd cache may be likened to a snapshot of a grainstorer's archive as it stood at a particular moment in time. Debt acknowledgement and security deeds located in the cache reflect debts which were not repaid *at a certain date* (the Dwayds' departure from Yemen in late 1949), but reveal little of the past, possibly protracted, history of interpersonal relationships. Debts that were paid off are not reflected in the document cache. And in all but a few cases, the Dwayds transferred their deeds of purchase to buyers of their properties prior to their departure in 1949. The narratives often come forth with valuable information. There are also benefits in the reverse direction. Narratives often situate events in time not by month and year but by association with other events; indeed, chronological sequences are often scrambled: the subject of a story occupies the center of a session, while events in which he was involved are recounted in random chronological order, as they spring into the narrator's mind. Historical time is telescoped, giving the impression that events which in fact took place years apart occurred in rapid sequence. Documents have often allowed me to date, sort and decompress such narratives.⁵⁴

While documents and narratives can be mutually supportive, they do not always agree regarding specific episodes. The questions arising in such cases spark debate and large parts of this study reflect the quest for answers to source-based contradictions. Thus, some narratives appear to be highly polished selections from a repertoire; such stories often focus on heroes (often the narrator himself) and villains, where personal and group biases abound.⁵⁵ A parallel story,

⁵⁴ Chapter Five, sections II–IV represent such an exercise.

⁵⁵ It is a reasonable conjecture that the tone of some of the narratives concerning Muslims is flavored by the fact that Sayyānī's informants are Jewish and that the interviews were conducted in Israel. This bias is countered elsewhere by the informants' sense of nostalgia towards their old neighbors, animated by the social and economic difficulties facing the immigrants in their new country.

reconstructed through the use of documents, can provide a counterweight.⁵⁶ This is not to suggest that only the events narrated orally by the Dwayds are subjective: the same is true of many of the documents, first and foremost *shakwās* and *mashhads* the *raison d'être* of which is to manipulate opinion; it is precisely this subjectivity that attracts interest and which may be elucidated in a narrative.⁵⁷ At issue, therefore, regarding both sources are not only questions of true and false and right and wrong but also those of attitude. Common sense, of course, must rule the day in reading both narratives and documents. I may, for example, accept that when an informant says he went to such and such a place on such and such a date, he did so (or at least believes he did), but be more critical with regard to reasons provided for other people's behavior, though these may be of interest as reflective of the narrator's own state of mind. Similarly, it is not only the event related in a *mashhad* that is of interest but also the individual called on to craft the document, and the precise words he chooses. Combinations of the two source genres vary between episodes, so that each requires an individualized procedure of investigation. Further theorizing at this stage would be of little benefit: before us lies an extended methodological adventure, and it is in the chapters themselves that specific problems relating to the interaction of sources are placed in full relief and discussed.

III. *Scholarly Sensibility and Textual Imagination*

Documents and narrative notebooks provide the textual foundations of this study. At the same time, I would emphasize an essential subjective dimension particularly in my recognition and selection of the problems to address, my identification of information pertinent to addressing these problems, my reading of these sources—the manner in which I interpret not only their contradictions but also their transitions and silences—and even in my fascination with the Dwayds. It may therefore be profitable to conclude this account of sources and method by looking more closely at the issue of scholarly sensibility and textual imagination in the present case.

⁵⁶ Chapter Ten is a prime example of such interaction between genres.

⁵⁷ See, for example, the interaction of source genres underlying the discussion of Yūsuf Musallam Maddār's alleged poisoning (Chapter Four, section II).

My first acquaintance with a Yemeni Jewish society was non-academic. My spouse was born to native Yemeni parents, in an immigrant community largely unassimilated into Israeli society, such that in the months prior to our marriage I became a player in what was for me a new socio-religious environment, accepting, acquiescing or rejecting—but experiencing directly—ideals and norms of that environment. Indeed, since my father-in-law was born in the Upper Yemen tribal area of Khawlān al-Ṭiyāl and my mother-in-law in the Lower Yemen district of Baʿdān, my informal education included an appreciation of some of the temperamental nuances typical to these disparate regions. I enjoyed spending time in the company of the older generation, rising to the challenge of acquiring various liturgical skills necessary to feel comfortable in their company, and my sensitivity to rhythms of interpersonal relations and philosophical outlooks was further enhanced: what attitudes or behaviors are well received, respected or considered humorous and what causes scorn or anger. Well before my introduction to Goitein's archive, I had seeped myself in the culture of this "tribe" and become an "inside" as well as an "outside observer."

Family relationships touch on the present study in a much more direct manner, however. My mother-in-law, a product of the second marriage of her mother, Sa'īda, was born in a village near al-Maqhāya. It was, in fact, to al-Maqhāya that Sa'īda's first husband had moved following their divorce, and it was with the Dwayd household that he found shelter there. In the early 1990s, while in the village of Elyakhīn, Israel, visiting the family of Sa'īda's daughter from her marriage to this man, I was introduced to Ibrāhīm Ḥayyim Dwayd. Our conversation revealed the existence of a family document bundle which his recently deceased elder brother, Yaḥyā Ḥayyim (d. 1989), had handed to a villager by the name of Yūsuf Sayyānī. I went to see this individual to ask if I might look at these papers, but Sayyānī turned out to be an elderly man capable only of limited conversation. What Ibrāhīm recounted, it soon became clear, happened in the distant past, and my encounters with him and with the ailing Sayyānī joined the dozens of other casual meetings and conversations I had experienced with the older generation of Yemenis. Then I was introduced to Goitein's archive, where I came face-to-face with Dwayd documents in exhilarating succession. Equally exciting was my discovery, as I inspected the notebooks dispersed in the archive's boxes, of the name "Yūsuf Sayyānī" or "Yosef Zioni" on

some notebook covers, and of the occurrence of the name “Dwayd” on a disproportionately large number of their pages. I suspect that my envisioning of research subjects as concrete individuals, my mindfulness that Goitein’s documentary archive is made up not of independent documents but of shuffled-up document bundles, my association of these rural documents and the notebook material, and my awareness of the possible value of juxtaposing and comparing the source genres, may all have been facilitated by personal experience prior to my involvement in the present study.

In practical terms, my acquaintance with Ibrāhīm Ḥayyim signified that I would be able to tap a knowledgeable oral source to further my research: as a young man in Yemen, Ibrāhīm Ḥayyim had been appointed by his elder brother Yaḥyā to supervise the operation of two underground grain silos in a village near al-Maqhāya. The image Ibrāhīm portrayed of Yemen was not vitiated by the country’s development since 1950; nonetheless, because of his relative youth when he left Yemen and the half century which had passed since that time, I could not treat Ibrāhīm’s evidence on a par with either the cache documents or the 1950s interviews conducted with his father and brother. My hopes were more modest: to extract from Ibrāhīm any memory that might enhance my sense of a wider scene. To that end, I made use of the debt acknowledgement deeds from the Dwayd cache. Since these are short documents, and since Ibrāhīm as a former grainstorer was well acquainted with their formulas, most of our attention focused on the individuals and places mentioned in them: debtors, witnesses and scribes, the villages they lived in and the names of pawned properties. I read these documents out to Ibrāhīm, lingering a few extra moments after each name to allow for the surfacing of any memories that may have been stirred.

The reason I did not use Sayyānī’s transcribed narratives as a memory-activating medium was for fear that these might corrupt or divert from its natural course any independent account Ibrāhīm may otherwise be able to provide. Nevertheless, interviewing Ibrāhīm Ḥayyim did further my understanding of the earlier narratives. One question that had been troubling me was how Yūsuf Sayyānī could possibly have transcribed an interview with any degree of accuracy as it was being held. The explanation, I now could see, is that the interviewee, lying sideways and propped up on one elbow, ceaselessly engages in what may easily be taken to be his primary pursuit at the moment: the Yemeni ritual of *qāt* chewing. The ongoing

process of meditatively sifting through the afternoon's supply of this mildly narcotic shrub, selecting the most promising shoot, stroking and cleaning its tender leaves between the thumb and forefinger, plucking off these leaves with their attached offshoots and stuffing them into the cheek, jettisoning the woody leftovers of the shoot, sipping water or tea, and smoking, has the helpful effect of greatly relaxing the pace of an interview session.

The drawing out of an interview also allows additional memories, aroused perhaps by mention of a person, household, place or event, to surface in the foreground of the narrator's consciousness. A current topic may be dropped and another aspect of it resumed following a digression; or the original topic may be discontinued and an entirely new one inaugurated; the interviewer may or may not play a role in these transitions. Now my contact with Ibrāhīm Ḥayyim made it clear that Sayyānī left out of his transcriptions what he perhaps considered to be redundancies. This includes not only such interferences as neighbors stopping by to discuss problems and comments exchanged with members of the family, but also his own prodding questions and comments. The result of such procedure is a smoother narrative, outwardly resembling a calculated chronicle, but in fact—on later reconstruction—it often leaves the logical transition from sentence to sentence unclear, requiring imagination and exegesis in order to make sense of the text. My experience with Ibrāhīm Ḥayyim contributed to my awareness of the literary logic and internal dynamics of the narrative genre thereby improving my ability to interpret Sayyānī's transcriptions.

It made sense to speak also to other former residents of al-Maqhāya and nearby villages who like the Dwayds resettled in the village of Elyakhīn. I set out, again, not in search of specific details but to enhance my sense of the atmosphere of the region as it was fifty years ago and more. Two recurrent observations I made in the course of these interviews are worth transmitting at this point: first, the impression made on the district's Jews by a shaykh named Muḥammad 'Abd al-Qawī al-Shu'aybī and, second, the focusing of attention by the interviewees on the figure of Yaḥyā Ḥayyim Dwayd. The remarks made by these eyewitnesses indicated that my textually-inspired sense of the importance of the Dwayd case was justified.⁵⁸

⁵⁸ For a list of tape-recorded interviews consult the *References* (section II). Almost

I conducted my Elyakhīn interviews during the spring of 1997, and complemented my sensitivity to Jewish Yemeni society during the summer of 1998, which I spent in Yemen. Obviously, here too allowances must be made for the decades that have passed since the 1940s. Nevertheless, my exposure to the country and to members of its Muslim society has enhanced the symmetry of this study. Though I engaged in no new research, I acquired some sense of the intensity and pace of interpersonal, indeed, inter-religious relations, and of the dignity by which villagers endure their trials and tribulations, not the least of which involve natural phenomena (which still do not recognize religious differences). A somewhat grey image of the locality and its groups of inhabitants gave way to one that is focused and in full color, furthering my competence to situate documents and narrative in their physical and human surroundings.

IV. *Conclusion*

The efforts of a number of people over several decades have made available the sources that I have identified and combined as a body of research material. The Dwayds did not abandon their document cache when they relocated in 1949. During the early to mid-1950s Goitein pushed forward with the gathering of documentation and narratives, selected the assistant who could do the job and presumably contributed to his support. Sayyānī was drawn to the Dwayds, gathered the documents, stimulated the informants and transcribed their narratives. The Dwayds cooperated. And thirty years later, the Ben-Zvi Institute together with Goitein's heirs ascertained that the various portions of Goitein's Yemeni material should be located under one roof rather than on separate continents.

fifty years after their departure from Yemen, some of these informants restrained themselves from discussing certain issues. Thus Ibrāhīm Ḥayyim did not want to elaborate on Muslim consumption of local Jewish *'araqī* (*grappa*) or of imported whiskey, and Shūdhya, Yahyā Ḥayyim's widow, asked to terminate an interview when we reached the question of the individuals suspected of being responsible for the blinding of her late husband (see the conclusion of the Epilogue [Appendix A]). I follow their lead and refrain in this study from pursuing these issues and from incorporating narrative material focusing on them. I have extended this policy also to cases which may be interpreted as involving sexual immorality.

I suggest a microscopic case study not on account of some innate advantage over other historiographical methodologies but because Yemeni document caches require this approach. But sources dictate purpose as well as procedure: I selected the Dwayd case for study because of the high potential promised by the cache's size and diversity; the availability of supportive, thematically specialized document caches; and the supply of oral histories transmitted by way of a man attested to by Goitein as experienced, circumspect and faithful. Thus, a supply of documents and coincident "direct" narrative provides an unusual opportunity to comprehend individual sources and entire episodes by relating them to satisfying interpretations of their immediate contexts.

There remains to tailor the theme of my study to the peculiar dimensions of this source corpus culled from Goitein's archive. The material should not be expected to provide a panorama of village life in pre-modern Yemen. Specifically, direct references to the regularities of daily life in al-Maḡhāya village are infrequent. The material does not illuminate the Dwayds' relationships with persons nearest them, such as Yaḥyā Ḥayyim's own siblings or spouse. Nor does it reveal relationships with the individuals with whom the Dwayds were on consistently good terms. Brief glimpses only are accorded even of such Muslims who accompanied Yaḥyā Ḥayyim on his excursions from al-Maḡhāya, carrying rifles for his protection or cash to bail him out of trouble. Instead, the narratives focus on memories of physical attacks, thievery, sequestering of land, cases of apostasy—events deemed noteworthy by the informants themselves, typically remembered and retold precisely because of the vivid visual imagery they inspire. As already explained, the documents too in many instances stand for the unusual, and highlight instances where things went wrong. It follows that the most effectual use of this body of material, converging on and emanating from two members of a single Jewish household, should be to spotlight the *problem zone* between these aspiring and successful *dhimmīs* and the surrounding Muslim society and polity of which they were part. Methodological expediency thus dictates the inquiry previewed, against a conceptual background, in the *Introduction and Plan of Work*: to seek to appreciate how the Dwayds negotiated equilibriums and thresholds of *dhimma* within the context of their interpersonal relationships with Muslims.

CHAPTER TWO

THE FRAMEWORK

The relationship histories that I will begin to reconstruct in Chapter Three often touch on what may appear to be mundane matters: slaughtered chickens, stolen sheep, grain-laden donkeys and the occasional hot pepper. However, I do not engage in description for its own sake. This is an analytical study, in which any scheme adopted to organize the source material should serve as a guiding thread, encouraging effective examination of the central theme: the negotiation of *dhimma*. This same scheme should also permit the observation of various facets of the Dwayd experience—relationships surrounding their headmanship role as well as those built around their activities as grainstorers and landowners. The goal of this chapter is to establish such a framework. In the course of the exercise I will introduce some essential background concepts pertaining to the nature of rural Jewish communities in Yemen, the wider Yemeni social and political setting, and the vital ingredient of geography.

I. Headmanship and the Jewish Village Community

The institutional structure of historical Jewish communities has attracted the attention of students of Jewish history and it would seem reasonable to adopt this discourse as the primary context within which to discuss the headmanship experiences of Ḥayyim Mīshā and Yaḥyā Ḥayyim. Goitein might have agreed: in introducing his classic 1953 article surveying Jewish community life in Yemen prior to the 1949–50 exodus, he declared the relevance of the Yemeni situation to the wider inquiry.

Intensive research activity, and especially the profound studies of S. Baron and Y. Baer, revealed the early, original, Jewish community to be an energetic body enshrouded in religious sanctity, though its organization was loose, its institutions few, and it was never defined in any kind of constitution or in detailed enactments. A description of com-

munity life in the Jewish villages in the Land of Yemen would be a desirable supplement to the aforementioned researches, since in this ethnic group Jewish history has come down to us as if folded up and placed in a preserving receptacle: Yemen Jewry did not experience a population interchange; it has since the Gaonic period been vitiated only very slightly by internal Jewish migration; and no converts had been added to it certainly over the past roughly one thousand and four hundred years. Its spiritual life drew almost exclusively on Jewish sources and the society influencing it was of all human societies known to us the closest to the early Jewish community, both in its religious element—a very puritanical branch of Islām—and in its social perceptions—farmers organized along basically tribal lines. And one must not minimize the importance of the proximity between the unadulterated Hebrew of the Land of Yemen and the Arabic language. Totally absent here, in any event, was the European influence so decisive in fashioning the profile of the Sephardic and Ashkenazic communities.¹

Goitein proceeded to describe in his article the phenomena which most directly influenced and reflected Jewish community life and which accorded it a simultaneously “loose and tangible” character. It becomes clear why he should have insisted (as seen in our *Introduction and Plan of Work*) that research proceed by means of intimate case studies: where the exception is the rule few additional generalizations are possible. A further summary of this Hebrew-language article sets the stage for my departure from the conventional image, while providing a background portrayal of Jewish community life in rural Yemen.

Goitein begins with some geographic and socio-economic considerations. The predominant occupational function of Jews as artisans furnishing the needs of the farming population explains their excessive fragmentation into many hundreds of small and even tiny communities spread out over the land; their ancient residence in a number of these settlements is attested to by oral traditions as well as in letter fragments from the Cairo Geniza. In such minuscule communities all can take part in community life, notwithstanding a certain endemic economic and organizational frailty. Such weakness was mitigated by four major factors: that Jews, for the most part, resided in their own separate spaces; that a continuum of settlements existed

¹ Goitein 1983b: 199.

in the field; that there was significant, ongoing internal migration of individuals between villages; and that there was a virtual absence of socio-economic stratification, and with it of mutual economic need.²

The spiritual foundation of community life Goitein traces to the individual's obligations before God. The spiritual allegiances of the Yemeni Jew were directed to the nation of Israel in general rather than to the immediately surrounding society. While present, affection for the local domain was superseded by a feeling that the current place of abode was temporary, and that a Jew had no homeland other than the Holy Mount in Jerusalem. Strong feelings of allegiance usually existed also towards the household in the wide sense of the word, encompassing up to several dozen souls. A number of households interrelated by ties of marriage might people an entire village. Another spiritual trait was a disposition to argumentation, expressed in the division of communities into rival synagogues, in the widespread application to adjudication, and in acute controversies in matters of law and custom. Mostly however the excitement was contained within the synagogue, where a man would spend most of his free time; for he could not express his spiritual energies within the Muslim milieu which looked down upon him on account of his religion—or for that matter in his own home, as his wife too would not have been his equal. The hours spent in the synagogue with his peers were the Yemeni Jew's compensation for the debasement of status facing him in the world outside. Finally there was tremendous respect for tradition and custom: reliance on the self-evident, rather than on a written law or on an institution designed to apply it.³

As for the countrywide organization of the Jews of Yemen, Goitein emphasizes that despite their geographic dispersion, all recognized the religious authority of the Jewish Court of *Ṣan'ā'* and of a forum of scholarly legal experts who were congregated in *Ṣan'ā'*. This authority too was simultaneously loose and tangible. It did not collect taxes on a regular basis from villages outside *Ṣan'ā'* or appoint local functionaries, and did not act as an appellate court; rather, it represented the authority turned to for legal responsa in cases where

² Goitein 1983b: 199–203. By 1955 Goitein had revised the last point: “The al-Gades community was not a classless society, as it appeared to this observer at the beginning of the study, because of the economic and social levelling during the initial settlement stage in Israel” (Goitein 1955: 13).

disputes could not be solved locally. Its emissaries would travel about, teaching, testing and licensing ritual slaughterers. Both central and local government authorities recognized the religious authority of the Jewish court of *Ṣan'ā'*. At times, however, another source of authority presented itself in *Ṣan'ā'*, that of the “secular” leader of the Jewish community, who might undertake some of the prerogatives of community leadership. This was typically the case during the eighteenth century (as well as in the twelfth century, according to documents from the Cairo Geniza).⁴

Community organization in the villages was similarly based on the two functional poles. Any or all “religious” functions—rabbinic authority, marriage and divorce functionary, ritual slaughterer, head of a synagogue—would be held by a “*morī*”; whereas the ‘*āqil*’ was the “secular” community leader whose job it was to represent the community before the government authorities, grant it legal protection, and gather the *jizya*. Occasionally all these functions were exercised by a single individual; Goitein describes the overall picture as being “uniformly diverse.” All depended on local conditions and traditions.⁵

The characteristic uniform diversity manifests itself also in the appointment of these village functionaries to their posts. Sometimes the function was hereditary, though rarely would it pass from father to son for more than three generations. In other instances it was the express will of the community itself. Whenever an immigrant functionary showed Goitein a government-issued document concerning headmanship, it was never a document of appointment but always an acknowledgment of that man’s selection by the community. (Goitein does not explain how the “election” occurs.) Invariably, these functions are only auxiliary sources of income for the holder of the duty or honor: it was rare for a *morī* or ‘*āqil*’ not to engage in some trade or in commerce.⁶

The ‘*āqil*’s duties were manifold although, once again, not every ‘*āqil*’ performed them all. The basic duty was the assessment, collection and transfer to the government of the *jizya* tax; an ‘*āqil*’ might perform, again, any or all of these tasks. And, active in parts of

³ Goitein 1983b: 203–205.

⁴ Goitein 1983b: 205–208.

⁵ Goitein 1983b: 208.

⁶ Goitein 1983b: 208–210.

Yemen were regional *ʿuqqāl*, professional tax farmers of sorts. These *ʿuqqāl* were entitled to a specified commission for every payment gathered (Goitein mentions one-sixteenth of the sum); some *ʿuqqāl* waived this payment and even paid the tax of poor residents until such time as they might be reimbursed, while others misused the prerogative. The village *ʿāqil* might also play a role as mediator or judge. Sometimes he performed this in his capacity as religious legal expert in his own right, and he might even mediate and adjudicate between Gentiles; on the other hand, when the central government was seriously intent at interference in the internal matters of the community, even between Jews the *ʿāqil* would mediate only in secret and upon mutual agreement of the parties. A third possible duty was the legal protection of the community at large and of individuals in it in the face of challenges by authorities and neighbors, typically with regard to rights of land ownership and also in the face of such charges as sale of wine to Muslims, intermingling of the sexes during festivities, and sorcery. *ʿUqqāl* are known to have succeeded in releasing their wards from such publicly humiliating assignments as latrine cleaning or carcass removal. Government authorities would at times hold the *ʿāqil* personally responsible for fines owed by his community, or for some misconduct on its part.⁷

Goitein rejects the observations of Yaʿaqov Sapīr, a visitor to Yemen in the mid-nineteenth century, whereby only poorer folk would accept the office of *ʿāqil*. The *ʿāqil*, Goitein contends, most often emanates from one of the locality's important families, which also may produce the local rabbis and other holders of authority, such as the synagogue head. Moreover, the *ʿāqil*'s position within his Jewish surroundings often draws on personal commercial connections with the government authorities.⁸

It was not only Sapīr's version that was being revised, however. Goitein himself once shared this perception, to judge by the relevant entry in a glossary compiled in 1931:

Nāsīʿ: (Arabic: *ʿāqil* or *shaykh*)—Plenipotentiary of the Jewish community before the government and tax farmer on its behalf. Since the holder of this office is no more than a scapegoat and is at times

⁷ Goitein 1983b: 211.

⁸ Goitein 1983b: 211.

required also to reinforce the hand of the extorting “government,” community notables do not jump at this office.⁹

What had brought Goitein to alter his previous opinion? Goitein mentions in passing that his 1953 overview of the village *‘āqil* was based on extensive research;¹⁰ and his archive at the Ben-Zvi Institute in fact reveals that between April and June 1950, or, just after the peak of the airlift operation and while the immigrants were still in the reception camps, Goitein expressly employed two Yemeni research assistants to identify and interview recently arrived village *‘uqqāl*. Goitein labeled the envelope containing their interview summaries “The *‘Āqil* Report.” Each of over sixty *‘uqqāl* from all over Yemen talked about his village, his role in that village and extraordinary events or changes that may have occurred during his lifetime.

Yet despite this information and even taking account of the modification to his original understanding, Goitein’s published results, as summarized above, remain more “loose” than “tangible” and the outcome scarcely seems to have justified the systematic research effort undertaken. Why then did Goitein find the *‘āqil* so crucial a topic in 1950? It is probable that he approached the *‘āqil* not only to illuminate community structure but also as a vehicle suited for the transmission of oral history: coming into institutionalized contact with the environment, the position of the *‘uqqāl* provided them with information and equipped them to relate to it first hand. That the results were not more substantial may perhaps be explained by the fact that Goitein had yet to locate the ideal assistant (some letters from the assistants to Goitein expressing their difficulties and disappointments are revealing in this respect). However, even when Goitein does have the benefit of Sayyānī-based *‘āqil* interviews, as in his ethnographic article on al-Gades, the little which is added to the 1953 overview leaves one wondering whether in the final years prior to the exodus there was anything at all for the al-Gades *‘āqil* to do.¹¹ Opening the section on *The Community* in al-Gades, where he considers the village *‘āqil*, Goitein finds it “strange” that Yemeni Jews had no legal concept of a community, “since there is precedent for it in the

⁹ Goitein 1983d: 278.

¹⁰ Goitein 1983b: 211.

¹¹ Goitein 1955: 18–19. Goitein’s two paragraphs on the al-Gades *‘āqil* are quoted below, one in section I of Chapter Four, the other in section I of Chapter Five.

Hebrew books, which many of them know by heart.”¹² In fact, it is Goitein’s comment that is strange, coming as it does in the wake of Baer’s finding that “the halakhic and aggadic literature does not recognize this concept. It recognizes the community neither as a legal concept nor as a single living body . . .”¹³ We must seek further to understand why Goitein put such weight on the *‘āqil* in 1950.

I suggest that the change in Goitein’s view of the Jewish *‘āqil*, and his preoccupation with Yemeni Jewish community institutions in general, may be better understood by considering his other research activities at the same period. Goitein was examining Cairo Geniza documents and assembling a corpus of source material involving travelers to India and Yemen in the twelfth century. In 1953, after three years of work, Goitein published an article describing the manner in which Yemeni Jewry was wavering between allegiance to the religious leadership in Baghdād, the “Babylonian” Yeshiva, and the rival seat of Jewish learning and instruction, the “Palestinian” Yeshiva, which had recently relocated to Fustāt.¹⁴ He perceived the Yemeni Jewish communities of some 850 years ago as being directly engaged in the politics of the Jewish world. In Goitein’s Geniza vision of structured Jewish communities, each is headed by an official whose primary source of authority was the community itself (though he would also be accredited by a local Muslim administrative official), and linked by common allegiance to a central denominational figure-head who perforce was not dependent on the Muslim government pertaining to these communities.¹⁵ It may well be that while commissioning his Yemen “*‘Āqil* Report,” Goitein set out expecting to find more community structure than he ultimately derived from that source.¹⁶

¹² Goitein 1955: 17.

¹³ Baer 1950: 8.

¹⁴ Goitein 1983a.

¹⁵ See, for example, Goitein 1973: 181; Goitein 1961a: 141; and Goitein 1970: 111. For a critique of this interpretive vision see H.H. Ben-Sasson (1976: 26–29).

¹⁶ It is not only that Goitein’s expectations of the Yemeni *‘āqil* may have drawn on his Geniza vision. Reciprocally, Goitein’s study of the new immigrants from Yemen animated his image of Geniza society, as is demonstrated in the following passage from his *Jews and Arabs*, first published in 1955:

The most active units of Jewish life in Muslim countries were the local congregations. Although Arabic terms were used concurrently with the Hebrew, e.g., for the head of the congregation (*Muqaddam*), or for the congregation itself (*Jama‘a*), the Geniza papers, as well as the responsa of the Gaons, reveal that

It is understandable, if this is a valid surmise, that Goitein would choose in the introduction to his 1953 article not to propose the loose case of Yemen as a complement to his own vision of hierarchic Geniza society and institutions. Neither was his mention there of the archaic Jewish community described by Baer a chance matter. An understanding of Goitein's invoking of Baer's research is fundamental to any appreciation of the way in which Goitein perceived the pre-1950 Jewish community in Yemen.¹⁷ The archaic community referred to by Baer is a Mishnaic-Talmudic Palestinian one, in which the individual community, organized around the synagogue, contains within itself the very same vocations and privileges as the nation itself.¹⁸ It is one in which the congregation of villagers decides religious, economic and political matters,¹⁹ and in which the individual community is free from coercive central national intervention and leadership of any kind.²⁰ Even the prerogatives of the *Ṣanʿāʾ* community as advanced by Goitein—whereby its Jewish court did not appoint local functionaries and was not an appellate body—can be seen to reflect Baer's archaic community, where central leadership meant merely that the head or central community might send letters to the outlying communities, not as a dominating body dispatching an order but as guidance on the part of an essentially equal brother.²¹ But I deal here with the temporal leadership in the villages and therefore leave aside the *Ṣanʿānī* religious elite.

no particular Arabic influence can be discovered in their inner make-up. The reason for this is the simple fact that the Muslims had nothing that corresponded to the local Jewish organization which held religious and social, to some extent even political, functions. As an analysis of the modern Yemenite congregation seems to indicate, the Jewish congregation in Islamic countries obviously had preserved some of the characteristics it had in later Roman times. (Goitein 1974: 123)

¹⁷ Such an understanding provides the starting point of an overview of Jewish community structure in rural Yemen by a former student of Goitein, Yehuda Nini (Nini 1980: 10).

¹⁸ Baer 1950: 1.

¹⁹ Baer 1950: 3.

²⁰ Baer 1950: 3, 15. Elsewhere, Goitein explicitly compares the communal life of Yemen's Jews to that of "the Jewish communities in the Land of Israel at the end of the Talmudic era" (Goitein 1983c: 242). See also above, n. 16. Such an understanding should mitigate the degree of criticism levelled at Goitein's apparently romantic posture by Parfitt: "Quite what Goitein meant by 'the most Jewish of all Jews' or indeed what such an expression might ever mean given the enormous diversity in Jewish experience, belief and practice over the ages and in different places is deeply unclear" (Parfitt 1996a: 11).

²¹ Baer 1950: 15. The capacity of *Ṣanʿānī* leadership was further extended by

While various accounts of Ṣanʿānī Jewish temporal leadership have been offered, little knowledge relating to the village ʿāqil has been added since Goitein's sketches on the Jewish community in rural Yemen and al-Gades. To the extent that later research does touch on village ʿuqqāl, it is of a general nature. When it treats the ʿāqil within all-embracing surveys of Jewish leadership, it tends to revert to Goitein's survey (summarized above)²² and to a selection of relevant passages in an important yet small corpus of published travelers' reports.²³ And on those occasions in which specific ʿuqqāl are mentioned, the attention accorded is brief and the presentation of primary sources minimal.²⁴ No real advance has taken place, partly because of the dearth of source material on the topic.²⁵

Goitein propounded a persuasive anti-determinist rule when investigating the offices of Geniza community functionaries or Geniza legal institutions: "before using a linguistic term, we must consider not only the synchronic aspect, or the influence of the surroundings, but also the diachronic, the legacy of the past,"²⁶ and, "while dealing with a Judaeo-Arab text, one has to discern carefully between legal nomenclature—which being Arabic, is of course using Muslim legal terms—and the institutions described."²⁷ With the Jews of Yemen Goitein seems to have overtaxed the "diachronic" if he indeed

Yosef Tobi, as is evident in the following passage from an article on the country-wide authority of the Ṣanʿā Jewish Court in the eyes of the Muslim government, emphasizing "roots" also in the Geniza community:

The Jews of Yemen in their writings, as well as students of their history, have clearly indicated the distinct position of the Ṣanʿa community compared with the other Jewish communities in Yemen as the spiritual center for the study of the *torah*; they have also pointed out the powers of the Ṣanʿa rabbinical court as arbiter on *halakhah* and its role as a kind of supreme court for appeals with competence to quash rulings of provincial rabbinical courts. It could also intervene on its own initiative in administrating the life of communities throughout Yemen and appoint men to positions of power and leadership. This situation, which is probably unique in communal structure of Jews in the Muslim countries in recent centuries, has long-standing roots reaching back to the era of the *ge'onim*, the Exilarchs and the *negidim* appointed by the Islamic ruler in the Middle Ages and earlier. (Tobi 1999a: 128)

²² Goitein 1983b: 210–211.

²³ See Gamlieli 1966: 41; Nahshon 1972: 62–80; Nini 1980: 11–13; 1982: 107–109; Ratzaby 1978: 237–239; Tobi 1984: 205–207.

²⁴ See Abdar 1988: 57–65; Ratzaby 1989: 136–138; Gamlieli 1995: 508–511.

²⁵ Tobi 1979: 98; Nini 1980: 19.

²⁶ Goitein 1961b: 179.

²⁷ Goitein 1959: 198 n. 25.

presumed, as in the introduction to his 1953 overview, that “Jewish history has come down to us as if folded up and placed in a preserving receptacle.” It was Nini who stated unambiguously that the office of Jewish village *‘āqil* was not, *per se*, Jewish at all. His principal duty being to gather taxes and transfer them to government authorities, he served the needs of government more than those of the community. A tragic figure, the *‘āqil* was trapped between his moral duties to his own people and his fiscal obligations to government.²⁸ Drawing on Milam Fiedler,²⁹ Nini further states that the *‘āqil* was literally part of the government apparatus: if a shaykh was the head of a tribe, the *‘āqil* was head of a village or a group of villages. Nini added, moreover, that a Jewish *‘āqil* could not occupy the position of shaykh, which meant that he had no authority whatsoever other than the weapon of denunciation.³⁰ Now Fiedler perceived that “[t]he whole population of the Yemen, excepting the inhabitants of large towns, is organized on the tribal basis.”³¹ As will soon be seen, this was far from true and in Lower Yemen the shaykh typically was not the head of a tribe at all; thus Nini’s statements cannot be considered decisive. But it is the broader idea that the *‘āqil* belongs to a wider, essentially non-Jewish structure that is relevant to our discussion.³²

Nini’s exposition apparently does not enhance the prospects of understanding Jewish community structure by focusing on the *‘āqil*. But this conclusion is prematurely pessimistic. Considering the *‘āqil* as part of the government apparatus should not discourage further

²⁸ Nini 1980: 19–21; 1982: 107–109.

²⁹ Fiedler 1967: 105.

³⁰ Nini 1982: 107.

³¹ Fiedler 1967: 104.

³² The Goitein-Nini disagreement evokes a long-standing controversy over the character of Jewish communal leadership in the Geniza period. As early as 1955 Goitein promoted the idea that for all the integration of the Jews into their Muslim surroundings, expressed in shared mentalities (see Goitein 1966) and in such areas as culture, migration, commerce and crafts, their communal leadership was characterized by an inter-era continuity, in the framework of which any substantive changes were autochthonous (Goitein 1974: 119–122). While granting a degree of continuity, the opposing view, argued by Eliyahu Ashtor (1965), maintained that the greater influence was that of the contemporary Muslim administrative environment. See also Hirschberg 1974: 206 n. 2 and 212 n. 1. For an elucidation of this controversy with specific reference to the office of Nagid, see Cohen 1980: 27–36.

exploration regarding the headmanship experiences of Ḥayyim Mishā and Yaḥyā Ḥayyim. Rather, Nini can be said to provide a vantage point that permits extending the discussion beyond the traditional disciplinary boundaries of Jewish history. Such study would concentrate less on the internal composition of the Jewish community—which Goitein tried, unsuccessfully, to systematize—and more on the ways in which a Jewish ‘*āqil* might be accommodated within a wider, primarily “non-Jewish” political scene, and on the experiences of the ‘*āqil* as a venue of Judeo-Muslim interaction.³³ Moreover, such an exercise would be not only “a desirable supplement” to the study of Jewish institutions as Goitein declared in his survey article, but a necessary one. While the overviews of rural Jewish community structure referred to above are remarkably sparse as to time and place,³⁴ research on the Jews of Yemen must take account in practice of their thin distribution within a space dominated by a rural Muslim population itself experiencing change. Our search for a structure with which to consider the Dwayd experience proceeds, therefore, to the interacting realms of geography and Yemeni social and political history.

II. *Place (One: Lower Yemen)*

Goitein referred to Jewish “villagers from Lower Yemen” and “townsmen of Higher Yemen,” (see Preface) a differentiation that demands explanation. Jewish villagers in fact resided in Upper Yemen as well as in Lower Yemen. Up to the 1949–50 wave of immigration, however, Goitein personally had researched the immigrants from the

³³ For the sake of illustration: were this move superimposed on Goitein’s Gades study, the ‘*āqil* would be removed from the section entitled *The Community* and implanted into the section entitled *Legal Position and Relation to Environment*. See below, section VI.

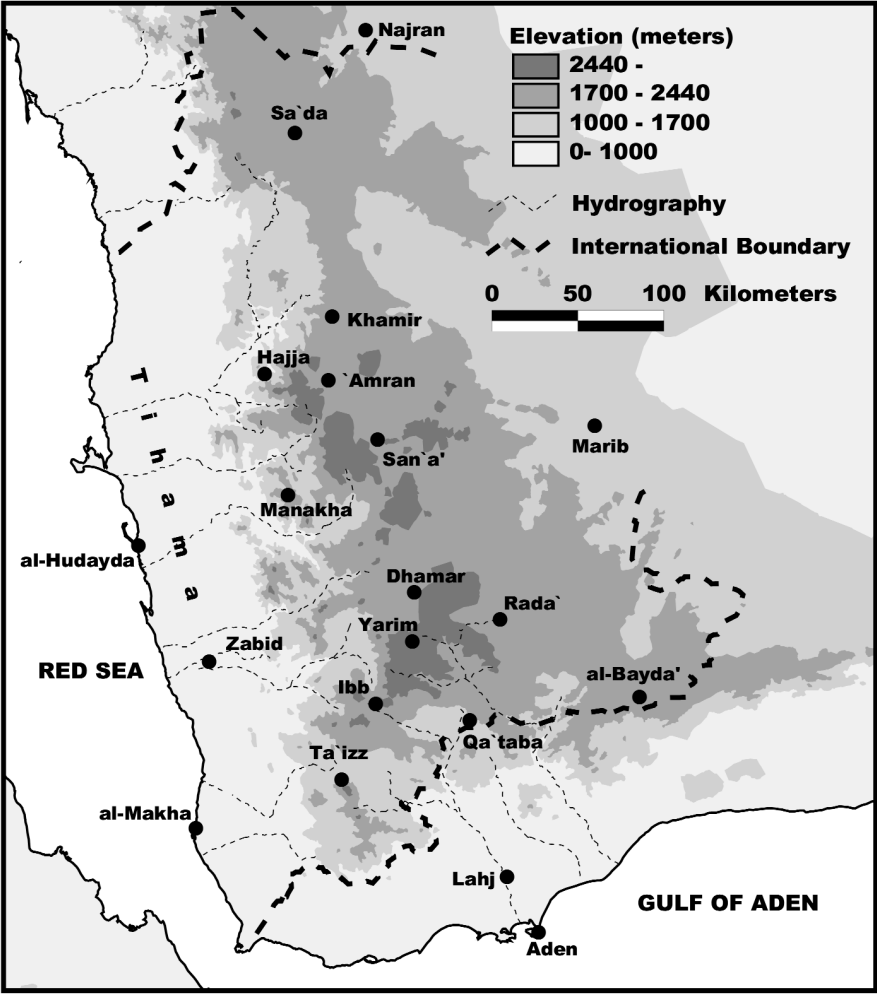
³⁴ A seeming exception here are the instances brought forth by both Goitein and Tobi to substantiate their disparate interpretations of the extent of authority of the Ṣan‘ā’ Jewish court over all of Yemen. But in fact not a single item from the evidence presented is traceable to the rural hinterlands of Ibb and Ta‘izz (see Goitein 1983b: 206–207 and Tobi 1999a: 130). Goitein does refer to queries from the late 18th century emanating from al-Ḍālī‘ and Makhā’ (Goitein 1983b: 207); but these were centers on the travel and trade arteries at the time of a relatively forceful government centered in Ṣan‘ā’ and cannot be taken to represent the rule with regard to the native Jewish village communities of Lower Yemen such as al-Gades.

towns, in particular those of Ṣanʿāʾ. The towns with significant Jewish populations were indeed exclusively in Upper Yemen: first and foremost Ṣanʿāʾ, but also Ṣaʿda, Khamir (Ḥāshid), ʿAmrān, Manākha, Dhamār, Radāʿ and Yarīm. In referring to Jewish natives of Lower Yemen one refers invariably to village Jews and the Dwayds were such villagers.

Upper Yemen is often associated with the highland plateau, a term denoting the intermountain plains on which are located a string of urban centers, stretching from Ṣaʿda in the north through Khamir (150 km.),³⁵ ʿAmrān (forty-four km.), Ṣanʿāʾ (forty-eight km.) and Dhamār (ninety-nine km.) to Yarīm in the south (thirty-three km.) and Radāʿ to the east of Dhamār. The plateau may be perceived as a series of basins separated from each other by heights, which the traveler on Yemen's principal north-south thoroughfare must negotiate at a number of passes. The plateau itself constitutes a watershed: west of it are the western mountains, in the catchment area of the Red Sea, some 150 kilometers away as the crow flies; east of the plateau are the eastern highlands falling towards the Arabian Peninsula's Empty Quarter (*al-rubʿ al-khālī*). South of Dhamār, near Yarīm, the pattern changes and the main north-south thoroughfare breaks away from the intermountain plain, which here continues eastwards towards Radāʿ; now, the territories to the east of the thoroughfare lie in the catchment area of the Gulf of Aden.

Between Khamir and Yarīm, the plateau typically lies between 2,300 and 2,400 meters above sea level. An exhilarating feeling of descent is given some twenty kilometers southwest of Yarīm at the great ridge of Sumāra, widely regarded as the crossing point from Upper to Lower Yemen. Following the descent of almost twenty kilometers, one joins a mountain valley named Wādī Saḥūl near the town of al-Makhādīr, and follows it upstream for some twenty kilometers till its southern extent, at the town of Ibb. Itself a peninsular watershed, Ibb separates the northward flowing Saḥūl, which joins Wādī Zabīd on its westward journey to the Red Sea, from a

³⁵ The distances from previously mentioned locations are the road distances as they appear on YAR 500 (K 465) (series), edition 1–DOS 1978, sheet: Yemen Arab Republic, and these are listed for the reader's general orientation only. In many instances, particularly at the mountain passes (and Sumāra and Taʿkar, soon to be mentioned, are two relevant examples), today's asphalt road does not match the pre-1950 thoroughfare.



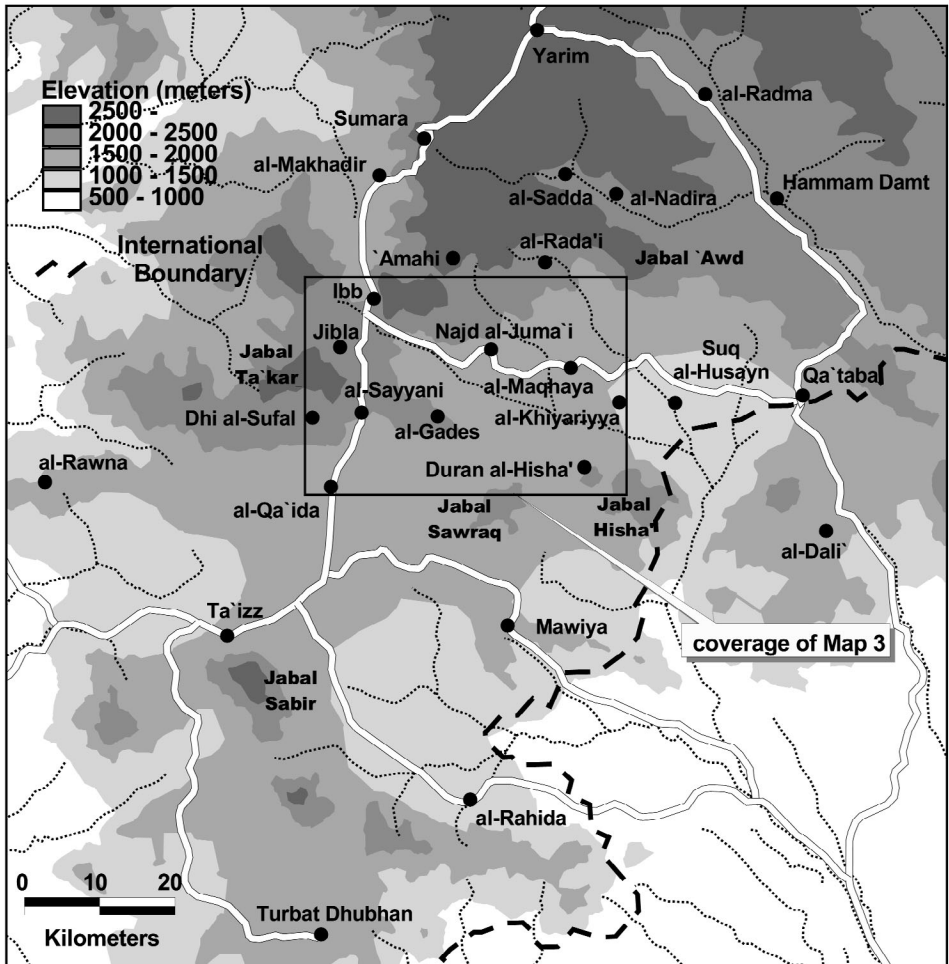
Map 1: Yemen

major stream flowing southeast from Ibb and nearby Jibla, called Wadī Maytam. Renamed Wadī Tuban, this important stream receives additional headwaters before veering southwest roughly sixty kilometers downstream, then defines for some distance the border between the former two Yemeni republics, and finally exits to the Indian Ocean at the town of Aden. As will be specified in more detail (below, section V), the Dwayds' village—al-Maqhāya—is located in the catchment area of Wādī Maytam/Tuban. Returning now to the main thoroughfare: south of Ibb and Maytam rises Jabal Ta'kar, the peak of a massif which must be traversed by the traveler before reaching, near al-Sayyānī (c. 1,800 m.), the plains extending southwest to the town of Ta'izz (c. 1,350 m.), located sixty-five kilometers from Ibb. From here one may continue on the descent westwards, down to the Red Sea at Makhā or eastwards and to the south and the town of Aden.

Though the descent at Sumāra can scarcely be ignored, the term "Lower" Yemen can be misleading when applied beyond the main thoroughfare. Sumāra itself is in fact the *northern* extension of a chain of mountains surpassing the three thousand meter mark, looming above the Saḥūl on its east side, coming to an end only at Bāb Maytam (Maytam "gate," the break to the north of Jabal Ta'kar's northeastern spur). The last of these is the Ba'dān massif, beneath and on a southwestern spur of which lies Ibb (two thousand m.). South of Ibb and Bāb Maytam, Jabal Ta'kar again surpasses three thousand meters. It is on the eastern ridges of this massif that al-Gades is located. Descending from Ta'kar, south of al-Sayyānī, the hills on either side of the thoroughfare are indeed lower and again the scenery is plateau-like in places. Yet even here, towering over Ta'izz from the south is the great Jabal Ṣabir with its villages, peaking at 3,006 meters.³⁶ All these formations are in fact loftier than the "Highland Plateau" of Upper Yemen.³⁷ Ibb province, which enjoys the wettest climate in southern Arabia and the highest per-unit yields

³⁶ The Yemen Arab Republic and Neighboring Areas 1:250,000 (series), edition 1, sheet 7 (Ta'izz).

³⁷ Goitein's writing about "Highlanders" from the north but of al-Gades as being located in "the hills of Lower Yemen" (Goitein 1955: 10 n. 22, 3), or about "a Shafi'i Lowland Muslim" (Goitein 1955: 10), may give the wrong idea of the lay of the land: topographically speaking, Gadesīs too were highlanders.



Map 2: Lower Yemen

of any part of Yemen,³⁸ is referred to as the green province (*al-liwā' al-khadrā'*) and Jabal Ṣabir might easily receive a comparable title.

In what follows I consider Lower Yemen to be the hinterlands of Ibb and Ta'izz; specifically, the areas to the south of Sumāra within Ḥamīd al-Dīn Yemen (the former "North Yemen") but not including the hot and humid lower elevations nearer the Red Sea coast (the Tihāma).

III. *Tribesmen, Zaydī Elite, Imāms and Lower Yemen*

For some forty-four years, between 1918 and 1962, the Ḥamīd al-Dīn dynasty of Zaydī imāms extended their rule over Lower Yemen as well as Upper Yemen. The 1930s, during which Ḥayyim Mīshā became *'āqil*, and the 1940s, at the end of which the Dwayds left Yemen, represent the middle two decades of this period and the implications of this circumstance are relevant to the framework of our inquiry.

Two broad generalizations concerning the Muslim populations of Upper and Lower Yemen should be added to the physical and agroeconomic differences already mentioned. The first is that in Lower Yemen neither a strong tribal spirit nor the fighting tribes existed.³⁹ While Upper Yemen has been viewed as an aggregation of highly warlike tribes,⁴⁰ Lower Yemen is considered non-tribal, the dominant relation in social affairs being that between landlord and peasant.⁴¹ The second is that the majority of Muslims in Upper Yemen are associated with the Zaydī school of Shī'ī Islām while those of Lower Yemen are associated with the Shāfi'ī school of Sunnī Islām.⁴² Since the Ḥamīd al-Dīn administration brought to bear both Zaydī government officials and Upper Yemen tribesmen (or former tribesmen) on Lower Yemen's non-tribal, Shāfi'ī population, it is necessary to sketch these two Upper Yemen categories and their interconnection.⁴³

³⁸ Carapico and Tutwiler 1981: 48–49.

³⁹ al-Sharjabī 1986: 177.

⁴⁰ Serjeant 1983: 77.

⁴¹ Dresch 1990: 254.

⁴² For Sumāra as the borderline see for example al-ʿAzmi (1986: 295).

⁴³ This profile of two Upper Yemen groups that facilitated Mutawakkilite rule

The northern tribes (*qabā'il* s. *qabīla*) are here taken to refer to those tribes belonging to the alliances of Ḥāshid and Bakīl, whose territories extend from south of Ṣan'ā' to north of Ṣa'da and east of the western mountains (i.e.: the plateau and the eastern hills).⁴⁴ They share an ethical ideal known as *qabyala*, which includes the honor of one's word, munificence, courage as a warrior and protector of the weak, strength and endurance: values reflected in personal independence, industrious tribesmen (*qabā'il*, s. *qabīlī*) cultivating their own fields, and tribal autonomy.⁴⁵ The elected shaykh of the community serves as its leader and legal representative.⁴⁶ Often he belongs to a hereditary shaykhly family.⁴⁷ Each undertaking on his part on behalf of his men must be specifically agreed to, and a relationship of representation established for the issue at hand; the shaykh then acts as guarantor (*shaykh al-damān*) on behalf of the tribesman in question. In instances where such a relationship does not exist, the tribal shaykh usually has no right to issue orders.⁴⁸ Exercising influence through persuasion, the shaykh's standing is based on personal relations, in some cases not encompassing but in others extending beyond the confines of the unit with which he is associated.⁴⁹ Also, the shaykh administers customary tribal law (*'urf*).⁵⁰ In settling disputes he acts as arbiter but in certain situations he may function as judge and police.⁵¹

Tribal mechanisms were unable to settle all differences,⁵² and here an important role was played by members of the social estate claiming descent from Muḥammad, who because of their ancestry could solicit *mawadda*, or a kind of loving loyalty.⁵³ Descent from Muḥammad signifies descent from Ḥasan and Ḥusayn, the offspring of the union of his daughter Fāṭima with 'Alī b. Abī Ṭālib (d. 650, Muḥammad's

over Lower Yemen should not be interpreted as an attempt to survey Upper Yemen social structure.

⁴⁴ Dresch 1984: 33.

⁴⁵ Adra 1985: 280.

⁴⁶ Mundy 1995: 32.

⁴⁷ Mundy 1995: 223 n. 26; cf. Dresch 1984: 36.

⁴⁸ Dresch 1984: 39–40.

⁴⁹ Dresch 1984: 36, 42.

⁵⁰ Rossi 1948: 5.

⁵¹ Mundy 1995: 54, 56.

⁵² Serjeant 1991: 12; cf. Mundy 1995: 50–58.

⁵³ Serjeant 1991: 23–25.

paternal first cousin and last of the four Righteous Caliphs who led the Muslims following Muḥammad's death). While descendants of Ḥasan are normally referred to as *ashrāf* (s. *sharīf*) and descendants of Ḥusayn hold the title *sāda* (s. *sayyid*),⁵⁴ in Yemen the terms are used interchangeably.⁵⁵ The *sāda* enjoyed a protected status, guaranteed by the surrounding tribe or tribes, as did the enclaves (*hijras*) which they inhabited alongside the members of the hereditary class of Zaydī religious scholars (*qāḍīs*). These *hijras* were distributed around the Zaydī north.⁵⁶

Besides serving as arbiters *sāda* fulfilled other roles within the tribal domains. They were capable of writing documents—treaties, marriage documents, legacies—in legal Arabic form.⁵⁷ Tribes rallied around them in resistance to common external threats.⁵⁸ In some cases they received the *zakāt*, the religious tithe on produce payable to the Muslim government,⁵⁹ and the payment of this locally rather than to a central authority may have been in the tribal interests of autonomy and decentralization. But if the Zaydī *sāda* fulfilled an important role in the local tribal equation, they also had programs of their own, in which the tribes were called on to play a part. One of these was the substitution of Islamic law for the tribal law administered by the shaykhs.⁶⁰ Related to this was religious enlightenment of the illiterate tribesmen,⁶¹ whose alleged practices as regards wine, women and song the *sāda* set to change.⁶² And transcending their own isolated *hijra* and its tribal environment was their duty as learned Zaydīs (*ulamā'*) to acknowledge among the *sayyids*, meaning themselves, from the totality of *hijras*, the individual most deserving of the post of imām—the spiritual successor of Muḥammad and authoritative commander of the believers; and then it was their duty to obey him.

⁵⁴ Hodgson 1974: 513.

⁵⁵ Serjeant 1991: 18. Cf. Fiedler 1967: 109, and Haykel (1997: 1): "Any descendant of al-Ḥasan and al-Ḥusayn, . . . is called *sayyid* (pl. *sāda*) in Yemen. . . ."

⁵⁶ Puin 1984: 491.

⁵⁷ Puin 1984: 492.

⁵⁸ Weir 1986: 233.

⁵⁹ Weir 1986: 233.

⁶⁰ Serjeant 1991: 43–45.

⁶¹ Weir 1986: 234.

⁶² Serjeant 1991: 19–21.

The Zaydī imamic theory which gained a foothold in Yemen is portrayed by the biographer of the first Zaydī imām in Yemen,⁶³ “al-Hādī ilā al-Ḥaqq” Sharīf Yaḥyā b. Ḥusayn b. al-Qāsim al-Rassī (284–298h/897–911⁶⁴). In its quest to fulfil God’s injunctions, the Muslim community (*umma*) is duty bound to align itself at the side of, and to obey, any descendant of Muḥammad who nominates himself to the position of leadership, provided that individual fulfils a list of requirements. He must invoke a governorship conforming to the book of Allāh and His messenger’s traditions. He must openly manifest himself, draw sword, and be prepared to exchange his life blood on his Lord’s part. In administering judgement, folk near and distant, noble and meek, must be equal before him; and he must not involve himself in a matter without the appropriate knowledge. He must be humble in his religious attitude, ascetic with regard to worldly pleasures and contemplative of the world to come. He must be stalwart in Allāh’s religion, brave and munificent. He must be able to take Allāh’s wealth from its repositories—to tax—deposit it where justly appropriate and apportion it in accordance with Allāh’s injunctions. He must be redoubtable to oppressors while supportive of believers.⁶⁵

A number of practical situations involving the tribes might be associated with the Hādawī principle (embraced by al-Hādī ilā al-Ḥaqq) that rule was personal and that the imām to be acknowledged must be the most deserving and capable of the ‘Alids.⁶⁶ Rivalries surface between *sayyid* houses and between individual aspirants. The pool of potential candidates was scattered in the tribal *hijras*, where tribal relationships were already in place, and over the years prospective contenders might build up their retinue of tribal alliances: it was

⁶³ The biographer, ‘Alī b. Muḥammad b. ‘Ubayd Allāh al-‘Abbāsī al-‘Alawī, joined al-Hādī in Yemen following the beginning of his imamate, after Dhū al-Ḥijja 285h/December 898–January 899. The manuscript, entitled *Sīrat al-Hādī*, is analyzed by Van Arendonk (1960).

⁶⁴ Van Arendonk 1960: 134 and 248.

⁶⁵ Compiled using Van Arendonk’s transliteration of the relevant portion of *Sīrat al-Hādī* (Van Arendonk 1960: 250 and 250 n. 1). For an overview of the qualifications required of the imām as well as of some differences amongst later Zaydīs in this matter see Haykel 1997: 3–5.

⁶⁶ The Zaydīs differ from orthodox Shī‘īs in holding that the imām may be a descendant of *either* of ‘Alī and Fāṭima’s children. The most deserving contender should get the post and the Zaydīs do not recognize *naṣṣ*, or the explicit designation of a successor by his predecessor (Hodgson 1974: 372–373, 516).

often the tribal shaykhs who held the balance between rival contenders.⁶⁷ Furthermore, the imām in his person reflects the Zaydī political entity: “[t]he state need not grow or evolve in situ but can simply be declared and the shape of it filled in later.”⁶⁸ Correspondingly, the location to serve as administrative center was the personal choice of each imām. To fulfil his ecumenical mission and extend the abode of Zaydism on the ground, however, an imām needed the help of the tribes, first to acknowledge the legitimacy of his imamate in their own territories and second to provide the manpower for expansion and control. Alliances were formed and altered rapidly, tribesmen mobilized against other tribesmen.⁶⁹ Tribes involved themselves because they could demand subsidies in return for their services, or at least for their passivity,⁷⁰ and because they might not wish to be on the losing side of an imamic contest. On the other hand, the resulting entity needed to be kept in check as far as the tribes were concerned: an imām once in power collected taxes through a centralized system, accordingly shifting attention to the towns that harbored his administrators, and attempted to ensure security on the thoroughfares, thereby jeopardizing tribal autonomy.⁷¹ Always the prospect existed that whatever level of centralization had been achieved by any specific imām could be reset by backing a rival claimant or at the latest upon the imām’s demise.⁷²

It was when the interests of these parallel and entwined systems converged that the Zaydī imamate could hope to greatly expand its borders. Territorially extensive kingdoms, encompassing Lower as well as Upper Yemen, twice emerged after the imām manifested his abilities as leader of a struggle against foreign occupation. The first Ottoman presence in Yemen came to an end in 1045h/1635–36, at the hands of “al-Mu’ayyad” Muḥammad, son of “al-Manṣūr” al-Qāsim.⁷³ Under the Qāsimī imāms Shāfi‘ī Lower Yemen served as an agricultural tax base from which the tribesmen, soldiery and tribal shaykhs could be paid in subsidies and in land.⁷⁴ During this period

⁶⁷ Serjeant 1991: 27, 31; Dresch 1990: 267.

⁶⁸ Dresch 1990: 260.

⁶⁹ Dresch 1990: 261; Serjeant 1991: 46.

⁷⁰ Serjeant 1991: 31.

⁷¹ Serjeant 1991: 31.

⁷² Dresch 1990: 272–273.

⁷³ Stookey 1978: 143–146; Serjeant 1991: 32; Dresch 1990: 265.

⁷⁴ Dresch 1990: 267–269.

northern tribesmen migrated to Lower Yemen to dominate and settle, and northern shaykhs who held the balance between rival imāms amassed property there.⁷⁵ The movement is reflected in Goitein's survey of the social setting of al-Gades at the beginning of the twentieth century, following his mentioning of the bulk of the native population, the *qabilīs*, or "tribesmen":

A higher position was enjoyed by a semi-feudal class of Highlanders, or, to use the local idiom, "people from the East," partly remnants of 'Askaris, a military caste which had entrenched itself in Southern Yemen long ago. Thrifty and energetic, the Northerners secured vast tracts of land, largely by exploiting frequent catastrophes such as famines and epidemics. In addition, there were different classes of holy men, chiefly of the Zaidi denomination, the sect dominant in the Highland. The bulk of the population were the Orthodox Shafi'is.⁷⁶

By the fourth decade of the nineteenth century the Qāsimī imāms remained in command of very little and the disorder during the middle decades of that century came to be known as *ayyām al-fasād*: days of corruption, mischief or decay. Northern tribesmen continued to move into Lower Yemen.⁷⁷ A contemporary account nominates in particular the Dhū Muḥammad and Dhū Ḥusayn tribes of Baraṭ as *ahl al-fasād*, people of mischief, both in the western highlands and in Lower Yemen.⁷⁸ When the Ottomans returned to the highlands in 1872, responding to a petition by San'ā' notables to introduce order and security, their arrival created once again in Upper Yemen a commonality of interest between tribes and imāms. The Ḥamīd al-Dīn dynasty came to the fore when *sharīf* Muḥammad b. Yaḥyā proclaimed his imamate in 1890, leading the fight against the Ottomans until his death on June 3, 1904.⁷⁹ His son Yaḥyā (b. 1869) proclaimed his imamate the next day.⁸⁰ Coining himself *al-Mutawakkil*

⁷⁵ Dresch 1990: 267–268, 272–273.

⁷⁶ Goitein 1955: 10.

⁷⁷ Dresch 1990: 273.

⁷⁸ al-ʿArshī 1939: 75.

⁷⁹ 19 Rabīʿ I, 1322*h* (al-Akwāʿ 1987: 290, al-Wāsiʿī 1990–1991: 294).

⁸⁰ 20 Rabīʿ I, 1322*h* (al-Wāsiʿī 1990–1991: 299). Al-Wāsiʿī, "the imamic historian" (Messick 1993: 50), describes how the religious elites of San'ā', Dhamār, Ṣa'da and Hūth—Sayyids and Qādis—beseeched Yaḥyā to assume the imamate, and how he initially turned them down (al-Wāsiʿī 1990–1991: 299). On the other hand, Muḥammad b. ʿAlī al-Akwāʿ, who as we shall see opposed the imām, describes how Yaḥyā demanded the notables' acknowledgment of allegiance and that this

‘alā Allāh rabb al-‘ālamīn (He who Trusts in God, Lord of the Worlds), his own challenge of the Ottomans began immediately, with a siege of Ottoman-garrisoned towns, at the height of the great famine of 1904.⁸¹ On November 24, 1911, Imām Yaḥyā and the governor of Yemen agreed on a truce, and a treaty was later signed at Da‘ān,⁸² acknowledging in effect Mutawakkilite control of the Zaydī population.⁸³

The Ottoman empire was at war with Great Britain between November 1914 and October 30, 1918, and with its capitulation Imām Yaḥyā established his seat of government in the city of Ṣan‘ā’, at the geographic center of the country; near the end of 1918 he received a delegation of Lower Yemen dignitaries who pledged their allegiance.⁸⁴ Yaḥyā was assassinated on February 17, 1948, the imamate briefly being solicited by a member of a rival house of Zaydī *sayyids*, ‘Abd Allāh al-Wazīr—“The Constitutional Imām” (*al-imām al-dustūrī*). By March 14, Yaḥyā’s son Aḥmad, taking the title “*al-Nāṣir li-dīn Allāh*” (He who Supports the Religion of God), had succeeded in crushing the design to overthrow the Ḥamīd al-Dīn dynasty.⁸⁵ Aḥmad directed his imamate from Ta‘izz, which previously had been the administrative capital for that southern province only.⁸⁶

Under Imām Yaḥyā—“al-Mutawakkil”—and for the first time in many decades, a Zaydī-Shī‘ī administration was superimposed on the centers of Shāfi‘ī-Sunnī learning in Lower Yemen. Now the Zaydī religious law to be applied in the government courts approached Sunnī law, on account of the Ḥādawī-Zaydī reliance on the standard Sunnī *ḥadīth* works (collections of texts relating the words and

bay‘a occurred under pressure from the Ḥāshidī Shaykh of Shaykhs, Nāṣir b. Mabkhūt al-Aḥmar (al-Akwā‘ 1987: 290).

⁸¹ On this famine in the context of our story see Chapter Three, section I.

⁸² al-Wāsi‘ī 1990–1991: 316. The treaty was officially ratified by the Porte only on September 22, 1913.

⁸³ al-Wāsi‘ī 1990–1991: 367–368.

⁸⁴ The delegation passed through Dhamār on its way to Ṣan‘ā’ during Ṣafar 1337*h* (November 6, 1918–December 4, 1918) (al-Akwā‘ 1987: 284).

⁸⁵ Douglas 1987: 138–139, 143.

⁸⁶ Aḥmad died on September 19, 1962 (Wenner 1991: 131). One week following his death there occurred an assassination attempt on the life of his son and successor as imām, “al-Badr” Muḥammad; thus began a civil war between republicans and royalists which was to end only in 1970; Muḥammad moved to Great Britain (Wenner 1991: 131–136).

deeds of Muḥammad and his companions) in addition to the distinctively Zaydī collections.⁸⁷ Furthermore, ever since the Qāsimī era there existed in Upper Yemen itself a significant body of Zaydī scholars who chose to draw exclusively on the standard Sunnī *ḥadīth* works.⁸⁸ The fact that some of the officials descending from the north were Sunnī-influenced Zaydīs, not strict Hādawīs, must have moderated further any jurisprudential disturbance caused by the Mutawakkilite takeover of Lower Yemen. The primary frustration of the takeover was political. Since Sunnī Muslims do not acknowledge that divinely guided leadership at all exists (in the ‘Alid or any other line),⁸⁹ the Shāfi‘īs of Lower Yemen neither identified with the imamic polity now encompassing them nor could they ever hope to participate fully in its politics.⁹⁰

The work that captures this movement is Messick’s *Calligraphic State*. Extending beyond Ḥamīd al-Dīn rule in either direction, Messick explains how a range of locally used texts and document genres reflect changing interrelationships of learning, government and judgeship in Ibb. He describes how the majority of arrivals from the Zaydī and tribal north under Qāsimī suzerainty eventually “became Shāfi‘īs” (*tashaffi‘ū*), how remaining filaments of Zaydī hegemony were eliminated under the Ottomans, and how Ibb experienced a flourishing of local Sunnī life during this period.⁹¹ Under Mutawakkilite control however, steps were taken to ensure Zaydī indoctrination in all levels of education.⁹² Between 1919 and 1962 Ibb judges (*ḥukkām*, s.

⁸⁷ Haykel 1993: 53–55.

⁸⁸ Haykel 2003.

⁸⁹ Hodgson 1974: 278.

⁹⁰ It is imaginable that the takeover of Lower Yemen by the imamate may have benefited Lower Yemen Jews such as the Dwayds. Haykel describes the extended debate between Hādawī jurists and Sunni-oriented Yemeni scholars over the question whether or not Muḥammad willed to expel the Jews from Yemen in addition to the Ḥijāz, with the Hādawīs adopting what was the more lenient position from the Jewish point of view. He analyzes the Jews’ 1679 expulsion from Ṣan‘ā’ and elsewhere, and their return to these places, in the light of this debate (Haykel 2003: 115–124). But we cannot know what would have been. Also difficult to undertake would be any comparison between Zaydī and Shāfi‘ī treatment of such Jews as the Dwayds: a rural population practically in its entirety, the Jewish population of Lower Yemen was largely removed from the Shāfi‘ī centers of learning; it was the Ottomans, not the Shāfi‘ī *‘ulamā’*, who controlled the administration prior to the Mutawakkilite takeover; and, as just pointed out, the Zaydī officials descending from the north included Sunnī-influenced scholars as well as Hādawīs.

⁹¹ Messick 1993: 41–42, 49.

⁹² Messick 1993: 107–114.

ḥākim) were Zaydīs and predominantly from Upper Yemen. The same held true for Ibb governors (*ummāl*, s. *āmīl*), with the exception of Ismāʿīl Bā Salāma, the Ibb district governor during the final Ottoman years, whom Imām Yaḥyā reaffirmed at his post.⁹³

Another source highlighting administrative turnover in Ibb during this period is a two volume biography of the aforementioned Ibb governor Ismāʿīl Bā Salāma, written by the Zaydī Qāḍī Muḥammad b. ʿAlī b. Ḥusayn al-Akwāʿ.⁹⁴ Indeed, the personal biography of al-Akwāʿ himself embodies the Zaydī-Shāfiʿī mixing in Ibb under the Ḥamīd al-Dīns and illustrates that influences during Zaydī control over Lower Yemen were not unidirectional. By the early 1940s al-Akwāʿ headed one of the earliest nationalist organizations operating in Yemen, the Reform Society (*jamʿiyyat al-iṣlāḥ*), which comprised Shāfiʿī and Zaydī Ibb scholars such as himself and rural leaders from nearby Baʿdān. Arrested for his activities in 1944 he was jailed until 1947, then again following the 1948 “Constitutional” coup until 1955.⁹⁵ Al-Akwāʿ’s books, which are a continuous critique of the Ḥamīd al-Dīns, are of value as a reference for Mutawakkilite appointments and administrative policies in the Ibb area.

The town of Ibb, which both Messick and al-Akwāʿ focus on, represents a center of administration and of religious and merchant elites. Our own focus however is on its countryside, about the administration of which Messick notes that “[i]n rural areas under at least nominal state control there tended to be both state officials (district officer and judge) and shaykhly authority.”⁹⁶

IV. *The Shaykhly Territory*

The administrative structure of Yemen during the Mutawakkilite period is described by Qāʾid al-Sharjabī.⁹⁷ A hierarchic administrative network was in place for the administration of law and order and taxation, dividing the area into *alviya* (provinces; s. *lūwāʾ*), *qaḍāwāt* (districts; s. *qaḍāʾ*), *nawāḥī* (sub-districts; s. *nāḥiya*), *ʿuzal* or *ʿīzal* (terri-

⁹³ Messick 1993: 192.

⁹⁴ al-Akwāʿ 1987 and 1996.

⁹⁵ Messick 1993: 110, 291 n. 42.

⁹⁶ Messick 1993: 309 n. 30.

⁹⁷ al-Sharjabī 1986 and 1990.

stories; s. *ʿuzla*, *ʿizla*), and *qurā* (villages; s. *qarya*).⁹⁸ Of particular interest is Sharjabī's differentiation between the *liwāʾ*, *qaḍāʾ* and *nāḥiya* levels, which he describes as the "official" part of the system, and the *ʿuzla* and *qarya* levels, which he describes as its "unofficial" part.⁹⁹

Government-appointed officials were located only in the *liwāʾ*, *qaḍāʾ* and *nāḥiya* administrative centers. Contact between them and the villagers occurred on a seasonal basis, specifically, during the assessment and collection of the *zakāt* (alms tax). In addition, a government official in an administrative center might dispatch soldiers (*ʿaskar*; s. *ʿaskarī*) to summon villagers; or, villagers might choose to address letters of appeal (*shakāwā*) to government officials.¹⁰⁰ In Goitein's words, "[t]he most tangible contact with governmental authorities was made through professional soldiers, called 'Askaris, sent to all villages to extort dues from individuals or the community.'¹⁰¹ Associated with the *qaḍāʾ* and *nāḥiya* levels, according to Sharjabī, were the following officials: (1) the *nāḥiya* or *qaḍāʾ* *ʿāmil*, or administrative governor; (2) the *nāḥiya* or *qaḍāʾ* *ḥākīm*, or *sharʿī* judge and courthouse official; (3) a treasury (*bayt al-māl*) functionary; (4) the *waqf* (charitable endowment) superintendent; (5) some scribes; (6) an official responsible for the smooth functioning of the town markets; (7) where schools existed, an education functionary;¹⁰² (8) some soldiers to preserve security and escort the tax assessors and collectors; (9) seasonally engaged tax assessors and collectors.¹⁰³

Sharjabī turns next to the "unofficial" portion of the system, composed of *mashāyikh* and the village *ʿuqqāl*, which he defines as the traditional, established local leadership who maintained constant contact with the villagers. He designates these functionaries as "unofficial" because they were not officially on the government payroll.¹⁰⁴ The state might approach the villagers through these shaykhs, and in return for their help the state sometimes granted monetary perks. Headmen—termed *ʿuqqāl*, *umanāʾ* (s. *amīn*), or *ʿudūl* (s. *ʿadl*)—were

⁹⁸ al-Sharjabī 1990: 186.

⁹⁹ al-Sharjabī 1990: 206–207.

¹⁰⁰ al-Sharjabī 1990: 206–207.

¹⁰¹ Goitein 1955: 10.

¹⁰² See Messick (1993: 99–114) for an account of continuity and change in the area of instructional policies in Ibb. See also al-Akwāʿ (1996: 96–100) for a partisan perspective.

¹⁰³ al-Sharjabī 1990: 207.

¹⁰⁴ al-Sharjabī 1990: 207.

responsible at the village level and were closely connected to the local shaykhly authority. Literacy was essential, as their principal duty, besides preserving order in their villages, was to assist the state functionaries in the assessment and collection of the *zakāt*. They went about their duties alone, without the support of government soldiers; and while they could be paid premiums by the villagers while tax collecting or in consideration for the solving of a dispute, theirs was invariably a side job, undertaken in addition to their regular work.¹⁰⁵

Sharjabī's categorizations suggest two concurrent categories of political activity. The imamic state linked the individuals holding positions in the administrative centers; imamic politics translated directly into turnovers of officials at the *liwā'*, *qaḍā'* and *nāhiya* levels. By contrast, the numerous *'uzlas*, with their *mashāyikh* and *'uqqāl*, represent arenas of continuity where old faces, being local figures, lingered on. Conceivably, each of these *'uzlas* would possess its own political histories, including histories of the rise of the currently predominant shaykhly household; and histories of that household's relationships with neighboring shaykhly households, with the village *'uqqāl* in the territory and with the villagers themselves.

This should not be taken to suggest that the two categories of political activity were not entwined, or that headmen, shaykhs and government employees interacted according to static dictates. Thus, Goitein pointed out that Mutawakkilite centralization weakened both *mashāyikh* and headmen: "... the Imam succeeded to a large extent in breaking the tribal privileges in the district,"¹⁰⁶ and "[t]he late Imam tried various tax collection measures in order to eliminate the services of local headmen."¹⁰⁷ Goitein's perception may be compared to that of Sayyid Aḥmad b. Muḥammad b. 'Abd Allāh al-Wazīr in his biography of his father's brother, Sayyid 'Alī b. 'Abd Allāh al-Wazīr—the prime-minister of the short-lived 1948 coup government, but also the man who governed *liwā'* Ta'izz during the 1920s and 1930s.¹⁰⁸ Al-Wazīr would agree that the status of the shaykh declined,

¹⁰⁵ al-Sharjabī 1990: 207–208.

¹⁰⁶ Goitein 1955: 16.

¹⁰⁷ Goitein 1955: 19.

¹⁰⁸ al-Wazīr 1987. Aḥmad b. Muḥammad was born in *hijrat* al-Sirr, the Wazīr family *hijra* located some thirty kilometers northeast of Ṣan'ā' (al-Wazīr 1987: 632), in 1916 or 1917. At nine years of age he was sent to reside with his uncle 'Alī 'Abd Allāh at Ta'izz, where he completed his formal religious education —

though he did not ascribe this to the efforts of the imām; and with regard to the status of the village *‘āqil* the two authors appear to differ significantly. Al-Wazīr claims that his uncle’s policies elevated the village headman (*amīn*) to the rank of intermediary between villager and state, reducing the authority of the *mashāyikh*. Each village was made to select a representative, who would retain his position until such time as the village majority agreed to replace him. The headman’s responsibilities included supervising the measurement of grain to assess the amount of *zakāt* due and its collection. Within the village it was his duty to fulfil the Qur’ānic ordinance to “order the good and forbid the reprehensible;” to encourage performance of all five daily prayers; and to settle everyday arguments. Other duties were to demand the villagers’ rights from the government authorities and to present before government the facts of a case in the event of a dispute between villagers. The shaykhs, for their part, were provided with a set amount of the *zakāt* in return for their abstention from any interference with the ordinary villager. Some were appointed as *‘āmils* and other functionaries within the government apparatus, which, according to al-Wazīr, further broke their direct connection with the villager.¹⁰⁹ It should be kept in mind that Aḥmad b. Muḥammad al-Wazīr is eulogizing his uncle ‘Alī ‘Abd Allāh for the modern Yemeni reader: he highlights changes which would appear to benefit the ordinary villager while downplaying both the role of the imām in effecting such changes and the presence in his uncle’s *liwā’* of northern officials and soldiery.

That the capacities of the three instruments of authority—government employees, shaykhs and headmen—may somehow be inter-related opens some possibilities. Specifically: the changing relationship between *‘uzla* shaykh and government may further the appreciation of the status of the village *‘āqil*; and, by the same token, studying the village *‘āqil* may have implications for the understanding of wider processes. I therefore hypothesize that the *‘uzla* provides an

including *fiqh* and *ḥadīth* study with his uncle. He then worked as one of ‘Alī ‘Abd Allāh’s scribes for the duration of their stay in Ta‘izz, and later in Maḥwīt (al-Wazīr 1987: 535). The insights regarding Liwā’ Ta‘izz that Aḥmad b. Muḥammad provides as an intimate acquaintance of ‘Alī ‘Abd Allāh, as a scribe at the *liwā’* level and as a regular participant in his uncle’s afternoon chewing and discussion sessions, are of value on numerous occasions in the present study.

¹⁰⁹ al-Wazīr 1987: 129.

appropriate and fertile context in which to view Dwayd headmanship. Moreover, the character of political authority within an *ʿuzla* may be of relevance to other aspects of interpersonal activity, besides the relationship between shaykh and *ʿāqil*. Indeed our inquiry into the Dwayd “threshold of *dhimma*” is limited neither to headmanship nor to the Dwayds’ home *ʿuzla*: when Yaḥyā Ḥayyim announced in his Hebrew *shakwā* that he was “wealthy in all forms of wealth” and that he handled “all kinds of grains of the Arabs—nobles and farmers—from four borders,” he was highlighting his ownership of land and his management of grain reserves—and he was alluding to four distinct *ʿuzlas*. It is conceivable that an understanding of the peculiar political circumstances within an *ʿuzla* will facilitate the analysis of relationship histories based on ownership of land and storage of grain; and, inversely, that the opportunity exists to widen and perhaps diversify our understanding of the nature of political relationships between center and periphery. Though on the sidelines of imamic history and of the centers of administration in Lower Yemen, these indigenous, uncharted local histories must have penetrated the daily lives of the majority of the inhabitants of Lower Yemen, including those of the Dwayds. I adopt the *ʿuzla*, therefore, as a prism animating the examination of individual Dwayd relationship histories, as grounds for comparative perspectives, and as a concept linking these histories to each other.¹¹⁰

V. Place (*Two: al-Maqhāya*)

Having adopted the *ʿuzla* as the scheme by which to organize relationship histories embodying the negotiation of *dhimma*, there remains to translate this philosophy into physical terms. In what follows I depict the geographic position of the Dwayds’ village of al-Maqhāya and its relationship to the four territories alluded to by Yaḥyā Ḥayyim in his Hebrew *shakwā*.

¹¹⁰ My selection of the *ʿuzla* over the Jewish community as a synoptic context through which to address the Dwayd *dhimma* experience does not detract from the importance of that community in the lives of Jewish villagers. One of my objectives in this study’s Conclusions, therefore, is to refocus on Jewish community and ask what the Dwayd experience, and the contextual prism which was used to examine it, can tell us about the concept.

Aside from the main north-south thoroughfare of Lower Yemen leading from Yarīm to Taʿizz, a second southerly thoroughfare departs from Yarīm. Skirting Lower Yemen on the east side, it proceeds to the port of Aden through what were then the border towns of Qaʿṭaba and al-Ḍālīʿ. Connecting these two thoroughfares, linking Ibb in the west with Qaʿṭaba in the east, is a track of about eighty kilometers in length. Al-Maqhāya is located on this track, midway between Ibb and Qaʿṭaba and a long day's travel from either crossroads; hence its name: "Coffeehouse." The track sets out eastwards through Bāb Maytam, four kilometers to the south of Ibb, passing between the towering massif of Baʿdān to the left and the Taʿkar ridges to the right, where al-Gades is to be found. Some twelve kilometers from Bāb Maytam, at a place named Sūq al-Thulūth, Taʿkar gives way to a great expanse of lower but more piked hills, bounded at the southern horizon by the escarpment of Jabal Sawrāq and by the Jabal Hishāʾ massif, and at its northern extent by the Baʿdān massif. Wādī Maytam traverses this expanse diagonally towards Jabal Hishāʾ, around which it swerves due south (and over fifty kilometers beyond that bend the two southerly tracks from Yarīm to Aden converge and utilize its course). The Ibb track to Qaʿṭaba however adheres to the northern extreme of this relatively open area; beyond Suq al-Thulūth therefore, the track detaches from Wādī Maytam and some ten kilometers later proceeds to negotiate the rock face of an especially extended spur of Jabal Baʿdān, crossing it at the small town of Najd al-Jumāʿī, the administrative center of Nāḥiyat al-Sabra.

The descent from Najd al-Jumāʿī on the east side of the spur is gentle, taking the traveler down into the basin of the eastward-draining Wādī Sharaf—and into Shuʿaybī territory. Always to the left, rising from Wādī Sharaf, are the southern shoulders of Jabal Baʿdān; to the right, about two kilometers away, are a pair of cones. From each summit a castle dominates the barren expanses between Wādī Sharaf and Maytam/Tuban and, of course, the Ibb-Qaʿṭaba track itself. These are Ḥiṣn Munīf and Ḥiṣn al-Sabwa, abodes of Shuʿaybī shaykhs.¹¹¹ The eastern slopes of the Taʿkar massif are now to the southwest, while in the more distant south, from west to east,

¹¹¹ For further descriptions of Ḥiṣn Munīf see section IV in Chapter Three.

Jabal Sawrāq's chiselled north face and the massif of Jabal Ḥishā' maintain their role as major landmarks on the horizon.

As one guidebook puts it, this "... obscure easterly track ... goes through wild verdant countryside with many species of birds, trees, plants and creepers. ... The trees are full of weaver-bird nests and whole hillsides are smothered in small euphorbias."¹¹² Indeed, in contrast to the intensively terraced higher and wetter elevations of Ba'dān just to the north, the hillsides here are for the most part not terraced and the relative value of irrigated or stream-bed plots in this area as compared to unirrigated tracts will be a point to keep in mind. Some twelve kilometers from Najd al-Juma'ī, Wādī Sharaf empties into Wādī Shanāsī, a major drainage conduit of Ba'dān and the most verdant perennial stream in the district. To the northwest, twenty kilometers upstream at the Shanāsī headwaters, is Manzil Sab'a, the administrative center of Nāḥiyat Ba'dān as of the late 1930s or the 1940s.¹¹³ Ten kilometers downstream and to the south, Wādī Shanāsī, renamed Wādī Ṣawbān, discharges into Wādī Maytam/Tuban. Some ten kilometers to the southeast of this fluvial juncture and far above it is perched the village of Ḍūrān, the administrative center of Nāḥiyat al-Ḥishā'.

Fording Wādī Shanāsī on the Ibb-Qa'ṭaba track is dangerous or impossible when rains fall in Ba'dān; having done so one may chose to turn left (north) along its eastern bank and climb sharply to the village of al-ʿAdhārib three kilometers away. This ascending northward path adheres to the westward sides of three successive hillocks, upon each of which is a castle home looking down upon the Wādī Shanāsī floodplain as well as a small number of less imposing houses or huts, built of dark stone. From al-ʿAdhārib a ridge-top track departs northwest through Nāḥiyat Ba'dān, parallel to Wādī Shanāsī, reaching the formerly Jewish village of Akamat Banī Maṣṣūr in ʿUzlat Banī Maṣṣūr (ten km.) and then the neighboring formerly Jewish and Muslim village of al-Nādīb, situated in ʿUzlat Dalāl. The Qa'ṭaba track itself however does not bear left to al-ʿAdhārib after fording Shanāsī but scales easily to a hilly plateau, part of the same ridge-line of Ba'dān's easternmost spur shared by al-ʿAdhārib, Akamat Banī Maṣṣūr and Nādīb. Two kilometers further on, near the center

¹¹² Bradley 1995: 221.

¹¹³ al-Akwā' 1996: 204.

of the col and adjoining the track on the right hand side, is a great rock; perched on this rock is a castle home. Around it lies al-Maḡhāya.

A pair of stark mountains tower three to four hundred meters on the north and south sides of this ridgeline saddle: Jabal Shīḥāṭ on the north side, beyond the crest of which is al-ʿAdhārib; and to the south—opposite Shīḥāṭ—the higher Jabal Ḥilḥāl, the far side of which falls away more gradually into the Wādī Tuban, seven kilometers distant. Only four kilometers as the crow flies separate the two summits. Continuing east from al-Maḡhāya, at *naqīl* Ḥashaba (Ḥashaba pass), the track descends a rockface into Wādī Ḥashaba (which downstream, under the name Wādī Shadhān, joins Wādī Tuban near the point at which that important watercourse finally swerves south towards Aden). Climbing out of that *wāḍī* a southward turn would lead to al-Khiyāriyya, another village which contained a significant Jewish population. The track however continues eastward over increasingly arid lowlands for the final kilometers to the border zone of imamic Yemen and Qaʿṭaba, where it finally encounters the north-south route from Yarīm to Aden.

This thoroughfare, availing itself of the saddle-like passageway to surmount the ridge dividing Wādī Shanāsī/Ṣawbān from Wādī Ḥashaba/Shadhān, conjugated further what was already a topographically circumscribed, compact habitat. Other hamlets and villages shared with al-Maḡhāya this part of the ridgeline, and it may be assumed that relationships between residents of such a well-defined col could not have been relationships between disembodied spirits: this was a small and presumably gossipy place. Now this further justifies our call for the exposition of fully visible relationship histories: the individualities, and perceived individualities, at work in any interactive relationship must have contributed heavily to any understanding of acceptable interpersonal etiquette. Similarly, any such understanding is likely to have been affected by residues of the unique history of that relationship: feelings, affinities, tensions. And if all this was true for residents of this col as a whole, it would certainly have held true in the case of the Dwayds as the col's large-scale grain-storers. It is equally important to recognize, however, that the centripetal implications of the col's physical geography contrasted starkly with the centrifugal characteristics of its political geography.

Al-Maḡhāya was the easternmost village of Bilād al-Shuʿaybī and, as intimated, pressed up against the invisible borderlines of three

other *ʿuzlas*. Jabal Shīḥāt, as well as four other villages sharing the col with al-Maqhāya, fell within Bilād al-ʿAdhārib; Jabal Ḥilḥāl and its hamlets belonged to Bilād al-Ḥayqī; and there were not one but two Shuʿaybī territories. Bilād al-Shuʿaybī al-ʿUlyā, or Upper Shuʿaybī territory, comprised Wādī Sharaf and the area around its meeting place with Wādī Shanāsī, including the castle home on the first of the three western spurs of Jabal Shīḥāt passed on the way up to al-ʿAdhārib—Dār al-Ghubayrā. (The second of the three castle homes was part of Bilād al-ʿAdhārib, as was the third—Ḥiṣn Samana.) Bilād al-Shuʿaybī al-Suflā, or Lower Shuʿaybī territory, incorporated two important watercourses: Wādī Ṣawbān, and portions of Tuban upstream from its juncture with Ṣawbān, towards Sūq al-Thulūth and Bāb Maytam. Also part of Bilād al-Shuʿaybī al-Suflā was the high ground contained within the perimeter formed by Wādī Sharaf in the north, Wādī Shanāsī/Ṣawbān in the east, and Wādī Tuban in the south. These hills are in effect a continuation of the spur of Baʿdān crossed at Najd al-Jumāʿī, and covering their western approaches are the two aforementioned Shuʿaybī castles, Munīf and Sabwa. In addition to these two castles were a number of block-houses overlooking the three watercourses outlining the Shuʿaybī precinct. As for al-Maqhāya, surrounded on three sides by Bilād al-Shuʿaybī al-ʿUlyā, Bilād al-ʿAdhārib and Bilād al-Ḥayqī, the village with its castle home straddling the Ibb-Qaʿṭaba thoroughfare was and remains today a foothold of Bilād al-Shuʿaybī al-Suflā on this ridgeline.

Sampling Dwayd activity in each of the four territories meeting at al-Maqhāya promises to enhance our understanding of the nature of political interrelationships between government center and rural periphery in the Mutawakkilite state. This prospect would exist had these four territories fallen under the jurisdiction of a single *nāḥiya* and *qaḍāʾ*: as hypothesized above, each *ʿuzla* would possess its own history. But the prospect is further enhanced because the four *ʿuzlas* belonged to three separate *nāḥiyas*. To the south, Bilād al-Ḥayqī belonged to Nāḥiyat al-Ḥishāʾ, the administration of which, as mentioned, was located in Ḍurān al-Ḥishāʾ. Bilād al-ʿAdhārib to the east and north belonged to Nāḥiyat Baʿdān; while both Shuʿaybī territories belonged to Nāḥiyat al-Sabra, with its center at Najd al-Jumāʿī. Moreover, each of these *nāḥiyas* belonged to a separate *qaḍāʾ*; and, finally, these three *qaḍāʾ*s belonged to the two *liwāʾ*s of Lower Yemen. But not only would the meaning of “center” differ from *ʿuzla* to *ʿuzla*,



Photograph 4: Al-Ghubayrā and the meeting of four *ʿuzlas*, viewed from the northwest. Ridges on the left are the western slopes of Jabal Shīhāt and Jabal Hīhāl. Jabal Hīhāl defines the horizon. In the middle distance, dome-shaped Jabal Yarākh rises from Wādī Tuban. 1998 (author)

it would also be in a state of flux. The *liwā's*, *qaḍā's* and even *nāḥiyas* of Lower Yemen were instruments in the power struggles between the Ḥamīd al-Dīns and the Wazīrs—the *sayyid* house which in fact produced the “Constitutional Imām” of the 1948 coup—and within the Ḥamīd al-Dīn house itself. All this enhances the already exciting possibility, alluded to at the end of the *Introduction and Plan of Work*, that a micro-study of Dwayd relationship histories could have significant “macro” implications.

VI. Conclusion

I set out in this chapter to select an efficient framework for the organization and presentation of our multidimensional source material (and coincidentally to image the nature of rural Yemeni Jewish communities, social and political settings, and regional and local geographies). I desired a structure which would not only help expose subtleties pertaining to the interpersonal relationships between the Dwayds and their Muslim environment, but would also create opportunities for the tracing of relationship histories within diverse contexts of Dwayd social and economic endeavor, namely, headmanship, storage of grain and ownership of land. The quest resulted in my conjecture that the Lower Yemen *ʿuzla* represents the most helpful prism for these purposes, and I therefore adopted this unit as the framework regulating the presentation of relationship histories. Whether or not this hypothesis is supported by the evidence remains, however, to be seen.

I propose the *ʿuzla* as the natural context for the evaluation even of an ostensibly community-related office such as the Jewish village headman, and have suggested that Goitein's widely accepted community-centered interpretation of Jewish village headmanship in Yemen reflects, to a considerable degree, diachronic supposition not synchronic observation. Yet Goitein's impact on this dissertation is fundamental: my study is rooted in the Yemeni archive which he collected and from which he derived his pioneering portraits of the 1950s. In concluding these propaedeutics, therefore, it is appropriate to clarify how it is that I can draw on this same body of source material to challenge some of Goitein's conclusions—such as in the matter of the village *ʿāqil*—while at the same time continue to rely regularly on his overall portrait. The explanation is linked to two

realities. First, our projects are very different in terms of purpose and therefore also in terms of outcome: Goitein embarked on a broad, descriptive ethnography, while my own project is an analytical microhistory. Second, and notwithstanding this difference, the discussions do intersect over specific issues. Goitein concluded his portrait with a view to stimulating further, increasingly detailed research based on his collections: “the project is far from complete. Many questions require further investigation.”¹¹⁴ I address in detail, albeit with regard to another village, precisely one of these questions, namely, what Goitein in his ethnography termed the Jews’ ‘*Legal Position and Relation to Environment*’.

Goitein intended his articles as surveys and prolegomena. Thus, his 1953 overview summarized at the beginning of this chapter provided a background portrayal of Jewish community life in rural Yemen, relevant to the Dwayds as villagers, which my own study addressing other issues does not amend. Goitein’s locally-focused ethnographic survey of al-Gades village too was a “preliminary report,”¹¹⁵ addressing a spectrum of topics and portraying broad horizons:

There is not a single aspect of life of the Yemenite Jews that has not been illuminated through the findings made there. For the first time, we have now detailed information about the life of a Jewish village of Lower Yemen.¹¹⁶

On account of chronological affinity as well as the relative proximity of al-Gades to al-Maqhāya, Goitein’s broad field of view is highly relevant to my more thematically-focused project.

Goitein portrays, for example, different elements within the neighboring Muslim population. I have already referred to his description of the *qabīlīs* or Muslim farmer or merchant “tribesmen,” to the semi-feudal class of Highlanders, to the *sāda* or “holy men,” and to the *‘askarīs* or professional soldiers. Besides these groups, there was the pariah caste of *akhdām*. Often employed as farmhands, they lived outside al-Gades and were considered the lowest group of society. Though Muslims, they were considered impure by the *qabīlīs*: “While

¹¹⁴ Goitein 1955: 26.

¹¹⁵ Goitein 1955: 3.

¹¹⁶ Goitein 1955: 26.

a Shafi'i Lowland Muslim would eat from the same dish as a Jew, he would break a vessel touched by one of the Akhdam."¹¹⁷ Then there was the black-skinned caste of the Ahgur (*ahjūr*)—"extra-territorials"—who would move from place to place with their camels and cows, and who might find seasonal employment in agriculture. Local Muslims might eat with, but would not marry, these people. Another group were the Bedu, who roamed the uncultivable mountains.¹¹⁸ Other insights are provided into cultural life:

Islam in Yemen, more than in most other countries, shares with Judaism the ideal of the learned religious man. The Imam himself qualifies for rule by being a religious scholar. However, the Gabilis, the closest neighbors of al-Gades, did not excel in this respect. Therefore, al-Gades women were rightly proud of their husbands and sons.¹¹⁹

This contrast between Jews and *qabilis* may have been even more pronounced in al-Maqhāya, where they lived together, which was not the case in the Jewish village of al-Gades. As for family life:

The real unit of life was the household, often the "big household," or extended family. If a man could afford it and his sons liked him, they would stay with him even after they had married and until their own children reached marriageable age. So long as a son stayed with his father, the latter had final say, even on the marriage of his grandchildren.¹²⁰

The Dwayds epitomized this: Yahyā Ḥayyim formalized his separation from his father's household only in 1947, as will be seen in Chapter Seven. These are three of many possible illustrations of the ways in which Goitein's broadly descriptive ethnography serves as a backdrop for my own analytical microhistory.

At the same time, substantial differences exist between Goitein's portrait and my study with regard to the use of source material. One of these involves the role played by documents. Goitein reported that "[a]s far as possible, all documentary evidence of life in al-Gades was collected. This included public and private deeds, marriage contracts, letters of divorce, family notes and colophons in

¹¹⁷ Goitein 1955: 10.

¹¹⁸ Goitein 1955: 10–11

¹¹⁹ Goitein 1955: 26.

¹²⁰ Goitein 1955: 20.

printed and handwritten books.”¹²¹ In a footnote, however, he adds the following:

Less materials of this kind were obtained from this village than from others, because of the orderly exodus of its inhabitants from Yemen in consequence of their good relations with their Arab neighbors. For, with a few exceptions, all these Jews were able to sell their houses, fields and live stock, albeit at greatly reduced prices. They handed over the documents relating to property to the purchasers. A few documents have been preserved and proved to be of great value.¹²²

A deed from 1767 is mentioned several times in the article and is used, for example, to prove that at that point in time five Gadesī families had been living in the village for generations.¹²³ And a deed of purchase from 1801 is used twice, to indicate, for example, that the Gadesīs’ connection with agriculture was old.¹²⁴ Thus, very few documents were actually used. One substantial advantage of the present study, therefore, is its extensive and intensive use of documents in the ways described in the first section of Chapter One, and the possibility of comparing and juxtaposing source genres as described in the second section of that chapter.

On account of the minor role played by documents, Goitein’s broad portrait is based primarily on questionnaires and on oral reports handled by Yūsuf Sayyānī. Goitein structured his article topically, defining sections such as “*Geographical and Social Setting*”, “*Crafts and Agriculture*”, “*The Family*”, and “*Cultural Life*”; a system which demanded the extraction of units of information from the source material and their incorporation under the relevant topical headings. That narratives should be treated like formal questionnaires, as suppliers of units of information, may have suited Goitein’s purpose of a wide-angled preliminary description of the life of a village. It does not, however, suit mine: I have eschewed the topical approach with regard to the document caches (see Chapter One, section I) and a comparable point holds true with regard to the narratives. Once the overall story or context is disbanded through the use of topical contexts superimposed on the material, it becomes difficult if not impos-

¹²¹ Goitein 1955: 5.

¹²² Goitein 1955: 5 n. 5.

¹²³ Goitein 1955: 7.

¹²⁴ Goitein 1955: 14.

sible to trace effect to cause. This condition reinforced my insistence on searching for an analytical context (which I find in the notion of *ʿuzla*), which might allow entire segments of narrative to be used and analyzed as integral items, and even allow them to contribute to constructs wider than themselves by joining them with each other and with document sequences.

How a researcher classifies material and selects topical headings will depend on his or her personal concerns, the state of a field, or disciplinary research agendas or trends. Microhistory, however, promotes a source-centered approach, where not only a project's structure but also its purpose are defined by working from the source material outwards. Ginzburg and Poni explain:

In no case can microhistory limit itself to verifying, on its own scale, the macrohistorical (or macroanthropological) rules that have been elaborated elsewhere. One of the first discoveries of the student of microhistory is the rare and sometimes nonexistent relevance of the analyses (to begin with the chronological ones) elaborated on the macrohistorical scale.¹²⁵

As explained at length in the first section of this chapter, placing the *ʿāqil* within the bounds of *The Community* was the natural thing for Goitein to do. But this further beclouds the relationship between the headman and the area *mashāyikh* and central government—two topics dealt with separately by Goitein in the section named “*Legal Position and Relation to Environment*”. When I focused on Goitein's treatment of the *ʿāqil* it was to suggest that consideration of the Jewish headman must take place beyond the traditional Jewish history disciplinary focus on community: precisely in “relation to environment.” In Chapters Four, Five and Six, I incorporate the narratives that Goitein used in his appraisal of the Gadesī *ʿāqil*, rereading them in the context of “environment” and reviewing his analysis.

Another result of imposing a topical approach on the narratives, with the ensuing confusion of causes and effects, is the personal name's loss of relevance. In the interests of efficiency, real individuals, as I noted in Chapter One while discussing the topical treatment of documents, become generic *qabāʾil* and *mashāyikh*, Jews and Muslims, wives and husbands, fathers and sons. Again, this may be

¹²⁵ Ginzburg and Poni 1991: 9.

advantageous when the intention is to provide a broad, uncluttered panorama; upon closer scrutiny, however, the picture can become unclear. This is the case with regard to Goitein's portrayal of the Gadesīs' shaykhly environment in the article section named "*Legal Position and Relation to Environment*". While reporting that under the Ottomans "one of the 'Askari Highlanders'"¹²⁶ collected revenue from the district on behalf of the Turks, Goitein does not specify if the individual in question was or was not a local figure. During that same period, "[e]ach family was connected with a shaykh"¹²⁷ and in return for a small remittance its members became his proteges; but were there a number of shaykhs to choose from and were they locals? The community as a whole paid a tribute "to the dominant Highlander in the district,"¹²⁸ a custom "continued even after the Turks had deprived the sheikh of his lucrative position as local revenue collector";¹²⁹ was there after all, therefore, a single dominant local "Highlander" claiming the Gadesīs' loyalty as shaykh? If so, what should be made of Goitein's use of the plural at the end of the subsequent sentence: "... many households in tiny Jewish communities around al-Gades, and some in al-Gades itself, retained their tribal protectors until their very departure."¹³⁰ Surely the desired portrayal of the Jews' "relation to environment" is one which alludes wherever possible to specific clans or houses and to specific individuals: who actually were these semi-feudal Highlanders, shaykhs, or tribal protectors, and what were their agendas? This kind of investigation is the vocation of microhistory, and it is to such an exercise that I turn first in Chapter Three.

¹²⁶ Goitein 1955: 15.

¹²⁷ Goitein 1955: 15.

¹²⁸ Goitein 1955: 15.

¹²⁹ Goitein 1955: 15.

¹³⁰ Goitein 1955: 16.

CHAPTER THREE

FOUNDATIONS OF A WORKING HYPOTHESIS

I. *The Rise of the Shu‘aybīs: From “Days of Corruption” to Ottoman Administration*

Reconstructing Dwayd relationships with the predominant shaykhs of their home territory should proceed from a basic appreciation of the political legacies of Bilād al-Shu‘aybī al-Suflā. Who were the Shu‘aybīs, how and when did they establish themselves in the territory bearing their name, what explains their privileges in the territory, why is there an “upper” and a “lower” territory? In addition, what was the foundation of the Dwayds’ own prosperity? To be able to answer these questions it is necessary, first, to reach back into the “Days of Corruption” (*ayyām al-fasād*), relying heavily on narratives. However incomplete in depth or detail, the available information yields an intelligible image.

The Shu‘aybīs were noteworthy enough to be singled out by narrators from beyond their own territory. One such was Morī Sālim Yaḥyā Yiṣḥāq of al-Raḍā’ī, ‘Uzlat al-Amlūk (just to the north of Nāḥiyat Ba‘dān), transmitting information he received from his father:

In the distant past (*min awwal*) the farmers would flee from this house to that, for fear of the suzerainty (*malkhūth*) of the Shuwaf, who ruled (*kānū mutadawwīlīn ‘alā*) the land. For they had taken Lower Yemen as fiefs (*quṭa‘*). They were not a body politic (*dawlā*), having a single head; but each of them would take over a village or two or three. Some took over an entire zone (*mikhhlāf*), as for instance the fiefdom of (*qif‘at*) Banī Rājīl in al-Ḥarath; and Bilād al-Shu‘aybī, for al-Shu‘aybī was one of them.¹

The term Shuwaf is a plural rendering of Shāyif, a prominent family of shaykhs representing the Dhū Ḥusayn tribe of the Bakīl confederation, from Baraṭ in Yemen’s distant north-east. These tribal leaders were active during the period of the Qāsimī imāms and came

¹ Morī Sālim Yaḥyā Yiṣḥāq, N.S. 9:4.

to possess large areas of Yemen.² So prominent were they that it was possible, as in one tribal alliance document from 1757, to refer to the Shuwaf “government” or “dynasty” (*al-dawlā al-Shuwaf*).³ The Shuwafs therefore are quintessential “Highlanders.” Now Morī Sālim’s notion of Shu‘aybī origins is suggestive of the Shu‘aybīs’ martial qualities; but it is substantially incorrect: the Shu‘aybīs were not of the Shuwaf of Dhū Ḥusayn, nor were they at all Upper Yemen “Highlanders.” According to the tradition reported by the locally informed Yaḥyā Ḥayyim, the founder of the Shu‘aybī house was a fugitive tribesman of the Saklidī clan of Shu‘ayb, a mountainous domain east of Qaṭaba and al-Ḍālī. At first he resided in a cave outside the village of al-Ḥūd. Later the locals (*ahl al-bilād*) elected him to be their ‘*āqil* and produced a document to that effect (*waraqat ikhtiyār*) which the area shaykh, a member of the house of Jumā‘ī, subsequently endorsed (*amadahā*).⁴

The Jumā‘ī for their part, are descended of a certain Amīr (commander) Aḥmad b. ‘Amīr al-Jumā‘ī whom the Qāsimīs appointed in the penultimate decade of the seventeenth century over an area which included Baḍān, on a col of a southern spur of which perches the village of Najd al-Jumā‘ī. This *amīr* dedicated numerous charitable endowments, the fruits of which supported his descendants.⁵ But some of these descendants appear to have grown overly comfortable: according to Yaḥyā Ḥayyim, al-Shu‘aybī the upstart ‘*āqil* managed to occupy (*rattaba*) al-Jumā‘ī’s territory (*bilād*). He pressed the clan uphill and upstream such that only Najd al-Jumā‘ī and above remained in their hands. The villages and lands he overtook extended below Najd al-Jumā‘ī, and along Ghayl Tuban downstream to Ṣawbān, which borders on Bilād al-Ḥayqī.⁶ This area—the area east of Najd al-Jumā‘ī contained on the south by Wādī Tuban and on the east by Wādī Ṣawbān—measures roughly eighty square kilometers.

One observer from al-Gades told Yūsuf al-Sayyānī that al-Shu‘aybī married a woman from Dhū Muḥammad—the daughter of Baraṭī

² Dresch 1990: 268.

³ Abū Ghānim 1990: 604. Dresch has pointed out that such expressions should be understood on their own terms and may not signify “extensive and legitimate domination” (Dresch 1990: 268).

⁴ Yaḥyā Ḥayyim Dwayd, N.S. 55:5.

⁵ al-Akwā‘ 1987: 128 n. 1.

⁶ Yaḥyā Ḥayyim Dwayd, N.S. 55:5.

“Highlanders”—while al-Jumāʿī put romance first and married the daughter of a butcher (*jazzāra*). He also mentioned an occasion under the Ottomans (*bi-dawlat al-ʿUthmānī*), when both a Shuʿaybī and a Jumāʿī were imprisoned until they paid tax arrears. When the Ottoman Efendi released al-Shuʿaybī, he explained to al-Jumāʿī the discrepancy in treatment: “Look at al-Shuʿaybī’s son, who came to demand his father—not like your son who came and cried.”⁷ All this is vague; but it does indicate that onlookers discerned a traditional difference in temperament between the two lineages. A more substantive difference between the Jumāʿī *mashāyikh* and their former *ʿāqil* was that their area of authority was not regarded as their private property. This becomes apparent when reading Yaḥyā Ḥayyim’s account of the manner in which, having established his political authority in the territory (*tadawwal fī al-bilād*), al-Shuʿaybī set out to acquire legal title to the territory, plot by plot. Yaḥyā claims that he imprisoned peasants (*raʿīyya*) and took away their land deeds, which were then altered to convey the fiction that the lands were Shuʿaybī purchases. Some farmers preferred to flee the territory with their documents, but without means of support other than the tracts of land left behind, many such refugees died. To till the vacated land al-Shuʿaybī admitted new farmers, accorded them land to farm and the right to a third of their crop. He also garrisoned the territory, supplying allowances to his men. Yaḥyā says it was common knowledge that “such have been the methods of all the Banī Shuʿaybī from the time of their great-grandfather who fled al-Shuʿayb, which is in the region of al-Ḍālīʿ and Qaʿṭaba, until now.”⁸ Indeed all this occurred much before Yaḥyā’s time: his description therefore should be viewed as a generalization. Whatever the method however, the result was that by a sustained effort the Shuʿaybī *mashāyikh* came to possess legal title to the greater part of the territory over which they claimed authority. In the words of Yaḥyā Ḥayyim, “he took the entire territory and possessed it, villages and agricultural land (*qurā wa-māl*).”⁹

⁷ Ḥayyim Ḥasan Shelomo ʿAwwād Moshe, N.S. 26:181.

⁸ Yaḥyā Ḥayyim Dwayd, /N.S. 25.

⁹ Yaḥyā Ḥayyim Dwayd, N.S. 55:5. According to Ibrāhīm Ḥayyim, the reason the silos in al-Maḥḥāya were spread about the village and not in a single area was because until al-Shuʿaybī took possession of the land they were owned by various persons (Ibrāhīm Ḥayyim Dwayd, recorded interview, Elyakhīn, April 1, 1997).

The Shu‘aybī takeover was well under way by the year 1846. An anonymous account of imāmic history covering much of the nineteenth century relates that at the beginning of that year the imām of the time, “al-Mutawakkil” Muḥammad b. Yaḥyā b. “al-Manṣūr” ‘Alī, embarked on a show of force in the areas of Lower Yemen lying to the east of Ibb. Approaching the region from the north, he “made the circuit of Bilād al-Amlūk, which al-Shāyif had taken by force,”¹⁰ passed through east Ba‘dān—this is the area of Bilād al-‘Adhārib—and circumvented the Tuban basin. Before emerging from Bāb Maytam and entering the town of Ibb, he “. . . set himself up for about a week in the house of al-Shu‘aybī, until the territory was rendered peaceful.”¹¹

It appears that the Shu‘aybī takeover was not reflected immediately in a change of the territory’s administrative nomenclature: the term used by the anonymous chronicler was “*bayt*” al-Shu‘aybī, not Bilād or ‘Uzlat al-Shu‘aybī; and an *aṣl shirā’* (venerable deed of purchase) from 1842, located in the Dwayd cache, still refers to the village of al-Ghubayrā as belonging to Bilād al-Jumā‘ī.¹² This was, after all, in the midst of *ayyām al-fasād* and such imprints of centralizing administration should not be expected. What did follow the Shu‘aybī takeover, still during *ayyām al-fasād*, was a struggle among the descendants of the original fugitive from al-Shu‘ayb as to who would prevail in administering the family holdings—who would be the Shu‘aybī shaykh *par excellence*. This struggle, specifically the transfer of power from one Shu‘aybī shaykh to the son of his paternal first cousin, is the focus of the following piece of local lore brought to life by Yaḥyā Ḥayyim. The narrative concludes with an allusion to a further reversal of fortunes following the 1872 appearance of Ottoman rule:

The person prevailing over the others by force took [all] while the others sat impoverished. Four generations ago both the upper and lower parts of the territory were under Shaykh ‘Alī b. Nājī b. Ḥasan b. Aḥmad al-Shu‘aybī and the others were impoverished.¹³ To the

¹⁰ al-Ḥibshī 1991: 134. The reference was to a certain Naqīb Muḥsin al-Shāyif, whom Imām al-Mutawakkil imprisoned upon his return to Ṣan‘ā’ (al-Ḥibshī 1991: 135).

¹¹ al-Ḥibshī 1991: 134.

¹² B.Z.G. 194.

¹³ Yaḥyā at this point qualifies his statement about the passing of four generations by mentioning the name of a descendant of this individual at the time of the 1949 exodus.

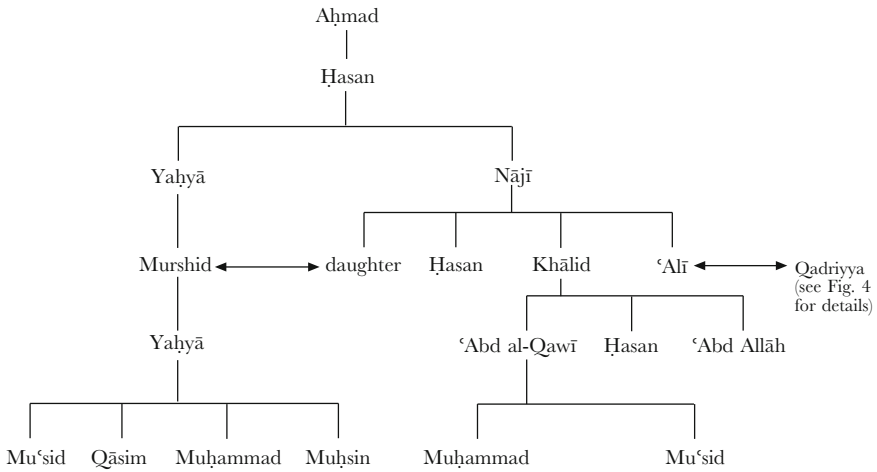


Figure 3: Bayt al-Shu'aybī

point that out of poverty's hardship [even] Shaykh Yaḥyā b. Murshid b. Yaḥyā b. Ḥasan Aḥmad would saddle himself with [loads of] wood [and this] on the eve of a holiday.

Once Shaykh ʿAlī b. Nājī went to al-ʿAdhārib market. Now Shaykh Yaḥyā b. Murshid (the pauper) is the son of the sister of the aforementioned Shaykh ʿAlī. At his home—the castle-home (*dār*) of Riyāma village [now in] Bilād al-Shu'aybī al-ʿUlyā—he assembled some men as well as *sayyids* (*sāda*) from Aṣammayn village, [now in] Bilād al-Shu'aybī al-ʿUlyā; and together they connived to kill his maternal uncle, Shaykh ʿAlī. That day [when Shaykh ʿAlī] returned from the market, [Shaykh Yaḥyā] intercepted him on the track below Riyāma village.

"You are my guest tonight," he told him.

"No," he replied, "I want to return home."

"Unacceptable (*ḥarām*), you are my guest," he said, and brought him to his house.

He slaughtered before him a calf—belonging to the peasants—for dinner, and when the time arrived for dinner he said to his uncle: "Uncle, a meat repast awaits us." [The conspirators] allowed him to approach and then fettered him. Shaykh Yaḥyā took Shaykh ʿAlī's dagger (*janbiyya*) from his side and killed him, assisted by the *sāda*.

"This is the moment of truth," they said after killing him. "He has two brothers yet at al-Ḥūd castle-home—let us go forth and kill them."

They went, and the fortress compound wall (*darb, dā'ir*) was open pending the shaykh's return. They entered and killed Shaykh Ḥasan b. Nājī. There remained Khālīd b. Nājī; they came and found him in a state of illness.

"I am on the verge of dying by [the grace of] God, don't kill me," he said to them. And they released him. 'Abd al-Qawī, Khālīd's son, was young at the time and the servants (*khaddāmīn*) smuggled him out. They bundled him up and lowered him from a small window and smuggled him so they would not kill him, hiding him in Mayfa'a castle (*ḥiṣn*). Yaḥyā b. Murshid became ever more powerful and took the entire territory.

Eventually Shaykh 'Abd al-Qawī b. Khālīd came of age; his father recuperated from his illness; and [he also had grown] brothers, 'Abd Allah and Ḥasan, sons of Khālīd. Then under the Turkish administration (*dawlat al-Turk*) they litigated in Dhī al-Sufāl. They had Shaykh Yaḥyā b. Murshid jailed in Dhī al-Sufāl on charges of the killings; he died in jail. And 'Abd al-Qawī rose in strength and became shaykh (*tashayyakh*) over the territory and over all the landed property (*haqq*).¹⁴

Al-Gades resident and 'āqil Yūsuf Ma'ūḍa was another narrator from beyond Bilād al-Shu'aybī who found the Shu'aybīs noteworthy. He too described the strife between 'Abd al-Qawī and Yaḥyā Murshid until the latter's passing in Dhī al-Sufāl but went on to mention that the late Yaḥyā Murshid had sons of his own, who were young when he died.¹⁵ How old rivalries boiled over when *they* grew up is recounted by Ḥayyim Mīshā, who at the time was old enough to hear about and even experience the events first-hand. Ḥayyim's narrative focuses especially on Yaḥyā Murshid's son, Mus'īd; it too leads up to a change in the wider administration—and to yet another apparent rearrangement of the *'uzla* power structure:

Mus'īd b. Yaḥyā ran the gauntlet (*miṭkharrib*) from Dār al-Ghubayrā (which is at the easternmost extent of [what is now] Bilād al-Shu'aybī al-'Ulyā and [which] borders on al-Maḡhāya, Bayt al-'Awdī and al-Jawārīf, which are at the easternmost extent of [what is now] Bilād al-Shu'aybī al-Sufāl). He would rob people—he was a highwayman, his own authority (*dawlat nafsoh*). And a killer. He would loot from Bilād al-Shu'aybī al-Sufāl cattle and sheep, whatever he might find; or rob passersby from other territories.

¹⁴ Yaḥyā Ḥayyim Dwayd, /N.S. 25.

¹⁵ Yūsuf Ma'ūḍa, N.S. 26:33.

*16

[Jabal Shīhāt] is a high mountain between Bilād al-‘Adhārib and Bilād al-Shu‘aybī, covered with shrubbery in which [Mus‘id b. Yaḥyā] could hide.¹⁷ The mountain plagued (*nijīf*) the track to al-‘Adhārib market. Should someone take the wrong road, [Mus‘id b. Yaḥyā] would descend, rob him of his wares and disappear amongst the shrubs. Once the Banī Suhayl, who were the *mashāyikh* of [the territory of] Banī Maṣṣūr, surrounded Shaykh ‘Abd al-Wahhāb b. Ghālib al-Tām, who was shaykh of Bilād al-‘Adhārib. [At that time] my maternal uncle, Maḥfūd, was in al-Maqhāya as a fugitive from ‘Abd al-Wahhāb al-Tām. He said he wanted to go and see how they are surrounding al-‘Adhārib; that is, he wanted to enjoy the way they were surrounding [the village]. Mus‘id b. Yaḥyā encountered him [on the way] and robbed him of his bag and garment. He returned naked. Maḥfūd Yehūda al-Maddār went and appealed before Shaykh ‘Abd al-Qawī.

“Take this note to Mus‘id b. Yaḥyā and he’ll return to you the bag and garment,” ‘Abd al-Qawī said. He took the note to him.

“All [these] people have been robbed by the waters of Shīhāt,” [Mus‘id b. Yaḥyā] responded to Shaykh ‘Abd al-Qawī.

*

A Somali came out [to peddle; he was one] of those Somalis coming out from Aden to sell bracelets, china, mirrors, rifle actions, cigarettes and small bottles of perfume.¹⁸ The Somali arrived at the gate of Dār al-Ghubayrā and Shaykh Mus‘id b. Yaḥyā’s wife told [him] to purchase her a bracelet from the Somali.

“I have no money with which to buy for you,” he said to her.

She was angry with him for not buying her a bracelet. He brought down a rifle and ammunition, killed the Somali at the gate of the castle-home and cast him into the grain silo. He brought up to his wife the entire willow basket carried by the Somali.

“Wear [the bracelet]!” he told her.

All the Somalis coming out of Aden to sell in Yemen learned [of the event]; they assembled and appealed before the Turks in Dhī al-Sufāl. ‘Abd al-Qawī was in Dhī Sufāl.

“Who can seize this Mus‘id b. Yaḥyā on our behalf?” the Turks said.

“I will seize him,” said ‘Abd al-Qawī, “but provide me with five Turks.”

They provided him with five Turks to accompany him. Shaykh ‘Abd al-Qawī went forth and assembled the people of his territory—the

¹⁶ In the interests of contextual and chronological clarity, I have removed the following anecdote from its original place later in Ḥayyim Mīshā’s narrative and re-positioned it here (see n. 19).

¹⁷ Al-Ghubayrā is located on a southwestern spur of this mountain.

¹⁸ Cf. Goitein 1955: 11: “. . . the Somalis . . . came to al-Gades to sell trinkets, European textiles, laxatives, eye-drops, etc. . . .”

Turks were only their officers. He advanced upon Dār al-Ghubayrā, and surrounded it on Friday night. [Mus'īd] fought from the castle-home. Qā'id Muḡbil the butcher, one of Mus'īd b. Yaḥyā's companions, was killed inside the castle-home. A bullet pierced him between the eyes. Mus'īd b. Yaḥyā saw that he could not fight all the men converging on him and that his friend had been killed (for the butcher was a resourceful man [*mamzer*] able to climb [the outside of] buildings). That night he escaped to Jabal Shīḥāt.¹⁹

'Abd al-Qawī entered the castle-home and destroyed one of its fortified towers. On Saturday night, when the Jews took leave of the Sabbath, 'Abd al-Qawī requested that they provide water for the men. We brought water up to them.

"Salutations for keeping your Sabbath!" said the shaykh. "But Mus'īd b. Yaḥyā violated his Sabbath and escaped on Sabbath eve!"

Mus'īd b. Yaḥyā having escaped, Shaykh 'Abd al-Qawī positioned a garrison at Dār al-Ghubayrā and advanced on Qaryat al-Shaqqāt [village], for [Mus'īd's brother] Muḥammad b. Yaḥyā was in Dār al-Shaqqāt. He seized the castle-home, apprehended Muḥammad b. Yaḥyā and tied [his hands] behind his back. He smeared him with bees'-honey and took him to the opening of the hive for them to sting him. He took a sheep's lung, tied it on his head and led him outside the village; a bird of prey came to tear the lung from his head and gouged him with its talons. Next he turned his attention to Ghayl al-Jawārīf, [the watercourse] which divides Bilād al-Shu'aybī al-'Ulyā from al-Suflā, a *wādī* [one] side of which the sons of Yaḥyā Murshid possess.

"Plunder the young crop (*zar'*) of this *wādī*!" he told all the *ra'iyya*.

The young milky-white grain (*ḥlab*) was just beginning to appear from the stalk (*shkik*); and the *ra'iyya* plundered. They left not a single stalk for the sons of Yaḥyā Murshid. I personally went and brought a load of bound stalks of corn (*wiqrī 'ajūr bi-subūlihīn*).

Their mother—her name was Maḥl al-Zayn—was disgraced; she took a bull and went and sacrificed it by way of appeal (*aqara[t]*) in Māwiya, before Muḥammad Nāṣir Pāsha, who was associated with the Ottoman government. Bin Nāṣir sent forth soldiers, who garrisoned the territory of Yaḥyā b. Murshid. They returned Mus'īd b. Yaḥyā to Dār al-Ghubayrā and released his brother, who [too] returned to his home.²⁰

The narratives consulted thus far reflect the fact that the Ottoman occupation marked the return to this part of Lower Yemen of a supra-*mashāyikh* authority. A government court appears in the *qaḍā'*

¹⁹ At this point Ḥayyim exemplifies the use traditionally made by Mus'īd of shrub-covered Jabal Shīḥāt as a hide-out (see above, between the asterisks), and then returns to his main story which I now pick up.

²⁰ Ḥayyim Mīshā Dwayd, /N.S. 7.

center of Dhī al-Sufāl and is used by ‘Abd al-Qawī to remove Yahyā Murshid from power. Subsequently ‘Abd al-Qawī uses Ottoman authority and is used by the Ottomans to control the rural expanse. That Bilād al-Shu‘aybī fell under the administrative responsibility of Dhī al-Sufāl over the course of a generation is reflected by the maturing of Mus‘id Yahyā Murshid. The final portion of Ḥayyim Mīshā’s narrative, however, introduces a new locus of authority—Māwiya—and in it a figure who could be moved by an appeal to his honor. This was Shaykh Muḥammad b. Nāṣir b. Muqbil al-Ṣirārī al-Saksakī (b. ca. 1844²¹).

According to an oral source cited by al-Akwā‘, Muḥammad Bin Nāṣir began his career as a highwayman, then he became a camel-driver, then chief camel-driver, before being appointed by the Ottomans as Qā’imaqām (Ottoman district officer) of Qaḍā’ al-Qamā’ira. His expansive *qaḍā* stretched north-eastwards from Khadīr (south-east of Ta‘izz), through Ḥumar (Māwiya) and Ḥishā’, and extended beyond Qa‘ṭaba; in other words, it comprised much of the border zone of Ottoman Lower Yemen with the British client areas north of Aden. He positioned his *qaḍā*’ headquarters in his home village of Māwiya.²² It was Bin Nāṣir who was responsible for the creation of Nāḥiyat al-Sabra. The expanse east of the Ta‘kar massif and west of al-Ḥishā’, between the massifs of Sawrāq and Ba‘dān, was formerly part of an administrative unit named ‘Uzlat al-Iṣrār²³ or Nāḥiyat al-Iṣrār, which in turn was a sub-division of a district centered to the west, in Dhū Jibla near Ibb.²⁴ Al-Iṣrār’s administrative center had traditionally been Najd al-Jumā’ī, at the north-west corner of the expanse.²⁵ All this appears to have been the case under the Qāsimī administration and the story of the Shu‘aybī takeover from the Jumā’ī demonstrates that such administrative orderliness had become academic during the *ayyām al-fasād*. The nomenclature however remained unchanged: in an *asl* (ownership source-document) from as late as 1893, al-Maḥāya (under the name Mlāḥ) appears as belonging to ‘Uzlat al-Iṣrār;²⁶ suggesting first, a congruence at that time and place

²¹ al-Akwā‘ 1987: 215 n. 1.

²² al-Akwā‘ 1987: 214–215 n. 1.

²³ Yahyā Ḥayyim Dwayd, /N.S. 25.

²⁴ Al-Iṣrār belonged to al-Kilā‘ (al-Akwā‘ 1987: 128 n. 1); al-Kilā‘ belonged to Dhī Jibla (al-Akwā‘ 1987: 339).

²⁵ al-Akwā‘ 1987: 128 n. 1.

²⁶ B.Z.G. 317, dated Rajab 1310h (January 19–February 17, 1893).

between the terms *ʿuzla* and *nāḥiya* and second, that even at that late date Bilād al-Shuʿaybī did not have *ʿuzla* status. Following the Ottoman occupation, as seen, the territory was administered from Dhī Sufāl, the *qaḍāʾ* center tucked into the base of Jabal Taʿkar’s southern face. Subsequently it was appended to Bin Nāṣir’s *Qaḍāʾ* al-Qamāʿira, along with some neighboring territories to its north and south.²⁷ When Muḥammad Bin Nāṣir Pasha established the new *nāḥiya* center for this region he did so not in Najd al-Jumāʿī but closer to his *qaḍāʾ* headquarters at Māwiya, in the village of Sabrat Banī ʿĀṭif, a point at the south-western extent of the expanse where the ridgeline extending from Taʿkar dips before rising again to become Jabal Sawrāq. That is when the *nāḥiya* came to be known not as Nāḥiyat al-Isrār but as Nāḥiyat al-Sabra.²⁸

Though Ḥayyim Mīshā in his narrative moves directly from ʿAbd al-Qawī’s actions to Maḥl al-Zayn’s appeal, it is probable that in fact she took advantage of an intervening change in Bilād al-Shuʿaybī’s administrative affiliation—its transfer to Bin Nāṣir’s *Qaḍāʾ* al-Qamāʿira. The argument for such a change in the administrative association of Bilād al-Shuʿaybī is supported by Yaḥyā Ḥayyim’s version of the events, with which he continues his account of the rise of ʿAbd al-Qawī (Yaḥyā omits the story of ʿAbd al-Qawī’s defeat of Musʿid b. Yaḥyā):

Then Muḥammad Nāṣir’s government (*dawlā*) was established in Māwiya. The wife of Shaykh Yaḥyā b. Murshid took a bull and made a sacrificial appeal (*ʿaqarat*) before Muḥammad Nāṣir, [bemoaning] that ʿAbd al-Qawī took away her rightful property in its entirety and that she and [Yaḥyā Murshid’s] children are paupers dying of hunger. [Muḥammad Nāṣir] demanded; ʿAbd al-Qawī spurned. Eventually Shaykh Muḥammad Nāṣir Pasha mustered against him an army from al-Aḥdhūf and al-Ḥushāʾ, which advanced against Bilād al-Shuʿaybī. A clash ensued in al-ʿIdhmuqī village below Ḥuṣn Akamat al-Sabwā (from which Shaykh ʿAbd al-Qawī was rebelling), and the army of Muḥammad Nāṣir plundered Bilād al-Shuʿaybī and burned the blockhouses.²⁹

A third perspective on the episode is provided by that observer of the Shuʿaybīs from the mountains to the west of the expanse, al-Gades resident and *ʿāqil* Yūsuf Maʿūḍa. He mentions the first Saqlidī tribesman from Shuʿayb and describes the Shuʿaybīs as aggressive

²⁷ Yaḥyā Ḥayyim Dwayd, /N.S. 7.

²⁸ Yaḥyā Ḥayyim Dwayd, /N.S. 7.

²⁹ Yaḥyā Ḥayyim Dwayd, /N.S. 25.

and flaunting of government authority (*taqīfīm mā yaʿrifūsh dawlā*). He too refers to the dispute between ʿAbd al-Qawī and Yahyā Murshid in Dhī al-Sufāl, to Yahyā Murshid’s death there and to ʿAbd al-Qawī’s takeover of the disputed territory, adding that the orphans were still young boys. Then he describes the sacrificial appeal in Māwiya of Yahyā Murshid’s widow before Bin Nāṣir, who sent soldiers to summon ʿAbd al-Qawī. ʿAbd al-Qawī rejected the summons (*ḍamara*), and Bin Nāṣir sent an expedition to subdue him. A company (*blūk*) of Turkish soldiers with artillery and a large number of Arab soldiers were involved. ʿAbd al-Qawī’s garrisons fired at the force from the hilltops and cornered some thirty Turkish soldiers; on the third day of hostilities however he came to terms with Bin Nāṣir by offering him three bulls, to preclude the dispatch of additional Turkish units from Taʿizz.³⁰

Ḥayyim Mīshā alludes to b. Nāṣir’s expedition in two additional narrative sessions: while recalling the great famine of 1904 and its aftermath, and while discussing the commercial success of Musallam Maḥfūḍ al-Maddār (which I summarize later in this section). In one session Ḥayyim described the plight of the non-combatant population:

Bin Nāṣir Muqbīl advanced on Bilād al-Shuʿaybī and plundered the entire territory. They plundered all [the grain belonging to] the Jews of al-Maqhāya—that which they had stored [in silos] and that which remained outside [the silos:] all that was in the houses. The Jews fled, starving, to Bilād al-ʿAdhārib, Qaḍāʾ Ibb.³¹

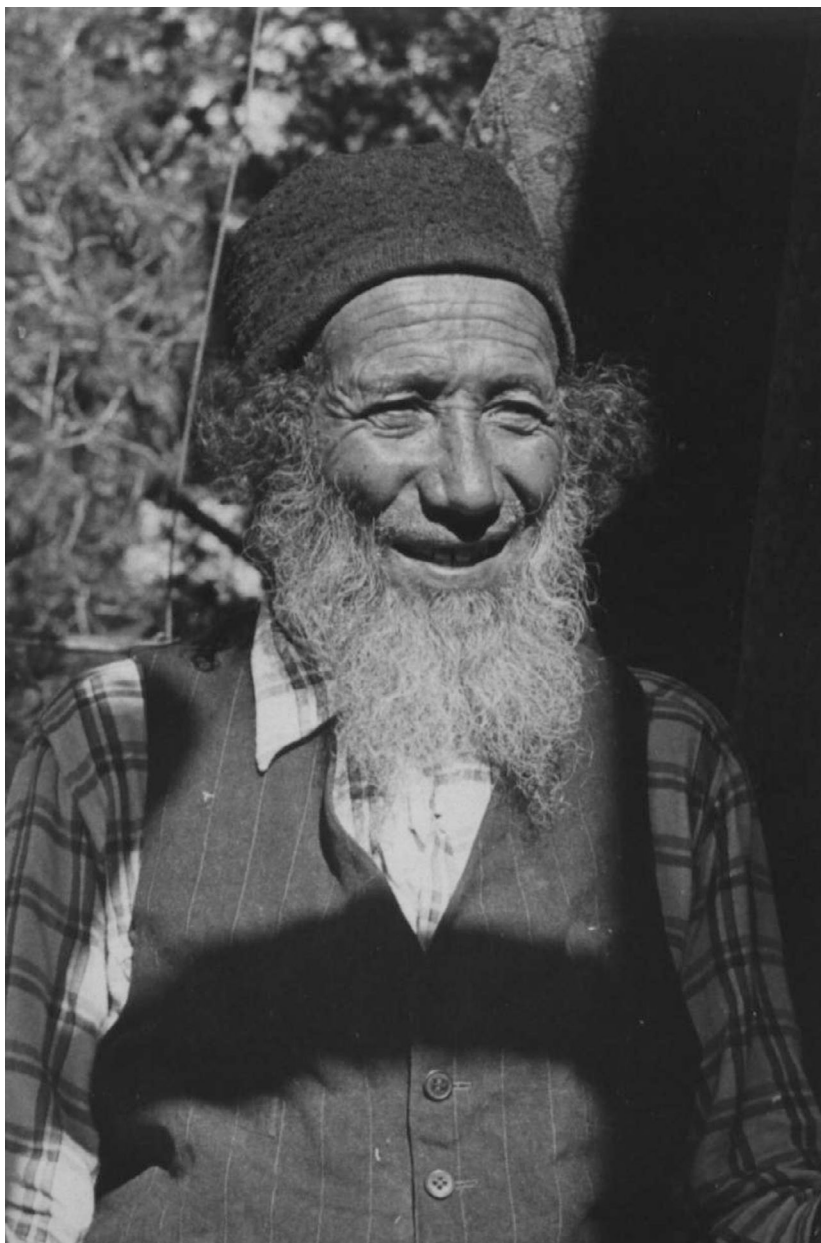
In the other session Ḥayyim describes the situation inside al-Maqhāya in greater detail:

ʿAbd al-Qawī al-Shuʿaybī rose against Muḥammad Nāṣir Muqbīl. [Bin Nāṣir] campaigned against ʿAbd al-Qawī, advanced on Bilād al-Shuʿaybī and took it in a single day—some sixty villages. He took the eight hundred *qadaḥs* of grain that were in the Jews’ silos, but from the *qabāʾil* took many times more: he took their livestock and food and all they possessed. Only al-Shuʿaybī’s citadel al-Sabwa remained [unconquered]. Yahyā Dwayd the narrator³² had an ancient handwritten

³⁰ Yūsuf Maʿūḍa, N.S. 26:33.

³¹ Ḥayyim Mīshā Dwayd, /N.S. 25.

³² The narrator was actually Ḥayyim Mīshā, as is made clear elsewhere in the portion of this notebook containing Dwayd interviews. Yahyā Ḥayyim may well have been present at the time of the interview.



Photograph 5: Yūsuf Ma'ūḍa. Jerusalem, 1953 (S.D. Goitein)

Pentateuch (*tāj*), the kind with red writing at the beginning of every verse and at the beginning of every section, and a printed prayer-book (*kol-bō*), which Bin Nāṣir's men robbed.

There was money hidden in Musallam Maḥfūd's house. My mother³³ went back to our village after they had sacked it. In the village was a garrison of Bin Nāṣir. My mother arrived, entered the house and removed the hidden money. Muḥammad Ismā'īl—the one who worked with Musallam as grain measurer—encountered her. He is from Bilād al-ʿAdhārib. He entered Musallam's house and came upon her removing the money. She gave him twenty *riyāls* so he would allow her to leave the house but he was not satisfied. He took one handful and then another and left. When she exited the house into the open the garrison atop of the castle-home asked, "What does this Jewess have?"

Muḥammad Ismā'īl was next to her. "She has nothing," he said, while signalling to them with his hand to come rob her. They came down and robbed her of three hundred and she was left with only two *riyāls*.³⁴

In the aftermath of Bin Nāṣir's chastisement of ʿAbd al-Qawī and his villages, the villagers returned to their homes;³⁵ and ʿAbd al-Qawī tendered his son Muḥammad as hostage³⁶—Muḥammad ʿAbd al-Qawī was to remain in Māwiya for three years, during which the leading figures (*al-khalq al-kibārāt*) among the villagers paid for his expenses.³⁷ It was at this time that Bin Nāṣir split the territory between the two contending Shuʿaybī houses, according one its upstream portions, which became Bilād al-Shuʿaybī al-ʿUlyā, and the other its downstream portions, which became Bilād al-Shuʿaybī al-Suflā.³⁸ The administrative arrangement in which there exist two separate Shuʿaybī territories belonging to a *nāḥiya* named al-Sabra can therefore be traced to the administration of Shaykh Muḥammad b. Nāṣir, the forceful Lower Yemen aspirant who became a mainstay of the regional Ottoman administration.

³³ Yūsuf Sayyānī, the transcriber, has switched back to a first person description of Ḥayyim Mīshā's story.

³⁴ Ḥayyim Mīshā Dwayd, N.S. 24:25–26. At this point Ḥayyim proceeds to describe the Dwayd/Maddār appeal against Muḥammad Ismā'īl before the al-ʿAdhārib shaykh, Muḥammad b. Muḥammad al-Tām.

³⁵ Ḥayyim Mīshā Dwayd, /N.S. 25.

³⁶ Yaḥyā Ḥayyim Dwayd, /N.S. 25.

³⁷ Musallam Maḥfūd al-Maddār and Ḥasan Abrāham Dwayd each made a yearly contribution of twenty-five *riyāls* while some Muslim figures paid thirty and more (Ḥayyim Mīshā Dwayd, /N.S. 25). Note the use of the term *kibārāt* to denote both Jewish and Muslim notables in one breath.

³⁸ Yaḥyā Ḥayyim Dwayd, /N.S. 25; Yūsuf Maʿūḍa, N.S. 26:33.

The date of Bin Nāṣir's subjection of 'Abd al-Qawī al-Shu'aybī—and hence of the division of the Shu'aybī domain into two territories—may be established with a considerable degree of certainty using two narrative sessions in which Ḥayyim Mīshā focuses on the devastating famine of 1904 and its aftermath. In one session, Ḥayyim Mīshā remembers the precise moment at which he began to feel the hunger in earnest. He was participating in a marriage procession, escorting a bride from her home village of 'Adan in Banī Manṣūr, where hers was the only Jewish family, to the home of her groom in al-Maqhāya, a two-hour walk away. The time was the Purim festival of the *hijrī* year 1321, or March 1, 1904. The following year—the year following the harvest of autumn 1904—was a transition year, during which people continued to die as a result of the previous year's famine. Only during the third year—following the harvest of autumn 1905—did deaths attributable to the famine of 1904 cease. "Then"—but Ḥayyim does not specify the year—Ḥasan Abrāham Dwayd and Musallam Maḥfūḍ al-Maddār each managed to store four hundred *qadaḥs* of grain, and Bin Nāṣir's expedition took place as described.³⁹

The year is more clearly perceivable in the second narrative, in which Ḥayyim Mīshā describes another aspect of the famine. Small white-grained corn nicknamed *fīrayfereh* was brought from overseas to Aden port and transported to the border points of Ḍālī' and Wa'ra. "Believe with a complete belief," Ḥayyim Mīshā tells Yūsuf Sayyānī, "that measuring out [of grain] in al-Wa'ra and al-Ḍālī' took place [daily,] from dawn's first light until sun-down. They measured out to the people of Upper and Lower Yemen." Then came the transition year, "during which Ghālib Pāsha set forth"—an event that can be dated June 1905⁴⁰—followed by a second year (autumn

³⁹ Ḥayyim Mīshā Dwayd, /N.S. 25.

⁴⁰ Ghālib Pasha was the commander of the Ottoman army group composed mainly of Albanians which advanced from the Red Sea port of Makhā' through Lower Yemen to join up with Fayḍī Pasha, who had advanced on Ṣan'a' from the Red Sea port of Ḥudayda (al-Akwā' 1987: 298–299). Ṣan'a' had fallen the previous year to Imām Yaḥyā, who following his assumption of the imamate ordered the siege of Turkish forces in the towns. Fayḍī Pasha arrived at Ḥudayda on June 7, 1905 (Abāza 1979: 158). Al-Akwā' specifies Jabal Ba'dān, to the northwest of al-Maqhāya, as an area where Ghālib Pasha lingered to clear of pro-imamic insurgents (al-Akwā' 1987: 299). Now Harold F. Jacob, at that time the British Political Agent of the Aden Hinterland, dined with Ghālib's officers as they passed through

1905) and then a third (autumn 1906). Ḥayyim specifies that it was during this third year that Ḥasan Abrāham Dwayd and Musallam Maḥfūḍ al-Maddār stored the eight hundred *qadaḥs* of grain later plundered by Bin Nāṣir's men.⁴¹ This allows us to place Bin Nāṣir's expedition in late 1906 or in 1907. Accordingly, 'Abd al-Qawī's campaign against Yaḥyā b. Murshid's boys at the behest of the authorities in Dhī al-Sufāl would seem to have taken place during the year or two following 1904, when Yemen was still reeling from the 1904 famine. The cutting down by the villagers of the crop upon 'Abd al-Qawī's orders, just as it began to ripen, places in perspective the zeal with which the villagers appear to have gone about the job, as it does Maḥl al-Zayn's cry to the recently authoritative Bin Nāṣir of Māwiya that her children were dying of hunger.

Ḥayyim Mīshā recounts that Muḥammad Nāṣir returned Maḥl al-Zayn's sons to their homes, to the section of the Shu'aybī territory he set aside to become Bilād al-Shu'aybī al-'Ulyā.⁴² The holding hostage of Muḥammad b. 'Abd al-Qawī guaranteed that 'Abd al-Qawī would now claim authority over Bilād al-Shu'aybī al-Suflā only. Ḥayyim Mīshā describes how, from their asylum of Bilād al-Shu'aybī al-'Ulyā, Yaḥyā Murshid al-Shu'aybī's three sons—Mus'īd, Muḥammad and Muḥsin—now raided the territory of 'Abd al-Qawī, leading fighters they mustered in the villages under their control and in the region of al-'Awd. Ḥayyim recalls an attack on al-Maqhāya; it was repulsed by the inhabitants, armed with the village's twelve rifles and making use of their topographical command of the surrounding territory. The nearby village of Ḥabīl al-Sūq too was raided, when its inhabitants were out collecting locusts. A villager named Ḥammādī al-Aghbar was stabbed to death in his sleep and his home and livestock plundered. To guard his new border and the fields in its vicinity 'Abd al-Qawī erected additional fortified blockhouses. One of these was opposite and within range of Mus'īd Yaḥyā's Dār al-Ghubayrā; work took place under the cover of darkness, to reduce the risk of sharpshooting casualties. As this position was being built it was attacked by Mus'īd Yaḥyā, who broke off his siege only when

Qa'ṭaba (Jacob 1923: 198). As al-Maqhāya is on the track between Qa'ṭaba and Ba'dān, it is probable that Ghālib's army actually marched through al-Maqhāya and it is little wonder that Ḥayyim Mīshā should have remembered this event.

⁴¹ Ḥayyim Mīshā Dwayd, N.S. 24:25.

⁴² Ḥayyim Mīshā Dwayd, /N.S. 7.

‘Abd al-Qawī’s son Mus‘id attacked Dār al-Ghubayrā itself. Another fortification was erected by ‘Abd al-Qawī opposite Ḥiṣn Munīf, overlooking Wādī Ḥafra, a perennial stream fed by springs. This was attacked by Muḥammad b. Yaḥyā and a counterattack was led by ‘Abd al-Qawī himself. This point, named Dār al-Kharbe, remained occupied over the following decades through to the 1949 emigration, when it was manned by sons of a certain Sayyid Maḥmūd b. Aḥmad whose father came to Yemen from Baghdād.⁴³

That all this action occurred very soon after Bin Nāṣir’s splitting of Bilād al-Shu‘aybī can be established, since Ḥayyim mentions a contemporaneous event which happened only three months after the ransacking that precipitated Bin Nāṣir’s intervention. Ḥayyim Mīshā was stopped at gunpoint by five of Mus‘id’s men while on his way to the Wednesday market at Nādib in Ba‘dān to buy sheepskins and goatskins. He was walking with a companion from the village of Jaḥfāl in Bilād al-‘Adhārib. The companion, ‘Ubayd Ismā‘īl, was released immediately—minus the *riyāl*’s worth of grain he was taking to sell in Nādib. Ḥayyim however was brought up to Mus‘id Yaḥyā, where his situation differed greatly from that of Maḥfūd Yehūda al-Maddār. The latter, following his divestiture, had considered it worthwhile to appeal before Shaykh ‘Abd al-Qawī and had returned to Mus‘id Yaḥyā with ‘Abd al-Qawī’s written demand. In Ḥayyim’s case, Mus‘id was no longer subject in principle to ‘Abd al-Qawī; he was also disappointed that Ḥayyim carried with him for sale only one weaved and embroidered cloth and five *riyāls* (for Ḥayyim had money at the market itself in the event of additional commercial need). Mus‘id Yaḥyā retained Ḥayyim inside Dār al-Ghubayrā, where he threatened him with a loaded rifle and proceeded to tap him gently on his neck with a stick while reciting to him his hardships in the months since ‘Abd al-Qawī’s plunder of the corn (in which Ḥayyim had of course participated). Mus‘id’s wife, a daughter of Muḥammad Zayd ‘Āmir whose family owned much of the territory prior to the Shu‘aybī arrival (see below, section III), pleaded for Ḥayyim’s release: “Let the Jew go,” she said. “This silver of mine—I’ll sell it; only do not mistreat (*lā tushāghil*) the Jew.”⁴⁴ One wonders if she was alluding to the Somali’s bracelet. In any

⁴³ Ḥayyim Mīshā Dwayd, /N.S. 7.

⁴⁴ Ḥayyim Mīshā Dwayd, /N.S. 7.

event Mus'īd did not listen to her plea and Ḥayyim's release was instead effected in a series of rapid stages.

A *qabīlī* named 'Abbādī Aḥmad al-Shāwirī came to Mus'īd Yaḥyā and offered to be Ḥayyim's bailsmen. Al-Shāwirī promised to detain Ḥayyim himself and added that Mus'īd could take possession of his team of bulls should Ḥayyim escape. Al-Shāwirī offered Ḥayyim lunch, but he was too shaken to eat.⁴⁵ Meanwhile, Ḥayyim's sister Qamar arrived from al-Samana, the hilltop hamlet just to the north of al-Ghubayrā, where she lived with her husband Ḥasan Maḥfūd Maddār.⁴⁶ When word reached her that Mus'īd b. Yaḥyā had tied up her brother and beaten him, she had rushed exasperated to al-Ghubayrā. Discovering that the rumors were exaggerated, she returned to al-Samana where she appealed to its shaykh, Yaḥyā Ṣāliḥ al-Ḥijrī. As in the appeal of Mus'īd Yaḥyā's mother to Bin Nāṣir, it was a woman who set in motion the routine intended to evoke shaykhly honor. Motivated by Qamar's appeal, al-Ḥijrī proceeded to Dār al-Ghubayrā with five armed men on the one hand and a sheep worth five *riyāls* on the other, to deal with Mus'īd Yaḥyā on Ḥayyim's behalf. Yūsuf Maḥfūd and his brother Ḥasan Maḥfūd, Ḥayyim's brother-in-law, accompanied the party. Ḥayyim continues his account:

Al-Ḥijrī came to the gate of Dār al-Ghubayrā and fired; the sheep started at the [sound of the] shot and escaped; Mus'īd b. Yaḥyā appeared at the window.

"With what may I provide you, Father Yaḥyā?" he said to al-Ḥijrī.

"I want the Jew," he said.

"Seeing that you have come to me, Father Yaḥyā," [replied Mus'īd b. Yaḥyā,] "by God [I would grant your request] even had you killed my son."⁴⁷ But you know that the situation of your son is less than satisfactory."⁴⁸

"Watch yourself!"⁴⁹ al-Ḥijrī said. "And don't [play the game of] deference and honor. Tell me how much you want from the Jew."

"Let the Jew pay one hundred and [he may] return home," replied Shaykh Mus'īd.

⁴⁵ Ḥayyim's suggestion that he may have eaten had he not felt shaken is of interest.

⁴⁶ This couple chose to live neither in al-'Adhārib or in al-Maqhāya, where their parents' households were located, but halfway between the two villages.

⁴⁷ Perhaps Mus'īd was alluding to al-Ḥijrī's shot.

⁴⁸ Mus'īd perhaps was playing on the fact that al-Ḥijrī's proper name was Yaḥyā, like that of his own father. Or, he may have been teasing him as to his age.

⁴⁹ Mus'īd had used the term "*aba*" to refer to al-Ḥijrī as "Father." Here al-Ḥijrī turns the same term against Mus'īd.

“The Jew is not worth one hundred even were he dead,” al-Ḥijrī said.⁵⁰ “[He is] a protected person (*biʿl-dhimma*) and it is unlawful for you to wrong him.”

“Let him pay fifty.”

“No,” al-Ḥijrī replied.

“[Then] I bid you use your judgement (*ʿaqqalnāk*), Father Yaḥyā,” responded Shaykh Musʿid.

“I see it [fair] that he pay thirty-five.”

Al-Ḥijrī guaranteed my payment of thirty-five; Ḥasan Maḥfūḍ guaranteed [my payment] before al-Ḥijrī; and that same day I returned home. Shaykh Musʿid provided me with a letter that I should be able to travel without interference to Nādib market. I paid the thirty-five to al-Ḥijrī in the form of bundles of American cloth which Musallam Maḥfūḍ and I bought and sold as partners.⁵¹

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The narrative reveals Ḥayyim Mīshā buying up skins in the markets as well as participating with his brother-in-law Musallam Maḥfūḍ al-Maddār in the cloth trade. It was precisely during the periods of turmoil caused by famine and Shuʿaybī infighting that Ḥayyim Mīshā and Musallam Maḥfūḍ al-Maddār stepped ahead from among the other Jews of al-Maqhāya. This activity may have been facilitated by the appearance of the British in the area of al-Ḍālīʿ, only a day’s walk from al-Maqhāya on the way to Aden. In 1902 the *amīr* of al-Ḍālīʿ had invited the British in Aden up to his town to counter Ottoman inroads.⁵² This led to the demarcation between 1902 and 1904 of the Anglo-Turkish border, which was drawn just beyond Qaʿṭaba.⁵³ Since the Dwayd material does not supply direct insights into Ḥayyim’s commercial activities at this early stage, the success story of his partner is of special interest.

Musallam Maḥfūḍ Yehūda al-Maddār and his wife Kādhiya, Ḥayyim’s sister, had moved from al-ʿAdhārib to al-Maqhāya during a period of famine—Ḥayyim recalls that his sister had no food at her home in al-ʿAdhārib—when Ḥayyim was a youth,⁵⁴ or, some-

⁵⁰ The inference would seem to be to blood money.

⁵¹ Ḥayyim Mīshā Dwayd, /N.S. 7.

⁵² Jacob 1923: 81.

⁵³ Jacob 1923: 173.

⁵⁴ Ḥayyim Mīshā recalls that he accompanied his mother to the Sunday market in al-ʿAdhārib (N.S. 24:23).

time during the mid-1890s.⁵⁵ The couple owned nothing and was housed and fed as part of the Dwayd household. From his base in the Dwayd household Musallam began peddling in the villages of Bilād al-Shu‘aybī al-Suflā (of which al-Maḡhāya was part), selling needles and thread and also bracelets, simple rings and copper that he purchased from the silversmith of al-‘Adhārib, Sālīm al-Sayyāgh. With the money he earned, Musallam began buying goatskins and sheepskins, which he sold to a trader based in Qaṭaba who would come by weekly. When Musallam had earned enough he began buying cattle skins as well; after purchasing a sufficient number of skins for one full load he made the trip down to Aden himself, returning with their worth in yarn and fabric. The returns of their sale in Yemen allowed him to buy *two* loads worth of skins, and he traded for a while in wax and skins, taking advantage of the fact that skins were valuable in Aden and “merchandise” was cheap. On one occasion, Ḥayyim Mīshā recalls, Musallam departed with four loads of skins and returned with seven loads, each bundle of thick yarn at that time bringing him two *riyāls* and each bundle of thin yarn 2 1/2 *riyāls*.⁵⁶

The big break for Musallam Maḥfūd came during the devastating famine of 1904,⁵⁷ which had been preceded two years earlier by a remarkably prolific year with rock-bottom prices: three *qadaḥs* per *riyāl* at the autumn harvest—this would refer to the harvest of 1902. Although the next year’s harvest—that of 1903—was bad, grain from the first, blessed year remained in the silos and a *riyāl* could still purchase 1 3/4 *qadaḥs*. Musallam in fact purchased fifty *riyāls* worth of grain from the grainstorer of al-Maḡhāya, Ḥasan Ibrāhīm Dwayd, his wife’s (and Ḥayyim’s) first paternal cousin: a sound investment,

⁵⁵ If Ḥayyim was approximately seventy years old in 1952 (/N.S. 25, N.S. 23:21), he would have been born about the year 1882. Prices were extraordinarily high (in Ṣan‘ā’) between February 1896 to October 1896 (al-Ḥibshī 1991: 551, 555) and a smallpox epidemic broke out in mid-August of that year (al-Wāsi‘ī: 1990–1991: 286). The following year Lower Yemen was already exporting grain surpluses to Upper Yemen (al-Ḥibshī 1991: 557–558). It is possible therefore that the couple’s move to al-Maḡhāya took place during or prior to the summer of 1896.

⁵⁶ Ḥayyim Mīshā Dwayd, N.S. 24:23–24.

⁵⁷ This can be dated, since Ḥayyim Mīshā mentions that “Ghālīb Pāsha set forth” in the year following the famine (Ḥayyim Mīshā Dwayd, N.S. 24:25). See also above, n. 40.

as prices were on their way up. But this purchase would account for only a portion of his profits that coming year. The farming population, which was running out of cash with which to purchase grain, was pressing their grainstoring financiers for loans. One Jewish grainstorer from *Ṣurm al-ʿAwd*, *Sālim b. Sālim Shahbar*, came to *Musallam Maḥfūḍ* in search of a loan with which he might fund his clients. The arrangement made between the merchant from *al-Maḥqāya* and the grainstorer from *al-Ṣurm* was as follows: *Musallam* would lend *Sālim* 150 *riyāls*, and *Sālim* would repay him after the subsequent harvest month at the rate of 1 1/2 *qadaḥs* per *riyāl*; in other words, he would return to him 225 *qadaḥs*. By next summer the rate had risen from 1 48/64 *qadaḥs* to 6/64 of a *qadaḥ* per *riyāl*. But prices did not fall at the autumn harvest month as, doubtless, *Sālim Shahbar* and millions of other Yemenis prayed they would; to the contrary, that year's crop was ravaged by disease, an event which brought about the famine of 1904. *Ḥayyim* does not mention the price during that harvest month; yet even at the "favorable" rate of 6/64 of a *qadaḥ* per *riyāl*, *Sālim's* 225 *qadaḥs*—*Musallam's* investment of 150 *riyāls*—would have multiplied sixteenfold, to 2,400 *riyāls*. As for his fifty *riyāl* purchase at 1 3/4 *riyāls/qadaḥ* (or of 87 1/2 *qadaḥs*): this would have multiplied more than eighteenfold, to just over 933 *riyāls*. *Musallam's* total investment that year of two hundred *riyāls*—that of which *Ḥayyim Mīshā* was aware—would produce at least 3,333 *riyāls* if returned in full. It is unlikely that *Musallam* actually collected such a sum; whatever he did collect however was enough for *Ḥayyim Mīshā* to refer to as "bags full of money."⁵⁸ In the years following the devastating famine of 1904 *Musallam Maḥfūḍ* went on to acquire land, sheep, cattle, bulls and camels; besides some sixty wooden beehives, and large amounts of stored grain.⁵⁹ *Ḥayyim Mīshā*, as *Musallam's* partner, presumably benefited from that prosperity.

⁵⁸ *Ḥayyim Mīshā Dwayd*, N.S. 24:24–25. All the rates mentioned here are substantiated in another narrative session by *Ḥayyim Mīshā* (/N.S. 25).

⁵⁹ During the first years following the great famine two Jews in *al-Maḥqāya* owned large amounts of stored grain: the existing grainstorer, *Ḥasan Abrāham Dwayd* and *Musallam Maḥfūḍ*; each of whom owned some 400 *qadaḥs* (*Ḥayyim Mīshā Dwayd*, /N.S. 25; *Ḥayyim Mīshā Dwayd*, N.S. 24:25).

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From Bin Nāṣir at his *qaḍā'* headquarters down to al-Ḥijrī in the hamlet of al-Samana, the path for redress in the face of one shaykh's excesses remained the engagement of another shaykh's support through a dramatic appeal to his sense of honor by a female relative of the party in distress. The sacrifice of a bull in particular was difficult to ignore. More specifically: from the upstart *'āqil's* takeover of a great portion of the Jumā'ī's territory, and through practically the end of Ottoman rule, it was understood that within the Shu'aybī domain—whatever its administrative appellation—there was to be a single predominant shaykh. Changes in administrative climate affected the style in which the Shu'aybīs dealt amongst themselves over the issue of primacy, but not the end itself: the desire to control the domain's land and revenue. The Ottoman administration for its part acted to contain this rivalry and attended to serious breaches of order, but at the same time it institutionalized the fundamental idea of a shaykhly territory. Its recognition of 'Abd al-Qawī and allocation of a separate zone to the sons of Yaḥyā Murshid are cases in point.

Goitein and al-Wazīr agree, as described in the previous chapter (section IV), that it was the Mutawakkilite government taking over from the Ottomans that broke "tribal" privileges and cut back the authority of the *mashāyikh*. The second section of this chapter inquires into the manner in which the shaykhs of our two Shu'aybī territories were affected by these policies; and it will be seen that the experiences of the increasingly prosperous Ḥayyim Mīshā within each of the two Shu'aybī territories developed along separate lines. First, however, it is necessary to outline the transition from Ottoman rule and to introduce the major players who were to represent Mutawakkilite authority in Lower Yemen.

II. The Mutawakkilite Takeover of Lower Yemen

One article of the 1911 Da'ān agreement accorded Imām Yaḥyā the right to appoint *sharī'a* judges in the Zaydī regions of Yemen, effectively meaning much of Upper Yemen. The years following the agreement became a time for imamic maneuvers in these areas and early in 1912 Imām Yaḥyā made his first round of appointments.⁶⁰

⁶⁰ Ṣafar 1330*h* (January 21–February 18, 1912), al-Wazīr 1987: 60. See also, for example, Zabāra 1979: 230.

Over the next few years he was able to observe and evaluate his executives not only in their official capacity as judges but often in the auxiliary role of military commanders. Among the post-Da‘ān appointees were *sayyids* still in their twenties, three of whom, themselves belonging to families which had produced imāms, were to become instrumental players in the history of Lower Yemen. *Amīr al-jaysh* (Commander) Sayyid Yaḥyā b. Muḥammad ‘Abbās b. al-Mutawakkil al-Shihārī (b. 1884⁶¹) was appointed judge (*ḥākim*) in one of the three Ṣan‘ā’ courts but in 1915 or 1916 was repositioned as judge (*qāḍī*) and governor (*‘āmil*) for Qaḍā’ Qa‘ṭaba, the southeasternmost extent of the zone of Mutawakkilite jurisdiction. The areas from which he collected tithes included al-Shi‘r, ‘Ammār and al-‘Awd,⁶² even though most residents in this border area were Shāfi‘īs.⁶³ Extending to the southeast of Sumāra, these are the ridges immediately to the north-east of Ba‘dān—the southern extent of al-‘Awd is but five kilometers north-east of al-Maḥāya—and thus Yaḥyā b. Muḥammad ‘Abbās was perched on the very edge of Lower Yemen, the Ottoman Liwā’ Ta‘izz.

Another *sayyid* perched on the edge of Lower Yemen was ‘Abd Allāh b. Aḥmad al-Wazīr (b. 1889⁶⁴), the future “Constitutional Imām” of the 1948 coup, who was accorded the judgeship of Dhamār apparently in 1915.⁶⁵ He too undertook command functions in addition to his position as *ḥākim*. In September 1916, he participated in a punitive operation directed against unruly tribes.⁶⁶ Later he engaged in garrisoning Ṣan‘ā’ and took stock of equipment handed over to Imām Yaḥyā by the departing Ottomans.⁶⁷

A third *sayyid* whose biography will be of interest was ‘Alī b. ‘Abd Allāh al-Wazīr (b. 1885⁶⁸). He was appointed *ḥākim* of Nāḥiyat *bilād* al-Bustān, west of Ṣan‘ā’, in the initial round of appointments at the start of 1912.⁶⁹ In 1917 he too was called upon by Imām Yaḥyā to participate in a punitive action against tribes who had rebuked imamic

⁶¹ al-Akwā‘ 1987: 340; Zabāra 1979: 643.

⁶² al-Akwā‘ 1987: 340; Zabāra 1979: 644.

⁶³ Lambardi 1947: 151–152.

⁶⁴ 1307*h* (August 28, 1889–August 16, 1890), al-Wazīr 1987: 560.

⁶⁵ 1333*h* (November 19, 1914–November 8, 1915), al-Wazīr 1987: 63.

⁶⁶ al-Wazīr 1987: 70.

⁶⁷ al-Wazīr 1987: 79–81; al-Akwā‘ 1987: 383; Zabāra 1979: 368–369.

⁶⁸ al-Wazīr 1987: 35; Zabāra 1979: 436.

⁶⁹ al-Wazīr 1987: 61.

authority; he carried this out with the cooperation of Banī Maṭar tribesmen mustered from *bilād* al-Bustān.⁷⁰ In late 1917 Imām Yaḥyā called upon him to establish imamic authority in al-Rawḍa on the northern outskirts of Ṣan‘ā’, which the imām subsequently entered, pending the Ottoman evacuation of Ṣan‘ā’, on August 25, 1918.⁷¹ On the eve of the Ottoman evacuation ‘Alī ‘Abd Allāh al-Wazīr was sent to Ḥarāz and the area of the track connecting Ṣan‘ā’ and the Red Sea port of Ḥudayda, to garrison the region before its Ismā‘īlī inhabitants did so. In December 1918 he began setting up a regular army based on the Ottoman model, advised by Ottoman officers who had decided to stay on in Yemen.⁷²

While Imām Yaḥyā expanded and fortified his own position in Upper Yemen under the umbrella accorded by the Da‘‘ān agreement, Lower Yemen during the Great War butted against the British, headquartered in Aden. Marching down from Māwiya the Ottoman army took Lahj, the “Gate of Aden” on July 5, 1915;⁷³ Aden itself held out throughout the war.⁷⁴ The Ottoman regular army, composed of Turks and Syrians, numbered approximately 2,300; but this force was reportedly buttressed during the Lahj campaign by up to six thousand irregulars, organized in seven contingents replicating *qaḍā’* or *nāḥiya* divisions in Lower Yemen (Liwā’ Ta‘izz).⁷⁵ The command of these territorial units reads like a who’s who of Lower Yemen shaykhly families associated with the Ottomans; and one contingent commander was the governor of Qaḍā’ al-Qamā‘ira, Qā’imaqām Muḥammad b. Nāṣir Pāsha of Māwiya.⁷⁶ While Imām Yaḥyā was consolidating his authority in Upper Yemen, a group of Lower Yemen

⁷⁰ al-Wazīr 1987: 71.

⁷¹ al-Wazīr 1987: 76–77.

⁷² al-Wazīr 1987: 81–84.

⁷³ Jacob 1923: 87, 164–165, 201.

⁷⁴ Located south of where the two southerly routes from Yarīm reunite, Lahj was on Yemen’s trade routes to Aden. Al-Akwā’ portrays the utter sacking of the town by the irregulars returning to their homes following the expedition. The villages of Lower Yemen were swamped with goods plundered from Lahj (al-Akwā’ 1987: 254), and al-Wāsi’ī laments that much of what was plundered were goods belonging to Ṣan‘ānī merchants (al-Wāsi’ī 1990–1991: 325).

⁷⁵ According to a telegraph message sent in February 1915 by the Ottoman Governor of Yemen to Imām Yaḥyā, edited by Sālim (1985: 286), some tribesmen did set out from Upper Yemen with the ostensible intent of participating in the war effort. However, they found it more profitable to pillage parts of the rural areas at the juncture of Upper and Lower Yemen, such as villages in Ba‘dān.

⁷⁶ al-‘Abdalī 1997: 257–258; al-Akwā’ 1987: 244–247.

shaykhs had together experienced an episode of joint action and had flexed their muscles against an outside enemy.

The Ottoman empire was at war with Great Britain until October 30, 1918 and with the armistice the Ottoman forces occupying Laḥj surrendered to the British in Aden.⁷⁷ Contemplating the Ottoman departure and the resulting absence of sovereign authority, shaykhs of Liwā' Ta'izz called a conference for November 5, 1918, to attempt to coordinate their efforts at preventing a direct occupation of Lower Yemen by Imām Yaḥyā. The 'Amāqī conference was unsuccessful, according to al-Akwā', because of the absence of the powerful Shaykh Muḥammad b. Nāṣir of Qaḍā' al-Qamā'ira. He was busy in Laḥj, taking possession of heavy and light weapons the departing Ottoman commander was leaving him.⁷⁸ There were other interest groups. Immediately following the conference and shortly before the November 19, 1918 entry of the imām to Ṣan'ā',⁷⁹ a group of Lower Yemen shaykhs and religious figures arrived in al-Rawḍa and pledged their allegiance to Imām Yaḥyā, committing themselves to gathering taxes on his behalf;⁸⁰ in return the imām acknowledged their current administrative positions.⁸¹ By early 1919 however it became clear that Imām Yaḥyā in fact would not be able to subdue Lower Yemen without considerable use of armed force. According to al-Wazīr, despite the assurances of the November delegation, most of the *mashāyikh* of Liwā' Ta'izz remained unruly.⁸² The reception there of one long time warrior on behalf of the Ḥamīd al-Dīns brought this point home: "Sayf al-Islām" [= Sword of Islām] Sayyid Aḥmad b. Qāsīm (b. 1860), whom Imām Yaḥyā had sent in January 1919 to govern Liwā' Ta'izz, was forced to fall back to Ibb.⁸³ Dāwud Yehūda Frāyim Lewī, an inhabitant of a village near al-Gades, recalls the event: "One by the name of 'Sayf al-Islām' arrived at al-Qā'ida. 'Women's

⁷⁷ Jacob 1923: 182.

⁷⁸ al-Akwā' 1987: 274–276.

⁷⁹ al-Wazīr 1987: 81.

⁸⁰ Al-Akwā' (1987: 284) states that the delegation passed through Dhamār on its way to Ṣan'ā' during Ṣafar 1337*h*, which began on November 6. Al-Wazīr (1987: 87) states that the group visited Imām Yaḥyā while he was still in al-Rawḍa, and that he entered Ṣan'ā' on November 19 (al-Wazīr 1987: 81).

⁸¹ al-Akwā' 1987: 286; al-Wazīr 1987: 87.

⁸² al-Wazīr 1987: 89.

⁸³ al-Wazīr 1987: 87, 89, 533–534; al-Akwā' 1987: 342–343.

Sword (*sayf al-niswān*), Sword of Reeds (*sayf al-silāl*),’ the peasants called at him. He returned to Ṣan‘ā’.”⁸⁴

At the beginning of May 1919, ‘Alī ‘Abd Allāh al-Wazīr set out from Ṣan‘ā’ for Lower Yemen with two or three newly formed regiments, gathering on the way fighters from Khawlān with their shaykhs.⁸⁵ Working his way south from Sumāra, over the next four to six months ‘Alī ‘Abd Allāh al-Wazīr succeeded in subduing and establishing administrative authority first in Jabal Ḥubaysh and then in al-‘Udayn, and in capturing Qaḍā’ Dhī al-Sufāl from Shaykh Ḥasan b. Qāsim Abū Ra’s, which his biographer-nephew considered a major success because of the shaykh’s northern background and his influence with some of al-Wazīr’s own fighters.⁸⁶ In mid-September al-Wazīr took Ta‘izz, and subdued the strongholds of Sayyid Aḥmad b. ‘Alī Bāsha on Jabal Ṣabir.⁸⁷ Muḥammad b. Nāṣir in Māwiya presented a special problem not only because of the heavy weapons he now possessed but also because, unlike other shaykhs subdued by ‘Alī ‘Abd Allāh, he continued to pledge his nominal allegiance to the imām and thus could not legitimately be subdued by force: a master politician, he simultaneously “played” the Ottomans, the British, Imām Yaḥyā and local *mashāyikh*.⁸⁸ Instead, it seems that ‘Alī ‘Abd Allāh himself kept a close eye on Bin Nāṣir: according to his biographer, the *amīr* spent much of his time in Māwiya up until mid-1922,⁸⁹ the approximate date at which the venerable Bin Nāṣir passed away.⁹⁰ In October 1919, the two Wazīr generals joined up in Ta‘izz, ‘Abd Allāh Aḥmad al-Wazīr having completed a campaign through the Tihāma to Makhā’. Imām Yaḥyā instructed ‘Abd Allāh to proceed north to Ibb, to remove that *qaḍā’* in its entirety from Liwā’ Ta‘izz and to append it to his own *lūwā’*, Dhamār.⁹¹

⁸⁴ Dāwud Yehūda Frāyim Lewī, N.S. 31:27.

⁸⁵ al-Wazīr 1987: 90–91, al-Akwa‘ 1987: 346.

⁸⁶ al-Wazīr 1987: 105–107. Al-Akwa‘ (1987: 347) relates that the fight for Jabal Ḥubaysh lasted two months, April and May 1919. Dāwud Yehūda Frāyim Lewī describes the swift takeover of al-‘Udayn, the great depression east of Ibb, between Ta‘kar to the south and Ḥubaysh to the north (N.S. 31:27). Perhaps the villagers watched the *amīr*’s advance from the heights of Ta‘kar.

⁸⁷ al-Wazīr 1987: 109–113.

⁸⁸ al-Wazīr 1987: 117, 599.

⁸⁹ al-Wazīr 1987: 165.

⁹⁰ al-Akwa‘ 1987: 215 n. 1.

⁹¹ al-Wazīr 1987: 116.

The Mutawakkilite takeover of Lower Yemen brought with it the prospect of change and this was symbolized also in Nāḥiyat al-Sabra by an administrative reshuffle. The *nāḥiya* was detached from Bin Nāṣir's Qaḍā' al-Qamā'ira and its government headquarters (*ḥukūma*) moved from Sabrat Banī 'Āṭif back to Najd al-Jumā'ī, which abutted Bilād al-Shu'aybī.⁹² We will see that while the sons of Yaḥyā Murshid failed to attain within their territory of Bilād al-Shu'aybī al-'Ulyā the type of authority pursued by their father and achieved by 'Abd al-Qawī, the coping by 'Abd al-Qawī's son Muḥammad, the graduate of Bin Nāṣir's menage, was an altogether different story.

III. "Upper" Bilād al-Shu'aybī and the Mutawakkilite Takeover

The Mutawakkilite takeover did not bode well for Mus'īd b. Yaḥyā, former knight of the al-'Adhārib road. Ḥayyim's satisfaction is evident in his description of what he perceived to be Mus'īd's divinely prescribed fate:

Mus'īd b. Yaḥyā married two sisters, daughters of Muḥammad Zayd (a wealthy family owning much land). The two were sisters—by them [= Muslims] this is forbidden but he is godless. [The Holy One] Blessed [be He] made him poor. Nothing remained in his hands: he sold all his property to his brother Muḥsin and to others. He was reduced to poverty because of his evil ways. He would beg from *mashāyikh* as far off as al-'Awd.⁹³

In the eyes of Ḥayyim Mīshā the heightened purchasing activity of "others" in the territory was a symptom of decline. If this was so, the Dwayd cache documents this decline. While Mus'īd b. Yaḥyā may have been reduced to begging, one document in the cache implies that the brother of his two wives, 'Alī Muḥammad Zayd, was busy reconstituting for himself the fractured legacy of his own grandfather, Zayd Aḥmad Sa'īd 'Āmir. B.Z.G. 299, a *farz* (document describing an heir's share in an inheritable estate), was prepared late in 1922⁹⁴ by a certain Mus'īd Muḥsin al-Shabbābī, a document expert from al-'Adhārib. That this particular estate appor-

⁹² Yaḥyā Ḥayyim Dwayd, /N.S. 7.

⁹³ Ḥayyim Mīshā Dwayd, /N.S. 7.

⁹⁴ Rabī' II, 1341*h* (November 22–December 19, 1922).

tionment occurred after the death of the praepositus may have been natural; more interesting is the fact that it occurred also after the deaths of his wife or wives and of at least four of his six children: Qadriyya, ‘Alyā, Ṣāliḥ and Muḥammad. In fact, another document in the Dwayd cache has the praepositus effecting a purchase as far as eighty years back, in 1842.⁹⁵ The 1922 event therefore probably occurred quite some time after the praepositus’ passing and was likely the result of someone’s belated demand for an official apportionment; more precisely, the result of someone’s demand for the overhaul of a previous apportionment he or she found to be unsatisfactory, for the term used specifies a “renewed measurement” of the estate (*ī‘ādat al-qaṣaba*). This person plausibly would be one—or both—of the two individuals mentioned in the document as “opponents” (*ghuramā*): ‘Alī Muḥammad Zayd, a son of one of Zayd’s heirs, and Muthannā Yaḥyā Ṣāliḥ al-Ḥijrī, the son of the man who bartered with Mus‘id Yaḥyā for Ḥayyim’s release from Dār al-Ghubayrā. ‘Alī Muḥammad Zayd was representing his brother Ḥasan and their sisters, who are not mentioned by name. And Muthannā was representing the rights of two additional heirs, Nājī and Fā’iq (whether

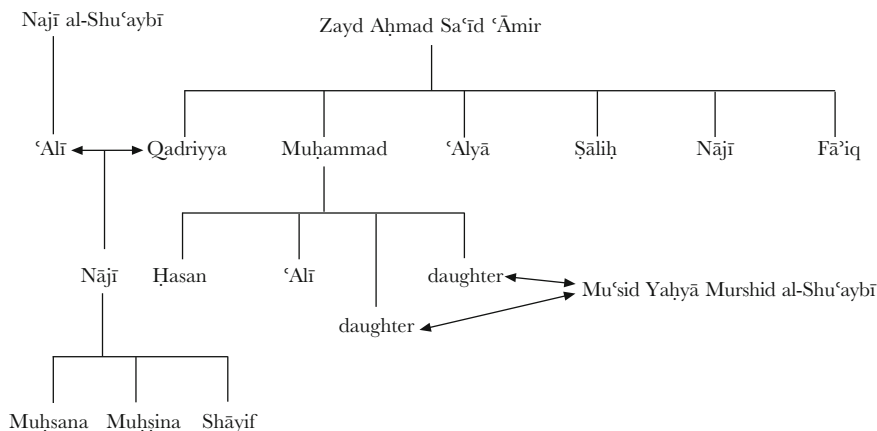


Figure 4: Bayt al-‘Āmir

⁹⁵ B.Z.G. 194. Dated Muḥarram, 1258*h* (February 12–March 13, 1842).

or not *they* were alive at the time is unclear). The reason for Muthannā's interest was that his father Yaḥyā Ṣāliḥ al-Ḥijrī had purchased from Nājī and Fā'iq their share in their father Zayd's estate and their share of their deceased siblings' portions in that estate. Muḥammad and Qadriyya together are granted entitlement to one half of Zayd's estate and Nājī and Fā'iq together are entitled to the other half; suggesting that each brother and sister pair was born of another of Zayd's wives (this particular document from 1922 is the *farz* only of Muḥammad and Qadriyya). As Ṣāliḥ and 'Alyā are not included in the reapportioning, it appears that they were survived by no heirs of their own besides their siblings. The *farz* relates only to agricultural land, and plenty of it: twenty-two pieces of land, most of them entire plots, totaling just under four hundred *qaṣabas*; and another six units the sizes of which are not listed, including four plots ostensibly endowed to benefit the mosque of al-Ghubayrā. A special clause at the end of the *farz* explains that his coheirs allowed 'Alī Muḥammad to sell to the heirs of Qadriyya one item of property—half of a plot named "Shāqat al-Bīr" totaling twenty-seven *qaṣabas*.

Mus'īd Muḥsin al-Shabbābī of al-'Adhārīb was the local technician who prepared the document and orchestrated the details of the division; but it was not he who ordained that a new division should take place. The individual calling for the estate's "renewed measurement" was the Zaydī *ḥākim* of the *nāḥiya*, Sayyid Yaḥyā b. Ḥasan al-Warīth. Having removed government fees from the estate the *ḥākim* referred the opponents to the *nāḥiya*'s 'āmil, Sayyid Ḥamūd b. Ghālib b. Ilmām, and to the *nāḥiya*'s *waqf* official ('āmil al-awqāf). It was before these two government officials that the opponents agreed on two locals to measure and assess the entire estate (*ma'rīfat jamī' al-qaṣaba*), Muḥsin Mus'īd al-Shabbābī and Muḥammad Mus'īd al-Bāhī. When this was accomplished the two opponents appeared again before the government officials and selected Muḥsin Mus'īd as the expert to perform the division on the ground. No Shu'aybī was involved in the mechanics governing the apportionment, though they appear as witnesses.⁹⁶ This document provides a glimpse of the manner by which the small Mutawakkilite government staff at the

⁹⁶ These were the two brothers, Shaykh Qāsim b. Yaḥyā al-Shu'aybī and Shaykh Mus'īd b. Yaḥyā al-Shu'aybī. Also present as witnesses were Muḥammad Mus'īd al-Bāhī (who assessed the estate along with Mus'īd Muḥsin), 'Alī b. 'Alī Ṭāhir, 'Alī

Sabra *nāḥiya* center involved itself in the lives of villagers: it maintained control of the directives and, after taking its own fee, relegated the details to local legal technicians.

With the apportionment of land into two halves 'Alī Muḥammad's work was only partly accomplished: the half in which he held a share was recognized as Qadriyya's as well as Muḥammad's, or rather as that of their heirs. A year later 'Alī Muḥammad bought out Qadriyya's heirs, as a deed of purchase located in the Dwayd cache (B.Z.G 306) reveals. Prepared this time by Faqīh Nājī Muḥsin al-Shabbābī, the brother of the technician who composed the previous year's *farz*, this deed from early 1924⁹⁷ documents the purchase by 'Alī Muḥammad Zayd Aḥmad Sa'īd 'Āmir of all that which Qadriyya's heirs received from her by way of inheritance, including everything listed in her *farz*. Qadriyya's son Nājī b. 'Alī Nājī al-Shu'aybī and his two daughters, Muḥsana and Muḥṣina, were represented in their sale by an agent from al-'Awd;⁹⁸ amongst the sellers only Qadriyya's grandson Shāyif b. Nājī 'Alī was physically present. A strikingly low sum of twelve *riyāls* changed hands, but who received this payment is left unspecified (though it would be no surprise were it the man on the spot, Shāyif b. Nājī).

'Alī Muḥammad had now taken over from Qadriyya's heirs—Shu'aybīs themselves—their fifty percent share in the plots listed in the *farz* she shared with Muḥammad Zayd. He also presumably owned a one-third share of the remaining fifty percent: males inherit twice the share of females, and Muḥammad appears to have had two sons and two daughters. This left him with a total ownership share of up to 66 2/3 percent within the plots listed in the *farz*; but there existed at least one special case among the twenty-eight plots: "Shāqat al-Bīr," which had been sold a year earlier to the heirs of Qadriyya. "Shāqat al-Bīr" was unique in that it belonged entirely to 'Alī Muḥammad, independently of his brother and his sisters, the wives of Mus'īd b. Yaḥyā. And it was precisely this piece of land that was now purchased by Ḥayyim Mīsha. On the *verso* of B.Z.G. 306, 'Alī Muḥammad's deed of purchase, is a clause added by Nājī

Yaḥyā Maḥmūd, and 'Abd Allāh b. Aḥmad al-Shāwīrī (the man who fifteen years earlier extracted Ḥayyim from Dār al-Ghubayrā).

⁹⁷ Jumāda II, 1342*h* (January 9–February 6, 1924).

⁹⁸ Perhaps this was where they now resided.

Muḥsin al-Shabbābī and carrying the same date as the deed itself. It states that of the property appearing on the *recto* of the document, ‘Alī Muḥammad Zayd and his brother Ḥasan Muḥammad sold to Ḥayyim what they had themselves been sold within “Shāqat al-Bīr,” along with another plot, “Shrī Shanṭūr.” With Ḥayyim Mīshā’s purchase, land that Mus‘id b. Yaḥyā might well have been able to farm by virtue of his marriage to two daughters of Muḥammad Zayd—recall the opening of this section—was sold to his former *dhimmī* captive.

Shu‘aybī land passed from the grasp of Mus‘id Yaḥya to Ḥayyim Mīshā also much more straightforwardly. B.Z.G. 310 is a document of sale from late in 1924,⁹⁹ in which Mus‘id himself sells to Ḥayyim the plot named “Shrī al-Qaḥma” and parts of “al-Ṣulayḥiyya,” prime irrigated stream-bed land (*sāqī fī al-ghayl*) near the village of Riyāma, in return for nineteen *riyāls*.¹⁰⁰ But while a change seems to have occurred in the relationship mode between Ḥayyim Mīshā and Mus‘id b. Yaḥyā, Mus‘id’s brothers were far less disposed to collaborating with this *dhimmī* who had money to spend. According to a marginal note added to the document by Yūsuf Sayyānī, Muḥsin Yaḥyā encroached (*baṣaṭ*) on the land his brother sold to Ḥayyim and demanded that Ḥayyim hand over the *farz*. (Mus‘id would have transferred this *farz* to Ḥayyim as part of the sale.) It seems that Ḥayyim complied: no such *farz* today exists in the Dwayd cache. The cache does however contain a fragment dated mid-1924¹⁰¹ which may explain the event. B.Z.G. 283 is a notarized and witnessed slip of paper in which Shaykh Muḥsin forgoes his legal right of intercession (*shuf‘a*) with regard to a plot of land and specifies that as far as he is concerned his brother Mus‘id can sell what he owns to anybody he wishes.¹⁰² The name of the plot is not clear due to the

⁹⁹ Jumāda I, 1343*h* (November 28–December 27, 1924).

¹⁰⁰ It is possible that the sale involved no transfer of capital but took the place of a debt which had to be repaid during the autumn harvest of 1924. In other words, land was provided instead of money. Incidentally, the buyer is listed as Hayyim Maḥfūd. Hayyim (Mīshā) and Maḥfūd (Yehūda) happened to be the two Jews from al-Maḥāya robbed by Mus‘id in his prime.

¹⁰¹ al-Qā‘da, 1342*h* (June 4–July 3, 1924).

¹⁰² The right of preemption (*shuf‘a*), or purchase-intercession, entitles an individual to substitute himself for a buyer of land over which he is accorded priority, refunding the buyer his payment. According to the Shāfi‘ī school of Islamic law, such priority is enjoyed only by the co-owner (*sharīk*) of a sold property (al-Nawawī n.d.: 63). The Zaydīs recognize also the right of a neighbor (*jār*) to intercede (Ibn al-Murtaḍā 1332[*h*]: 59; al-Sayāghī 1348[*h*]: 335–339).

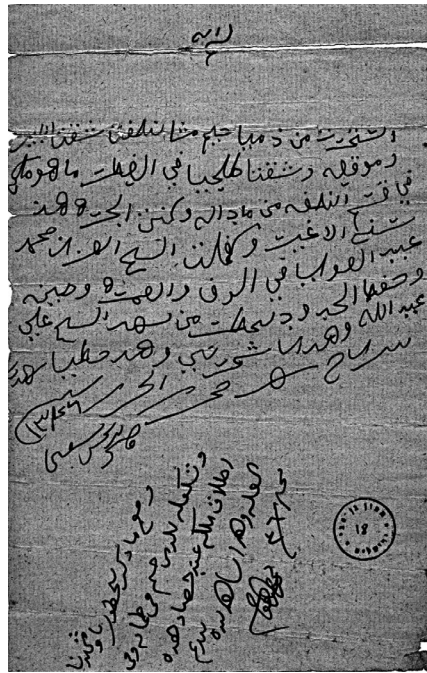
absence of diacritics but it is certainly not “al-Qaḥma” or “Ṣulayḥiyya”; and the village in which it is situated is named al-‘Arīsh, not Riyāma. Was Ḥayyim Mīshā handed this document by Mus‘id Yaḥyā in bad faith when he made the 1924 purchase, and was Shaykh Muḥsin now demanding the *farz* back from Ḥayyim on the grounds that he never gave up his rights of intercession with regard to al-Qaḥma or Ṣulayḥiyya and thus his purchase was null and void? This would be only a far-fetched possibility were it not for a sentence in Yūsuf Sayyānī’s script added to B.Z.G. 283: “Forgoing of intercession [rights]—and because of their cursedness they prepared it for him with regard to another [plot] of land.”¹⁰³

Problems existed not only with Mus‘id and the more steadfast Muḥsin but also with Qāsim Yaḥyā al-Shu‘aybī, a fourth son of Yaḥyā Murshid. B.Z.G. 18 is a document from the summer of 1927¹⁰⁴ written by Qāsim. At first sight this seems a regular contract: Qāsim leases from Ḥayyim two plots—one of these was “Shāqat al-Bīr”—for the current year and engages to pay Ḥayyim one-half of the crop upon the harvest. Because of the circumstance that the basic terms of the contract needed to be closely guaranteed, it would be premature to conclude that Shaykh Qāsim had become an ordinary sharecropper in the territory which had been created to benefit his own household. To guarantee timely payment, to ensure the well-being of a structure, and to preserve the boundaries of the plots, Qāsim writes, the “noble Shaykh” Muḥammad ‘Abd al-Qawī is brought forth. Muḥammad ‘Abd al-Qawī himself countersigned the document, adding that his guarantee includes Qāsim’s vacating of the land upon that year’s harvest. Why the worry that Qāsim might not pay, the possibility the structure would be damaged, the need to guarantee the very boundaries of the plots and their timely evacuation? Again, the answer appears on the document’s *verso*, in a passage of narrative related by Ḥayyim Mīshā and transcribed by Yūsuf Sayyānī. The lease was drawn up after Qāsim b. Yaḥyā b. Murshid had encroached upon the plots, which were near his village, al-Ghubayrā; and the manner in which Ḥayyim countered these developments was by appealing to Shaykh Muḥammad ‘Abd al-Qawī al-Shu‘aybī.¹⁰⁵

¹⁰³ *isqāt al-shuf‘—wa-min al-arīrūth haqqahum fa‘alū la-hu fī ard thāniya*. “For him” could refer to Ḥayyim Mīshā.

¹⁰⁴ Muḥarram, 1346*h* (July 1–July 30, 1927).

¹⁰⁵ B.Z.G. 18, *verso*, transcribed narrative.



Facsimile 1: Shaykh Qāsim Yaḥyā al-Shu‘aybī’s sharecropping arrangement (B.Z.G. 18)

It was not only Ḥayyim Mīshā who was having trouble with Qāsim Yaḥyā. One of Ḥayyim’s sharecroppers in Shi‘b al-Ghuḍḍār, another field associated with al-Ghubayrā village, entered into an argument with Qāsim Yaḥyā and found it necessary to flee the territory, living until his death in a village named al-Nmaṣ, located just beyond the borderline of Bilād al-Shu‘aybī al-‘Ulyā with Bilād al-‘Adhārib, under the protection of a certain Muḥammad b. ‘Alī al-Ḥāshidī.¹⁰⁶

*

By the mid-1920s the Shu‘aybīs of Bilād al-Shu‘aybī al-Suflā were experiencing difficulties in preserving the legacy of their forefathers and had begun to sell their land back to its original owners and even to investors such as Ḥayyim Mīshā, who just a few years earlier had been incarcerated and extorted merely for passing through

¹⁰⁶ B.Z.G. 299, *verso*, transcribed narrative.

the zone. However, they did so with evident displeasure. Ḥayyim Mīshā was not welcome as a landowner in Bilād al-Shuʿaybī al-ʿUlyā and he did not push further forward under the circumstances. He began instead to sell the land—not to his Shuʿaybī acquaintances, but rather to the *banī* ʿĀmir, the landowning family from whom he purchased it. “We came and found the land was bad,” Ḥayyim resolves. “The land itself is not [bad]; it is its men who are bandits.”¹⁰⁷

IV. “Lower” Bilād al-Shuʿaybī and the Mutawakkilite Takeover

The limited success of the Shuʿaybīs from Bilād al-Shuʿaybī al-ʿUlyā in preserving the prerogatives of their house following the Mutawakkilite takeover of Lower Yemen can be contrasted against the situation in Bilād al-Shuʿaybī al-Suflā, where the sons of ʿAbd al-Qawī were no longer young boys. Initial hopes among remaining landowners that the rule of *mashāyikh* which had been institutionalized by the Ottomans was to end must have shattered early on, to judge by a story recounted by Ḥayyim Mīshā and Yaḥyā Ḥayyim:

Shaykh Musʿid al-Shuʿaybī, who lived in the castle-home of Ḥabīl al-Sūq village, shot Aḥmad ʿAlī ʿUwayḍān while he was sleeping on the roof. This was because at the inception of the imām’s government Shaykh Musʿid ʿAbd al-Qawī al-Shuʿaybī passed by his house and told him, “Prepare lunch, Aḥmad ʿAlī!”

“Your rule is passed,” replied [Aḥmad ʿAlī]. “God preserve the imām!” [Shaykh Musʿid] fell quiet; but they went to him [later] and killed him.¹⁰⁸

Whoever in fact shot ʿUwayḍān, the Shuʿaybīs were credited with the deed; and the deed in turn was interpreted by the villagers as a statement by the Shuʿaybīs that their shaykhly prerogatives were alive and well. Amongst the Shuʿaybīs of Bilād al-Shuʿaybī al-Suflā however it was not Shaykh Musʿid b. ʿAbd al-Qawī who was to take center stage but his brother Shaykh Muḥammad, the graduate of Bin Nāṣir’s menage in Māwiya and the man who guaranteed before

¹⁰⁷ B.Z.G. 18, *verso*, transcribed narrative. The Dwayd narrator is referring specifically to a piece of property mentioned in the document itself.

¹⁰⁸ Ḥayyim Mīshā Dwayd and Yaḥyā Ḥayyim Dwayd, N.S. 22:35.

Ḥayyim Mīshā that Qāsim Yaḥyā would behave in an orderly manner and exit from the plots on which he had encroached.

What was the nature of the control exercised by Shaykh Muḥammad ‘Abd al-Qawī? “Jew or non-Jew,” reports Sālīm Sulaymān Maklabānī Ḥasan Yehūda of al-Maḥḥāya, “all were his proteges (*rub’an la-hu*). Even someone owning gold could not procure so much as a *qaṣaba* [of land] in Bilād al-Shu‘aybī.”¹⁰⁹ Sālīm Sulaymān further elaborates:

We build our own houses in our village. Each Jew leases his home (*yiddī . . . kirā al-bayt*) from Shaykh Muḥammad ‘Abd al-Qawī al-Shu‘aybī at a [yearly] rate of one and a quarter *qirsh*, be it small or large, one room (*makān*) or ten. Now this is payment for the plot (*kirā al-‘araṣa*); as for the edifice, everyone builds his own.¹¹⁰

One advantage of living in such an *‘uzla* was that there was no need to lay down a large sum of money to shelter one’s family. But a feeling of transience too was ingrained in the system, as Sālīm Sulaymān Maklabānī proceeds to suggest:

But there is something not good in Bilād al-Shu‘aybī. Say I build a house with splendid rooms. Someone else wanting to live in it would go to the shaykh and say, “Write me over (*wuṣulnī*) so-and-so’s house in return for two *qirsh*.” And the shaykh would provide him with a writ (*waraqā*) [as follows]: “So-and-so son of so-and-so shall refrain from challenging (*mushāghalat*) so-and-so, who [now] has the right to reside in the house.” The owner of the house would exit—as if the house was never his and had not been built by him—and the other man would enter. But should the owner say, “I’ll not exit—I’ll add money,” [Shaykh Muḥammad would declare,] “Pass [me] (*shaddā*) two and a half *qirsh*,” and [he would] say, “you live there.” The highest bidder has preference.¹¹¹

Shu‘aybī’s system must have discouraged persons from investing in house construction. It was probably for this reason that al-Maḥḥāya’s houses, irrespective of whether they were inhabited by Jews or Muslims, were very simple affairs: single storied, they were built of small sharp-edged stones placed one above the other with no [external] mortar.¹¹² This can be compared to the tiered homes of nearby al-‘Adhārib, which were owned by their inhabitants.¹¹³

¹⁰⁹ Sālīm Sulaymān Maklabānī, N.S. 9:23.

¹¹⁰ Sālīm Sulaymān Maklabānī, N.S. 9:22.

¹¹¹ Sālīm Sulaymān Maklabānī, N.S. 9:22.

¹¹² Ḥayyim Mīshā Dwayd and Yaḥyā Ḥayyim Dwayd, N.S. 55:1.

¹¹³ See Hollander 1997:159 n. 11.

A comparable atmosphere of discouragement existed also with regard to land improvement, as Sālim Sulaymān Maklabānī's report continues to reveal:

Yūsuf Musallam Maddār sharecropped a terrace belonging to al-Shu'aybī which [ordinarily] provided [a harvest of] twenty, maybe twenty-five *qadaḥs*. The [owner's] share (*qū'a*), to be paid at time of harvest according to the sharecropping agreement (*mishrika*), was ten *qurūsh* and five *aqdāḥ*. [Yūsuf Musallam] sent out workers, built [retaining] walls and widened the terrace.¹¹⁴ Then they [= the Shu'aybīs] came to see it [and amended the sums due] so that the owner's share came to twenty *qadaḥs* and twenty *qurūsh*. For he had fertilized, ploughed and widened [the terrace] till it would provide seventy *qadaḥs* (but it would not be so [prolific] had he not invested work in it). This description holds true for all farmers (*ra'iyya*).¹¹⁵

Rather than agreeing to a percentage share, the deal offered by the shaykh required payment in terms of a given amount of grain and a given sum of money,¹¹⁶ defined in advance in relation to the amount of produce it was believed a specific field might yield. In a strictly share-based agreement the amount to be delivered to the landowner was by definition always available; but the shaykh's "sharecropper" in a bad year was sometimes unable to pay the fixed payment, defined in some cases paradoxically as a result of his own, privately funded investment. Not only might the grain not cover the debt; the cash portion of the payment would also have to be forked out:

Once a "stony year" came to pass [= stones covered the land as a result of flooding] (*zārat sana tijill*), and the crop was attacked by a white worm (*isāl*), and [the plots] provided only an amount of produce as due in the sharecropping agreement. [The farmers] went to [Shaykh Muḥammad] but he would not accept a lower share than that laid down in the agreement. He answered: "Had God provided a surplus would you have increased my share?! They shall give me precisely that which is laid down in the sharecropping agreement."¹¹⁷

¹¹⁴ Such building of retaining walls and widening of the terrace presumably took place to the sides of the existing terrace and on its level, bringing under cultivation portions of unused hillsides (rather than above or below it, which would entail infringing on contiguous terraces).

¹¹⁵ Sālim Sulaymān Maklabānī, N.S. 9:22.

¹¹⁶ This is corroborated also by Yaḥyā Ḥayyim Dwayd (N.S. 55:6).

¹¹⁷ Sālim Sulaymān Maklabānī, N.S. 9:22. The use of third person here suggests that Maklabānī may as he was relating the story have had in mind the picture of

Shaykh Muḥammad's logic was of course irrefutable and his system ensured him a steady influx of both cash and grain, whatever the financial situation of his proteges.

The prerogative of ownership just depicted was the outcome of perhaps a century of Shu'aybī dominance. Preserving the prerogative allowed Shaykh Muḥammad in his turn to minimize *future* challenges to Shu'aybī primacy from within the territory by attracting only the poorer elements of society, and by keeping them in their weak state through low motivation and the possibility of ending their lease. There was little likelihood that such elements might be in a position to make purchases of their own from any private landowners as may have existed in the territory. For all this however it should fairly be added that the territory must have been considered by some as a refuge, because if a peasant lived in this inherently underdeveloped *ʿuzla* it was by his own choice: here he could find sustenance and shelter for as long as he needed. Should he at some point decide to leave he could do so as easily as he had arrived and would not have to worry about divesting himself of his land and selling his simple house or hut.

The greatest contrast existed between the simple houses of Shaykh Muḥammad's tenants and his own abode, Ḥiṣn Munīf—a self-contained fortress located at the summit of a conical projection south of Wādī Sharaf, clearly visible to anyone moving on the Ibb-Qaṭaba track. Ḥayyim Mīshā recalls that it was surrounded by a wall which incorporated small round towers (*nuwab*) for defense. Also incorporated in the wall was a reception hall (*mafrāj*), situated above the gate. Inside the fortified perimeter, aside from the castle home itself, were a mosque with an adjacent pool for ritual ablution, and a water cistern covered by an arched ceiling made of stone and plastered over such that rain was channeled into the cistern. Here too were a number of storage chambers for grain. These essentials were complemented by a domed bathhouse (*ḥammām*) made of stone and incorporating a wood-fueled copper boiler (*dist nuḥās*).¹¹⁸ The ambiance at the castle was recollected by Sālim Sulaymān Maklabānī:

Yūsuf Musallam applying to the shaykh on behalf of the villagers. On Yūsuf Musallam's relationship with Shaykh Muḥammad see next chapter.

¹¹⁸ Ḥayyim Mīshā Dwayd, /N.S. 7. The stone domes themselves indicate affluence, in a land where roofs are typically made of layers of wooden boughs and soil.

The shaykh stayed home all day, during which time the peripheral wall (*darb*) of his mountain-top home would be closed: whoever might arrive would not enter. They would sleep as on Ramaḍān. The gatekeepers (*bawwābīn*) and the women—all would sleep. During the afternoon the women would awaken, as would the butcher (*al-jazzār*) to slaughter [for the evening meal]. [The shaykh] himself would wake up only as evening approached. Then, all night long he would receive callers. [By evening,] the *qabā'il* would already be clustered together, filling the entire gatehouse. Even *mashāyikh* would come and wait at the gatehouse. None would dare (*yṣṭā*) utter so much as a word.¹¹⁹

Muḥammad 'Abd al-Qawī had a reputation for meting out punishment to transgressors. According to Ḥayyim Mīshā, he would have adulterers and robbers brought to his bathhouse to stand and sweat, their hands bound behind their backs with boiled leather thongs tightened with a wooden tourniquet.¹²⁰ His treatment of transgressors also provided a subject of recollection for an anonymous informant from al-Gades, who told of the time when a dead body was discovered under a tree in the territory. The dead man having no known opponent who could be detained for questioning, Shaykh Muḥammad had the tree bound in an iron chain and positioned a guard nearby to watch the spot. People passing the spot expressed their wonder at the sight. Eventually the killer himself passed and expressed his own surprise with imprudent gusto:

“My member in his mother! I killed him and he came and tied the tree?!”
He was immediately apprehended and taken to Shaykh Muḥammad 'Abd al-Qawī, who passed judgement and put the self-denounced killer to death according to the principle of a life in exchange of a life.¹²¹

The same anonymous informant from al-Gades stated that “al-Shu'aybī would take away the wealth of any farmer (*ra'wī*) who died, even if he had children. He would say that in his territory [land] possessed by an individual was not his property.”¹²²

All these recollections reflect on the status enjoyed by Shaykh Muḥammad and do not appear compatible with the observation of

¹¹⁹ Sālim Sulaymān Maklabānī, N.S. 9:23.

¹²⁰ Ḥayyim Mīshā Dwayd, /N.S. 7.

¹²¹ Anonymous, N.S. 67:240/7. The binding of trees in iron chains was a method used by Imām Yaḥyā to help forward the investigation of such crimes as the pillaging of a caravan of camels (Gamliel 1986: 25–26).

¹²² Anonymous, N.S. 67:240/7.



Photograph 6: Shu'aybī fortress-homes, Ḥiṣn Munif and Ḥiṣn al-Sabwa. Jabal Hishā' marks the horizon. 1998 (author)

Goitein and al-Wazīr that Mutawakkilite rule cut back the authority of *mashāyikh* and broke their privileges. To better understand the relative success of Muḥammad ‘Abd al-Qawī at holding the central government at arm’s length it is necessary to proceed with the story of administrative change in the region.

*

In Qaḍā’ Ibb following the Mutawakkilite takeover, Ismā‘īl Bā Salāma, the current *‘āmil*, continued at his post under the *amīr* of Liwā’ Dhamār, ‘Abd Allāh al-Wazīr. The relationship between Bā Salāma and his new superior was strained from the start,¹²³ a circumstance reflected in mutual complaints before Imām Yaḥyā. During a visit to Ṣan‘ā’ in September 1927, his first since taking part in the delegation pledging allegiance nine years earlier, Bā Salāma was accorded some autonomy from Liwā’ Dhamār and a unit of regular soldiers was placed under his direct command.¹²⁴ The time was just before the autumn harvest and Bā Salāma undertook to farm the *qaḍā’* dues and pass on to the imām’s stores ten thousand *qadaḥs* of grain and the pecuniary value of 100,000 *qadaḥs* of grain, bypassing ‘Abd Allāh al-Wazīr. However, when a group of local shaykhs came forth with a better proposal—al-Akwā‘ claims that they did so upon the suggestion of a bitter ‘Abd Allāh al-Wazīr—Imām Yaḥyā granted the tax-farming prerogative to these higher bidders. And when they failed to transfer the required amount Imām Yaḥyā dispatched his confidante Aḥmad b. Qāsim Ḥamīd al-Dīn (recall: “Sword of Women, Sword of Reeds”)¹²⁵ to extort the remaining sum from them.¹²⁶ Aḥmad b. Qāsim undertook tax collection also during the forthcoming year, as of October or November 1928.¹²⁷ The official severance of Qaḍā’ Ibb from ‘Abd Allāh al-Wazīr’s Liwā’ Dhamār was to occur the subsequent spring.

¹²³ al-Akwā‘ 1987: 380–382.

¹²⁴ This method of curtailment was similarly used by Imām Yaḥyā against ‘Alī ‘Abd Allāh al-Wazīr in Ta‘izz. In December 1926 (al-Wazīr 1987: 237 n. 3), he appointed Ḥusayn b. ‘Alī al-Ḥalālī as *‘āmil* of Qaḍā’ al-Ḥujariyya, and he too arrived with a personal unit of soldiers, which had not been the case up to that time (al-Wazīr 1987: 237–238).

¹²⁵ Dāwud Yehūda Frāyim Lewī, N.S. 31:27.

¹²⁶ al-Akwā‘ 1987: 422–428; 1996: 68.

¹²⁷ al-Wazīr 1987: 239 n. 1.

On May 5, 1929 Imām Yaḥyā's son, "Sayf al-Islām" al-Ḥasan (b. 1907)¹²⁸ arrived in Ibb to assume responsibility over the *qaḍā'*. The twenty-two year old prince remained in Ibb through June 1930,¹²⁹ and during this period the verdant Nāhiyat Ḥubaysh, southwest of Sumāra and the northernmost extent of Liwā' Ta'izz, was removed from that *liwā'* and adhered to Qaḍā' Ibb, thereby reducing also the sphere of influence of the Wazīr figure to the south, 'Alī 'Abd Allāh.¹³⁰ Qa'ṭaba in the east, Ibb in the center and Ḥubaysh in the west formed a physical buffer between the two Wazīr headquarters extending westwards from the border at Qa'ṭaba halfway to the Red Sea. Before departing Ibb Sayf al-Islām Ḥasan received a deputy (*nā'ib*): the veteran *amīr al-jaysh* Sayyid Yaḥyā Muḥammad 'Abbās, who had as of the Great War been perched overlooking the northern edge of Qaḍā' Ibb as '*āmīl* of Qaḍā' Qa'ṭaba and al-Nādīra. For the next decade, this *amīr al-jaysh* was to hold the combined position of *nā'ib* "Sayf al-Islām" al-Ḥasan in Qaḍā' Ibb and '*āmīl* of Qaḍā' Qa'ṭaba and Nādīra, governing from Ibb.¹³¹

Nominally at least, Ismā'īl Bā Salāma remained '*āmīl* of Qaḍā' Ibb¹³² and tension was ever present between himself and *amīr al-jaysh* Yaḥyā Muḥammad al-'Abbās;¹³³ he died on May 31, 1933, at age sixty-seven.¹³⁴ The process by which the house of Ḥamīd al-Dīn gained control of Qaḍā' Ibb began in 1927 with the preclusion of 'Abd Allāh al-Wazīr from Lower Yemen and the detaching of Ḥubaysh

¹²⁸ al-Akwā' 1996: 85.

¹²⁹ al-Wazīr 1987: 239.

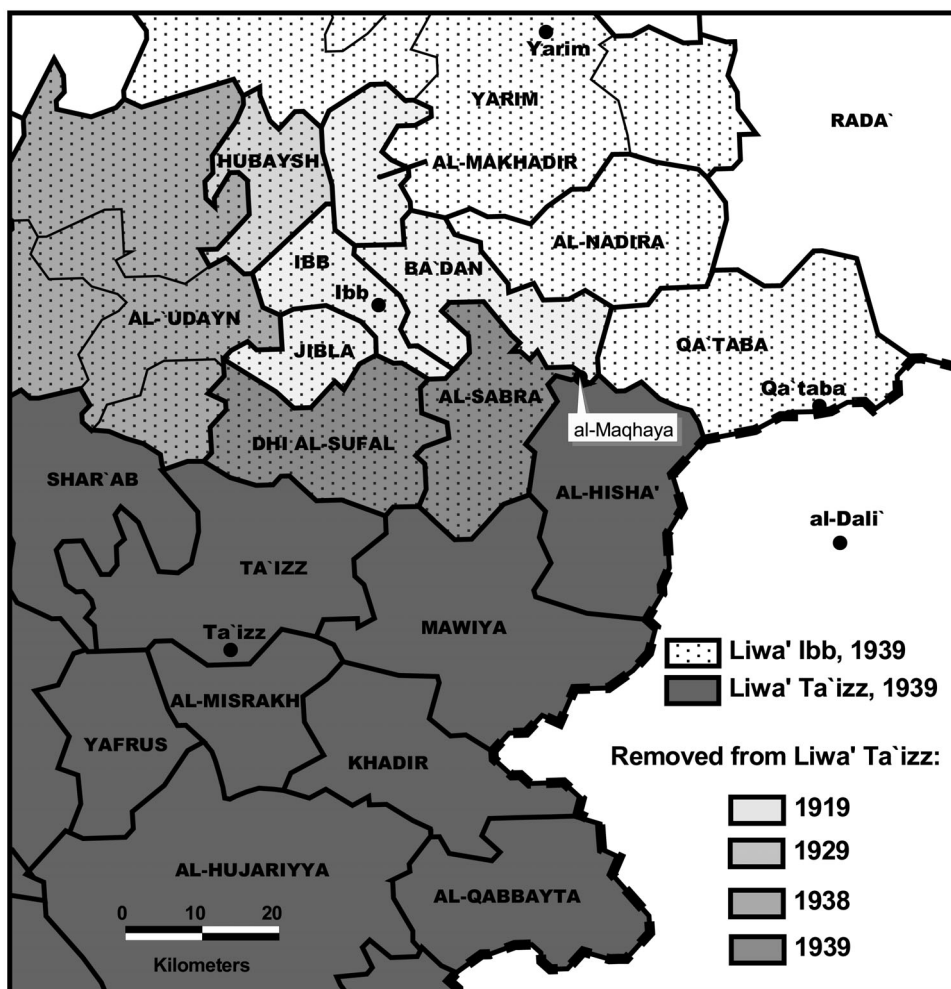
¹³⁰ al-Akwā' 1987: 340–342.

¹³¹ al-Akwā' 1996: 74.

¹³² al-Akwā' 1996: 79.

¹³³ Relations between the two governors were strained from their early beginnings. Al-Akwā' tells of constant friction between 'Abbās and Bā Salāma, with Imām Yaḥyā sending 'Abbās to conduct inquiries when *shakwās* were received (al-Akwā' 1987: 342). In 1338h (September 26, 1919–September 14, 1920), when Yaḥyā Muḥammad 'Abbās arrived in Ibb at the head of a contingent while on a mission on behalf of Imām Yaḥyā, Bā Salāma refused his troops entry to the town (al-Akwā' 1987: 340). Illustrating the situation during the latter years is the case of a personal bodyguard of Ismā'īl Bā Salāma, a native of a village near Ibb, shot dead one night near one of the Ibb gates. Bā Salāma wired Imām Yaḥyā, implicating Yaḥyā Muḥammad 'Abbās and his guards and Imām Yaḥyā sent a judge to arbitrate the case. Arriving in Ibb during August 1932 the judge did not substantiate Bā Salāma's accusation and ordained in November 1932 that thirty thousand *riyāls* in blood money should be paid jointly by the people of Ibb, Bā Salāma and 'Abbās and the treasury, to the heirs of the dead man (al-Akwā' 1996: 78–83).

¹³⁴ al-Akwā' 1996: 288.

Map 4: *Liwā's* of Lower Yemen, 1939

from ‘Alī ‘Abd Allāh al-Wazīr’s Liwā’ Ta‘izz. With Bā Salāma’s death the process was complete.

While Imām Yahyā cropped the Wazīr prerogatives in Lower Yemen by sending his son Ḥasan down to Ibb, ‘Alī ‘Abd Allāh al-Wazīr at Ta‘izz appointed his own son, ‘Abd Allāh b. ‘Alī—like al-Ḥasan born in 1907¹³⁵—to govern Dhī al-Sufāl. This was the *qaḍā’* immediately to the south of Qaḍā’ Ibb, comprising Nāḥiyat Dhī al-Sufāl and Nāḥiyat al-Sabra, of which Bilād al-Shu‘aybī was part.¹³⁶ And while the *amīr al-jaysh* oversaw Qaḍā’ Ibb on behalf of the imām’s son, the young son of *amīr* Liwā’ Ta‘izz had alongside him his own guide, according to a biographical entry by al-Wazīr. This was none other than Muḥammad ‘Abd al-Qawī al-Shu‘aybī:

Shaykh of al-Sabra, *qāḍā’* Dhī Sufāl. He was the lieutenant of “brother” ‘Abd Allāh b. ‘Alī and his friend. He possessed a magnificent character and [elicited] the true affection of “brother” ‘Abd Allāh b. ‘Alī al-Wazīr.¹³⁷

Friend and lieutenant, al-Wazīr describes Shaykh Muḥammad also as “Shaykh of al-Sabra.” Ḥayyim Mīshā and Yahyā Ḥayyim are clearer as to the position: ‘Abd Allāh b. ‘Alī made Shaykh Muḥammad *‘āmil* of Nāḥiyat al-Sabra. His job: the collection of all taxes (*wājībāt*) from the *nāḥiya*.¹³⁸ Muḥammad ‘Abd al-Qawī therefore was first in

¹³⁵ al-Wazīr 1987: 566.

¹³⁶ Political marriages followed. In 1930 ‘Abd Allāh ‘Alī al-Wazīr married the daughter of the regent, Sayf al-Islām Aḥmad, Imām Yahyā’s eldest living son. A year later the woman died (al-Wazīr 1987: 273). Then, in 1935 or 1936, ‘Abd Allāh b. ‘Alī became the son-in-law of Imām Yahyā himself (al-Wazīr 1987: 311). The Wazīrs for their part made their own inroads within their governorate by means of political marriages. ‘Abd Allāh b. ‘Alī had already married the daughter of a local figure, strengthening the local ties of the Wazīrs. Thus in 1923 or 1924 at age sixteen or seventeen he married the daughter of ‘Abd Allāh b. ‘Alī ‘Abd Allāh Bāsha of al-Udayn (al-Wazīr 1987: 213). And following the death of Aḥmad’s daughter he married the daughter of Shaykh ‘Abd Allāh ‘Uthmān, a figure from Maqbana, west of Shar‘ab, who too died a year later (al-Wazīr 1987: 274). His father the *amīr* had followed an identical mode of political marriages. Already in 1919 ‘Alī ‘Abd Allāh married the daughter of Muḥsin b. ‘Alī Bāsha of ‘Udayn and in 1924 or 1925 he married the daughter of the Bakīl Naqīb, ‘Abdūh Qāsim Abū Ra’s who was raised in the home of her uncle, Naqīb Ḥasan Qāsim Abū Ra’s at Hawrā (between Dhī al-Sufāl and al-Qā‘ida at the end of the southernmost spur of Ta‘kar). And later the same year he married the daughter of the imām’s sister (al-Wazīr 1987: 213). It may have been the case that during these years the furthering of Ḥamīd al-Dīn interests proceeded on a subtler track.

¹³⁷ al-Wazīr 1987: 592.

¹³⁸ Ḥayyim Mīshā Dwayd and Yahyā Ḥayyim Dwayd, N.S. 55:1.

authority in the *nāḥiya* and second in authority in the *qaḍāʾ*. That Muḥammad ʿAbd al-Qawī was able to forward his own position as *ʿuzla shaykh* because he was also the pinnacle of government authority in the *nāḥiya* and highly influential at the *qaḍāʾ* level makes a reasonable working hypothesis.

Yahyā Ḥayyim Dwayd for his part had no doubt that Shaykh Muḥammad's alliance with Bayt al-Wazīr allowed him to continue with the job of acquiring title to the territory, particularly its irrigated fields, upon which his ancestors had first embarked during the *qyyām al-fasād*. According to Yahyā Ḥayyim, Bayt al-ʿAwdī was one village the fertile lands of which Muḥammad's father had attempted unsuccessfully to acquire prior to the Mutawakkilite takeover. Yahyā reports hearing that the rich man of the village, Nājī Sallām al-ʿAwdī, had been imprisoned and tortured by Shaykh ʿAbd al-Qawī, who wanted his cache of ownership documents. But Nājī had anticipated the shaykh's step and had already moved his documents across the *ʿuzla* border to be safeguarded by Shaykh Aḥmad Ghālīb al-Tām of Bilād al-ʿAdhārib.¹³⁹ He refused to comply with ʿAbd al-Qawī's demand even though, it was reported, he was "fumigated" with hot peppers and hanged from his shoulders.¹⁴⁰ Years later, according to Yahyā Ḥayyim, Shaykh Muḥammad succeeded where his father had failed, using more refined tactics. The following is Yahyā's account of the event:

I know of [the specific case of] the Banī al-ʿAwdī who live in Bayt al-ʿAwdī village, Bilād al-Shuʿaybī al-Sufāl.¹⁴¹ . . . All the [village's] terraces, the irrigated and non-irrigated farmland, belonged to their grandfather, and the Banī al-ʿAwdī were their acknowledged owners (*thābitīn ʿalayhā*). During Sayyid ʿAlī b. ʿAbd Allah al-Wazīr's administration (*dawla*) in Taʿizz, he nominated his son ʿAbd Allah b. ʿAlī as *ʿāmil* over the two *nāḥiyas*: Nāḥiyat Dhī al-Sufāl and Nāḥiyat al-Sabra. And during his governorship al-Shuʿaybī went to the *ʿāmil* and dispatched soldiers upon the Banī al-ʿAwdī [to summon them to court, where he] charged them (*shāraʿahum*) with encroaching on the property of his grandfather, and demanded their vacation and a computation of [income due from past] harvests. The Banī al-ʿAwdī empowered as their representative (*wakkalū*) Sayyid Ḥusayn al-Sirājī who lived in the castle-

¹³⁹ This same pattern was used by Yahyā prior to his emigration in 1949. See Epilogue (Appendix A).

¹⁴⁰ Yahyā Ḥayyim Dwayd, N.S. 17:2.

¹⁴¹ There follows a minute description of the irrigated and unirrigated farmlands of the Banī al-ʿAwdī which surrounded their village.

home of al-Salqa' village, Bilād al-Shu'aybī al-'Ulyā, and handed over to their representative, the aforementioned Sayyid, all their purchase deeds (*baṣā'ir*) and [documents of] support (*manāfi'*) pertaining to the property. He and al-Shu'aybī presented their claim and counterclaim in the government courthouse (*hukūma*) of Dhī al-Sufāl, and the Sayyid representing the Banī al-'Awdī handed over all the evidence to the court (*maḥkama*). 'Abd Allah b. al-Wazīr accepted a bribe (*tarāshā*) from al-Shu'aybī, and told all [parties] to arrest their claims for a period of three months for each [side] to search for any documents of evidence he may still possess, so all claims would be complete.¹⁴² And because of the bribe he transferred the Banī al-'Awdī documents of evidence to al-Shu'aybī, so he could forge (*yu'āmil*) according to their [content] deeds [reflecting] the [prior] sale [of the property] to his [own] grandfather by those who had sold to the Banī al-'Awdī. [Al-Shu'aybī] dated them early so that the verdict of the judge (*jazm al-hākim*) should acknowledge the property as al-Shu'aybī's and say that the sellers who sold to al-'Awdī had sold something they did not own, the property already belonging to al-Shu'aybī before being bought by al-'Awdī. In the end this is precisely what happened and the irrigated land was ordained for al-Shu'aybī.¹⁴³

If Muḥammad 'Abd al-Qawī al-Shu'aybī was able to acquire additional holdings of land more elegantly than his predecessors, a source of profit more closely related to his position as *nāhiya 'āmil* were the government taxes which Shaykh Muḥammad was responsible for collecting. According to Ḥayyim Mīshā and Yahyā Ḥayyim, he collected from the farmers higher taxes than they owed according to the treasury register. If for example the farmer's dues according to the register were one *qadah*, al-Shu'aybī would demand three, but the sum paid would not be listed on the receipts (which must have made it difficult for a farmer to substantiate a complaint particularly before an unsympathetic authority). The farmers were caught in a hopeless circle. When they did complain before the Amīr 'Alī 'Abd Allāh in Ta'izz, he would refer them to his son, in Dhī al-Sufāl, who would in turn refer them back to al-Shu'aybī, his "lieutenant."¹⁴⁴ If these views were representative of local attitudes, the villagers believed that the Wazīrs and Muḥammad 'Abd al-Qawī

¹⁴² In a final document of adjudication relating to this case this break might or might not appear. The scribe might write only that claim and counterclaim were made, then continue with the presentation of evidence, not mentioning the intermission.

¹⁴³ Yahyā Ḥayyim Dwayd, /N.S. 25.

¹⁴⁴ Ḥayyim Mīshā Dwayd and Yahyā Ḥayyim Dwayd, N.S. 55:1.

were sharing the surplus being exacted from the villagers of Nāḥiyat al-Sabra.

The administration of Lower Yemen by Bayt al-Wazīr, with whom Shaykh Muḥammad ‘Abd al-Qawī had linked his fortunes, eventually came to an end; and ‘Alī ‘Abd Allāh al-Wazīr was relieved of his post as *amīr liwā’* of Ta‘izz before the end of the decade. In May 1938 he was cabled by the imām that Crown Prince Aḥmad (b. 1895)¹⁴⁵ would soon be arriving to inspect the *liwā’*. “Sayf al-Islām” Aḥmad extended his visit, and began to supervise work on a motor road over Jabal Ta‘kar, the massif separating Ibb from Ta‘izz. Seeking to delegitimize ‘Alī ‘Abd Allāh he encouraged the proliferation of *shakāwā* and made some arrests among the *mashāyikh* of the *liwā’*. He also requested money from the Ta‘izz treasury, and began remitting *liwā’ mashāyikh* who were currently not on the official government payroll, after demanding from ‘Alī ‘Abd Allāh the list of these individuals. When he began to receive court applications (*yuwājiḥ*)¹⁴⁶ Imām Yaḥyā advised his son, in response to a complaint wired by ‘Alī ‘Abd Allāh, that he was merely a visitor in Ta‘izz.¹⁴⁷ ‘Alī ‘Abd Allāh departed Ta‘izz in mid-January 1939 to attend the pilgrimage to Mecca (*hajj*),¹⁴⁸ which took place that year between January 29 and January 31. Upon his return to the port of Ḥudayda he traveled to Ṣan‘ā’ to visit the imām, who notified him that Aḥmad had assumed responsibility for Liwā’ Ta‘izz. ‘Alī ‘Abd Allāh al-Wazīr was instructed to direct his family to leave Liwā’ Ta‘izz and to relocate them in Ṣan‘ā’ and the family *hijra*.¹⁴⁹

Change was under way also in Ibb. While Aḥmad came to Ta‘izz in 1938, his brother Ḥasan returned to Qaḍā’ Ibb, which had for the past few years been managed by his deputy, Sayyid Yaḥyā Muḥammad ‘Abbās. Imām Yaḥyā accorded the territories under Ḥasan’s jurisdiction *liwā’* status, tantamount to a statement that his governorship was not to be subordinated to the governorship of Liwā’ Ta‘izz. Moreover, Ḥasan’s jurisdiction was further expanded at the expense of Liwā’ Ta‘izz. When Ḥasan first appeared in Ibb ten years

¹⁴⁵ al-Akwā’ 1996: 108.

¹⁴⁶ For an analysis of the *muwājaha* mode of judicial presence in Ibb see Messick (1993: 167–171).

¹⁴⁷ al-Wazīr 1987: 317–326.

¹⁴⁸ al-Wazīr 1987: 344.

¹⁴⁹ al-Wazīr 1987: 366.

earlier, Ḥubaysh had been removed from Liwā' Ta'izz and adhered to Qaḍā' Ibb. Now the verdant *qaḍā'* to the south of Ḥubaysh—'Udayn—was likewise removed from Liwā' Ta'izz and annexed to Ḥasan's newly appointed *liwā'*. These steps occurred prior to al-Wazīr's January 1939 departure on *ḥajj*, and it was 'Alī 'Abd Allāh who gave the administrative order for the transfer of 'Udayn. But soon afterwards, while 'Alī 'Abd Allāh was on his pilgrimage, Qaḍā' Dhī Sufal too—which comprised Nāḥiyat al-Sabra and Bilād al-Shu'aybī—was removed from Liwā' Ta'izz and annexed to Liwā' Ibb.¹⁵⁰ Sayf al-Islām Ḥasan was to govern Ibb for another ten years, during which time Ṣa'da-born Qāḍī Aḥmad b. Aḥmad al-Sayāghī acted as his deputy. After two decades of Wazīr administration, Lower Yemen in its entirety was now unequivocally in the hands of the Ḥamīd al-Dīn family.

The removal of the Wazīrs from Liwā' Ta'izz was in fact related to the removal of Shaykh Muḥammad from the governorship of Nāḥiyat al-Sabra; however, the two events did not occur in the order which might have been expected. Al-Wazīr writes that a complaint was lodged in Ṣan'ā' of supposed irregularities in the *nāḥiya* accounts of Muḥammad 'Abd al-Qawī. This complaint was extended and linked to the office of 'Abd Allāh b. 'Alī al-Wazīr, and it was this link which provided Imām Yaḥyā with a pretext to ordain a spate of *liwā'*-wide investigations which served to undermine the Wazīr administration in 1938.¹⁵¹ This information is complemented by the perspective of Yaḥyā Ḥayyim. Farmers in the *nāḥiya* complained of Shaykh Muḥammad's excesses to the *nāḥiya*'s comptroller (*muḥtasib*), Shaykh Muḥammad Rājīḥ al-Sumayrī of 'Uzlat Muṭāya, Nāḥiyat al-Sabra. In 1357*h* Crown Prince Aḥmad sent investigators (*kushshāf*) out from Ta'izz to Najd al-Jumā'ī, the *nāḥiya* center. As a result of their findings, Aḥmad removed Shaykh Muḥammad 'Abd al-Qawī from his position as *ʿamil* of al-Sabra, sending a certain Qāḍī Muḥammad al-Mujāhid to replace him. Aḥmad also fined Shaykh Muḥammad the sum of ten thousand *riyals* for helping out the Ta'izz-based Wazīr family, and for his participation in the wronging of the farmers.¹⁵² Taken together, the accounts of al-Wazīr and of Yaḥyā Ḥayyim

¹⁵⁰ al-Wazīr 1987: 328, 352.

¹⁵¹ al-Wazīr 1987: 329.

¹⁵² Ḥayyim Mīshā Dwayd and Yaḥyā Ḥayyim Dwayd, N.S. 55:1.

indicate that Shaykh Muḥammad's replacement took place after Aḥmad's arrival in Ta'izz, but before 'Alī 'Abd Allāh's departure on pilgrimage. And they provide further substantiation for the close association between Shaykh Muḥammad and the Wazīr administration.

A glimpse of Shaykh Muḥammad's new status is provided by his former patron himself, 'Abd Allāh 'Alī al-Wazīr. In an autobiographical piece, the former *āmīl* of Dhī al-Sufāl writes that he was in Ṣan'a' when he received his father's urgent telegraph to leave that same morning for the port of Ḥudayda and catch the boat to Jeddah. Following the pilgrimage he did not return to Yemen as had his father. Instead he remained in Saudi Arabia for a year as the guest of King Sa'ūd, before being ushered on to Egypt in March of 1940. Unfortunately the Italian currency he carried with him would not get him far in wartime Cairo. In Yemen however he had extensive assets: 25,000 *riyāls* stored away, twelve thousand *riyāl* deposited with an agent in Aden, twenty thousand *riyāls* loaned out to Ta'izz merchants—and thirty thousand *riyāls* safeguarded by Shaykh Muḥammad 'Abd al-Qawī, including some four thousand *qadaḥs* of stored grain. He wrote for his father to send him the cash; but 'Alī 'Abd Allāh, invoking his own financial responsibilities, replied that he had used it all, since Sayf al-Islām Aḥmad had confiscated the family's commercial assets in Ta'izz, and had pressured local commercial agents to deny that they possessed Wazīr cash. 'Abd Allāh then sent to Aden one of his two companions, but he managed to extract only four hundred Egyptian guineas from his agent.¹⁵³ Finally 'Abd Allāh b. 'Alī requested of the agent to go in secret to his former lieutenant, the trusted Shaykh Muḥammad 'Abd al-Qawī. The agent's reply as presented by 'Abd Allāh b. 'Alī is informative:

Most of the time the aforementioned [Shaykh Muḥammad 'Abd al-Qawī] is in Aḥmad's jail or restricted to Ta'izz and if Aḥmad would find out that I was in touch with him and that he has something belonging to you he would confiscate it. He imprisoned and threatened him over this issue after your departure on the pilgrimage, wanting him to acknowledge and hand over what he has of yours. But as you know him, even should Aḥmad pulverize him or cut him in pieces the man would not betray his trusteeship. We do not want you to contact him in case Aḥmad should find out, particularly as he is either

¹⁵³ al-Wazīr 1982: 472–474.

imprisoned and it would be unthinkable [to contact him], or in Ta'izz and surrounded by spies and numerous hypocrites and bearers of grudges.¹⁵⁴

It is clear from this report that Shaykh Muḥammad had fallen from favor and no longer was privy to the privileges he enjoyed under the Wazīrs.

V. Conclusion

Shaykh Muḥammad 'Abd al-Qawī al-Shu'aybī responded to the Mutawakkilite takeover by playing the system to his advantage: he succeeded in keeping the central authority at arm's length and in consolidating his position as *'uzla* shaykh by becoming part of that very authority. The 1938–39 administrative rearrangements therefore represented the culmination of a period during which authority over Bilād al-Shu'aybī al-Suflā at both *'uzla* as well as *nāḥiya* levels was vested in Shaykh Muḥammad and the beginning of an entirely new period for him in the limited capacity of *'uzla* shaykh. On the other hand there was the transformed circumstance whereby Bilād al-Shu'aybī was now part of Sayf al-Islām al-Ḥasan's new and expanded Liwā' Ibb and no longer under the administration of Liwā' Ta'izz—the province of Shaykh Muḥammad's harasser, Crown Prince Aḥmad. In the following chapters this watershed will serve as a point of reference to facilitate the central thematic inquiry of Chapters Three to Seven, namely, to examine how the shifting relationship between central government and *'uzla* shaykh expressed itself on the Dwayd-Shu'aybī relationship, with specific reference to the problem of village headmanship.

¹⁵⁴ al-Wazīr 1982: 475.

CHAPTER FOUR

THE SHAYKH AND THE ‘ĀQIL

I. *Introduction*

By virtue of his affiliation with the Wazīr administration and his post as ‘*āmil*’ of Nāḥiyat al-Sabra, Muḥammad ‘Abd al-Qawī was able to keep the central authority at arm’s length and to consolidate his position as shaykh within the boundaries of his own ‘*uzla*. In the ensuing two chapters I pursue this working hypothesis by considering the impact of Shaykh Muḥammad’s quasi-autonomy on the status of ‘*uzla*’ Jews in general and of the Dwayds in particular, prior to the administrative overhauls of 1938–39. The headmanship experience of Ḥayyim Mīshā figures as the primary (but not the only) vehicle for the task, and I explain in the following paragraph why this is so.

The biographer of Sayyid ‘Alī ‘Abd Allāh al-Wazīr was bent on affirming before the modern Yemeni reader that it was Amīr ‘Alī ‘Abd Allāh who granted the villagers in Liwā’ Ta‘izz authority to begin electing their headmen.¹ The source of the ‘*āqil*’s authority was a key issue also for Goitein, whose emphasis was on the community. He pointed out in his article on community life that in many locations headmen possessed an official government document in Arabic certifying their position: these, Goitein stressed, are not to be interpreted as certificates of appointment, but as mere acknowledgments of a community’s own acceptance of the candidate. On this much Goitein and al-Wazīr might agree; unlike al-Wazīr, however, Goitein leaves unanswered what he declared to be the essential question: who in the first place called upon the village representatives to gather and supply an ‘*āqil*.² In his study of al-Gades, Goitein again leaves the essential question unanswered, while continuing to convey the impression of the central role that was played by the community in the appointment:

¹ al-Wazīr 1987: 129.

² Goitein 1983b: 210.

The 'āqil was formally installed through a deed of appointment, signed by leading men of the big families, in which his duties—which changed from one headman's regime to the next—were defined. The signatories undertook to pay expenses incurred by him in the service of the community.³

Though he stopped short of defining the 'āqil's ultimate source of authority, and while he acknowledged that “formal elections were unknown in al-Gades,”⁴ Goitein remained convinced that an 'āqil's ascent to office reflected the community's changing needs. The positions of Goitein and al-Wazīr underline the potential value of a close appreciation of the circumstances of an 'āqil's installment in exposing the relative capacities of villagers, 'āqil, shaykh and government. Accordingly, Chapters Four and Five seek to appreciate both the climate and the specific circumstances surrounding Ḥayyim Mīshā's installment as headman.

“Where is this document?” Goitein added in the margins of Yūsuf Ma'ūḍa's narrative, his source for the passage quoted above.⁵ Happily, the Dwayd cache contains not one but two documents of installment pertaining to Ḥayyim Mīshā. As for the first:

In the name of Allāh

Dhimmi Ḥayyim Mīshā shall be 'āqil over the village of al-Maqhāya, Muslims and Jews [alike]; they are to appeal to him with regard to all aggravations which they might harbor or which might be harbored against them, in all [spheres of] action. This [acknowledgment] is in accordance with his selection by them. Dispatch [of soldiers] upon any who should violate [this] is unequivocal. [This transpired] on its date: the month of Shawwāl, [13]52 [= January 17–February 14, 1934].

[Signature: Shaykh] Muḥammad 'Abd al-Qawī al-Shu'aybi⁶

A fascinating aspect of this first document is the authority accorded Ḥayyim Mīshā over Muslims in addition to Jews. Among the conditions for peace presented by Imām Yaḥyā to the Ottomans in April 1906 one article explicitly stated that no Jew or Christian was to be given authority over Muslims.⁷ Though the list of conditions

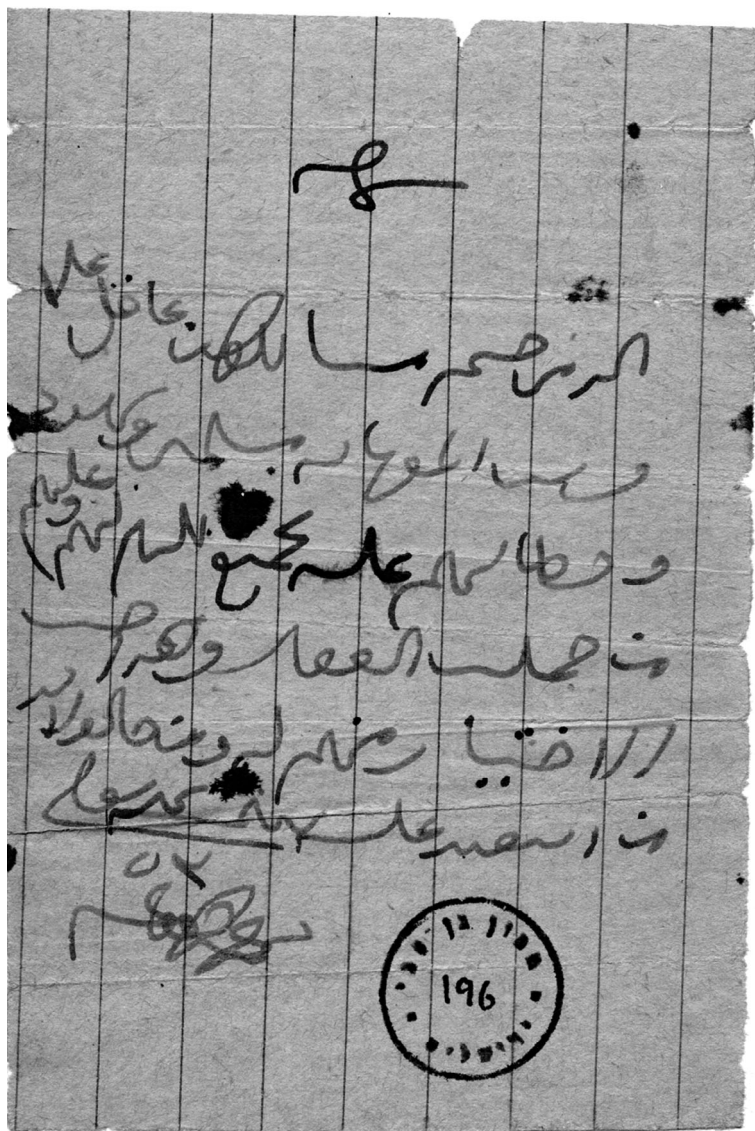
³ Goitein 1955: 18. The narrative on which Goitein based this paragraph is translated below, at the beginning of section II.

⁴ Goitein 1955: 18 n. 43.

⁵ Yūsuf Ma'ūḍa, N.S. 28:21 (translated below, at the beginning of section II).

⁶ B.Z.G. 196.

⁷ *lā yuwallā aḥad min ahl al-kitāb 'alā al-Muslimīn* (al-Wāsi' 1990–1991: 366). A



Facsimile 2: Ḥayyim Mīshā's first letter of appointment as headman
(B.Z.G. 196)

was turned down, such Jewish headmen nonetheless remained unusual. In 1911 the Palestine Office (*ha-misrad ha-Ereṣ Yisra'eli*) of the Zionist Executive (*ha-histadrūt ha-Šīyōnī*), located in Jaffa, sent an emissary to Yemen to identify such "elements" amongst the village Jews as might be suitable for agricultural work in Palestine.⁸ The emissary, Shmū'el Yavne'eli, published in 1952 an account of his expedition, together with a series of progress reports he had sent from Yemen to the head of the Office, Dr. Arthur Ruppín, in a book entitled *Massa' le-Teyman* (A Journey to Yemen).⁹ During the 1 1/2 months he spent travelling the length and breadth of Lower Yemen, Yavne'eli passed eight kilometers to the southeast as well as some fifteen kilometers to the northwest of al-Maqhāya; for two nights (February 7 and 8, 1911) he stayed in the village of al-Khiyāriyya, the village located eight kilometers to the southeast of al-Maqhāya.¹⁰ Two weeks later he wrote the following observations as part of a report to Dr. Ruppín:

Khiyārī—this is a village. The number of Jews there amount to approximately twenty households [lit.: houses]. Most are tailors (they sew clothes, which they embroider with red thread, for Arabs in the vicinity) and a minority are weavers. 2–3 women braid simple baskets. But in the frailness of their bodies and flimsiness of their muscles the Jews of Khiyārī are like the Jews of Ka'taba. Almost every Jew owns a cow or a donkey. The richest amongst them is very rich indeed. He owns many fields and silos filled with grain and has many funds loaned to Arabs (of course he dresses like the poorest of the poor by us—trousers are unheard of, underwear—"God spare us," and bedding—"not for us." All this is on account of the non-Jews (*goyyim*), so that they should not be jealous (so say the locals, but maybe also because of habit and absence of need). The fields, he purchases from the non-Jews and, naturally, tills them by means of non-Jewish laborers. His home, built of handsome stones, is three stories high—windowless of course—and it possesses an attic located on the roof above the three floors, to which one climbs through dark and narrow chambers. The attic is small, as a farmer's donkey's stall, and is built of stones with almost no mor-

major concern may have been that the Ottoman administration included non-Muslims.

⁸ Yavne'eli 1963: 73. The term "element" is regularly used in the Hebrew language correspondence between Yavne'eli and Ruppín. See for example Yavne'eli 1963: 94, 99, 101.

⁹ The manuscript of Yavne'eli's book, as well as other unpublished personal notes, letters and documents pertaining to his 1911 trip are located in the Central Zionist Archives in Jerusalem (File A 237).

¹⁰ Yavne'eli 1963: 90.

tar. In it is the divan of the lord [of the house]. This man had been, for one year, the appointed headman (*mūkhtar*) of the Jews as well as the non-Jews—something not done (*she-lo' ye'asse*) in the entire region. And indeed the non-Jews out of jealousy lobbied the government to divest him, and now he is headman for the Jews [only].¹¹

The brevity of the appointment over Muslims of this headman in al-Khiyāriyya and Yavne'eli's statement about the singularity of the situation accentuate the remarkableness of Ḥayyim Mīshā's case. Ḥayyim's installment is more anachronistic still: it happened not under the rule of the secularizing Ottomans, which ended some eight years following Yavne'eli's visit, but fifteen years into the rule in Lower Yemen of Imām Yaḥyā Ḥamīd al-Dīn's Islamic theocracy.

The 1934 document contrasts markedly not only with the norm but also with Ḥayyim's own second—undated—document of installment:

In the name of Allāh

‘Abd Allāh Sa‘īd, [I instruct you to] issue a memorandum to the Jews that *dhimmī* Ḥayyim shall be ‘*āqil* for the Jews. In the case of a soldier being sent forth upon the Jews, he [= Ḥayyim] shall maintain him. *Dhimmī* Ḥayyim shall pay his fee and the Jews will repay him his expenses and no [one may fail to comply¹²]. All the Jews shall immediately write a memorandum for him [= Ḥayyim] to forward [payment] on their behalf and when he undergoes expenses they will remunerate. Peace [unto you].

[Signature: Shaykh] Muḥsin ‘Abd al-Qawī al-Shu‘aybī

As for the fee of ‘Abd al-Jalīl: his fee shall be paid by all the Jews, two and a half *riyāl*s shall be divided amongst them. Peace [unto you].¹³

Here, all Muḥammad's brother Muḥsin ‘Abd al-Qawī accords Ḥayyim—through the shaykh's middleman—is the burden of catering to soldiers dispatched upon the village Jews and the right to expect reimbursement from his co-religionists. (“‘Abd al-Jalīl,” were he the ‘*askarī* carrying the note, would have been an early beneficiary of this order.) The circumstances explaining this added, deflated definition of Ḥayyim's status as headman are presented in Chapter Five, while those explaining the apparent anachronism of Ḥayyim's 1934 installment are considered in Chapter Four, to the body of which I now turn.

¹¹ Yavne'eli 1963: 87–88.

¹² Two words here are unclear.

¹³ B.Z.G. 144. See Chapter Five, Facsimile 8.

II. *The Path to Headmanship*

The headmanship of the wealthy man encountered by Yavne'eli in al-Khiyāriyya appears to have been an auxiliary function to his business activity as landowner, grainstorer and financier. The same may be said for the headmanship of Yūsuf Ma'ūḍa of al-Gades (whose perspectives on the Shu'aybīs have appeared in Chapter Three, section I), which too commenced prior to the Mutawakkilite takeover:

I started to store grain and make loans to people. For there were *mashāyikh*, like the Banī Rājil and the Shamālāneh, who came and gathered the produce of their property. For example he would bring one hundred *qadaḥs* [to store] and would say:

"[Leave in the silos] forty or fifty [*qadaḥs*] for the needs of the [= my] household; you can lend out the rest as you see fit."

I would lend out at the end of the year when the rate was high, and [the debtors] paid the debt in the harvest month. [Both] the *mashāyikh* and the people would say: "The Jew is trustworthy" (*al-Yahūdī amīn*). Luck was favorable.

Then the heads of the village [families] (*'uqqāl al-qarya*) came to our house. The Jews said:

"We wish to appoint you as *'āqil* with regard to *jizya* and any [other] demand made on the community."

"I cannot," I said to them, "I am occupied with the silos."

"[The expense will] not be upon you. If you need [help collecting payments from the villagers] we will assist you."

The notables (*a'yān*) went to Morī Musallam al-'Uzayrī...¹⁴ and produced a document of selection (*ikhṭiyār*) in the script of Morī Musallam al-'Uzayrī that I be the headman (*'āqil*) [responsible] for *jizya* and for any demand on the part of the government (*ṭalab dawla*), and for collecting the produce of the endowment [fields] (*al-ghilla haqq al-qōdesh*) and for renovating the synagogue and for water etc. And that they shall pay [me] whatever I expend on behalf of the community. They all signed. This was during the government of the Turks.¹⁵

But the examples from al-Khiyāriyya and al-Gades are part of a wider picture. Carmella Abdar's work interviewing former residents of the exclusively (pre-1949 of course) Jewish village of Ṣurm al-'Awd, to the northeast of al-Maḡhāya, has brought to light the role of grainstorers from that village in managing the grain of the sur-

¹⁴ Here Yūsuf Ma'ūḍa lists the heads of the six families involved.

¹⁵ Yūsuf Ma'ūḍa, N.S. 28:21.

rounding Muslim population.¹⁶ North of Ṣurm al-ʿAwd and some twenty kilometers to the north of al-Maqhāya, in Jihzān, the Jewish suburb of al-Nādīra, a number of Jews were involved in the grain-storage business.¹⁷ A document of 1905 exposes another grainstorer-headman, storing grain on behalf of the Ottoman government in Damt, twenty kilometers to the east of al-Nādīra, on the route between Yarīm and Qaʿṭaba which continues south to Aden.¹⁸ And immediately to the north of al-Maqhāya, in the neighboring village of al-ʿAdhārib, there was yet another commercial grainstorer.¹⁹ Thus, though grainstorage is not among those crafts traditionally associated with the Jews of Yemen,²⁰ the Dwayds were members of a small class of well-to-do Jewish grainstorers dotting the rural landscape and providing a service of crucial importance (as Appendix B further elaborates).

For Ḥayyim Mīshā, as for some of his colleagues, grainstorage predated headmanship; but to recognize how and when Ḥayyim Mīshā began to store grain on behalf of the Shuʿaybīs, another venture is required into the entwined family histories of the Dwayds and the Maddārs. We have seen how the Dwayd household provided initial support for Musallam Maḥfūḍ al-Maddār, who had married Ḥayyim Mīshā's sister Kādhiya and moved to al-Maqhāya in the mid-1890s to live with his in-laws. Musallam progressed from peddling, to the Aden trade of skins for thread, to grainstorage. I suggested that Ḥayyim Mīshā, as Musallam's partner, profited from his brother-in-law's initiatives; and Ḥayyim's real-estate purchases of the 1920s in Bilād al-Shuʿaybī al-ʿUlyā in fact reveal a favorable financial status. Now Musallam Maḥfūḍ al-Maddār was still alive in the spring of 1924: this much can be derived from an acknowledgment of debt made out to his name at that time.²¹ But when Musallam Maḥfūḍ died, his son Yūsuf Musallam inherited his wealth,²² as well (if he had not yet done so) as the responsibility over the grain silos:²³

¹⁶ Abdar 1994.

¹⁷ Bnī Shalōm 1985: 49, in Abdar 1994: 136.

¹⁸ Gamli'eli 1995: 508–511.

¹⁹ See Narrative "a" in Chapter Nine, section II.

²⁰ For example, in the *Crafts and Agriculture* section of Goitein's article on al-Gades, the grainstorer is not mentioned.

²¹ B.Z.G. 226, from Shaʿbān 1342*h* (March 8–April 5, 1924).

²² Ḥayyim Mīshā Dwayd, N.S. 24:29.

²³ Yūsuf Musallam was probably involved in storage activity prior to the death

[Yūsuf] stored his [own] grain, that of Shaykh Muḥammad ʿAbd al-Qawī and his associates (*wa-shurukih*) of the Banī al-Shuʿaybī, and that of the farmers. He stored in “Ḥasan Burayh’s silo,” which is the large silo located in the home of Ḥasan Burayh, and [also in] the two silos located in the way station (*samsara*), below the village of al-Maqhāya on the east side, near [the terrace named] “Shāqat Mlāh.”²⁴

The point at which Yūsuf Musallam Maddār began to store grain on behalf of the Shuʿaybīs is unclear. Not so the end of his grain-storage activity, which as shall now be seen, defined also the beginning of Ḥayyim Mīshā’s own duties as Shaykh Muḥammad’s grainstorer.

The terminus appears traceable to a wedding night in al-ʿAdhārib. A testimonial (B.Z.G. 328) and a copy of that testimonial (B.Z.F. 361.14) reveal the widespread belief in al-Maqhāya that Yūsuf Musallam Maḥfūḍ al-Maddār had been poisoned by his paternal cousins, residents of al-ʿAdhārib. The following is a translation of the copy:

In the name of Allāh, the Compassionate, the Merciful
This is a copy (*ṣūrat*) of the testimonial (*mashhad*) in the script of ʿAbd Allāh Saʿīd al-Qaḥṭānī, in which he stated that [the following individuals] appeared before him:

dhimmī Sālim Sulaymān; and *dhimmī* Sālim Yaʿqūb; and
dhimmī Ḥasan Mūsā; and *dhimmī* Dwādī al-Khammār; *dhimmī*
Mīshā al-Ṭāba; and *dhimmī* Sulaymān al-Ṭāba.

All the named *dhimmīs* are from the village of al-Maqhāya, Bilād al-Shuʿaybī. They testified in the name of Allāh—who has no associate—that they and *dhimmī* Yūsuf Musallam Maḥfūḍ walked up to al-ʿAdhārib; to the house of *dhimmī* Ḥasan Yūsuf Maḥfūḍ and slept [there] the first night following their ascent. [This occurred during] the month of Rabīʿ al-Thānī, in the year [13]50.²⁵ [That first night] the sons of Maḥfūḍ gave *dhimmī* Yūsuf and the marriage company (*shawāʿa*) liquor from a single vessel; but on the second night they gave *dhimmī* Yūsuf Musallam liquor in a vessel unto himself. And [they further testified] that *dhimmī* Dwādī

of his father, possibly also on behalf of the Shuʿaybīs; on the other hand the 1924 deed of debt (B.Z.G. 226) indicates that at least until that year Musallam Maḥfūḍ too remained active, if not on behalf of the Shuʿaybīs then at least on his own behalf.

²⁴ Ḥayyim Mīshā Dwayd, N.S. 24:30. That Yūsuf Musallam stored grain in three silos was related to me also by the youngest of his three sons, Shaʿūl Yūsuf Musallam Maddār (recorded interview, April 4, 1997).

²⁵ August 16–September 13, 1931.

Yūsuf Maḥfūd stood in front of *dhimmī* Yūsuf and refused to give anyone a thing from the glass; rather, *dhimmī* Yūsuf Musallam alone drank it. Then [they testified] that *dhimmī* Yūsuf Musallam came down ill from that moment, and he was ill when he went back home. And all who came to his house recognized that he had been poisoned. This is what the aforementioned testified before ‘Abd Allāh Sa‘īd. Present during the testimony of the aforementioned [were]: Muḥammad b. Muḥammad ‘Āmir; and Aḥmad Muḥammad al-‘Abbādī; and Nājī Sa‘īd ‘Abd al-Karīm. The contents were transferred and written on its date, Rabī‘ al-Thānī, year 1351.²⁶

Written by ‘Abd Allāh Ismā‘īl [al-Jalāl].

This is [verily] what the aforementioned testified before us; and it was [originally] written on the [following] date: the month of Rabī‘ al-Awwal, year 1351.²⁷

‘Abd Allāh Sa‘īd al-Qaḥṭānī.²⁸

“This is what the aforementioned testified . . .,” agree ‘Abd Allāh Ismā‘īl al-Jalāl and ‘Abd Allāh Sa‘īd al-Qaḥṭānī, who countersigned each other’s productions.²⁹ But we must exercise caution, to judge by the original document drawn up during the previous month by al-Qaḥṭānī (B.Z.G. 328). Testimonials, prepared in anticipation of imagined legal proceedings, are not necessarily accurate reproductions of the words of the persons delivering testimony. They are, in addition, what the document writer chose to make of that testimony, or, possibly, what he had been commissioned to write. Al-Jalāl of al-‘Adhārib was a document expert, a *qāḍī* state-authorized to write up land deeds and marriage contracts;³⁰ and al-Qaḥṭānī was the Shu‘aybīs’ constable in al-Maqhāya. The copy produced by ‘Abd Allāh Ismā‘īl al-Jalāl is in fact a grammatically refined *version* of ‘Abd Allāh Sa‘īd al-Qaḥṭānī’s quasi-vernacular original, and inserts a number of important details. First, al-Jalāl adds that the *dhimmīs* providing testimony were all from al-Maqhāya. Second, the date of the events being related—August or September of 1931, a year before the testimonials were being drawn up—does not appear in al-Qaḥṭānī’s original. Third, while the original document talks of the “sons of

²⁶ August 4–September 1, 1932.

²⁷ July 5–August 3, 1932.

²⁸ B.Z.F. 361.14.

²⁹ A clause written by ‘Abd Allāh Ismā‘īl appears on the *verso* of B.Z.G. 328, authenticating that this document is the “original” testimonial.

³⁰ B.Z.F. 361.15 *verso*, narrated addition transcribed by Yūsuf Sayyānī.

Maḥfūḍ” in general terms, al-Jalāl’s version adds both the fact that the events happened in the home of Ḥasan Yūsuf Maḥfūḍ and includes the proper name of his brother. On the other hand there are points omitted by al-Jalāl. Much of the detail and drama present in the cruder original is removed. For example, al-Qaḥṭānī’s original specifies the size of the glass and adds that some of Yūsuf Musallam’s companions actually requested a drink such as that which he was holding but the hosts insisted that this was a special liquor reserved for *dhimmī* Yūsuf. And, in al-Qaḥṭānī’s version the diplomatic term *ḥayy* (“living”) is prefixed to Yūsuf Musallam’s name, disclosing a fact unclear in al-Jalāl’s “copy”: Yūsuf Musallam Maḥfūḍ was now dead.

The dynamics of preparation gathered speed as the implied accusation of Ḥasan Yūsuf Maḥfūḍ made by the co-religionist companions of the deceased soon gained the support of a much more powerful, though still insinuated, accusation. More powerful, because it was supposedly voiced by Yūsuf Musallam himself and because his supposed words were being reported by three Muslim acquaintances and in the presence of the local shaykh of the al-ʿAdhārib area,³¹ ʿAbd al-Qādir al-Tām. Still insinuated, because Yūsuf Musallam directly accuses only a bottle. Again, it was ʿAbd Allāh Ismaʿīl al-Jalāl, the al-ʿAdhārib *qāḍī*, who authored the testimonial:

In the name of Allāh, the Compassionate, the Merciful Aḥmad Muḥammad Wāṣil of Ubāla village, Bilād al-ʿAdhārib, appeared before me and testified in the name of Allāh—who has no associate—that he arrived in al-Maqhāya village, Bilād al-Shuʿaybī, at the house of *dhimmī* Yūsuf Musallam Maḥfūḍ when he was ill. He asked him: “How [are you/did this happen], Yūsuf Musallam?”³² He replied: “I have been ill from the moment I returned from al-ʿAdhārib, and my assailant is none other than the black vessel”—in which they gave him the liquor [at the] home of *dhimmī* Ḥasan Yūsuf Maḥfūḍ. Similarly testified in the name of Allāh Aḥmad Šālīḥ al-Mishriqī of Jaḥfal village; and similarly testified in the name of Allāh ʿAbd Allāh Muḥammad Qurayʿ of Ḥamak village. The utterance of the aforementioned took place in the presence of Shaykh ʿAbd al-Qādir al-Tām and Šālīḥ Muḥammad al-Mālikī. [This document] was written on its date: Jumāda Awwal, year 1351.³³

³¹ B.Z.F. 361.15 *verso*, narrated addition transcribed by Yūsuf Sayyānī.

³² “. . . *kayf yā Yūsuf Musallam . . .*”

³³ September 2–October 1, 1932.

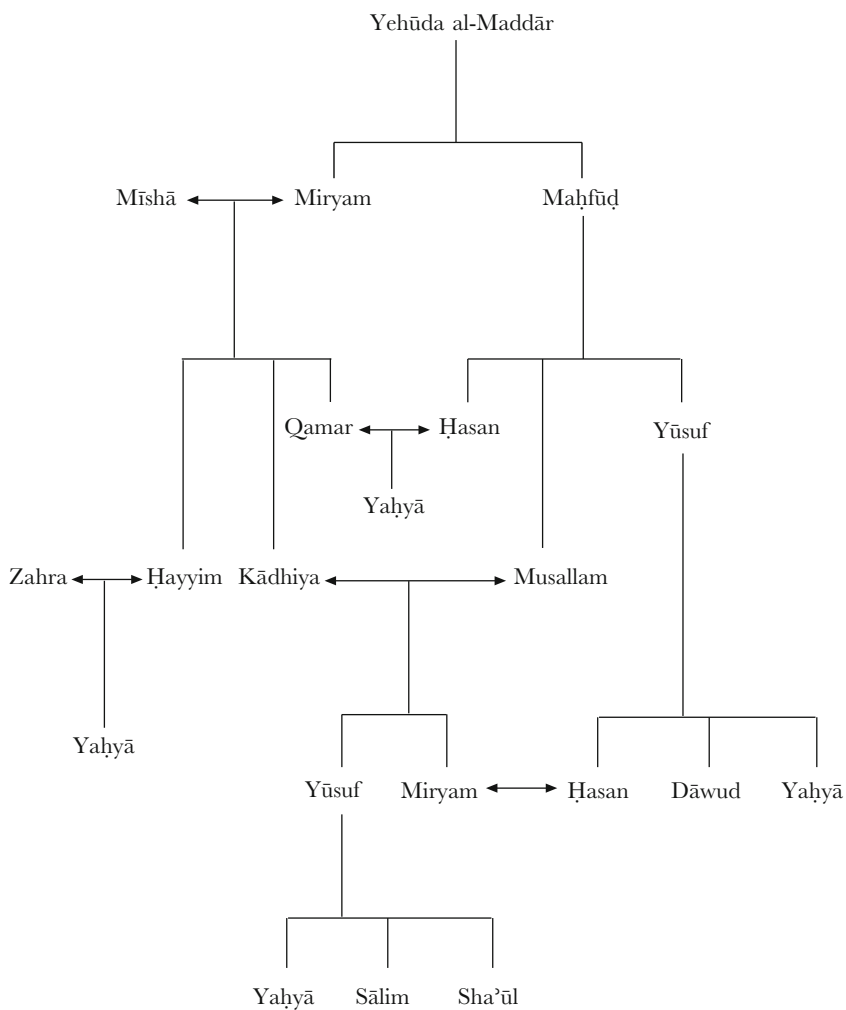


Figure 5: Actors at al-ʿAdhārib

Written by ʿAbd Allāh [I]smaʿīl [al-Jalāl].

The utterance of the aforementioned witnesses took place in our presence on the announced date. The “lowly [before God]” ʿAbd al-Qādir al-Tām.³⁴

It is possible to pinpoint the date of Yūsuf Musallam’s death, thanks to a portion of narrative related by Ḥayyim Mīshā Dwayd, where he mentions that he too was among those accompanying Yūsuf Musallam. The wedding week was the week commencing with *Shabbat Naḥamū*, which is the first Sabbath after the ninth of Ab: July 25, 1931. The party from al-Maqhāya joined the festivities late that Sunday afternoon—July 26. The alleged poisoning occurred on Tuesday night—July 28. And Yūsuf Musallam died after sundown on *Simḥat Tōra*—the Rejoicing of the Tora—or, on the night of October 4, 1931.³⁵

What event was being prepared for and by whom late in the summer of 1932 when the testimonials were drawn up? And why was this occurring a year following the alleged poisoning rather than immediately after the alleged event or the death? Why was it necessary to produce an abridged “copy” of an existing document, specifying Ḥasan Yūsuf and his brother? Further, that these documents belong to the Dwayd cache is evident from an addition in Yahyā Ḥayyim’s own hand on the *verso* of the second testimonial, B.Z.F. 361.15: “This testimonial implicates (*mutaḍammīn ʿalā*) *dhimmī* Ḥasan Yūsuf Maḥfūd and his brother *dhimmī* Dāwud Yūsuf . . .”; but why are these documents to be found in the Dwayd cache in the first place? And if Ḥayyim Mīshā was part of the marriage company as he claimed why was he not among the testifying villagers of al-Maqhāya? A precise awareness of the circumstances surrounding the preparation of such documents would be as valuable as the story they were created to tell, but has eluded me. Nonetheless, a partially satisfying answer may be reached by observing existing lines of conflict within the family, providing some sense at least of the atmosphere in which the testimonials were chartered.

Dwayd narrative reveals some of the family-centered background not mentioned in the testimonials. The narrator of the following

³⁴ B.Z.F. 361.15.

³⁵ Ḥayyim Mīshā Dwayd, N.S. 24:32–33.

selection was Ḥayyim Mīshā:³⁶ not an impartial observer, considering that he had been Yūsuf Musallam's uncle, his first cousin once removed, and his partner in the al-Maḡhāya grainstorage enterprise.³⁷ Yet there was more. Musallam Maḥfūd was long embittered against his brothers in al-ʿAdhārib, and had instructed Yūsuf that he should not marry his daughter off, when she would come of age, to one of their sons. "[Other] Jews are not lacking," Musallam had said, specifying her first (and second) cognatic cousin from al-Maḡhāya—Ḥayyim Mīshā's son, Yaḥyā. Mīryam came of age; and was indeed approached by one of her al-ʿAdhārib cousins, Ḥasan Yūsuf Maḥfūd, as Musallam Maḥfūd had feared. Adhering to his father's will, Yūsuf Musallam stringently opposed the match; but Mīryam's mother, Ḥayyim Mīshā's sister Kādhiya, encouraged her to marry "whomsoever she wanted." It was at the wedding festivities in al-ʿAdhārib that Yūsuf Musallam fell ill. Amidst implied charges of poisoning,³⁸ the various family branches descended on the sizeable estate that Yūsuf Musallam had taken over from his father following his death sometime within the previous seven years³⁹ an estate which now seemed about to be left unattended, as Yūsuf Musallam's own boys, Yaḥyā, Sālim and Shaʿūl, were of tender age—nine, seven and three years old, respectively:

After he expired, his uncle, Ḥasan Maḥfūd, rose and brought forth a document (*waraqā*) [stating] that his brother, Musallam Maḥfūd, confirmed (*sādaqā*) that a third of his property [shall belong] to him.⁴⁰

*

[Ḥasan Maḥfūd] had forged [this] document [prior to Yūsuf Musallam's death] at the hands of (*ʿinda*) the legal expert (*faqīh*) Nājī Muḥsin ʿAlī al-Shabbābī of al-ʿAdhārib town, making it legally effective (*naffadhahā*) before any *ḥākim*.⁴¹ Now Yūsuf Musallam had known that his uncle

³⁶ The information in the following paragraph is from N.S. 24:32 (Ḥayyim Mīshā), unless otherwise indicated.

³⁷ Ḥayyim Mīshā Dwayd, N.S. 24:36.

³⁸ Expressed in B.Z.G. 328, B.Z.F. 361.15, B.Z.F. 361.14—see above.

³⁹ As mentioned, B.Z.G. 226 establishes that Musallam Maḥfūd was still alive in the spring of 1924.

⁴⁰ What follows is the story of this document, which I have framed between asterisks for the sake of clarity.

⁴¹ Ḥayyim may here be stating that the actual words "*ʿinda kull ḥākim*" introduced the document; or that the document was substantiated by a second document expert enhancing its acceptability.

had forged a document concerning one third [of his father's estate]; and he had gone to the *faqīh*.

"God help [me] with you," he told him. "How could you forge a document against me even as I am your friend?"

"Now [this is what we shall do," al-Shabbābī said.] "You produce some grain; and I shall suspend it for you."

"Fine," [Yūsuf Musallam] replied.

He gave him two *qadaḥs* of grain and [al-Shabbābī] wrote a document (*warāqa*) [which he gave] to Yūsuf Musallam [and which read]:

We produced a document (*marqūm*) committing Musallam Maḥfūd to a third [of his estate]; we went and asked Musallam Maḥfūd about what I was told to write committing him, and he did not assent to what they had said. The document (*taḥrīr*) which has already been written and given to Ḥasan Maḥfūd is my mistake and I fear [the prospect of] a dispute. [So] I wrote this [and gave it] to his son, so that no action will be taken based on what is in the document which has been written but [which is an] error.

[So:] Yūsuf Musallam saw [*sharraf* (!)] that [forged] document; they came and pestered Yūsuf Musallam, and went to litigate in Ibb before ʿBā Salāma;⁴² [Yūsuf Musallam] produced this document and then died.

*

A month later, Ḥasan Yūsuf—the husband of [Musallam Maḥfūd's] daughter—settled in al-Maqhāya; and they [all] went to the shaykh [= Muḥammad ʿAbd al-Qawī] to demand their share of [Musallam Maḥfūd's] estate.⁴³ This one [= Ḥasan Maḥfūd] was claiming the [aforementioned] third out of Musallam's estate and Ḥasan Yūsuf was claiming the portion of his wife Miryam—[also] a third.⁴⁴ Ḥasan Maḥfūd displayed the document referring to the third confirmed for him by his brother, desiring [a retroactive] assessment of the estate (*ḥaṣr al-tarika*). My sister [Kādhiya, Musallam's widow]—I was with her—responded that we do not recognize [their right to] a thing. The shaykh defined a day on which both individuals would display the supportive [documents] (*manāfiʿ*) that he [and she] possessed. We went to the shaykh on the appointed day, taking the document with us. It was [the afternoon] *qāt* chewing time (*waqt al-qīla*). We went in to our meeting.

"What supportive [documents] (*afʿāʿid*) do you have with you?"

the shaykh asked Ḥasan Maḥfūd. "Display them!"

⁴² This is a stage predicating Yūsuf Musallam's preparation of his counter-document which Ḥayyim did not previously mention. Perhaps he knew little of what actually happened in Ibb.

⁴³ Which, presumably, had remained undivided, and in Yūsuf Musallam's possession.

⁴⁴ Hence, according to the *sharʿī* dictum whereby males receive twice the share of females, Yūsuf and Miryam were Musallam's only children.

He displayed the forged document, handing [it] to the shaykh. The shaykh read it out loud, for the persons chewing with him to hear; and as he was reading it, Ḥasan Maḥfūd in his glee drew ever nearer so that by the time the shaykh had finished reading he was directly in front of him. Then the shaykh turned to my sister and myself.

“What do you have to counter this document?” he asked.

“We have this,” we replied. “See what it contains.”

He took it and read it aloud for them to hear. And as he was reading it Ḥasan Maḥfūd heard that it contained a suspension (*taʿīl*) of [the document] he possessed; and he withdrew backwards till he returned to his [original] spot.

“You Jews are mad!” retorted the shaykh. “Nājī Muḥsin has no money. He would produce a document for whosoever should go to him and give him anything whatsoever. Nay: each [of you] shall satisfy himself with the property of his [own] parents (*aḥl*).”

[Ḥasan Maḥfūd thereupon] renounced his entitlement [claim] by means of a [written] annulment of [the document] he prepared.⁴⁵

These were tragic moments for Maddārs as well as Dwayds. Ḥasan Maḥfūd’s daughter was later to die; and his wife, Qamar, Ḥayyim’s sister, attributed the death to his oppressing of orphans.⁴⁶ But it is difficult to imagine harder punishment than that endured by Ḥayyim’s other sister, Musallam Maḥfūd’s widow, Kādhīya. She had wanted her daughter’s well-being. Instead, her only son had died; but not before audibly accusing her of having had a hand in his poisoning.⁴⁷ Her own brother, Ḥayyim, regarded her as having behaved immorally by contravening the will of her deceased husband, even as he assisted her in blocking Ḥasan Maḥfūd’s bid for “the third.”⁴⁸ Her household was being marked for dismemberment by her husband’s brother—her sister’s husband—and also by her daughter’s husband. But she was a strong willed woman as she proved when she prevailed over her son Yūsuf on the issue of Miryam’s marriage; and there were three orphans to provide for.⁴⁹ She was to engage tutors so that all would become literate in both Arabic and Hebrew,⁵⁰ an expenditure

⁴⁵ Ḥayyim Mīshā Dwayd, N.S. 24:33, 35.

⁴⁶ Ḥayyim Mīshā Dwayd, N.S. 24:35.

⁴⁷ Ḥayyim Mīshā Dwayd, N.S. 24:33.

⁴⁸ Ḥayyim Mīshā’s (N.S. 24:32) use of the term *prīṣat gader*, a term denoting a breaching of the ethical fence protecting Jewish society, is revealing of his mindset. For while a woman might be expected to respect her husband, allowing a daughter freedom of choice in marriage is a stringent rule in Jewish law.

⁴⁹ That this was a time when Jewish orphans were being sought out for conversion to Islām may have added to her anguish.

⁵⁰ Ḥayyim Mīshā Dwayd, N.S. 24:36.

which would have been the more difficult had Muḥammad ʿAbd al-Qawī al-Shuʿaybī decided to recognize al-Shabbābī's document.

Ḥayyim explained that mercantile and grainstorage partnerships were to have been further bonded with a renewal of the blood ties between the Dwayds and Maddārs of al-Maḡhāya. As seen, this particular design failed and the cleavages between al-Maḡhāya and al-ʿAdhārib became increasingly bitter. It is easy to imagine the personal feelings of the Dwayd father and son towards the groom; and the atmosphere in which the testimonials translated above were chartered may be the more fully appreciated. But also more specific answers for the questions left open by the testimonials can now be suggested. That neither the Dwayd cache nor the narratives contain a record of proceedings where such testimonials might have been used raises the possibility that the documents were not prepared for a specific event: perhaps they were commissioned to forestall an essentially unrelated occurrence. From Ḥasan Yūsuf's claim of his wife's portion in the estate of Musallam Maḥfūd it is clear that the estate had not been apportioned officially, and that Yūsuf Musallam had taken it over from his father in its entirety. Shaykh Muḥammad's ruling brushed aside the claim of Ḥasan Maḥfūd, but left open the question of how the division of Maḥfūd's property should now occur ("... each [of you] shall satisfy himself with the property of his [own] parents"). Under Jewish law, where females do not inherit in the presence of a male, Musallam's estate would revert in its entirety to Yūsuf Musallam, whose three orphan sons would now receive their respective portion. In other words, nothing further needed to be done with Musallam's estate. Under Islamic law which grants a female heir one-half of the share of a male, however, Miryam would be due one-third of Musallam's estate, and the three orphans would have to share two-thirds only of what they would have received under Jewish law. It is conceivable, therefore, that the testimonials were designed as a standing threat to Miryam's husband to refrain from further demanding his wife's portion in the estate according to Islamic law before the *ḥākim* of al-Sabra (recall the retroactive apportionment of Zayd Aḥmad Saʿīd ʿĀmir).

Such a circumstance may explain why the testimonials were not commissioned immediately following the alleged poisoning or the death: it was not the alleged event itself that was being addressed. It may explain why an abridged copy adding the name of Ḥasan Yūsuf was necessary. It does explain why the testimonials are to be

found in the Dwayd cache: it was Ḥayyim Mīshā, who was taking care of the affairs of his sister Kādhiya, who was to raise the orphans. The reason that Ḥayyim's own name does not appear in the testimonial is also understandable: he was a fully involved party to the conflict with the Maddārs of al-ʿAdhārib and with his inclusion the document would have lost some of its persuasive appeal. Finally, the copy of the document, sanctioned by Shaykh al-Tām of Bilād al-ʿAdhārib, Nāḥiyat Baʿdān, would have increased the credibility of the threat by engaging functionaries from within the administration of Qaḍāʾ Ibb, where the alleged event took place—the jurisdiction of *amīr al-jaysh* Yaḥyā b. Muḥammad ʿAbbās.

Ḥayyim Mīshā viewed Yūsuf Musallam's death as more than a family affair. He accords a share of the blame to the more steadfast of the Shuʿaybī brothers from Bilād al-Shuʿaybī al-ʿUlyā, Shaykh Muḥsin b. Yaḥyā of Dār al-Qubba. Ḥayyim's account involves a martial figure named al-Ḥāshidī of al-Nmaṣ village (with whom Ḥayyim's sharecropper sought protection from Shaykh Muḥsin's brother Qāsim—see above). Ḥayyim recounts that the shaykh and al-Ḥāshidī

were engaged in a dispute over property. The *ʿaskarī* had “descended” [from Upper Yemen], purchased property from the Banī ʿĀmir and resided in al-Nmaṣ village which belonged to the Banī ʿĀmir. The *ʿaskarī* became friends with Yūsuf Musallam, and would take from Yūsuf Musallam cash as the need arose.

Muḥsin b. Yaḥyā reacted and said: “It is Yūsuf Musallam the Jew who is providing support for al-Ḥāshidī, and were it not [for him] I would already have destroyed [al-Ḥāshidī] in court. It is absolutely necessary to kill this Jew.”

The cousins [of Yūsuf Musallam] heard [this] and they and the shaykh arranged that he provide them with poison and that they would poison him. The powerful among the Shuʿaybīs possess the poison of certain death. For under the imām's government they could not openly kill those with whom they were engaged in dispute.⁵¹

Two antipathetic instances of inter-religious cooperation thus combined in the mind of Ḥayyim Mīshā to explain Yūsuf Musallam's demise.

Whether or not Yūsuf Musallam was intentionally poisoned, and whether or not this occurred with Shaykh Muḥsin's encouragement

⁵¹ Ḥayyim Mīshā Dwayd, N.S. 24:34.

and technical assistance, his death precipitated a flurry of accusations, pain and conflicting interests, which tore through the Maddār and Dwayd families on either side of Jabal Shīḥāt. Within this atmosphere of heightened sentiments, an issue that required immediate attention was that of the Shuʿaybī grainstorage franchise. Yūsuf Musallam’s death on the night of October 4, 1931 occurred on the eve of the autumn harvest: landowner’s shares and returned debts would soon be deposited by the Shuʿaybīs’ tenants and debtors, and would need to be registered and stored. As noted, Yūsuf Musallam’s eldest boy, Yaḥyā Yūsuf, was only nine years old; it would have made sense for Shaykh Muḥammad to accord the franchise to Ḥayyim Mīshā, who was Yūsuf’s partner in grainstorage and presumably well acquainted with the task’s requirements. The transfer of the Shuʿaybī franchise from the Maddārs to the Dwayds at this time is verified by an appeal (*shakwā*) presented by Yaḥyā Ḥayyim to the ʿāmil of al-Sabra following Aḥmad’s ascent to the imamate. In it Yaḥyā denotes the year 1350*h*—May 19, 1931–May 6, 1932—as the year in which Dwayd grainstorage on behalf of Shaykh Muḥammad ʿAbd al-Qawī began;⁵² and the autumn harvest of 1350*h* was that of 1931. Grainstorage preceded headmanship, to which I now turn.

The 1934 document of installment, it will be recalled, appears to be an acknowledgment by Shaykh Muḥammad ʿAbd al-Qawī al-Shuʿaybī of the selection of Ḥayyim by the Muslims and Jews of al-Maqhāya. But was he really “selected”? Yaḥyā Ḥayyim had no doubt that his father’s installment was in fact Shaykh Muḥammad’s doing:

A Jew from al-Maqhāya village, named Abrāham Saʿīd, lent grain (*taʿām*) and money (*darāhim*) to the *qabīlī* Nājī Šālīḥ Sirḥān of Ubāla village, Bilād al-ʿAdhārib, Baʿdān. The *qabīlī* appeared in al-Maqhāya village and the Jew said to him, “Pay (*barrijnī*) what you owe me.” “Meet me at Ḥayyim Dwayd’s house and I’ll pay you,” replied the *qabīlī*.

When the Jew appeared before him [in Ḥayyim’s house] the *qabīlī* turned on (*ihtadā*[!] ʿalā) the Jew and tried to kick him; but the Jew caught the *qabīlī*’s foot, casting him down. The *qabīlī* got up and threw the Jew down beneath him, straddled him and seized him by the neck. Present at the time were [other] *qabāʿil* from Ubāla village who separated [them] and took their companion outside. He fled for home.

⁵² B.Z.F. 361.4 (see Appendix A). Yaḥyā Ḥayyim does not mention his father but this is not surprising: this was his own personal *shakwā*.

Then the Jew appealed (*ishtakā*) to Shaykh Muḥammad ‘Abd al-Qawī al-Shu‘aybī. [The Shaykh] dispatched soldiers upon the people of al-Maqhāya, [demanding to know] why they allowed the *qabā’il* to hit the Jew and [why they] did not seize him and bring him before him. The *qabā’il* answered al-Shu‘aybī that the Jews are those who go and bring in these people from over the border. “What happened is now in the past,” [they continued.] “Rather, prohibit the Jews from bringing in people from over the border.”

Al-Shu‘aybī exacted a fine (*adab*) of about twenty *qirsh* from the *qabā’il* of al-Maqhāya, then went on and wrote a letter of prohibition to Ḥayyim Misha Dwayd, a grainstorer in al-Maqhāya, to refrain from bringing in habitants of the borderlands. [Yaḥyā Ḥayyim] says that Shaykh al-Shu‘aybī wrote [the letter] during the al-Wazīr era; for al-Shu‘aybī was shaykh of his [own] territory as well as governor (*‘āmil*) of Nāhiyat al-Sabra, which comprises fourteen *‘uzlas*: Bilād al-Shu‘aybī—two; Bilād al-Jumā’ī—one; ‘Uzlat Muṭāya; ‘Uzlat ‘Irwān; ‘Uzlat ‘Inān; ‘Uzlat al-Azhūr; ‘Uzlat Banī ‘Āṭif; ‘Uzlat al-Akhlūd; ‘Uzlat al-Abrūh (Burayhī); ‘Uzlat al-Azāriq; ‘Uzlat Wādī Sayr; ‘Uzlat al-Masā’ida; ‘Uzlat Zubayd.⁵³ And al-Shu‘aybī made Ḥayyim Misha the village *‘aql*.⁵⁴

The events that culminated in Ḥayyim’s appointment clearly occurred at a time when debts were expected to be repaid; and since Ḥayyim’s headmanship document is dated early 1934, it is plausible that they occurred soon after the harvest of autumn 1933. Ḥayyim Mīshā’s home was evidently a center for plateau residents at the time and the Jewish grainstorer’s home seems bustling with villagers taking care of business. Debts were being paid, and landowners’ shares and surplus grain presumably were being deposited. Excitement and also tension must have filled the air. It is impossible to say whether or not Yaḥyā Ḥayyim heard what went on between Abrāham Sa‘īd and Nājī Sirḥān before they stepped into his father’s house. But his wording of Abrāham’s demand of Nājī implies a criticism that the commanding tone used by the Jewish creditor may have had something to do with the reason that things boiled over. Yaḥyā Ḥayyim also had a more tangible reason to be critical of Abrāham Sa‘īd: it was his complaint which led to an apparent narrowing down of the Dwayd grainstorage clientele, just two years after the Dwayds became the village’s primary grainstorers. There were other tensions: some *qabā’il* in al-Maqhāya appear to have disliked the comings and goings

⁵³ Thus Yaḥyā Ḥayyim himself appears to affiliate his father’s appointment to Shaykh Muḥammad’s function as the *nāhiya*’s *‘āmil*.

⁵⁴ Yaḥyā Ḥayyim Dwayd, /N.S. 25.

of *qabāʾil* from al-Ubāla in their village; some must have blamed Abrāham Saʿīd for a fine they could have done without; and some may have become resentful because of the shaykh's expectation of them to rally to the Jew's defence. It may be that the request the villagers made of the shaykh reflected also the wishes of some to clip the wings of the remaining Jewish grainstoring father and son. If so, such villagers may have received more than they bargained for when shortly thereafter Shaykh Muḥammad promoted the same Ḥayyim Mīshā to be their headman. Yaḥyā's narrative suggests that there existed a relationship between Ḥayyim Mīshā's appointment by Shaykh Muḥammad and his standing as a focal point of economic activity for the villagers.

Shaykh Muḥammad's primary intent in limiting the scope of Ḥayyim Mīshā's dealings seems in fact to have been to ensure his protection and that of the other Jews of al-Maqhāya; this may be derived from Yaḥyā's report of the shaykh's castigation of the villagers, but also from the wording of what appears to be the actual note sent by Shaykh Muḥammad to Ḥayyim Mīshā.

In the name of Allāh

Ḥayyim (*Yā Ḥayyim*): you and all the Jews are forbidden from bringing in peasantry from across the border (*ahl al-bādiya*)—[forbidden from] bringing them in, conducting affairs with them, encouraging their movement. The dealer expedited ruin, [encouraged] the despoiler and the unbridled behavior towards the Jew. We have already rendered and dispatched this [order] to him hurriedly and without delay. After [complying with] this, your blame is Islām's. [Written] on its date.⁵⁵

[Signature:] Muḥammad ʿAbd al-Qawī al-Shuʿaybī⁵⁶

In opening this personal note, Shaykh Muḥammad finds no need to denote Ḥayyim as “*dhimmī*,” his allusion to “the Jew” on the other hand seems to be a reference to Abrāham Saʿīd, to whom he apparently also wrote a note. The term “dealer” (*bāyīʿ*) would refer to Abrāham Saʿīd, but also perhaps to Ḥayyim Mīshā himself, the large-scale grainstorer—and in whose home Abrāham exacted his own payment of sorts from Nājī Sirḥān, as the shaken *dhimmī* must have pointed out to Shaykh Muḥammad in his appeal. Shaykh Muḥammad's transfer of responsibility from Ḥayyim Mīshā to Islām, upon the condition that he not bring in inhabitants from beyond the *ʿuzla* border,

⁵⁵ No date appears.

⁵⁶ B.Z.G. 104.

is tantamount to a statement that he was unable to extend his protection into al-Ubāla, the next village along the track, which belonged to Qaḍā' Ibb. Shaykh Muḥammad therefore delineated before Ḥayyim and the Jews of Maqhāya a "threshold of *dhimma*" which is wholly physical: he can offer what he viewed to be the due protection of Islām, but only within the bounds of his own administrative jurisdiction. Shaykh Muḥammad thus appears to be fostering within his seclusive 'uzla an equally distinct climate of *dhimmī*-Muslim relations; and it is as part of this climate that Ḥayyim's headmanship should be and will continue to be viewed.

III. *Headmanship, Conversion, Adjudication, Security of Financial Undertakings: Shaykh Muḥammad and his Jews*

What follows seeks to explain Ḥayyim's unusual prerogatives by placing his case in local perspective. I argue that the appointment was not an exceptional act within Shaykh Muḥammad 'Abd al-Qawī's 'uzla in the years prior to his removal as *āmīl* of Nāḥiyat al-Sabra.

The grainstorage franchise was not the only of Yūsuf Musallam Maddār's functions that Shaykh Muḥammad 'Abd al-Qawī accorded to Ḥayyim Mīshā. Yūsuf Musallam was himself another instance of a grainstorer who also functioned as headman. Yūsuf in fact had served as *āqīl* responsible for tax collection over not one but two villages—Ḥabīl al-Sūq as well as his own village al-Maqhāya—and, like Ḥayyim Mīshā, over *qabā'il* as well as Jews.⁵⁷ It was with tangible pride that Ḥayyim described his nephew's posture:

Yūsuf Musallam would go forth to assess [the dues payable by] the *qabā'il* and Jews of al-Maqhāya village and Ḥabīl al-Sūq village on both irrigated and non-irrigated [land]. He had a white donkey; and he had an armed auxiliary (*askarī*), whose name was Khālīd al-Fīl, who walked in front of the donkey, armed with a rifle belonging to Yūsuf Musallam and with bullets belonging to Yūsuf Musallam. The *qabīlī* women in al-Maqhāya came up with a ditty about Yūsuf Musallam:

“And the assessor sallies forth	With his auxiliary from Banī al-Fīl
While his father was merely	A seller of bracelets” ⁵⁸

⁵⁷ Ḥayyim Mīshā Dwayd, N.S. 24:29.

⁵⁸ Ḥayyim Mīshā Dwayd, N.S. 24:30. The women were alluding to the penniless

Ḥayyim Mīshā also reports that Yūsuf Musallam, accompanied by his armed escort, rode his white donkey through the region's villages quite independently of his job as 'āqil to collect his private debts.⁵⁹

The list of dues collected by Yūsuf Musallam explains the perspective taken by the chanting village women, namely that he was an important man. The list's extent and variety indicates that his interaction with the villagers was a frequent occurrence.⁶⁰

(1) Yūsuf Musallam collected on behalf of the shaykh the yearly payment for the right to live in a house (*quṭ'at al-bayt*). It stood at 1 1/4 *riyāls*, irrespective of the size of the house and even if its sole inhabitant was a woman.

(2) Yūsuf collected the yearly payment for the right to farm a piece of Shu'aybī land (*quṭ'at al-arḍ*). Linked to the size and quality of the tract (not to the expected success of the particular year's crop), the payment on non-irrigated land was one *riyāl* per unit ploughable in a day. Such a plot might produce ten *aqdāḥ*. The payment for a similar unit of irrigated land was five *riyāls* and five *aqdāḥ*.

(3) Not all of Shu'aybī's lands were managed according to the *quṭ'at al-arḍ* system. Some were sharecropped conventionally and in Bilād al-Shu'aybī al-Suflā the *qisām al-ghilla*, or landowner's share of the harvest, was one-third of the crop. This too was collected by Yūsuf Musallam.

(4) Another tax collected by Yūsuf Musallam on behalf of the shaykh was *mukhaḍḍar*, a cash payment on green crops grown on irrigated lands, such as *qāt*.

(5) When the shaykh traveled to Ta'izz on business which he claimed was in the interest of his *ra'iyya*, Muslim and Jewish villagers were expected to pay a consideration (*himmeḥ*) upon his return.⁶¹ The large-scale farmer would pay four *riyāls*, the medium-scale farmer paid two, and the small-scale farmer one. Yūsuf Musallam would collect this, and the shaykh would dispatch a soldier (*yī'askir*) upon anyone who failed to pay.

beginnings and first steps of Musallam Maḥfūḍ al-Maddār following his arrival in al-Maqhāya during the mid-1890s.

⁵⁹ Ḥayyim Mīshā Dwayd, N.S. 24:30.

⁶⁰ Unless otherwise indicated, the source for the following nine items is Ḥayyim Mīshā Dwayd's narrative (N.S. 24:29).

⁶¹ Another name for this was *dahra* (Yaḥya Ḥayyim Dwayd, N.S. 55:2).

(6) *Sumāna* was the payment of ghee by those villagers who owned a cow. Jews would make a cash payment of a *bawla* (one-tenth of a *riyāl*) per cow, and *qabā'il* would pay a *raṭl* and a *bakma* (a quarter *raṭl*, which would be kept by the *ʿāqil*).⁶² This annual levy would be gathered during the autumn (*surāb*) harvest month (*khayr*), occurring after the Hebrew month of Tishrī.⁶³

(7) Shaykh Muḥammad wanted mutton for the nights of Ramaḍān and those who owned flocks of sheep satisfied his need. Payment of this levy, named *jizra*, amounted to one *riyāl* per fifty heads of sheep.

(8) *Uwwāda* was the graded holiday gift submitted to the shaykh on both the Great Festival (*ʿīd al-kabīr*)⁶⁴ and the Little Festival (*ʿīd al-ṣaghīr*).⁶⁵ A poor man would pay a quarter *riyāl* per festival. A moderately well-off inhabitant, who might own a cow, a beast of burden and a field that could be ploughed in a single day,⁶⁶ would pay a half *riyāl* per festival. The wealthier man, such as might own a team of bulls, sheep and land, would pay one *riyāl*.⁶⁷

(9) Finally, Yūsuf Musallam collected the *zakāt*, the Islamic alms tithe payable by Muslims to the Islamic government.

The sight of a mounted Jew heralded by his personal armed guard collecting taxes from Muslims would have been a rare sight in Mutawakkilite Yemen. Yūsuf Musallam's status must reflect on his own aspirations and capabilities as well as on his personal courage; but it was ultimately dependent on that of his protector, Shaykh Muḥammad ʿAbd al-Qawī. Yūsuf's responsibility over more than one village too would reflect appointment by the shaykh, not election by the taxed population of his own village. Essentially, the list of dues represents the capabilities of the party demanding them and thus reflects on that authority itself: the shaykh's capacity is reflected

⁶² Ḥayyim Mishā Dwayd, N.S. 24:29.

⁶³ Sālīm Sulaymān Maklabānī, N.S. 9:23. Maklabānī adds that during the month of Ramaḍān another quarter *raṭl* of ghee per cow was paid to the shaykh. To these payments Maklabānī adds also a marriage tax, which at first stood at one *riyāl*, then 1 1/2, and finally reaching the sum of three or four *riyāls*, paid by the groom (N.S. 9:23); but he does not specify whether this was transferred via the *āqil*.

⁶⁴ This is the *ʿīd al-adḥa*, which begins on the tenth day of the month of Dhū al-Ḥijja.

⁶⁵ This is the *ʿīd al-fitr*, which marks the end of the fast-month of Ramaḍān.

⁶⁶ Assumedly beyond the borderline of Bilād al-Shuʿaybī al-Suflā.

⁶⁷ An alternative for the rich was to bring the shaykh a honeycomb (*ṣurf ʿasal*), or a *raṭl* of ghee (Yahya Ḥayyim Dwayd, N.S. 55:2).

in the very nature of the payments he was demanding and receiving through the 'āqil's services. These amount to much more than the "holiday gift of a quarter of a real" paid by some households in al-Gades to a "tribal protector."⁶⁸ Besides the payments destined for the 'uzla shaykh, they include also the *zakāt*, or the tithe collectible from Muslims by the Islamic government. The duties of Yūsuf Musallam are thus another statement as to the extent of Shaykh Muḥammad's status as shaykh of his 'uzla during the period in which he doubled as 'āmil on behalf of the imamate. That he entrusted these duties to a Jew may well have been anachronistic in Yemen at large. But the case of Yūsuf Musallam joins with that of Ḥayyim Mīshā to reflect Shaykh Muḥammad's own, local norm: a favorable disposition towards his Jews and an affirmation of his autonomy within his 'uzla.

Ḥayyim Mīshā's own duties as 'āqil, according to Yahyā Ḥayyim, were limited to counting the sheep, the beehives, and the villagers eligible for paying *fiṭra*,⁶⁹ a tax payable by Muslims upon the close of the month of Ramaḍān. To judge from Shaykh Muḥammad's letter to Ḥayyim, he was also responsible for making sure that Jews did not bring in villagers of the borderlands. In contrast to the duties of his predecessor Yūsuf Musallam, first, it does not appear that Ḥayyim had any responsibilities in Ḥabīl al-Sūq.⁷⁰ Second, Yahyā mentions assessment only, and not actual collection duties. Ḥayyim's job on behalf of Shaykh Muḥammad seems to have been to keep track of the numbers and wealth of the villagers—his insights as grainstorer regarding the villagers' financial situation must have been of value to the shaykh—while collection was entrusted to others. The terms of Ḥayyim Mīshā's appointment were therefore less far-reaching than the precedent set by Shaykh Muḥammad.⁷¹

⁶⁸ Goitein 1955: 16.

⁶⁹ Yahyā Ḥayyim Dwayd, /N.S. 25. Yahyā elaborates: payment for each hive was one-eighth of a *riyāl*, and for each head of sheep one-sixteenth of a *riyāl*. *Fiṭra*, as a tax payable at the end of the month of Ramaḍān, was linked to the lunar calendar and its sum varied according to the price of grain; its median value was about four *anṣār*, or one-sixteenth of a *qadah*.

⁷⁰ It is possible that 'Alī Aḥmad 'Uwayḍān took over in this village after the death of Yūsuf Musallam. On 'Alī Aḥmad see below.

⁷¹ This conclusion, based on Yahyā Ḥayyim's account, is corroborated by Ḥayyim Mīshā's own description of the exceptional nature of his predecessor Yūsuf Musallam's prerogatives.

Shaykh Muḥammad viewed it as his responsibility to protect his Jewish villagers from Muslim residents of the borderlands and he had a preference for appointing the most qualified grainstoring Jew in al-Maḡhāya to the position of village headman. These tendencies however cannot be substantiated by observing the situation in other villages since al-Maḡhāya was the only village within Bilād al-Shu‘aybī al-Suflā (and al-‘Ulyā) in which resided a group of Jews. Under this circumstance, a complement to the shaykh’s concern for the Jewish villagers of al-Maḡhāya and his confidence in the Jewish grainstorers would be to consider his treatment of ex-Jews: Jewish converts to Islām.

*

A number of explanations have been tendered for the phenomenon of Jewish conversions to Islām in Yemen over the centuries. Jews converted to avoid banishment, to be acquitted of a crime, to receive assistance from the treasury (particularly during years of famine), to release themselves from humiliation or in anticipation of the honor they would receive having taken the step. Girls and women were seduced. Most traumatic was a ruling, enforced by Imām Yaḥyā, that all Jewish orphans be adopted into Islām. Whereas forced conversion was unlawful, Jews were living under continued pressure to change their religion.⁷² In al-Gades, over a period of some 120 years, there occurred some twelve cases of voluntary conversion which Goitein’s informants attributed to the apostates’ desire to escape hunger or punishment.⁷³ There were additional reasons for apostasy,

⁷² Tobi 1990.

⁷³ Goitein 1955: 17. This number does not include orphans forcibly converted (Goitein 1955: 17 n. 39), or the unusual case of the apostates of nearby Dayr al-Ma’rajī: ‘Jews in the hamlet of Dair al-Ma’ragi, originally inhabited entirely by Cohens, had killed a particularly oppressive representative of the Imam. When their deed was discovered, they were given the choice of death or conversion to Islam. They chose the latter, but stipulated that they must continue to hold in Islam the privileged position they enjoyed in Judaism as Cohens. Thus, they are to this day *Ghudat* or Muslim religious scholars, and their hamlet is exempt from taxation. They do not conceal their origin, and although their conversion occurred three generations ago, one of them recently claimed the cemetery of his Jewish ancestors in a lawsuit. Their Torah scroll was sold to al-Gades, and ultimately brought to Israel’ (Goitein 1955: 17 n. 42).

however. When Jewish women left their religion and nation, what they may have been turning their backs on was a distressing family situation. Conversion was one infallible way of exiting an unhappy marriage against the wishes of an obstinate husband;⁷⁴ and the exclusive availability of this device to Jewish women—Muslims cannot convert to Islām—gave them a clear advantage over their Muslim counterparts.

In al-Maqhāya, the levirate wife of Yaḥyā Ḥayyim's maternal uncle, Saʿīd ʿAwwād, had opted for this outlet, together with her widowed sister. The two Dwayd sisters then married two Muslim brothers. In al-ʿAdhārib, Shamʿa the wife of Yehūda Sālim Yehūda al-Maddār converted after her husband went away to Aden and left her behind with their son. Another case was that of Qamar, the youthful wife of Ḥasan Maḥfūd Yehūda al-Maddār of al-ʿAdhārib, who converted following her divorce by her elderly husband and married a Muslim in the village.⁷⁵ Such cases were a source of distress for the communities concerned: verses of poetry were improvised by the female villagers and exchanged between the apostate and her former co-religionists; also, the event spurred individual Jewish villagers from beyond the specific village into common action. Thus the widow's daughter was spirited from al-Maqhāya to al-Khiyāriyya before her mother could have her accept Islām. Shamʿa fled to Ṣurm al-ʿAwd three months after she converted; from there she was smuggled out to Aden where she received a bill of divorce from her Jewish husband and married another Jew. Qamar too fled al-ʿAdhārib, and came to her brother Dāwud al-Khammār in al-Maqhāya. She was smuggled out by al-Maqhāya villager Yūsuf al-Sayyānī to Jihāf, near Ḍālīʿ—beyond the borders of the Mutawakkilite kingdom.⁷⁶ The conversion occurred about the year 1938,⁷⁷ or near the end of Shaykh Muḥammad's tenure as *ʿamil* of al-Sabra. It is his treatment of the case that concerns us here.

Pursuing Qamar to al-Maqhāya, her Muslim husband came to the Dwayd home and was greeted by Yaḥyā Ḥayyim's mother:

⁷⁴ Yavneʿeli (1963: 50) reported that apostasy was a practical option for some women married against their will.

⁷⁵ This was not Ḥayyim Mīshā's sister Qamar who as already seen was also married to Ḥasan Maḥfūd, early in the century.

⁷⁶ The details thus far described are a summary of N.S. 22:141–147 (Yaḥyā Ḥayyim Dwayd).

⁷⁷ Yaḥyā Ḥayyim places Qamar's conversion fifteen years in the past. N.S. 22,

“Are you being sensible,” said she, “to come chase a Jewess?”
 “If it were not the rule of the Imām,” he replied, “I would surely put a bullet in you.”⁷⁸

The husband went before Shaykh Muḥammad, who as *‘āmil* in fact represented “the rule of the Imām.” Al-Shu‘aybī dispatched a soldier upon al-Maqhāya’s Jews and upon Qamar’s brother Dāwud al-Khammār, instructing him to bring her back. At the same time he sent a message over the border to the Amīr of Ḥaydara to apprehend her. Qamar was brought before the shaykh, who inquired as to the identity of the person who had incited her to run away, but she claimed that the reason for her action was her husband’s beatings and his lack of honor and failure to provide her with clothing. The shaykh provided her with clothes and a cow:

“Return,” he said, “I will be your father. If he does anything else to you, come to me and I will coerce him and imprison him.”⁷⁹

The husband, for his part, was worried about his wife’s chastity: a man—a Jewish man—had spent the night alone with a Muslim woman—his wife. He questioned Yūsuf Sayyānī, the man who smuggled her out of al-Maqhāya:

“How did you act when you and she traveled at night? Who went along with you as a third person?”
 “God [did],” replied Sayyānī.⁸⁰

Like the resident of Ubāla village who pinned down Abrāham Sa‘īd on Ḥayyim Mīshā’s floor, Qamar’s husband resided in Bilād al-‘Adhārib, beyond Shaykh Muḥammad’s jurisdiction; but by offering Qamar his protection the shaykh was not acting in his official capacity as *‘āmil* (despite Yaḥyā’s wording of the narrative). Qamar had no Muslim “father,” no paternal household, to ensure her husband’s correct behavior and to harbor her in the event of a serious dispute with him. Shaykh Muḥammad stepped in to provide this support,

the original label of which is “E,” belongs to a series of notebooks labelled “A” to “O” the first of which was dated December 24, 1952. The focus of these notebooks is primarily on al-Gades, which Goitein researched until midsummer 1953. It is probable that the interview sessions in “E” were held early in 1953.

⁷⁸ Yaḥyā Ḥayyim Dwayd, N.S. 22:141.

⁷⁹ Yaḥyā Ḥayyim Dwayd, N.S. 22:141.

⁸⁰ Yaḥyā Ḥayyim Dwayd, N.S. 22:141–143. What al-Sayyānī was really saying by answering that God accompanied them was that Satan did not.

which was apparently not being done by the individual who ministered her conversion. Meanwhile, the cow he gave her would accord a degree of financial independence.⁸¹

Shaykh Muḥammad also fostered male converts. Saʿīd al-Kohen was the son of a *kohen* (member of the priestly class within Judaism) from Najd al-Jumāʿī, the *nāḥiya* center. Saʿīd accepted Islām through the agency of (ʿalā *yad*) Shaykh Muḥammad himself;⁸² the shaykh accorded him the room above the gate in his castle and employed him as his letter carrier and *qāt* deliverer. “He was a good boy,” remarks Yaḥyā Ḥayyim, “he never argued with anyone. I don’t know what befell him that he accepted Islam.”⁸³ Yaḥyā, a self-confident Jew, associated apostasy with some ulterior motive, such as a marital condition (for women) or an argument. But it is equally conceivable that what prevailed in this case was the patient persistence of a self-confident Muslim with an alternative perspective on the qualities of the young Saʿīd al-Kohen: if the lad is so good, he should rightfully be Muslim.

The cases of Qamar and Saʿīd demonstrate Shaykh Muḥammad’s care for the well-being of Jewish converts. Saʿīd’s employment suggests that the Shaykh’s disposition towards such individuals was more than philanthropic, and a second case indicates this more clearly. Recall the demise of Aḥmad ʿAlī ʿUwayḍān at the beginning of Mutawakkilite rule, narrated by Yaḥyā Ḥayyim. The event was reported also by Sālīm Sulaymān Maklabānī, who adds that the Banī al-Shuʿaybī came and took away the deceased’s livestock and land deeds, and hurried on the old widow to her daughter, empty-handed of material belongings. However the widow did manage to bring her

⁸¹ In al-Gades, a single cow was enough to sustain a widow and her child, as well as to pay for his education (Goitein 1955 14 n. 32). Such a cow might be kept with a Muslim partner, who would feed it and take its milk, while the offspring would be shared (Goitein 1955: 14).

⁸² The same term (ʿalā *yad*) is used by Yaḥyā Ḥayyim in his narration of the conversion of the Dwayd sisters (Yaḥyā Ḥayyim Dwayd, N.S. 22:147). The presence of a *mawla* figure, or Muslim patron, is suggested also in Shamʿa’s conversion: between her conversion and her flight to Aden, Shamʿa stayed at the home of Sayyid Aḥmad b. Aḥmad al-Sufyānī as a servant (*khaddāma*); Yaḥyā Ḥayyim assumes that had al-Sufyānī wanted to marry her he could have done so (Yaḥyā Ḥayyim Dwayd, N.S. 22:143). (On al-Sufyānī see Chapter Eight, section IV.) No additional information about the conversion procedure is imparted in the narratives being referred to here.

⁸³ Yaḥyā Ḥayyim Dwayd, N.S. 24:14.

son-in-law a full bag of money.⁸⁴ It is on the remarkable future of this man that both Maklabānī and Yahyā Ḥayyim focus in separate narratives.

The man's name was 'Alī Aḥmad 'Uwayḍān, as if he was the son of his father-in-law, the late Aḥmad 'Alī; which he was, much in the same fashion that Sham'a was the daughter of Shaykh Muḥammad. 'Alī Aḥmad had once been a Jewish peddler. Originally from al-Aḥdhūf,⁸⁵ the 'uzla near Ḍūrān al-Ḥishā' overlooking the expanse of Nāḥiyat al-Sabra from just beyond its southeast corner, he went from village to village selling small goods such as thread and saffron.⁸⁶ In one of the hamlets of Ṣawbān, the wealthy Aḥmad 'Alī 'Uwayḍān engaged him as a farm laborer and as a guard for the crops.⁸⁷ Later 'Alī Aḥmad accepted Islām; and Aḥmad 'Alī gave him a cow and a rifle and a *janbiyya* dagger with a silver sheath—and his daughter in marriage.⁸⁸ Aḥmad 'Alī also provided him with a written declaration recognizing him as one of his children with regard to inheritance.⁸⁹ It is this relationship which is reflected in 'Alī Aḥmad's name.

Maklabānī recalls that a year or so following the death of Aḥmad 'Alī a disease plagued the cattle of al-Ṣawbān, the watercourse where much of the irrigated land of Bilād al-Shu'aybī al-Suflā is located. During the ploughing season for the corn crop, nobody was prepared to hire out their bulls to do the ploughing there; 'Alī Aḥmad however brought in a bull, hitched it to his own, and ploughed the *wāḍī*'s plots without pay. "Believe me," asserted Maklabānī, "his bulls would pass alongside and sniff the cadavers but nothing happened to them."⁹⁰ According to Maklabānī, 'Alī Aḥmad's saving of the *wāḍī* brought him to the attention of the 'uzla shaykh, who invited him

⁸⁴ Sālim Sulaymān Maklabānī, N.S. 9:20.

⁸⁵ Sālim Sulaymān Maklabānī, N.S. 9:20; Ḥayyim Mīshā Dwayd and Yahyā Ḥayyim Dwayd, N.S. 22:35.

⁸⁶ Sālim Sulaymān Maklabānī, N.S. 9:20.

⁸⁷ Ḥayyim Mīshā Dwayd and Yahyā Ḥayyim Dwayd, N.S. 22:35.

⁸⁸ Sālim Sulaymān Maklabānī, N.S. 9:20.

⁸⁹ *wa-amīl la-hu Aḥmad 'Alī iqāma (waraqa) anna-hu min jayz 'iyālih fī al-wirātha* (Ḥayyim Mīshā Dwayd and Yahyā Ḥayyim Dwayd, N.S. 22:35). In terms of Islamic law, such a document may be understood to be an *iqār*, or acknowledgment, which "creates an abstract obligation without regard to the cause of its origin" (Schacht 1964: 151). Islamic law, however, does not recognize adoption as such (Schacht 1964: 166), a fact which conceivably may have assisted the Shu'aybīs in their disposal of Aḥmad 'Alī's estate.

⁹⁰ Sālim Sulaymān Maklabānī, N.S. 9:20.

to store grain on his behalf. For the task, however, ʿAlī Aḥmad needed to be literate in Arabic; so the shaykh imported from Ḥujariyya, the highland south of Taʿizz just beyond Jabal Ṣabir, a religious scholar (*faqīh*) named Saʿīd Ḥusayn to be his teacher. The shaykh conferred on ʿAlī Aḥmad the responsibility for “commanding [the right] and interdicting [the reprehensible]” (*ṭhabat ʿalā al-amr waʾl-nahy*) and he thus became a kind of warden enforcing morals in the four villages of the Ṣawbān village cluster (*mamsā*): al-Darābija, al-Dawmala, al-Mawāqīʿ and Akamat ʿAwwāḍī.⁹¹ Maklabānī concludes by remarking on the convert’s knowledge, which transcended religions, on the attention he granted to the local population sectors, and on his conforming to the Shuʿaybī rule on land ownership:

When *qabāʿil* came [to him] and queries and responsa were exchanged it was said that this was a man of great knowledge. And when Jews came he would quiz [them] using the most hidden secrets (*akbar mawāriyā*); and would bring forth thirty or forty sayings by heart, [starting] from the beginning of [tractate] *Berakhōt*; nor would he find difficulty (*mā tʿajjahāsh*) [expounding] any law in *Ōrah Ḥayyim*. He was able to propound each and every law, asking and answering correctly.

He married three women.

“ʿAlī Aḥmad, why did you marry three wives?” the shaykh asked him one day.

He replied: “One takes care of the farmhands (*abtāl*) and commoners (*raʿiyya*) who should come by; when Jews come, one prepares [food] specially for them in separate utensils; and one prepares [food] for *mashāyikh* and *sāda* when they come.

He owned camels, cows, and bulls and began owning land at the border, for nobody purchases in Bilād al-Shuʿaybī since they are a powerfully-knit group of agnates (*ʿasaba qawīyya*).⁹²

The apostate’s operation in Ṣawbān is described in further detail by Yaḥyā Ḥayyim and Ḥayyim Mīshā, who disclose also the identity of the patron shaykh, left unspecified in Maklabānī’s account:

⁹¹ Salīm Sulaymān Maklabānī, N.S. 9:20. This type of supervision is associated with the office of *muḥtasib*, or the community’s representative in “encouraging good and discouraging evil” (Schacht 1964: 190). However, such an office existed at the *nāḥiya* level (see Chapter Two, section IV), not at the *ʿuzla* level or below. The apostate’s empowerment with this religious authority over the villages of Ṣawbān, together with his economic function of grainstorer and, as will soon be seen, his political function of *ʿaqil*, add up to an impressive image of authority and control.

⁹² Salīm Sulaymān Maklabānī, N.S. 9:21.

This apostate became headman (*taʿaqqal*) over the five villages of *mamsā* al-Ṣawbān. Shaykh Muḥammad ʿAbd al-Qawī al-Shuʿaybī made him ʿāqil over the five villages and [also over] the lands of Qurayn and Ḥabīl al-Sūq villages, [which] are irrigated, producing two crops per year, *ṣurāb* and *qiyād*. He read Arabic and was a skillful speaker. He became wealthy and acquired property in ʿUzlat al-Azhūr.

He purchased a tract of irrigated land named “Hawbat al-Mishriqī” and unirrigated land named “al-Ghisheh,” and dedicated them as *waqf* [the usufruct of which would be used] for the benefit of the mosque that he built in al-Mawāqīʿ village. He dedicated [the tracts] for the benefit of the caller to prayer (*muʾadhdhin*), Qāsim ʿAlī al-Ashʿathī. His home was [open] to all passersby. Daily he would [feed his callers] porridge, but on Fridays he would slaughter a sheep and prepare three pots of porridge (*ʿāṣāʿid*), each one-eighth [of a *qadaḥ* in volume], as *qabāʿil* came to pray from the five villages and from al-Qurayn; for these villages have no mosque. He built the mosque and made a pool by its side. He compelled (*dabat*) all the *qabāʿil* to come and pray on Fridays. Were it to happen that the *muʾadhdhin* concluded his call to prayer and his Friday address and someone had not come, he would dispatch one of his soldiers to the person who did not come or who tarried and did not come to pray, to take away the cow of the *raʿwī*—who [then] would come to pray. He would imprison him in his house (he had made a prison[-cell] in his home). And he told [such people]: “When the announcer calls out for the prayer, endeavor to come to the remembrance of Allāh; and when the prayer is finished, scatter forth over the land.”⁹³ A man imprisoned on account of prayers would not be released until he paid a fine, each man according to his ability.

He had a scribe (*kātib*), Saʿīd Ḥasan Muthannā of al-Ḍāhira village, Bilād al-Zihra, and servants. He dug two silos in his village, and enlarged the original silos. The *qabāʿil* when fighting each other would use the saying, “Protected by ʿAlī Aḥmad.”⁹⁴ They ceased to mention Shaykh al-Shuʿaybī, but feared the apostate ʿAlī Aḥmad more than they feared the shaykh. His mother remained Jewish, and would come to [visit] him from al-Aḥdhūf.

Then the grain he stored in the silos became damaged and he and Yūsuf Musallam Maddār became business associates. During the summer rain-season he would become in need of grain, and would come and take cash from Yūsuf Musallam for his *raʿīyya*, to be returned as

⁹³ *idhā nādī al-munādī liʾl-ṣalāh fa-asʿaw lā dhikr Allah wa-idha quḍiyat al-ṣalāh fa-intashirū fī al-arḍ*. Cf. the Dwayd version, assumedly picked up mainly in al-Maqhāya and al-ʿAdhārib, with Qurʾān 62 (*al-Jumʿa*): 9–10.

⁹⁴ *maḥjūr bi-ḥajr ʿAlī Aḥmad*. Yaḥyā would here be referring to a case where an inhabitant of the villages of Ṣawbān would enter into a conflict with a villager from without Bilād al-Shuʿaybī al-Sufā. The regular saying would be: *maḥjūr bi-ḥajr Allāh* (Piamenta 1990: 84).

ghee and grain. Then in the harvest month he would transport to Yūsuf Musallam more grain than he owed.⁹⁵

By mentioning that ʿAlī Aḥmad openly maintained his relationship with his Jewish mother, the Dwayds add to Maklabānī's suggestion that the apostate ʿāqil retained respect for his former co-religionists. Later in the same narrative Yaḥyā Ḥayyim picks up again on this topic, in a passage which implies also that he was not only magnanimous towards his former co-religionists but that he was at peace also with his old religion itself:

He recited to us . . . [the passage] that "the righteous amongst the Gentiles have a place in the world to come." And he told the Jews who came to him not to worry [about the food] as the Jews' vessels are separate. Once he came by me as I was thinking to cut a *lūlav* [branch] from a date palm [for use on the *Sukkōth* festival]. He passed by while I was standing, dismounted from his donkey and said: "I know that you want that *lūlav*—it is a fine one (*miṣwathō meʿūla*)." And he cut it [off] for me.⁹⁶

That both Maklabānī and Yaḥyā Ḥayyim dwell considerably on the apostate ʿāqil's biography is understandable: here was a capable and enterprising Jew who through conversion had reached the maximum degree of authority to which a non-Shuʿaybī might aspire within the ʿuzla. The Jews followed his career with close attention. It would have underlined for them their limits as capable and enterprising Jews—particularly for Yaḥyā Ḥayyim, who like Yūsuf Musallam and Ḥayyim Mīshā was already a grainstorer and headman literate in Arabic and knowledgeable of arithmetic. At the same time the apostate had his own limits of which Yaḥyā Ḥayyim was fully aware. A family came to live in Ṣawbān from Bilād al-ʿAmāra. One of its members, ʿAlī "al-ʿAmārī," a brave-hearted and powerfully-built individual, made a living applying black eye-color and as a masseur. But ʿAlī Aḥmad ʿUwayḍān, who watched over the morality of Ṣawbān, accused him of entering women's quarters. He had him brought in, tied up, suspended from a ceiling and "fumigated" with hot peppers. Al-ʿAmārī was also stripped of seven *qurūsh* that he had on him. Then he was released. The revengeful ʿAlī al-ʿAmārī shot ʿAlī

⁹⁵ Ḥayyim Mīshā Dwayd and Yaḥyā Ḥayyim Dwayd, N.S. 22:35–37.

⁹⁶ Ḥayyim Mīshā Dwayd and Yaḥyā Ḥayyim Dwayd, N.S. 22:41.

Aḥmad outside his mosque one Ramaḍān night; a year later the ‘*āqil* died of his wounds. Much of his property was taken away by “al-Shu‘aybī,” who claimed to be recovering a debt. His death was followed by that of his wives: “This ‘Alī Aḥmad took his wives with him,” said the villagers. And his elder daughter married the same ‘Alī al-‘Amārī who shot him.⁹⁷

The narrators’ enthusiasm is also understandable against the background of such cases as that of Sa‘īd al-Kohen’s brother, who announced that he intended to marry a certain divorced woman even though such a woman is forbidden to a *kohen* under Jewish law. The marriage functionary for Najd al-Jumā‘ī, Morī Yūsuf Ḥayyim of Jarshab village, refused to perform the marriage and offered him money instead, an arrangement the man turned down. Instead he threatened conversion; a threat believable enough, seeing that his brother had actually taken the step. The *morī* wrote a query requesting the opinions of the other area marriage functionaries, which the prospective groom took from village to village. They responded that it was better to have him marry the divorcee and abrogate his priestly status than to have him convert. Morī Yūsuf Ḥayyim officiated at the marriage.⁹⁸ The *morīs*’ decision to compromise may have been made so as not to lose the couple; but it may also have been based in part on fear of the damage expected from a former co-religionist with a score to settle.

Yaḥyā Ḥayyim’s account of the apostate ‘*āqil* reiterates Maklabānī’s mention of the apostate’s literacy and his strong yet pious management of the sector for which the ‘*āqil* was responsible, the most prolific *wādī* in the ‘*uzla*. Although the villagers may have feared him more than they did the ‘*uzla* shaykh, his acquisition of property outside of Bilād al-Shu‘aybī al-Suflā, mentioned by both Yaḥyā Ḥayyim and Maklabānī, indicates an appreciation of his own limits—unlike the upstart Shu‘aybī ‘*āqil* who generations ago had turned against the Jumā‘īs.

Like the headmanship of Yūsuf Musallam, the biography of this powerful, pious Muslim is of interest for its display of Shaykh Muḥammad ‘Abd al-Qawī as the source of authority behind the subject’s strict superintendence of the villages of Ṣawbān. It is of further

⁹⁷ Ḥayyim Miṣhā Dwayd and Yaḥyā Ḥayyim Dwayd, N.S. 22:39–41.

⁹⁸ Yaḥyā Ḥayyim Dwayd, N.S. 24:14.

interest for its statement that Shaykh Muḥammad had no qualms about granting the position of responsibility to an individual who seemed open and unabashed of his Jewish past; indeed, he had gone to some lengths to train him for it.

Yūsuf Musallam was ʿāqil over al-Maqhāya as well as Ḥabīl al-Sūq; the apostate was ʿāqil over the four villages of Ṣawbān, to which was added Ḥabīl al-Sūq, perhaps after Yūsuf's death.⁹⁹ Together, the two headmen were responsible for the entire eastern portion of the *ʿuzla*, not merely as colleagues but as associates. Yaḥyā Ḥayyim's account reveals that they cooperated in practice, providing Shaykh Muḥammad with the grainstorage services which allowed him to simultaneously control and sustain his *raʿiyya*. It is possible to conclude that not only did Shaykh Muḥammad treat Jews and former Jews with compassion, he actually preferred their services where they made themselves available. This conclusion is in keeping with a charge in fact made against the Shuʿaybīs: "The Gentiles would say . . . that they liked the Jew better than the Muslim."¹⁰⁰ It is by understanding the picture in this way that sense can be made of Ḥayyim Mishā's apparently anachronistic 1934 headmanship document.

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Shaykh Muḥammad's attitude towards court action constitutes another area in which his autonomous tendencies affected his Jewish villagers. As he was himself the *nāḥiya*'s *ʿāmil*, this would mean discouraging the villagers from applying to his colleague the *ḥākim*, the government-employed *sharʿa* judge of Nāḥiyat al-Sabra. A typical area of the *ḥākim*'s involvement was estate apportionment and a case in point is the event outlined in the previous chapter which took place in 1922, three years into Mutawakkilite rule.¹⁰¹ A request had been

⁹⁹ Shaykh Muḥammad went out of his way to make a grainstoring ʿāqil of ʿUwayḍān, the "son" of the man whose death was tied with the name of his brother Musʿid. The enhanced status of *dhimmī* Yūsuf Musallam in Ḥabīl al-Sūq perhaps was not accidental. That the two stories are of significance also with regard to the status of Shaykh Muḥammad within his own patronymic group must be considered as a possibility, though it cannot be further investigated.

¹⁰⁰ Yaḥyā Ḥayyim Dwayd, /N.S.25.

¹⁰¹ B.Z.G. 299. See Chapter Three, section III.

made for a renewed assessment and apportioning of the estate of the long-deceased Zayd Aḥmad Saʿīd ʿĀmir of Bilād al-Shuʿaybī al-ʿUlyā. Quite routinely, it was the *ḥākim* responsible for that *ʿuzla*—the *ḥākim* of Nāḥiyat al-Sabra—who decided that a review of this estate should in fact occur. Compare this case to the event narrated by Ḥayyim Mīshā, where following the death of Yūsuf Musallam it was to Muḥammad ʿAbd al-Qawī that Ḥasan Maḥfūd Yehūda Maddār turned to claim retroactively one-third of Musallam Maḥfūd’s estate. Shaykh Muḥammad invalidated that claim. Likewise it was not to the *ḥākim* but to Shaykh Muḥammad that Ḥasan Yūsuf Maḥfūd Maddār turned to claim retroactively the share of his wife, Musallam Maḥfūd’s daughter. How this issue would be resolved, we recall, was left open by the shaykh in the narrative. Recall also my hypothesis that this particular case for a retroactive apportionment may never have reached the *nāḥiya*’s *ḥākim* because of a standing threat orchestrated by Ḥayyim Mīshā, a threat, I venture further, that Shaykh Muḥammad would not have discouraged because it dovetailed with his own interest of *ʿuzla* autonomy.

Still in the context of estate apportionment, in place of applying to the *ḥākim*, Shaykh Muḥammad facilitated his Jewish villagers’ application to a Jewish court. The Goitein archive contains an undesignated *ḥaṣr tarika* composed in the script of Morī Yaʿqūb Yehūda al-Maddār, the Jewish “court” of al-ʿAdhārib.¹⁰² It bears the following heading:

Exposition of the [estate] breakdown (*bayān al-ḥaṣr*) [on behalf] of Sālīm Yaʿqūb and his brother Ibrāhīm Saʿīd and their mother Shamʿa, daughter of my mentor and master Sālīm. [Performed] upon the consent of the inheriting rivals and Ḥayyim Misha and all the Jews present in court. In accordance with the disbursement of authority (*al-ṣarf*) by Shaykh Muḥammad ʿAbd al-Qawī and Shaykh Muḥsin ʿAbd al-Qawī, may God preserve them.

The document continues to describe the components of the estate, and ends in four columns, each summarizing the portion of one beneficiary;¹⁰³ but it carries no date. As a *ḥaṣr* however it would be

¹⁰² Undesignated (2). For more on this *morī* see Chapter Eight, section IV.

¹⁰³ This particular praepositus did not appear to have been a landowner. The breakdown includes grain stored in Ḥayyim Mīshā’s silos; grain stored at home; grain owed by five Muslims; cash owed by three Muslims; livestock kept at home; livestock kept by ten Muslims; various household articles and six religious books.

followed by *furūz*, the documents actually handed to the heirs, each focusing on one column on the *ḥaṣr* representing the portion of one specific heir. One such *farz* in fact appears in the Goitein archive (it too is undesignated), and is dated August 17, 1936.¹⁰⁴ On its *verso* is a statement by Shaykh Muḥammad, indicating that the legal basis for his validation of the document is the mutual agreement of the litigants:

In the name of Allāh
That which has been mutually agreed upon is endorsed (*yuʿta-
mad mā waqaʿa ʿalayhi al-tarāḍī*).
On its date Muḥammad ʿAbd [al-Qawī] al-Shuʿaybī

Shaykh Muḥammad gave his initial approval for the Jewish court of al-ʿAdhārib to proceed with the apportionment of the estate; and he certified the final disposition on the day it was prepared. Thus while retaining overall control of the maneuver, he allowed Jewish villagers from al-Maqhāya to cross *livāʾ* lines and apportion an estate in a competent Jewish court. That a shaykh or ʿāmil would facilitate such a procedure in 1936 should not be taken for granted. The alternative facing Jewish villagers was in fact the application of Islamic law under the directives of its official proponent, the *ḥākim* responsible for the praepositus' *nāḥiya* or *qaḍāʾ* of abode. Precisely such an apportionment, taking place in al-ʿAdhārib, will be observed more closely in Chapter Eight.¹⁰⁵

Mutual agreement was the idea justifying not only estate apportionment by Jewish courts but also the dispute-management work of village *ʿuqqāl*. Shaykh Muḥammad wanted village headmen to solve disputes: in Ḥayyim Miṣḥā's headmanship document, he expressly directs the villagers of al-Maqhāya to turn to Ḥayyim to settle grievances. Now the Dwayd material does not provide an opportunity for viewing Ḥayyim's arbitration of a dispute between Muslims or between Jews. If he ever did actually handle such a case, and if the settlement found its way into writing, the relevant documents would

¹⁰⁴ Undesignated (3), from Monday, 29 Menāḥem [Ab], 2247 (of the Seleucid Era). A note on the *verso* indicates that the document was handed to Yūsuf Sayyānī by Yaḥyā Ḥayyim.

¹⁰⁵ This is not to suggest that when an estate was apportioned in a Jewish court it was necessarily apportioned according to Jewish law. I expand on this point in the study's Conclusions.

have been handed to the litigant parties and would not appear in the cache. Instead, the cache includes a document from 1933 in which Ḥayyim Mīshā appears as a party in a case arbitrated by another of Shaykh Muḥammad's *ʿuqqāl*—ʿAlī Aḥmad ʿUwayḍān, the apostate *ʿāqil* of Ṣawbān.¹⁰⁶ Harānī (Aaron) Ḥasan ʿAwwāḍ Sālīm Yaḥyā Dwayd was an orphan who had grown up in the home of his mother's brother Ḥayyim Mīshā, and was now asserting his independence from Ḥayyim's household. He was claiming from Ḥayyim a terrace for which he had already made a down payment, payment for ten years of work as a goatherd and peddler, and the value of the offspring and produce of some cows from the estate of his deceased father, retained by Ḥayyim on his behalf. Ḥayyim Mīshā countered with a list of his own: debts Harānī's father had owed him, remuneration for eight childhood years during which he supported the claimant, his expenditure on Harānī's education, his payment of Harānī's wedding expenses, and additional debts totaling fifty-three *riyāls*. After listing these opposed claims ʿUwayḍān refers to the evidence presented, uses it to make his computation, and finally turns to his verdict, where he treats Harānī's claims one by one, while some of Ḥayyim's counterclaims are left unaddressed—possibly he judged that in the interest of conciliation, Ḥayyim could afford to be the magnanimous party. All this summarizes the substance of the document; but it is the regulating framework that is of primary relevance to the current discussion.

ʿUwayḍān opens the document by defining the dual source of his own authority to preside over the case:

By virtue of having been selected [by the parties] and of the disbursement of authority (*al-ṣarf*) on the part of Shaykh Muḥammad to settle matters (*faṣl al-mādda*) between *dhimmī* Harānī and *dhimmī* Ḥayyim Mīshā [I conduct these arbitration proceedings].

He concludes the document by repeating this point:

This is the outcome of the entire computation. [It took place] before us in accordance with what they provided us and the disbursement of authority on the part of Shaykh Muḥammad. Each of them disengaged from the other and enforcement is upon the

¹⁰⁶ B.Z.G. 321, from Jumāda I, 1352*h* (August 22–September 20, 1933). The information and quotes in what follows are from this document.

temporal authority (*al-dabt ʿalā wālī* [!] *al-amr*). This was written on the date: Jumāda I, 1352.¹⁰⁷

Arbitrator: the lowly unto Allāh, may He be exalted, ʿAlī Aḥmad ʿUwayḍān

“Enforcement is upon the temporal authority,” states ʿUwayḍān, and at the bottom of the document is a slightly expanded version of the endorsement appearing on the *verso* of the al-ʿAdhārib *farz* mentioned above:

That which has been mutually agreed upon is endorsed and all shall be satisfied with it.

On its date Muḥammad ʿAbd al-Qawī al-Shuʿaybī

After carrying out the requirements of the agreement, the parties appear again, possibly for a third time, before Shaykh Muḥammad for certification and the *verso* of the document is occupied by a nine-line summarizing statement by the shaykh.¹⁰⁸ Harānī had appeared before him and acknowledged that he drops all his claims against Ḥayyim Mīshā after having received from him all that was confirmed as his due by way of conciliation (*bi-wajh al-ṣulḥ*).¹⁰⁹ ʿUwayḍān stated in his verdict that “this is the [result of] the day of conciliation (*yawm al-ṣulḥ*); Allāh—may He be praised and exalted—said that conciliation is best (*al-ṣulḥ khayrun*).” But while the parties themselves may have agreed upon arbitration they were not acting solely on their own accord. Whether over the border in a Jewish court or before the apostate ʿāqil of Ṣawbān, arbitration occurred far from the *nāḥiya ḥākim* within the bounds authorized by Shaykh Muḥammad ʿAbd al-Qawī.

*

We have seen in the previous chapter (section III) how Ḥayyim Mīshā depended on Shaykh Muḥammad to protect his interests while

¹⁰⁷ August 22–September 20, 1933.

¹⁰⁸ It is this statement that Ratzaby published as “A Monetary Compromise between Jews” (Ratzaby 1993: 535). See n. 17 in Chapter One.

¹⁰⁹ The named witnesses to this certification may suggest the composition of Shaykh Muḥammad’s *qāt*-chewing entourage. *Sayyids* and other Shuʿaybīs, they are Sayyid ʿAbd al-Ilāh b. Aḥmad; Sayyid ʿAbd al-Jabbār b. Muḥammad; Shaykh Muḥammad’s brother, Muḥsin ʿAbd al-Qawī; the “son” ʿAbd al-Ḥamīd b. Musʿid; ʿAlī Nājī b. ʿAlī al-Shuʿaybī, and “others.”

leasing out land across Bilād al-Shu‘aybī al-Suflā’s borderline with Bilād al-Shu‘aybī al-‘Ulyā. The manner in which the Dwayds reverted to Shaykh Muḥammad to resolve problems with *mashāyikh* residing in Bilād al-‘Adhārib will be shown in Chapter Nine.¹¹⁰ The following narrative by Yaḥyā Ḥayyim, transcribed onto the *verso* of an ownership deed,¹¹¹ reflects on Shaykh Muḥammad’s influence across the border with Bilād al-Ḥayqī, where the Dwayds were able under his canopy to take resolute steps in order to recover debts from uncooperative borrowers. The deed itself, though elaborate, contains the usual handful of rubric-filling details. It states that early in the summer of 1936 (Rabī‘ II, 1355*h* [June 21–July 19, 1936]), Ḥayyim Mīshā purchased from a certain Qāsim b. Qāsim al-Ḥayqī, who acted as agent on behalf of an individual named Ḥasan Muḥammad Ṣālīḥ ‘Ays, a terrace (*ṭaraf*) called “Shāqat al-‘Awdī” belonging to a group of terraces named “Huwab al-Ḍiffēh.” The document also contains the standard formula that payment passed from the hand of the buyer to the hand of the seller. In the absence of Yaḥyā’s accompanying narrative it would be impossible to conclude that in all likelihood no cash actually passed from hand to hand and that the acquisition really represented the return of an overdue debt:

This Ḥasan Muḥammad Ṣālīḥ ‘Ays was living in Ḥabīl al-Sūq village, Bilād al-Shu‘aybī al-Suflā, and was married to the daughter of Shaykh Qāsim b. Qāsim al-Ḥayqī [of] Himidān village, Bilād al-Ḥayqī al-‘Ulyā.¹¹² He owed us a debt; [to cover it,] he sold us a female camel (*bakra*), wrote [a document] concerning her [sale] (*saḡjal fīhā*) and undertook to lead her to ‘Uwayḍān’s herd of camels (*dhawd*)—for we already had one camel [which we entrusted to] ‘Uwayḍān the camelherd. [But] he never brought the camel to ‘Uwayḍān.

He fled Ḥabīl al-Sūq for Himidān. But he owed al-Shu‘aybī payment [as landlord] (*qisām; ḍimān arḍ*), and al-Shu‘aybī dispatched upon him [a soldier/soldiers]. Ḥasan ‘Ays took the camel—which he had already sold to us—and went and deposited her by way of collateral (*rahanahā*) with Ḥmādī ‘Ubayd al-Najjār of al-Ṣabwa village, ‘Uzlat al-Aḥdhūf, [Nāḥiyat] al-Ḥishā, in [return for the credit value of] six *aqdāh* of grain (for al-Najjār was a grainstorer). Al-Najjār sent a voucher

¹¹⁰ See Narrative “c” in Chapter Nine, section II.

¹¹¹ Undesignated (4). The text on the *verso* of the document is written in first person plural and refers to Ḥayyim Mīshā as “my father.”

¹¹² Thus the individual acting as ‘Ays’ agent in the sale of Shāqat al-‘Awdī was his father-in-law.

(*waṣḥ*) to al-Shuʿaybī [confirming] that six *aqdāh* out of Ḥasan ʿAys’ debt [to al-Shuʿaybī] are in his keep.

Following [these events] we appealed (*ishtakaynā*) before al-Shuʿaybī and displayed the document of sale pertaining to the camel. Al-Shuʿaybī sent an order to the people of Ḥabīl al-Sūq for them to identify and apprehend Ḥasan ʿAys’ camel from among the camels arriving from al-Aḥdhūf to graze in Bilād al-Shuʿaybī. My father went to Ḥabīl al-Sūq just as the grazing camels were approaching. Now there was a certain Māniʿ Nājī who was married to Ḥasan ʿAys’ sister and was familiar with the camel; he and the farmers walked into the herd, identified her, took her and gave her to my father.¹¹³ My father brought her and we gave her to another camelherd, [this time] from Banī Maṣṣūr ([a certain] Muthannā al-Shiʿārī).

They [= Ḥimādī ʿUbayd al-Najjār and the camelherd?] came [to us] but were unable to confront us in court.¹¹⁴ Al-Najjār went and employed [the services of] a member of the Banī Zubaydī (who are *mashāyikh* from ʿUzlat Zubayd, Nāhiyat al-Sabra, Qaḍāʾ Dhī al-Sufāl and in-laws of [*ansab*] al-Shuʿaybī), to go up and appeal before Shaykh Muḥammad ʿAbd al-Qawī al-Shuʿaybī that the camel we took is in fact his. Al-Shuʿaybī sent us a[n order for] release (*itlāq*) of the camel, [ordaining] its transferal to al-Zubaydī, and [for us] to demand ([Heb.:] *nitbaʿ*) [remuneration directly from] our rival Ḥasan ʿAys—and we released her to al-Zubaydī.¹¹⁵

[Ḥasan ʿAys, however,] still could not enter Bilād al-Shuʿaybī [for yet another reason—] he had beaten his sister, Māniʿ’¹¹⁶s wife—and he remained in Bilād al-Ḥayqī. But he and his wife’s father came up to Wādī al-Wizla, which constitutes [part of] the border between Bilād al-Ḥayqī and Bilād al-Shuʿaybī, and sent us a messenger [from there]. We went [to the meeting-place] and together calculated his debt and the value of the camel;¹¹⁶ and we settled that he would assign to us land in Ubāla [village], Bilād al-ʿAdhārib; and “Shāghat al-ʿAwdī,” which is in Bilād al-Ḥayqī.

This account nicely demonstrates the tangibleness of territorial borderlines in local eyes. (That Bilād al-Ḥayqī served as a haven for

¹¹³ This individual may have been motivated to comply so effectively with the shaykh’s instructions by an additional, personal motive, which appears near the end of the narrative.

¹¹⁴ The reason for this, to judge from al-Najjār’s subsequent actions, may be that this was Shuʿaybī’s territory, and the shaykh had already decreed that the camel be removed from the herd.

¹¹⁵ We only know of Shaykh Muḥammad’s instructions to the Dwayds to settle matters directly with ʿAys; it would be commensurate with his manner of conducting business, to have written as much to ʿAys himself.

¹¹⁶ Perhaps additional loans were made between the sale of the camel to Ḥayyim Mīshā and her transfer to al-Najjār.

fugitives and refugees from Bilād al-Shu‘aybī al-Suflā will be demonstrated again in Chapter Ten, section IV). At the same time, commercial interaction between territories, in which the Dwayds were thoroughly involved, took place across the political borderlines. The integrated commercial system is reflected in the grazing of camels between ‘*uzlas*, but also in the liquidity of the grain and debt based credit system: side “a” might transfer a commodity to side “b,” and side “b” would vouch before side “c” that a different commodity had been listed to his credit. In such a system, the backing of “al-Shu‘aybī,” who commanded the respect not only of villagers within Bilād al-Shu‘aybī al-Suflā but also of *mashāyikh* from beyond his ‘*uzla*—indeed from beyond the borders of his *nāhiya* and *qadā’*—was indispensable.

IV. Conclusion

Al-Wazīr related the rising status of the village headman to villager emancipation and shaykhly emasculation at the hands of his uncle in Ta‘izz, who positioned *mashāyikh* as *nāhiya* governors to regulate their behavior. But Shaykh Muḥammad substantiated his shaykhly status precisely because of his association with the Wazīr house: the ‘*uzla* shaykh became the government and it was not the villagers who appointed Ḥayyim Mīshā. Goitein believed that documents of installment belonging to headmen are not to be considered certificates of appointment on the government’s part. But the fact is that Ḥayyim Mīshā’s 1934 document represented precisely such an appointment. Thus far our working hypothesis appears substantiated: the canopy provided by Shaykh Muḥammad’s governorship of the *nāhiya* promoted his own autonomy within his ‘*uzla*. He responded to political change and played the Mutawakkilite system, as his father had done with the Ottomans until the interference of Bin Nāṣir of Māwiya.

Prior to the 1938–39 administrative changes in Lower Yemen, the Dwayds of al-Maqhāya enjoyed a spell of good fortune because of Shaykh Muḥammad ‘Abd al-Qawī’s status and favorable disposition towards his Jews and because of a collusion of interests. Shaykh Muḥammad protected his territory’s boundary and fostered the Jews’ physical safety. He kept the *nāhiya*’s *ḥakīm* at arm’s length from the villagers and supported Jewish judicial autonomy. He needed dependable management of his grain, engaged trusty Jewish grainstorers

and contributed to the smooth conduct of their financial activity both inside and beyond his territory. Wealthy Jews—and former Jews—did not constitute a threat to his political supremacy; and in the peculiar climate of Shaykh Muḥammad's *ʿuzla*, Ḥayyim Mīshā's promotion to the post of village headman was another unexceptional event.

CHAPTER FIVE

JIZYA HEADMANSHIP—AND ḤAYYIM MĪSHĀ

I. *Introduction*

I have associated Ḥayyim Mīshā's status as headman with the introversion of Bilād al-Shu'aybī al-Suflā, and viewed his duties as a reflection of the status of the *'uzla* shaykh, Muḥammad 'Abd al-Qawī. But there has been a major omission: collection of the *jizya* tribute, which constituted the primary duty of the Jewish village *'āqil*. The enigma is that the Dwayd cache documents and the al-Maqhāya narratives contain not one reference to *jizya* payment up to the late 1930s. The cache contains no personal or community *jizya* receipts; Ḥayyim's 1934 document of appointment does not list *jizya*-gathering as one of his duties; nor do the narratives listing the duties of Ḥayyim and Yūsuf Musallam mention the tax. Can this silence too be associated with the political climate of Bilād al-Shu'aybī al-Suflā? In the absence of documentation such a connection cannot be proven in positive terms. It is possible, however, to begin to interpret the silence at al-Maqhāya by viewing it against a background of the *jizya*-related experiences of other villagers in Liwā' Ta'izz under 'Alī 'Abd Allāh al-Wazīr and his son 'Abd Allāh 'Alī, for which *'āqil*-centered source material does exist. (The situation in neighboring Qaḍā' Ibb, to the north of al-Maqhāya, is of accessory interest in this regard.) Stark as the contrast may prove to be, comparing a silence at al-Maqhāya against a turbulence in other villages would not yet identify Muḥammad 'Abd al-Qawī as the reason for the relative calm. What may implicate Shaykh Muḥammad is the swiftness with which the situation of al-Maqhāya came to resemble that of other villages soon after the administrative changes of 1938–39. This chapter explores these two themes, and in the course of the exercise the circumstances explaining Ḥayyim's second, less-extensive document of headmanship will become clear. The chapter concludes by returning to consider that undated document.

Why might the 1938–39 Ḥamīd al-Dīn takeover of Liwā' Ta'izz from the Wazīrs be reflected in *jizya* collection? It will be recalled

that it is the personal duty of the imām to safeguard the lives and property of *dhimmīs* in return for their payment of *jizya*.¹ Fittingly, *jizya* is regarded as cash the imām could legitimately put to his own personal use—in contrast to *zakāt*, the alms tax collected from Muslims, which is to be disbursed primarily on the poor and indigent. *Zakāt* can also be used, for example, to sustain the tax collector and his retinue, to assist travelers and to fund warfare on behalf of Allāh (*jihād*); but it cannot be put to personal use by Hāshimites (*ahl al-bayt*), and this included the Zaydī imām. This ideal was instituted in Yemen by the founder of the Zaydī imamate, “al-Hādī ilā al-Ḥaqq” Yaḥyā b. al-Ḥusayn (who himself was reputed not to have made personal use even of the *jizya*);² it remained the ideal into the Qāsimī period;³ and it appears in Ibn al-Murtaḍā’s *kitāb al-azhār*,⁴ the basic Hādawī manual printed in 1921 as part of Imām Yaḥyā Ḥamīd al-Dīn’s official publication policy.⁵ This distinct attribute of the *jizya* tax goes some distance in explaining the assurances made to Goitein by many Yemeni Jews that “Imam Yahya ‘ate’ during the month of Ramadhan only from the proceedings of the poll-tax,”⁶ as well as the Gadesīs’ retention that during the reign of the Imām al-Manṣūr (1853–57), “al-Gades was granted the privilege of paying its poll-tax directly to the Imam’s kitchen.”⁷ Because *jizya* was a tax in which the imām had a peculiar interest—this source of lawfully private income amounted to some 26,000 *riyāls per annum*⁸—it is conceivable that the manner in which its collection was handled might

¹ See *Introduction and Plan of Work*, text at n. 23.

² Van Arendonk 1960: 266; Madelung 1984: 190–193.

³ Haykel 2003: 116.

⁴ See Ibn al-Murtaḍā 1332[h]: 22, for the prohibition of the expenditure of *zakāt* on Hāshimites, and the subsequent page, regarding the use of *jizya* by the imām.

⁵ Messick 1993: 129.

⁶ Goitein 1955: 9 n. 18.

⁷ Goitein 1955: 9.

⁸ Lambardi (1947: 162) mentions a total *jizya* yield of just over 25,793 *riyāls*. Unfortunately, he does not specify the year reflected by this figure, which appears to postdate Ibb’s receipt of *liwā’* status. On one occasion Lambardi in fact mentions that the statistics he is publishing pertain to the years 1940–44 (Lambardi 1947: 143 n. 1), though elsewhere he refers also to the “Turkish” years 1347, 1348 and 1349, mistakenly transposing these *hijrī* dates as 1931, 1932 and 1933 (Lambardi 1947: 157 n. 1) (the years in fact denote 1928–31 C.E.). It is interesting to compare Lambardi’s figure for Ṣan‘ā’ town—1,725 5/40 *riyāls* (Lambardi 1947: 160)—with the sum appearing in the Ṣan‘ā’ community receipt for the year 1354h/1935–36—1,761 9/16 *riyāls* (Gamliel 1982: 217–219).

be symptomatic of the 1938–39 Ḥamīd al-Dīn takeover of Liwā' Ta'izz from the Wazīrs.

As mentioned earlier in the *Introduction and Plan of Work*, Imām Yaḥyā in 1906 defined the yearly rates of *jizya*, payable to an official dispatched by himself, at $3 \frac{3}{4}$, $1 \frac{7}{8}$, and fifteen-sixteenths of a *riyāl*, depending on the individual's assets. The *riyāl* being made up of forty *buqash* (s.: *buqsha*), these sums represent, respectively, three *riyāls* and thirty *buqash*, one *riyāl* and thirty-five *buqash*, and $37 \frac{1}{2}$ *buqash*. The learned Ṣan'ā' *jizya*-collector and businessman Sālim Sa'īd al-Jamal (later known in Israel as Rabbi Shalom b. Sa'adya Gamliel) adds some useful details relating to the 1930s, in a book edited by Mishael Maswari Caspi. For example, he states that the three payment levels were actually four, two and one *riyāl* and suggests that while the obligatory sum did reach the Imām's treasury office, the destination of the surplus sum was a sensitive question. He also emphasizes that *jizya* assessment and collection constituted two separate yearly stages.⁹ The Ṣan'ā' case as presented by Gamliel and Maswari cannot however provide the test case for our rural area: *jizya*-collection in areas beyond the regions administered from Ṣan'ā' was unclear even to Gamliel.¹⁰

The *jizya*-related experiences against which the silence at al-Maqhāya will be compared are those of the Lower Yemen villages of al-Gades, Daḥiyya and al-Mazbar. Al-Gades and neighboring Daḥiyya are well positioned to serve as comparison cases because an administrative commonality between them and al-Maqhāya combine with an administrative difference to direct attention to the person of Shaykh Muḥammad 'Abd al-Qawī. In common with al-Maqhāya, both villages belonged to Qaḍā' Dhī al-Sufāl, the governorship of 'Abd Allāh b. 'Alī al-Wazīr. The difference was that the two villages and al-Maqhāya belonged to the two *nāḥiyas* of the *qaḍā'*—and the *'āmil* responsible for al-Maqhāya was Shaykh Muḥammad 'Abd al-Qawī al-Shu'aybī.

The sources for al-Gades consist of two interview sessions with Yūsuf Ma'ūḍa, the village *āqil*;¹¹ while the situation at Daḥiyya is

⁹ Gamliel 1982: XI–XII.

¹⁰ Gamliel 1982: 62.

¹¹ N.S. 24:38–52 (a recorded session transcribed by Yūsuf Sayyānī) and N.S. 28:21–25.

described in a narrative session with Dāwud Yehūda Frāyim Lewī.¹² In his ethnographic study of al-Gades, Goitein intertwined these three sessions to provide his four-sentence interpretation of *jizya* payment during Mutawakkilite rule; a paragraph which he placed within the section of his article entitled *The Community*, in keeping with his focus on community leadership:

The late Imam tried various tax collection measures in order to eliminate the services of local headmen. At first, they were replaced by Jewish *'aqils*, tax collectors for an entire district, who were vigorously opposed by the villagers, particularly by al-Gades people, who went en masse to the capital of Lower Yemen and burnt a big bogey of rags at the entrance to the palace. This resulted in partial satisfaction of their grievances. Finally, in the years immediately preceding the exodus, various government offices were charged with collection of the poll-tax.¹³

Goitein thus identified four successive stages of *jizya* collection arrangements: (1) local headmen; (2) their replacement by Jewish district *'uqqāl*; (3) a subsequent, unspecified stage; and finally (4) the increased involvement of various government offices. To explain these variations Goitein proposed that they were all directed by the imām's design to do away with the services of local headmen. Taken individually however, the stages remain vague. One reason for Goitein's muted treatment of an issue he deemed central to *The Community* is revealed on a sheet of paper located in the archive, on which he noted down for himself changes in *jizya* collection following the Mutawakkilite takeover as extracted from Dāwud's narrative.¹⁴ For the year 1338*h*, where Goitein notes in Hebrew "conquest of 'Alī al-Wazīr," Goitein recorded on this sheet his puzzlement in English: "Government but—who is the g[overnmen]t?"; and for the year 1358*h*, where he lists "various local rulers officials and offices," he added the word "Confusion." Goitein condensed Dāwud Yehūda's narrative to provide the start and finish of the paragraph quoted above. But his reflections on that narrative reveal his recognition that to make further sense of the session it would be necessary to widen the focus and include along with the two poles he himself

¹² N.S. 31:27–31.

¹³ Goitein 1955: 19.

¹⁴ The page is located in a file entitled "notes from al-Gades."

considered—the imām and *The Community*—also the administration of ‘Alī al-Wazīr as well as an appreciation of the reasons behind the “Confusion” of 1358*h*.

The portion of Goitein’s interpretation describing the Gadesīs’ opposition to the district collectors comes from one of the sessions with Yūsuf Ma‘ūḍa.¹⁵ But Ma‘ūḍa’s narratives are even more confusing than that of Dāwud Yehūda. Their abundant details, which are rarely dated, are not chronologically arranged because they include numerous flashbacks. Further, Yūsuf Ma‘ūḍa was heavily involved emotionally: he was a former village *‘āqil* himself, until replaced by a district tax collector named Yūsuf al-Jamal.

What would have helped anchor down the events at Daḥiyya and al-Gades, villages which as explained provide ideal comparison cases for al-Maqhāya because of their location, are some *jizya*-related documents—preferably dated; this is where the third comparison case comes into play. File 361 at the Ben-Zvi Institute library contains, along with other documents, the document cache of a certain ‘Imrān b. ‘Imrān, a resident of a village named al-Mazbar, situated on Jabal Ṣabir and therefore within Liwā’ Ta‘izz like al-Maqhāya, al-Gades and Daḥiyya.¹⁶ The documents—and many of them are dated—highlight ‘Imrān’s relationship with Yūsuf al-Jamal, the same district tax collector against whom Yūsuf Ma‘ūḍa of al-Gades directed his narrative. They provide a year-by-year image of al-Jamal’s activity and first-hand testimonies on the nature of that activity. It is this systematic documentation which assists in making sense of the abundant but confusing details from al-Gades and Daḥiyya conveyed by Ma‘ūḍa and Dāwud Yehūda in their narratives. In addition, the acrobatics of *jizya* collection at al-Mazbar, like those at al-Gades and Daḥiyya, make meaningful the apparent absence of *jizya*-related problems at al-Maqhāya under the Wazīr administration. In what follows I amalgamate these source materials from Liwā’ Ta‘izz, reflect on the conditions in neighboring Qaḍā’ Ibb, and consider the circumstances of *jizya* collection during and after the administrative changes of 1938–39.

¹⁵ Yūsuf Ma‘ūḍa, N.S. 24:46–47.

¹⁶ The villagers of al-Mazbar were farmers and silversmiths (Raḍa 1995: 46). For an analysis of a land ownership dispute between the Jews of al-Mazbar and Muslim beneficiaries of a charitable endowment (*waqf*) see Hollander 1995b.

II. *Yūsuf al-Jamal of Liwā' Ta'izz*

A large group of documents in 'Imrān's cache consists of *jizya* receipts and a first observation based on one of these is that it took some time for the Mutawakkilite administration to begin to tax all villagers. A first payment was made in the year 1341*h* (August 24, 1922–August 13, 1923), and was retroactive for the five years that had elapsed since the beginning of Mutawakkilite rule.¹⁷ This particular receipt covers one individual and was issued by a Mazbarī named Yūsuf Dā'ūd. In al-Gades too, for the first four years of Mutawakkilite rule Yūsuf Ma'ūda continued to collect *jizya* from his own village, as he had during the preceding fifteen years under the Ottomans; his prerogative being acknowledged, as seen (Chapter 4, section II), by the heads of the village's important families (*uqqāl al-qarya*).¹⁸ Throughout this early period, Ma'ūda himself prepared the village roster from al-Gades, Daḥiyya and Ma'wal (a third neighboring village inhabited largely by Jews), excluding as many individuals as possible and bribing the local *'askarīs* to testify as to the roster's accuracy.¹⁹ "We used to pay for our village sixty *riyāls* only—one *riyāl* per head—and we would not take from the poor."²⁰ Then, according to Yūsuf Ma'ūda, al-Jamal, who had become treasurer of Shabazī's *waqf*, came to exercise authority over the Jews of al-Gades (*amar 'alaynā*). First, "like the devil,"²¹ he came to make a roster of (*yidaftir*) all Jews in the Ta'izz territory; then he returned to collect their *jizya*.²²

"The *jizya* collector (*qabbād al-jizya*) during the time of Sayyid 'Alī al-Wazīr was Yasāfī al-Jamal," echoes Dāwud Yehūda at the start of his narrative.²³ It was at Māwiya, while selling wares to the *amīr*'s entourage of soldiers and sergeants (*'arā'if*), that Dāwud Yehūda encountered his co-religionist Yūsuf al-Jamal:

¹⁷ B.Z.F. 361.57. *Jizya* had last been collected during the final year of Ottoman rule by the *mudīr* (equivalent of *'amil*) of Nāḥiyat Ṣabir. B.Z.F. 361.55 is a receipt for "*dhimmī* 'Amrān, *dhimmī* Sulaymān and *dhimmī* Nisīm" from Rabī' II 1336*h* (January–February 1918), written by "*mudīr* of Ṣabir, 'Abd al-'Azīz b. Yaḥyā al-Mujāhid."

¹⁸ Yūsuf Ma'ūda, N.S. 28:21–22.

¹⁹ Yūsuf Ma'ūda, N.S. 24:43.

²⁰ Yūsuf Ma'ūda, N.S. 24:42.

²¹ Yūsuf Ma'ūda, N.S. 24:42.

²² Yūsuf Ma'ūda, N.S. 24:40–42.

²³ At this point he proceeds to recount the Mutawakkilite takeover of Lower Yemen.

he had come down from al-Sayyānī, met and greeted the *amīr*, and asked him to write an order (*amr*) for him to gather *jizya* from the Jews. He wrote the order for him and he began to collect the *jizya* . . . he gathered the *jizya* from all localities that were under the authority of the *amīr*.²⁴

According to the *jizya*-farming privilege to al-Jamal was justified from the *amīr*'s perspective. Besides his profession as a silversmith,²⁵ he was also an innkeeper (*maqḥawī*);²⁶ his village of al-Sayyānī being the halfway house on the thoroughfare connecting Ibb and Ta'izz, al-Jamal would have been well-informed about the Jewish population aggregations of Lower Yemen: where they were situated, and their relative sizes and wealths.²⁷ Aside from an intimate knowledge of the Jewish population the job further demanded a forceful character. That al-Jamal was appropriately endowed may perhaps be reflected in the fact that he had two wives. (Both wives took advantage of al-Jamal's trip to Māwiya to convert to Islām and marry Muslim men—one a servant of b. Abū Ra's, the second, another innkeeper in al-Sayyānī.) Al-Jamal relocated near his patron in Ta'izz, marrying there the daughter of Morī Dāwud, the treasurer of the endowment fund of Shalom Shabazī, the seventeenth-century patron saint and poet laureate of the Jews of Yemen.²⁸ Yūsuf al-Jamal became treasurer of that productive fund,²⁹ plausibly increasing still more his hold on the Jewish population as well as his ability to guarantee his yearly monetary obligations as tax farmer.

The *amīr* would benefit from his relationship with al-Jamal for additional reasons besides efficient *jizya* collection. A plot was uncovered late in 1922 whereby a group of prominent Lower Yemen shaykhs planned to assassinate the *amīr* and abscond Lower Yemen from the Mutawakkilite state. The *amīr* received advance warning of the plot from a man his nephew-biographer termed "the Shaykh of the Jews." The man's name, wrote the biographer sixty-five years following the event, was Sālim al-Ṣabrī;³⁰ but the details he remembers of this man suggest Yūsuf al-Jamal:

²⁴ Dāwud Yehūda Frāyim Lewī, N.S. 31:28.

²⁵ Dāwud Yehūda Frāyim Lewī, N.S. 31:28.

²⁶ Yūsuf Ma'ūḍa, N.S. 24:40.

²⁷ Al-Jamal's innkeeping at al-Sayyānī would explain al-Jamal's knowledge of the Turkish language reported by E. Ya'akov (Raḍa 1995: 144 n. 7).

²⁸ Dāwud Yehūda Frāyim Lewī, N.S. 31:28.

²⁹ Yūsuf Ma'ūḍa, N.S. 24:40; Gamliel 1987: 116–119.

³⁰ al-Wazīr 1987: 175 ff.

Sālim al-Ṣabrī: He was Shaykh of the Jews in al-Sayyānī, then moved to al-Shabazī's site in al-Maghraba, which is located between al-Qāhira in Ta'izz and al-Majliyya hamlet.³¹ It was concluded that he would be shaykh over the Jews of the *liwa'*, to supervise the gathering of *jizya* and transfer it to the state.³²

There were further benefits. In February 1926, amidst great excitement, a Ford convertible was assembled in Ta'izz of parts carried on camelback from Aden. It had been purchased and imported by 'Alī 'Abd Allāh al-Wazīr and was joined by a truck for his bodyguard. Over the next few years a number of tracks were prepared for these vehicles and those which followed, linking Ta'izz with various centers south of the barrier posed by the Ta'kar massif: al-Sayyānī on the way to Ibb, Māwiya, Makhā' on the Red Sea and al-Rāhida on the way to Aden. The very first of these vehicle tracks was built between the *amīr*'s home of Dār al-'Arqī just to the east of Ta'izz and the town itself.³³ Yūsuf Ma'ūḍa may have been recalling this event when he narrated that:

once [al-Jamal] sent us soldiers telling us to provide [money to pay] for the building of the road which they built to Dār al-Naṣr from al-Maghraba and took a quarter *qirsh* from each of us. They did not coerce him to build the road. It was he who wanted to flatter and assist them so they would say he is agreeable.³⁴

Dār al-Naṣr, the *amīr*'s original abode,³⁵ overlooked Ta'izz from its perch on Jabal Ṣabir: carving a vehicle road to link it with Ta'izz would certainly have been a costly venture; perhaps Yūsuf Ma'ūḍa was confusing Dār Naṣr with Dār al-'Arqī. Either way, a motor track leading from Ta'izz to the *amīr*'s home would have been a well-administered offering on Yūsuf's part.³⁶

³¹ Al-Maghraba was the Jewish neighborhood located to the west of the town. Al-Qāhira is the fortified spur of Jabal Ṣabir which anchors the southeastern corner of the town wall.

³² al-Wazīr 1987: 552.

³³ al-Wazīr 1987: 229–231.

³⁴ Yūsuf Ma'ūḍa, N.S. 28:25.

³⁵ al-Wazīr 1987: 165 n. 1.

³⁶ These new motor tracks would make also al-Jamal's own work easier. Ya'akov (Raḍa 1995: 27 n. 12) states that "a Jewish resident of Ta'izz by the name of al-Jamal, whose name was well-known in the entire area, was responsible on behalf of the imām for tax collection. He would come to al-Ḥugariyya by car, accompanied by one of the imām's drivers."

Sālim Saʿīd al-Jamal (Shalom b. Saʿadya Gamliel—see above, section I) too credits Yūsuf al-Jamal’s generous character for acquiring him the support of the governor and other appointees. Al-Jamal the Taʿizz ʿāqil regularly ordered expensive articles from the shop of al-Jamal the Ṣanʿānī ʿāqil to present to dignitaries: perfumes, precious stones and jewelry, silk and velour fabrics; and never until he died did he miss a payment. The bill for Yūsuf al-Jamal’s final order from Sālim Saʿīd al-Jamal’s trading house was an extravagant three hundred and seventy *riyāls*.³⁷

When did al-Jamal officiate as al-Wazīr’s “Shaykh of the Jews”? The Mazbar material, as will presently be seen, places the end of his activity in the course of 1355*h*; and he died during the following year at the very latest, to judge from Gamliel’s claim of a payment from his estate.³⁸ According to Dāwud Yehūda, Yūsuf al-Jamal officiated for fourteen years,³⁹ while Yūsuf Maʿūḍa remembers him active as *liwāʾ jizya*-collector for about fifteen years.⁴⁰ This would place the beginning of his office in 1340*h* (September 4, 1921—August 23, 1922) or 1341*h* (August 24, 1922–August 13, 1923), when as seen *jizya* payment resumed in al-Mazbar. Dāwud Yehūda claims that Yūsuf al-Jamal began his office during the *amīr*’s sojourn in Māwiya;⁴¹ and, according to al-Wazīr, ʿAlī ʿAbd Allāh was in Māwiya until the end of 1340*h*, or, mid-1922.⁴² The first transition reported by Goitein in his interpretation of *jizya* payment can therefore be dated as occurring at that time. The nature of that transition must however be reconsidered: was it in fact, as Goitein understood it to be, a measure designed by the imām to eliminate the services of local headmen?

III. *Al-Jamal and his Villagers*

Yūsuf al-Jamal, the treasurer of the Shabazī endowment fund and an authority on the affairs of the Jewish population of the *liwāʾ*, was

³⁷ Gamliel 1987: 116.

³⁸ On 14 of Shaʿbān 1356*h* (October 10, 1937), Gamliel received from the imām’s court a note addressed to ʿAlī ʿAbd Allāh al-Wazīr, referring to Gamliel’s claim of debts from al-Jamal’s estate (Gamliel 1987: 117).

³⁹ Dāwud Yehūda Frāyim Lewī, N.S. 31:29.

⁴⁰ Yūsuf Maʿūḍa, N.S. 24:41.

⁴¹ Dāwud Yehūda Frāyim Lewī, N.S. 31:28.

⁴² al-Wazīr 1987: 165.

an asset to the *amīr* and to the imām's treasury. Sālīm Saʿīd al-Jamal his Ṣanʿānī colleague praises his wisdom and generosity and credits him for the good treatment the Jews received at the hands of Muslims at Taʿizz and in the villages.⁴³ The material from al-Mazbar, al-Gades and Daḥiyya, however, suggests that the villagers themselves viewed al-Jamal from a rather different angle.

A second class of documents in ʿImrān's cache consists of notes written by Yūsuf al-Jamal and addressed to the villagers of al-Mazbar. Since the notes are undated, many of their details are impossible to contextualize, and any attempt to analyze these notes in depth is therefore inadvisable. Taken as a group however, they exhibit the authority being claimed by al-Jamal over the Jewish population of al-Mazbar (and accentuate still more the silence within the archive and narratives of the Dwayd *ʿāqil*). Some notes have nothing at all to do with *jizya* and one of these involves synagogue headmanship; it reveals al-Jamal's confidence in his ability to decide for the villagers who will preside over their communal spiritual life:

Holy community of Mazbar: We have instructed ʿImrān b. ʿImrān to preside in the synagogue, to deny entry or to admit, and to call on whomever he wishes to read [the *tōra*] or [lead the] prayer. Whoever disobeys this, [ʿImrān] shall tender [a complaint] and we shall fine and dispatch [soldier/s] and imprison. This is a decree (*ʾiʿlān*). All Israel are forgiven and peace to our rabbis.

Yōsef al-Jamāl⁴⁴

Another note appears on a document specifying a debt, owed by a certain Dāwud Sulaymān al-Ṭabīb, which should have been returned early in 1927.

Dāwud Sulaymān al-Ṭabīb: Pay what this contains and if not, the moment this returns [to me] we will dispatch upon you.

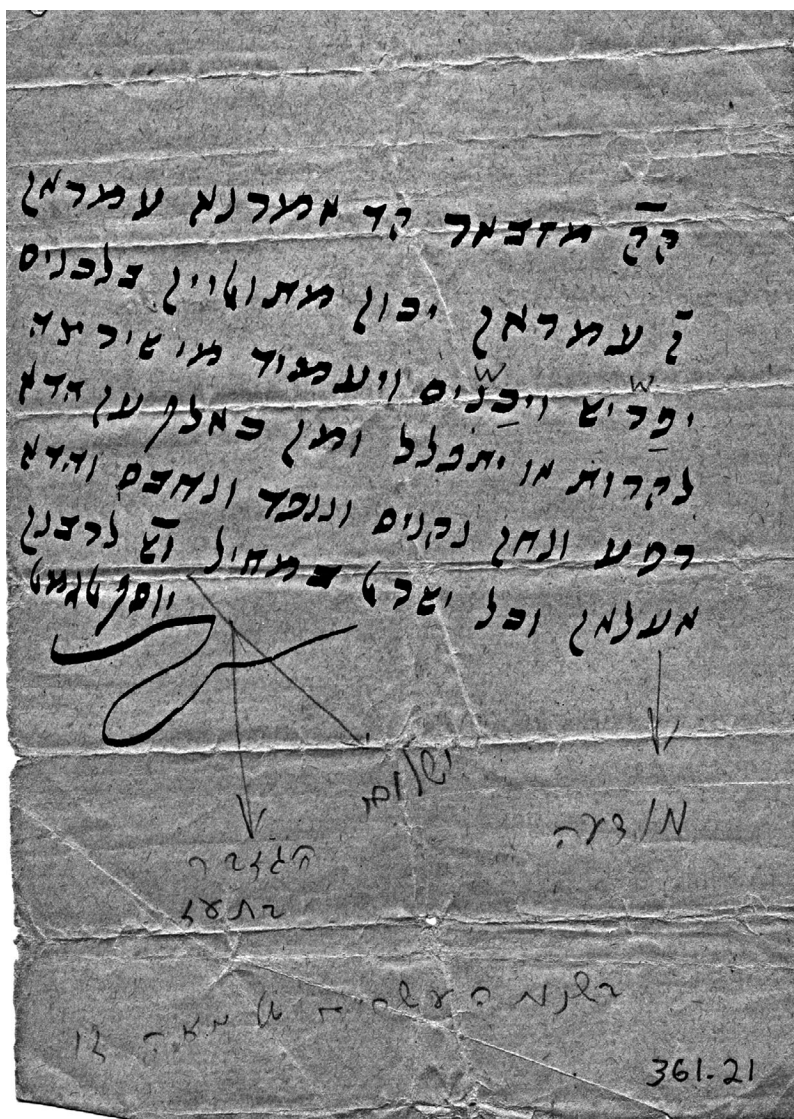
Yōsef al-Jamāl⁴⁵

Al-Jamal, acting the part of “Shaykh of the Jews,” was claiming obedience in matters beyond mere tax collection and was backing up his instructions with threats of coercion. The following notes reflect the pressured atmosphere with regard to tax collection itself, and indicate some associated expenses:

⁴³ Gamliel 1987: 116.

⁴⁴ B.Z.F. 361.21.

⁴⁵ B.Z.F. 361.87.



Facsimile 4: Synagogue headmanship in Mazbar village. Notes by S.D. Goitein (B.Z.F. 361.21)

My teacher and master ʿImrān b. ʿImrān: The *ḥiyāl* has arrived as well as the list. As for the remaining [debtors] we shall yet dispatch upon them.

Yōsef al-Jamāl⁴⁶

My teacher and master the respected brother ʿImrān b. ʿImrān, [may God] protect you: Tomorrow's breakfast is your responsibility. You and your companions, prepare our needs, do not delay. Yaḥyā Ghālib has already set out and will remain until we arrive. Peace.

Yōsef al-Jamāl⁴⁷

The Jews of al-Mazbar and Ṭaḥān⁴⁸ shall produce a sheep as well as the fee, and a sojourning cost of one *ḥiyāl* no less. We instruct ʿImrān b. ʿImrān to collect the complete payment of the year's rate without delay as we have written in the order. ʿAwwāḍ Ḥayyim Yaḥyā and Ḥayyim Sulaymān are released from these expenses and Ḥasan Yūsuf and his son will pay one *ḥiyāl* courtesy[-money] to the dispatched soldiers. [Payment] may be made until Ḥanukka and if not we will dispatch two [soldiers].

Yōsef al-Jamāl⁴⁹

Additional notes reveal al-Jamal exacting arrears in *jizya* payment.

Holy communities of al-Mazbar and Ṭaḥān, [may God] protect you: Immediately deliver full payment of the balance. Whoever has a note from me pertaining to the balance shall hand [the money] to ʿImrān b. ʿImrān so that we shall hand him the final receipt for the years [for which payment is being] demanded of you. Whoever delays on this matter—we shall dispatch upon him. Peace.

Yōsef al-Jamāl⁵⁰

We instruct ʿImrān b. ʿImrān to oversee collection of the balance from the Jews or to send them as individuals. [Regarding] he who does not pay, [ʿImrān] shall tender [a complaint] and we shall dispatch upon him as the *amīr* has ordered. This is sufficient. Peace.

Yōsef al-Jamāl⁵¹

Yūsuf al-Jamal was using ʿImrān b. ʿImrān as his functionary within the village, demanding his active cooperation and responsibility for the Jews' payments. ʿImrān's position was unenviable. In the following note, which like the first note in this series reveals dissension

⁴⁶ B.Z.F. 361.85.

⁴⁷ B.Z.F. 361.89.

⁴⁸ The Jews of this village were weavers and silversmiths (Raḍa 1995: 41).

⁴⁹ B.Z.F. 361.68.

⁵⁰ B.Z.F. 361.69.

⁵¹ B.Z.F. 361.77.

amongst the village's leading figures, 'Imrān pleads before al-Jamal for his village and for himself:

[. . .] guarantor for the aforementioned and for his son Menahem, and you are set over them.⁵² Redeem [me], my brother, and perform an act of kindness (*gemilūt ḥasadīm*) towards me, by delaying payment of the *jizya* to [the month of] Tammūz. I speak the truth. May God, blessed be He, double your reward. For we are so short of money. And Sa'īd 'Awwād, who caused for us [trouble] before the nations of the world,⁵³ took people's wealth and went to Aden and no-one is prepared to give me so much as a *qirsh*. There is no selling and buying.⁵⁴ Will people give me what they owe [others] in debts with [specified] dates [of return]? This is sufficient for you [to comprehend]. Peace upon you, my brother. Peace.⁵⁵

Al-Jamal's brash reply, appearing on the reverse side of the note, leaves no doubt that little love was lost between the village 'āqil and the "Shaykh of the Jews" of Liwā' Ta'izz.

A *riyāl* and a quarter has been received. You play on me each day with lies. You will inevitably pay the Jews' *jizya*. Peace.
Yōsef al-Jamāl⁵⁶

In contrast to Goitein's understanding that the local headmen were replaced by regional Jewish *'uqqāl*, here the local 'āqil was not done away with; quite the contrary: it appears that 'Imrān's services as intermediary at the village level were necessary to Yūsuf al-Jamal.

IV. *Al-Jamal and the Treasury*

In his sequence of notes to 'Imrān b. 'Imrān, al-Jamal expressed his pretense to executive authority over the Jews of such villages as al-Mazbar and Ṭaḥān; yet he required 'Imrān's services as local operative. At the same time, al-Jamal needed to collaborate with Muslim

⁵² The top of the note is torn off, as well as the bottom, where the signature would have been.

⁵³ This may be a reference to an application to Gentile authorities.

⁵⁴ Unlike the tithes, *jizya* payment was not linked to the harvest. Linked to the *hijrī* year, *jizya* would at times be payable during the most difficult time of year commercially.

⁵⁵ B.Z.F. 361.79, *verso*.

⁵⁶ B.Z.F. 361.79.

tax officials. Some understanding of this interaction may be extracted from a series of eleven official government receipts issued by the *liwāʾ* treasury regarding al-Mazbar's *jizya*; these pertain to the *hijrī* years 1342*h*–1349*h* (1923–31).⁵⁷ The receipts for 1342*h* (B.Z.F. 361.30), 1343*h* (B.Z.F. 361.28) and 1344*h* (B.Z.F. 361.36) are handwritten (on the *versos* of printed treasury receipts of Ottoman vintage) while the later ones are printed, with spaces left open for inscribing the particulars of the transfer.⁵⁸ At the bottom of the printed receipts are five signature spaces: a space each for the treasury director (*raʾīs* or *maʾmūr al-mālīyya*) or his plenipotentiary (*wakīl*), his assistant (*muʿāwin*), the cashier (*amīn al-ṣundūq*), a clerk (*kātib al-yawmiyya* or *muḥarrir*) and a verifying clerk (*kātib al-asās* or *mudaqqiq*). Only one of the eleven receipts actually contains all five signatures; another contains two, the remainder contain three or four. The multiplicity of treasury officials looking over each other's shoulders plausibly translated into more accurate bookkeeping, besides making it difficult for any single individual to be bribed at the time of payment. Now al-Wazīr wrote that the “Shaykh of the Jews” supervised the gathering of *jizya* and transferred it to the state;⁵⁹ yet only one of the eleven receipts specifies that the individual submitting the collected payments to the treasury was al-Jamal. Instead, *maʾmūr al-qabḍ* (collection commissioner) Sayyid ʿAlī al-Qāsimī submitted the collected *jizya* during 1343*h* and 1345*h*,⁶⁰ and *maʾmūr al-taḥṣīl* (revenue commissioner) ʿAlī Muḥammad al-Maḥḥafī submitted it during 1346*h* and 1348*h*.⁶¹

Al-Qāsimī was the less prolific of the two commissioners. He did not immediately outperform his anonymous predecessor, who deposited the money for which the 1342*h* receipt was prepared. This latter receipt lists no taxpayers' names but specifies that nine Mazbarīs paid the low rate, for a total of eight *riyāls* and 17 1/2 *buqshas*, and three paid the medium rate, for a total of five *riyāls* and twenty-five *buqshas*—a village total of fourteen *riyāls* and 2 1/2 *buqshas*.⁶² ʿAlī al-

⁵⁷ B.Z.F. 361.30 (1342*h*), B.Z.F. 361.28 (1343*h*), B.Z.F. 361.36 (1344*h*), B.Z.F. 361.31 (1345*h*), B.Z.F. 361.32 (1345*h*), B.Z.F. 361.33 (1345*h*), B.Z.F. 361.34 (1345*h*), B.Z.F. 361.38 (1346*h*), B.Z.F. 361.24 (1348*h*), B.Z.F. 361.23 (1348*h*), B.Z.F. 361.22 (1349*h*).

⁵⁸ A facsimile of a similar receipt is provided in Raḍa 1995: 138.

⁵⁹ al-Wazīr 1987: 552.

⁶⁰ B.Z.F. 361.28, B.Z.F. 361.31, B.Z.F. 361.32, B.Z.F. 361.33, B.Z.F. 361.34.

⁶¹ B.Z.F. 361.38, B.Z.F. 361.23, B.Z.F. 361.24.

⁶² B.Z.F. 361.30. The low rate received therefore was the official *jizya* rate of 37

Qāsimī's 1343*h* receipt also lists—now by name—nine low rate payers and three medium rate payers, for a total, again, of 14 1/16 *riyāls*. However, for the year 1345*h* alone 'Imrān's cache contains four Qāsimī receipts. One, from 7 Šafar, 1345*h* (August 17, 1926), lists two *jizya* payers at the low rate of 37 1/2 *buqshas*—but paying the *jizya* for 1342*h*.⁶³ Another, from 21 Šafar, 1345*h* (August 31, 1926), lists six *jizya* payers at the low rate, also paying the *jizya* for 1342*h*.⁶⁴ A third, dated 12 Rabī' I, 1345*h* (September 20, 1926), also refers to one man's *jizya* from 1342*h*.⁶⁵ The fourth Qāsimī receipt written in 1345*h* is a receipt for fifteen *riyāls* for the *jizya* of 1344*h*, listing no names at all.⁶⁶ This is a bizarre document, as 'Imrān's cache does contain an official treasury receipt prepared in 1344*h* (the single one deposited by al-Jamal), listing thirteen *jazāya* (*jizya*-payers) by name. In sum, al-Qāsimī's retroactive receipts suggest continued difficulties in counting the villagers and in collecting *jizya* from all of them; and the anonymous receipt suggests an indiscriminate method of making up the deficit from the villagers.

Al-Maqḥafī was the more prolific of the two commissioners. Like al-Qāsimī he too engaged in retroactive billing. In Šafar 1348*h*, aside from that year's *jizya*, he deposited at the Ta'izz treasury a total of twenty *riyāls* and twenty-five *buqshas* as arrears for the years 1345*h*, 1346*h* and 1347*h*. As with al-Qāsimī, the *jazāya* from whom the money was exacted remain anonymous.⁶⁷ What distinguishes al-Maqḥafī's performance is a wide-scale upgrading of the population. Amongst the fifteen *jazāya* named on the receipt for his 1346*h* deposit, only two paid the low rate while thirteen paid the medium rate⁶⁸—nine of whom hitherto paid the low rate as reflected in the official receipt from 1344*h*.⁶⁹ Among these are five of the six low payers of al-Qāsimī's 1345*h* receipt, suggesting that the change occurred at the time of al-Maqḥafī's office. The 1346*h* receipt also lists *jizya*-

1/2 *buqshas per capita* (15/16 of a *riyāl*) and the medium was the official rate of 1 *riyāl* and thirty-five *buqshas per capita*.

⁶³ B.Z.F. 361.31.

⁶⁴ B.Z.F. 361.32.

⁶⁵ B.Z.F. 361.33.

⁶⁶ B.Z.F. 361.34. The portion of the receipt on which are mentioned the day and month in 1345*h* is torn.

⁶⁷ B.Z.F. 361.24.

⁶⁸ B.Z.F. 361.38.

⁶⁹ B.Z.F. 361.36.

payers from other villages on Jabal Ṣabir: of thirty-six individuals all except for five paid the medium rate.⁷⁰ Evidently, a renewed assessment occurred between August 1926 and August 1927 which resulted in al-Maqḥaḥī's enhanced revenue.

What was Yūsuf al-Jamal doing, if he did not deposit the tax? Yūsuf Ma'ūḍa remembers al-Maqḥaḥī well; but the trouble al-Maqḥaḥī caused, according to the former *'āqil* of al-Gades, "was all the working of Yūsuf al-Jamal."⁷¹ Ma'ūḍa believed that al-Jamal advised al-Maqḥaḥī that in the village there were individuals who were evading the *jizya* assessor. Then he counseled him not to visit the village on a weekday but on the Sabbath, when all the menfolk would be present. Al-Maqḥaḥī appeared one Saturday at the door of the synagogue; the villagers got up from their places, he instructed them to sit; Ma'ūḍa asked what he wanted; he replied that he wanted to count them; and the villagers disappeared at once through the windows, leaving Yūsuf Ma'ūḍa to represent them. Al-Maqḥaḥī waited out the Sabbath in the house of a neighboring shaykh, where Ma'ūḍa and two other villagers met him and listed for him sixty *jizya*-payers. He demanded payment that very night.⁷² Yūsuf Ma'ūḍa therefore conceived that even during a year when *jizya* was assessed and collected by a Muslim official such as al-Maqḥaḥī, Yūsuf al-Jamal served in a kind of advisory role.

Al-Jamal was active collecting the tax even though he may not have been the final individual submitting it to the treasury. The official receipts from al-Mazbar in which al-Jamal does not appear suggest that a cyclic arrangement was the norm: two or three years of collection, then a year of additional pressure during which the community as a whole was made to make up any arrears. This situation appears reflected in two of the notes translated above where Yūsuf al-Jamal used *'Imrān b. 'Imrām* to order the villagers to pay up balances, "as the *amīr* has ordered." But these notes are undated and cannot be shown to refer to the years where al-Qāsimī or al-Maqḥaḥī made their deposits. That al-Jamal was the workhorse behind al-Maqḥaḥī is demonstrated instead by a series of dated receipts provided by Yūsuf al-Jamal to the villagers of Mazbar *via* *'Imrān b.*

⁷⁰ The Mazbarīs upgraded to the medium rate remain at that rate in the receipt from 1348*h* (B.Z.F. 361.23).

⁷¹ Yūsuf Ma'ūḍa, N.S. 24:43.

⁷² Yūsuf Ma'ūḍa, N.S. 24:43.

‘Imrān for the same *jizya* payments deposited by al-Maḡḥafī at the base of the mountain in Ta‘izz. One such receipt concerns the 1346*h* *jizya*, for which Maḡḥafī’s official receipt lists thirteen *jazāya* at the medium rate of one *riyāl* and thirty-five *buqshas*.⁷³ The receipt issued by al-Jamal for the same year for payments coming “from the hand” (*‘an yad*) of ‘Imrān lists the same thirteen *jazāya* (each however paying two *riyāls* and not the one *riyāl* and thirty-five *buqshas* received in Ta‘izz).⁷⁴ Later, just before the end of 1346*h*, eight of these same *jazāya* paid al-Jamal through ‘Imrān an additional sum—*al-bāqī*, the balance.⁷⁵ A year later al-Jamal issued a similar receipt:

‘Imrān b. ‘Imrān ([may God] protect him) and his companions have paid in full the balance from previous years and nothing remains upon him and those with him except for Sulaymān al-Ṭabīb and his son. This testifies for them. Iyyar year 1347 [= May 11–June 9, 1929 / Dhū al-Ḥijja, 1347*h*].

Yūsuf al-Jamāl⁷⁶

This occurs just two months prior to the official receipt from Ṣafar 1348*h* (July 9–August 6, 1929), when al-Maḡḥafī deposited the previous three years’ arrears at the treasury in Ta‘izz.⁷⁷ The receipts provided by Yūsuf al-Jamal to the Mazbarīs for the same sums deposited by Maḡḥafī in Ta‘izz demonstrate al-Jamal working as the middleman between the village *‘āqil* and the *ma’mūr al-taḥṣīl*.

That he appears as middleman for al-Maḡḥafī does not necessarily mean that he was his subordinate. The official receipt prepared in 1344*h* for that year is headed as follows: “From the Jews of al-Mazbar village . . . from the hand (*‘an yad*)⁷⁸ of *dhimmī* ‘Imrān by means of Yūsuf al-Jamal.”⁷⁹ In this case therefore Yūsuf al-Jamal is taking the place of al-Qāsimī in actually handing the moneys to the treasury, after having collected it from the village *‘āqil*. Another case suggests competition between al-Jamal and Muslim functionaries—

⁷³ B.Z.F. 361.38.

⁷⁴ B.Z.F. 361.94. The traceable surplus from this particular group was therefore 1 *riyāl* and 25/40 *buqshas*.

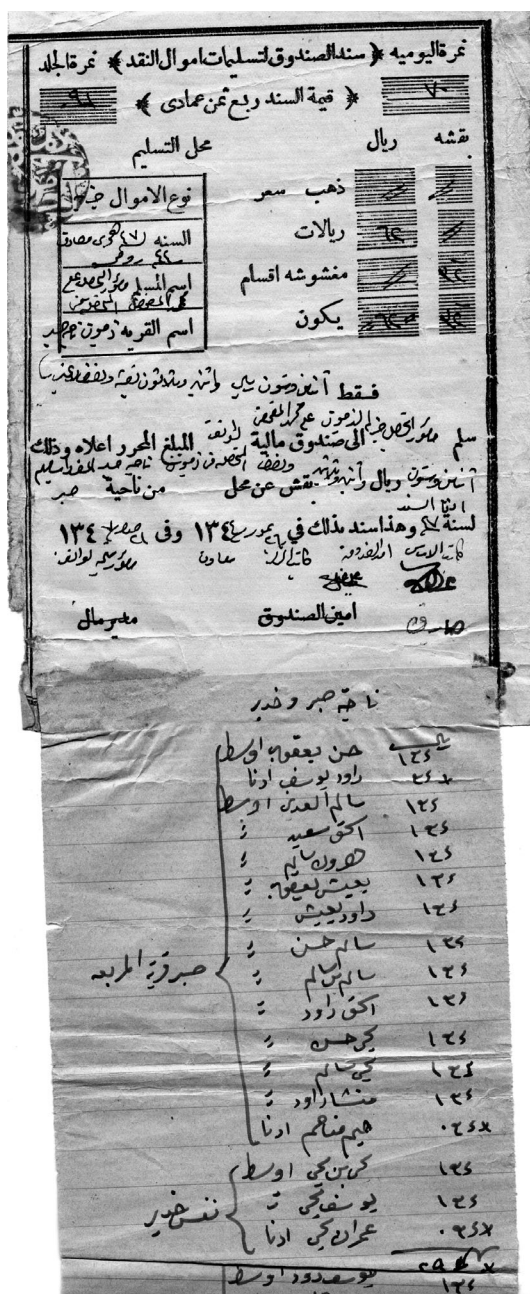
⁷⁵ B.Z.F. 361.82, from Iyyar 1346*h* (April 21–May 19, 1928/Dhū al-Qa‘da, 1346*h*).

⁷⁶ B.Z.F. 361.84.

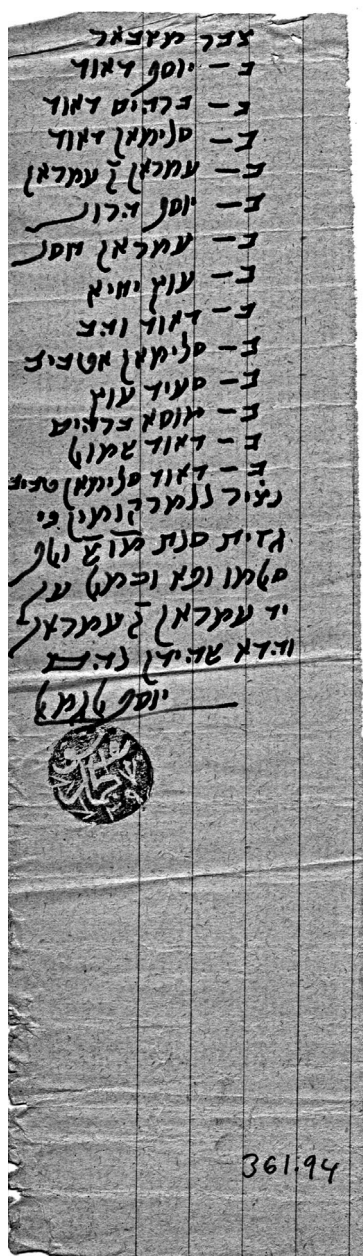
⁷⁷ B.Z.F. 361.24.

⁷⁸ For the varying interpretations of this Qur’anic terminology see *Introduction and Plan of Work*, n. 27.

⁷⁹ B.Z.F. 361.36.



Facsimile 5: *Jizya* receipt for villages of Nāḥiyat Şabir and Khadīr
issued by Liwā' Ta'izz treasury (B.Z.F. 361.38)



Facsimile 6: *Jizya* receipt for Mazbar village issued by Yūsuf al-Jamal (B.Z.F. 361.94)

at the expense of the villagers. The following is a letter dated Ṣafar 1348*h* (July-August 1929). This was when al-Maḥḥafī received his receipt for that year, suggesting that during that particular year, the Jews of Mazbar paid their regular *jizya*; they paid an undisclosed “balance” from previous years; and they had to deal with two apparently competing *jizya*-assessors:

This my handwritten [declaration] in the hand of ‘Imrān b. ‘Imrān [testifies that] when the census-taker (*al-‘addād*) arrives at his village I will pay his losses since we have already counted and the [villagers] have already paid their *jizya*. Peace. Ṣafar 1348.

Yōsef al-Jamāl⁸⁰

In sum, even when al-Jamal was not the individual submitting the tax to the treasury, he was active collecting it in the villages or advising the official commissioner. Al-Jamal dealt therefore with individual village headmen and with Muslim treasury officials and engaged in an assortment of tasks, from visiting the villages to handing in the payments to the treasury.

V. *Al-Jamal and Other Contractors*

Yūsuf al-Jamal was not the only Jewish district collector in the field. Other villagers aspired to profit from some potentially lucrative tax farming; one of these was Yūsuf Ma‘ūḍa himself, who recounted that he went down to Ta‘izz to seek a *jizya* commission from the *amīr*. The *amīr* instructed him to provide a guarantor, which he did. While in Ta‘izz, Ma‘ūḍa contested zones of responsibility with al-Jamal, as well as with a man named Shelomo al-Dirham. It was granted that Dirham would have the prerogative for Dhī al-Sufāl; and Ma‘ūḍa, the narrator, would collect from his village of al-Gades and the two neighboring villages of Daḥiyya and Ma‘wal. Ma‘ūḍa’s job was to gather a sum of 110 *riyāls* from the three villages and transfer these to Dirham. He did this until the year 1928.⁸¹ After gathering *jizya* that year, Ma‘ūḍa gave up the task of *jizya*-collection and al-Jamal took over. A decade later, in 1938, the government was to discover

⁸⁰ B.Z.F. 361.43.

⁸¹ Yūsuf Ma‘ūḍa gives the Christian year.

a difference between what was received at Dhī al-Sufāl during the final year of Maʿūda's commission, and the amount in al-Jamal's roster for that same year; and the villagers paid the balance.⁸² Elsewhere Maʿūda pointed out what he may have learned from this and perhaps previous experience: that in contrast to what he considered a more lenient Turkish government, under the rule of the imām if the *ʿāqil* "ate" the taxes he collected, the village would repay.⁸³ This episode shows Yūsuf al-Jamal taking over *jizya* collection from a village *ʿāqil* of Qaḍā' Dhī al-Sufāl who had won a commission from the *amīr*. He did so, moreover, even as that *ʿāqil*, Yūsuf Maʿūda, was technically a sub-farmer of al-Dirham.

Al-Jamal would later take over from Dirham himself. Dāwud Yehūda narrates that Dirham was commissioned by the *amīr*'s son, who had assumed responsibility for *jizya* management in Nāḥiyat Dhī al-Sufāl.⁸⁴ Dirham collected the sum of 2 1/2 *riyāls*, up from al-Jamal's 2 1/4 (thus Dāwud reveals that al-Jamal had previously collected from the *nāḥiya*). When al-Dirham escaped by truck one Saturday night with his family to Aden, taking with him *jizya* monies he had collected but not yet submitted, al-Jamal stepped back onto the scene. He had in his possession a list of Jews whose *jizya* had been submitted to the treasury earlier that year, and some Jews possessed receipts indicating they had more recently paid Dirham. To make up the missing sum, he decreed that all Jews, irrespective of whether or not they possessed receipts, were to pay one-half of the regular *jizya* payment; coerced by soldiers, this the Jews did.⁸⁵ Again, Yūsuf al-Jamal features as the overall tax-collection authority among the Jews. Again is revealed—this time in Nāḥiyat Dhī

⁸² Yūsuf Maʿūda, N.S. 28:23–25.

⁸³ Yūsuf Maʿūda, N.S. 24:42.

⁸⁴ From his aforementioned note summarizing Dāwud Yehūda's narrative it appears that Goitein misread the passage, understanding that the Amīr of Dhī Sufāl himself collected and transferred the money to Ḥasan Shelomo Dirham, who took it and escaped to Aden. Actually the text specifies the "son of the Amīr," who was of course the *ʿāmil* of Dhī Sufāl. It is hard enough to perceive a *nāḥiya* *ʿāmil* (not to speak of the Amīr himself) collecting money in the villages, and it is unthinkable that he should pay it to a Jewish tax farmer: the direction of payment was the other way round. An unrelated point: Dāwud Yehūda remembers the name as Ḥasan Shelomo Dirham, while Yūsuf Maʿūda remembers the name as Shelomo Dirham. It is possible but unlikely that the reference is to two different people, a father and a son.

⁸⁵ Dāwud Yehūda Frāyim Lewī, N.S. 31:28.

al-Sufāl—his ability to induce villagers to cover arrears even though they may have had receipts that vouched for their *jizya* payments.

‘Imrān’s cache continues to reflect the activity of al-Jamal in the years following 1349*h*. It includes two receipts on payments of the fee (*ujra*) of a Muslim assessor, on whose behalf al-Jamal collected from villagers an undisclosed fee;⁸⁶ and it includes receipts issued by Yūsuf al-Jamal for the years 1350*h*,⁸⁷ 1351*h*,⁸⁸ 1352*h*,⁸⁹ 1353*h*,⁹⁰ 1354*h*,⁹¹ and 1355*h*.⁹² 1355*h* was a borderline year, in which Yūsuf al-Jamal collected from some villagers only: additional receipts were issued by al-Mazbar villager Sa‘īd ‘Awwād⁹³ (a rival of ‘Imrān b. ‘Imrān, to judge by ‘Imrān’s plea to Yūsuf al-Jamal translated above in section III⁹⁴). One receipt reveals villagers paying one-half of the *jizya* sum to make up for “al-Jamal’s deficit” (*munkhasar al-Jamal*):⁹⁵ another instance of the community as a whole covering a balance. In the following year, 1356*h*, *jizya* was collected by another Mazbarī, Ya‘īsh Dāwūd.⁹⁶ As mentioned, al-Jamal died prior to Sha‘bān 1356*h*—October, 1937. The year 1356*h* (March 14, 1937—March 2, 1938) was also the last full year of the *amīr*’s administration of Liwā’ Ta‘izz.

*

Thus were the experiences of the Jewish villagers in Liwā’ Ta‘izz during the Wazīr years linked to the person of Yūsuf al-Jamal. Al-Jamal at times accorded personal attention to individual villages, at times he actually submitted the money to the treasury, at times he worked in an advisory role, at times he filled in when other contractors were unsuccessful. In short, he was ‘Alī ‘Abd Allāh al-Wazīr’s facilitator for *jizya* management. In contrast to Goitein’s interpreta-

⁸⁶ B.Z.F. 361.81, B.Z.F. 361.71.

⁸⁷ B.Z.F. 361.92.

⁸⁸ B.Z.F. 361.93, B.Z.F. 361.78.

⁸⁹ B.Z.F. 361.70, B.Z.F. 361.86.

⁹⁰ B.Z.F. 361.95, B.Z.F. 361.91.

⁹¹ B.Z.F. 361.90, B.Z.F. 361.72.

⁹² B.Z.F. 361.73, B.Z.F. 361.74, B.Z.F. 361.75.

⁹³ B.Z.F. 361.76, B.Z.F. 361.80, B.Z.F. 361.51.

⁹⁴ B.Z.F. 361.79 *verso*.

⁹⁵ B.Z.F. 361.51.

⁹⁶ B.Z.F. 361.88.

tion of *jizya* headmanship,⁹⁷ al-Jamal's commission in Liwā' Ta'izz does not reflect a design to eliminate the services of local headmen. Rather, responsibility of a single individual over the task of *jizya* collection in such a wide expanse as a *liwā'* actually fostered the need for local services at the village level. Nor was it the imām who commissioned al-Jamal and on whose immediate behalf he acted. Certainly *jizya* ended up in the treasury and was sent off to Ṣan'ā' and the central treasury offices headed by the imām's son, Sayf al-Islām 'Alī. Its assessment and collection however were local affairs reflecting the ambitions of local figures on the one hand and the interests of the *'āmil* on the other. Indeed, it seems that al-Jamal sought the *amūr* out and not vice versa, and the same held true for other aspiring collectors. Yūsuf al-Jamal's appointment reflected, primarily, his own entrepreneurship: he had identified a need and proved himself the man best able to supply it.⁹⁸

VI. *Al-Jamal and al-Maqhāya*

Dāwūd Yehūda recalled that al-Jamal collected the medium-level sum at 2 1/4 *riyāls*,⁹⁹ and an embittered Yūsuf Ma'ūḍa claimed that while al-Jamal wrote receipts for the sums of four, two and one *riyāl*, he in fact collected eight, four and two. The Mazbar material confirms that the receipts provided were for one, two and four *riyāls*; and that the real expenses were not the *jizya* but the additional moneys, sheep and food which oiled the system, provided by the villagers to the middlemen for their "expenses." These might include any or all of

⁹⁷ Goitein 1955: 19.

⁹⁸ A preliminary parallel can be drawn between the figure of al-Jamal as delineated thus far and Jewish courtiers of the Geniza period. As of the tenth century, Islamic political decentralization was accompanied by the appearance of Jewish regional chiefs all about the Jewish world, whose winning of the ruler's favor occurred in some cases through their function as purveyors of supplies. These provincial authorities acted as semi-official community representatives before the local government. They were not necessarily of distinguished ancestry, and exercised whatever control they could secure through their wealth, court connections and personal talents (Baron 1957: 39–43). Should future research reveal the presence in al-Jamal's case of the support of the Ṣan'ā' Jewish leadership expressed, perhaps, in his installment as treasurer of Shabazi's endowment, extending the parallel to include the medieval Nagids might be considered.

⁹⁹ Dāwūd Yehūda Frāyim Lewī, N.S. 31:29.

the following middlemen, besides the regional *‘āqil* (al-Jamal): sub-contractors (such as Dirham) and *their* sub-contractors (such as Ma‘ūda), the census-takers, the village *‘āqil*, the *ma‘mūr al-qabḍ* or the *ma‘mūr al-tahṣīl*, and any participating *‘askarīs*.¹⁰⁰

For all its detail, the al-Maqhāya material, which includes the village *‘āqil*’s narratives as well as his document cache, contains up to and including the *jizya* year 1356*h*—the last full year of the *amīr*’s administration of Liwā’ Ta‘izz—no narrative on *jizya* reproducing the bitterness of the *‘āqil* of al-Gades and no document such as those which compose the archive of the *‘āqil* of al-Mazbar. It mentions nothing of any alteration in *jizya* payment after the Mutawakkilite takeover, of local sub-contractors hiking up the payments actually made or of the myriad associated payments extracted from the village as a whole. Nor is there any mention of al-Jamal’s interference in the internal matters of the village, of coercion on his part, of recurring rosters resulting in longer lists of taxable villagers and in higher payments, of repeated payment of any year’s *jizya* for any reason, of competition at the villagers’ expense amongst local or regional *jizya*-assessors and collectors. Despite Yūsuf al-Jamal’s influence with the *amīr* and his resolve to assert his control over the Jews of Liwā’ Ta‘izz, the Jews of al-Maqhāya did not appear to have undergone the same experience as their co-religionists from such villages as Mazbar, Gades, Ma‘wal and Daḥiyya. I propose that the patronage of Shaykh Muḥammad ‘Abd al-Qawī can explain this contrast.

I do not imagine that the Jews of al-Maqhāya were absolved from *jizya*. I suggest instead that Shaykh Muḥammad may have appointed his own assessor and collector for al-Sabra because this was a feasible option for him. Dāwud Yehūda recalls that the *‘āmil* of Dhī al-Sufāl, the *amīr*’s son, chose at one point to collect the *jizya* without the interpolation of al-Jamal. The *‘āmil* of Shar‘ab too taxed the Jews of his *nāḥiya* without al-Jamal’s mediation.¹⁰¹ If Muḥammad ‘Abd al-Qawī as *‘āmil* of al-Sabra wished to minimize the interface of his villagers with government functionaries drawing on an alternative authority, this should have been the course to follow. Moreover, Shaykh Muḥammad as *‘uzla* shaykh received from the villagers various considerations as defined above in Chapter Four (section III);

¹⁰⁰ B.Z.F. 361.62, from Muḥarram 1345*h* (July 12–August 10, 1926), where an *‘askarī* acknowledges collection of *jizya* and sojourning fees.

¹⁰¹ Dāwud Yehūda Frāyim Lewī, N.S. 31:29.

he should not have viewed favorably his villagers' need to fork out the additional payments constituting the "expenses" of the middlemen benefiting from the *jizya* opportunity. Finally, lightening the *jizya* burden for his Jews at al-Maqhāya would have been one more way in which he was following his own dynastic legacy; this may be inferred from a passage of Yūsuf Ma'ūda's narrative:

Musallam Ḥasan al-Shar'abī, the murdered brother of my mother, had been 'āqil. He received from Dhī al-Sufāl a commission to farm (*yal-tazim*) the *jizya* of al-Gades, Ma'wal, al-Daḥiyya, al-Jarshab, al-Quba', and Maqhāyat Bilād al-Shu'aybī which [at that time] pertained to us—to [Qaḍā'] Dhī al-Sufāl. He contracted all these for sixty *qirsh* but collected two hundred *qirsh*. The people of al-Maqhāya paid [only] eight *qurūsh* although they are traders and numerous. But they did not all pay, only those who were better-off (*illā mā tafaddalū*). They rely on the backing of al-Shu'aybī (*hum rākinīn lā ḍahr al-Shu'aybī*).¹⁰²

According to Ma'ūda, "al-Shu'aybī" protected the Jews of al-Maqhāya from the excesses of their co-religionist tax collector and a large proportion of the community did not pay at all. The period contemplated here was the very end of the nineteenth century when, as already noted, the predominant "Shu'aybī" was Shaykh 'Abd al-Qawī, Muḥammad's father.¹⁰³

VII. *Jizya Collection in Qaḍā' Ibb*

The situation of the Jews of al-Maqhāya with regard to *jizya* payment may be compared also with that of their co-religionists to the north, in Nāhiyat Ba'dān and elsewhere within Qaḍā' Ibb. These villagers endured conditions that correspond to those experienced by the Jews of Liwā' Ta'izz, though they were not under the authority of Yūsuf al-Jamal.

¹⁰² Yūsuf Ma'ūda, N.S. 28:21.

¹⁰³ The reference to the pertaining of al-Maqhāya to Dhī al-Sufāl indicates a period prior to the creation by Bīn Nāṣir of Nāhiyat Sabra and its appending to his own *qaḍā'* al-Qamā'ira. In the next few passages of narrative Yūsuf Ma'ūda relates how his uncle was a favorite of the Turkish *mudīr* because of his long moustache, which formed part of a beard reaching down to his belly; that following his death he was replaced by his son, Musallam, for about three years; and that he was followed by Ma'ūda himself (the narrator), fifteen years prior to the Mutawakkilite takeover (Yūsuf Ma'ūda, N.S. 28:21). Musallam Ḥasan therefore died close on the turn of the century.

Jizya in Ibb was collected on behalf of the Ottoman administration by a string of local Jewish contractors, recalled Morī Ḥasan Sālim ‘Arabeh of al-‘Amāhī, Ba‘dān. As in al-Gades,¹⁰⁴ the sum was one *qirsh* for every male Jew. But those contractors who gathered only one *qirsh* were unable to cover their obligations with these sums and ended up selling land or a *tōra* scroll to do so. Towards the end of Ottoman rule *jizya* was collected by less sentimental contractors. Ibb residents Ḥasan al-Ḥaddād and later his brother Yaḥyā al-Ḥaddād collected 1 1/2 and two *riyāls* respectively.¹⁰⁵ (Yaḥyā al-Ḥaddād later converted to Islām, through the agency of the *ḥākim* of Qaḍā’ Ibb, al-Iryānī.¹⁰⁶)

According to ‘Arabeh, a local Jew by the name of Sa‘īd al-Jubb from Nādib, Ba‘dān, officiated for three years under Mutawakkilite rule, collecting three *riyāls* per head; he escaped over the border to al-Ḍālī‘ with his last consignment and the villagers covered the three hundred *riyāl* deficit, as was the case in similar situations in Liwā’ Ta‘izz. Then a regional collector named Sulaymān Sughayyir of Dhamār in Upper Yemen collected for five years, followed by another regional collector, Šālīḥ al-Ḍāhirī of Radā‘ in Upper Yemen, who collected for two years.¹⁰⁷ An interviewee named Sulaymān ‘Awwāḍ Hārūn al-Šan‘ānī, from a village near al-Makhādir north of Ibb, mentions the same three regional contractors but places al-Sughayyir prior to al-Jubb and recalls that al-Jubb collected for four or five years. He too mentions additional payments the *jazāya* were coerced into paying because of the contractors’ false reports in Ibb.¹⁰⁸ ‘Arabeh assured Yūsuf Sayyānī that he would have paid twice the required amount rather than befriend the Jewish contractors; but he could not afford to give them the cold shoulder. They would come to him

¹⁰⁴ Yūsuf Ma‘ūḍa, N.S. 24:42.

¹⁰⁵ Ḥasan Sālim ‘Arabeh, N.S. 95:75.

¹⁰⁶ Sālim Yaḥyā Radamī, N.S. 90:5. This was doubtless Yaḥyā b. Muḥammad al-Iryānī, Ibb district judge between 1919 and 1927 (Messick 1993: 192). Radamī relates that Yaḥyā died shortly following his conversion; his minor son and daughter were taken and provided with agents who converted them to Islām, while two married daughters were not taken. Radamī then mentions the names of two married daughters of Ḥasan al-Ḥaddād, which raises the possibility that Ḥasan too had adopted Islām. The account of Yaḥyā’s conversion is itself a narrative sidetrack by Radamī, whose primary focuses is on the sale of a house that had once belonged to Yaḥyā al-Ḥaddād.

¹⁰⁷ Ḥasan Sālim ‘Arabeh, N.S. 95:79.

¹⁰⁸ Sulaymān ‘Awwāḍ Hārūn Yūsuf al-Šan‘ānī, /N.S. 4.

uninvited and he would host them with five or six *riyāls*’ worth of ‘*araq*’ (Yemeni *grappa*), chicken, bread, ghee and *qāt*. On one occasion ‘Arabeh learned that one of al-Jubb’s retinue—al-Jubb was accompanied by a poet and a servant—was entertaining thoughts of turning him in to the ‘*āmil* in Ibb for selling ‘*araq* to Muslims. (‘Arabeh assured Yūsuf Sayyānī he had not.) To lessen the chances of this happening, he dutifully took a chicken, two bottles of ‘*araq* and *qāt* and followed al-Jubb to the house where he and his retinue were being hosted at the time.¹⁰⁹

The case of Yūsuf al-Jamal, the quintessential contractor in Liwā’ Ta‘izz, suggests that an unbroken continuum of Jewish collectors would be unrealistic. The Ben-Zvi Institute library in fact contains receipts issued by Muslim contractors to the villagers of Akamat Banī Maṣṣūr, Nāḥiyat Ba‘dān, for the year 1339*h*—the second year of Mutawakkilite rule—as well as for 1349*h* and 1351*h*,¹¹⁰ suggesting some breaks in the smooth descriptions provided by ‘Arabeh and al-Ṣan‘ānī. Eight to ten years of collection by Jewish contractors along with the additional three years places the contracting commission of al-Ḍāhirī at least eleven to thirteen years into Mutawakkilite rule, or in the early to mid-1930s, when Ibb was a *qaḍā’* independent of Liwā’ Dhamār. It was during al-Ḍāhirī’s second year that the villagers found a way to vent their accumulated anger. He was staying at a certain crossroad village, waiting for the Jews of ‘Utmat Ba‘dān, Nāḍib and Akamat Banī Maṣṣūr to come to him and pay their *jizya*, and his evening party had been joined by the brother of the local ‘*uzla* shaykh, who joined in some merrymaking. Jews from Akamat Banī Maṣṣūr reported the event to the shaykh, and received his permission to take al-Ḍāhirī aside and beat him. Their action resulted in a four-hundred *riyāl* fine imposed on the Jews of Ba‘dān by the government in Ibb; but al-Ḍāhirī did not return the following year.¹¹¹ After this episode the Ba‘dānīs paid their *jizya* directly to the treasury, at the official rate of 15/16 and 1 7/8 *riyāls*.¹¹²

¹⁰⁹ Ḥasan Sālim ‘Arabeh, N.S. 95:77–78.

¹¹⁰ Undesignated (5), Undesignated (6), Undesignated (7).

¹¹¹ The event evidently made a lasting impression on the region’s Jews, as there are three separate versions as to its details: that of Sālim b. Ibrāhīm al-Jiblī from Akamat Banī Maṣṣūr village, Ba‘dān (N.S. 19:3); that of Sulaymān ‘Awwāḍ Ḥarūn Yūsuf al-Ṣan‘ānī from Dhī al-Ḥaql village, al-Makhāḍir (/N.S. 4); and that of Ḥasan Sālim ‘Arabeh of al-‘Amāhī village, Ba‘dān (N.S. 95:76).

¹¹² Ḥasan Sālim ‘Arabeh, N.S. 95:75.

Until relieved of the Jewish contractors, the Jewish villagers of Nāḥiyat Baʿdān and Qaḍāʾ Ibb seem to have been prey to excesses comparable to those undergone by their colleagues in Liwāʾ Taʿizz. The contrast between the experiences of the Jews of al-Maqhāya and those of many of their surrounding co-religionists remains pronounced.

VIII. “Confusion,” or Change and Continuity: Sālīm “al-Ḍarrāb”

Our glimpse at Qaḍāʾ Ibb was consequential because it reasserted the contrast between the vicissitudes endured by Lower Yemen villagers paying the *jizya* and the apparent absence of such complications at al-Maqhāya. But it is of additional interest for its illustration of the administrative detachment of Qaḍāʾ Ibb and Liwāʾ Taʿizz. As observed, how *jizya* was assessed and collected during the first two decades of Mutawakkilite rule was a matter determined at the *liwāʾ* level, at times at the *qaḍāʾ* level and even at the *nāḥiya* level. The villagers of Nāḥiyat Ṣabir and Nāḥiyat Dhī al-Sufāl together experienced the ubiquitous Yūsuf al-Jamal, while villagers of various localities within Qaḍāʾ Ibb experienced their sequence of contractors. All this was to change in the year 1357*h* (March 3, 1938—February 20, 1939), and the transition corresponds to the arrival from outside Lower Yemen of a contractor named Sālīm b. Sālīm, nicknamed al-Ḍarrāb: “the beater;” or, by extension, “the taxman.”

Yūsuf al-Jamal’s death in 1355*h* left a void in Liwāʾ Taʿizz of which the treasury must have been aware by 1356*h*, a year during which an assortment of locals gathered *jizya* from their villages. It may be that a drop in *jizya* revenue from the *liwāʾ* alarmed the Ṣanʿāʾ treasury office run by Sayf al-Islām ʿAlī. Certainly Imām Yaḥyā was aware of the death, as is evidenced by his note to ʿAlī ʿAbd Allāh al-Wazīr on October 10, 1937, to address Gamliel’s claim of a debt from al-Jamal’s estate.¹¹³ Gamliel—Sālīm Saʿīd al-Jamal—in fact presented himself as a distant relative of Yūsuf al-Jamal. Using paperwork on which there appeared headings like “Cousin,” he claimed he was al-Jamal’s only heir.¹¹⁴ It is conceivable that in addition to demanding the estate itself Gamliel was also proposing himself as

¹¹³ Gamliel 1987: 117.

¹¹⁴ Gamliel 1987: 116.

al-Jamal's heir regarded *jizya*-farming in Liwā' Ta'izz. If so, availing himself of an order from Imām Yaḥyā to approach the *amīr* was the correct approach, for the imām did in fact dispatch a Jewish contractor, over the head of the *amīr*, to replace al-Jamal in Liwā' Ta'izz. That contractor however was Sālim al-Ḍarrāb.

Something on al-Ḍarrāb's background can be gleaned from Gamliel's published collection of documents on *jizya* payment. Though Gamliel collected *jizya* in Ṣan'a', he was occasionally called upon to help mediate disputes elsewhere. In a number of disputes between Jewish *jizya* contractors from the Yarīm area, complaints were sent to the imām, who transferred the matter to his son 'Alī, who dispatched Gamliel as mediator. Gamliel, from his Ṣan'anī perspective, referred to Yarīm as "southern Yemen,"¹¹⁵ despite its location north of Sumāra.

In Qaḍā' Yarīm, as in Liwā' Ta'izz, there had been a single outstanding Jewish figure responsible for *jizya* collection. Ḥayyīm b. Moshe al-Qāfiḥ was the head Jewish figure in the *qaḍā'*, maintaining contact with the Ottoman and then Mutawakkilite governments up until 1355*h*.¹¹⁶ As in Liwā' Ta'izz, other local Jews succeeded at times and for specific villages to win contracts for *jizya* collection, and al-Qāfiḥ too would sub-farm portions of his own commission out to other Jews.¹¹⁷ Like al-Jamal, Qāfiḥ might attempt to regain his primacy even in such cases. In one case mediated by Gamliel, a sub-contractor bypassing the primary contractor submitted sums he had collected to Qāfiḥ. The original contractor was upset both at the sub-contractor and at Qāfiḥ:¹¹⁸ he must have felt cheated out of his income as middleman.

¹¹⁵ Gamliel 1982: 77.

¹¹⁶ Gamliel 1982: 83. The Gamliel mediation document on page 134 of Gamliel's book (document 18 'a') specifies Qāfiḥ's date of death as 18 al-Qa'da, 1355*h* (30 January, 1937) and this is a possibility. Whether this particular document is an authentic original is however questionable because of the absence of counter-signatures. Cf. similar mediation documents by Gamliel, replete with signatures of the parties to the dispute as well as Muslim and Jewish witnesses (Gamliel 1982: 124 [document 15]; 129 [document 16]). In any event, 1355*h* was certainly Qāfiḥ's final year of *jizya* collection (Gamliel 1982: 160 [document 24]).

¹¹⁷ Gamliel 1982: 120 (document 14, from 24 Sha'bān 1354*h* [21 November, 1935]).

¹¹⁸ The mediation with the sub-contractor: Gamliel 1982: 124 (document 15, from 28 Dhū al-Qa'da, 1354*h* [21 February 1936]); the mediation with Qāfiḥ: Gamliel 1982: 129 (document 16, from the same day).

Sālim al-Ḍarrāb was another smaller-scale Yarīm area contractor. His home village was al-Raḍma,¹¹⁹ situated east of Yarīm on the track to Ḥammām Damt, Qaṭaba and Aden; but he received a commission for al-Sadda, a large village south of Yarīm, on the track from Sumāra to Ḥammām Damt. Establishing his own foothold in al-Sadda, he married a local woman and purchased shops and houses as rental properties. By 1933 al-Ḍarrāb's relationship with the Jews of al-Sadda was sour: they claimed he was demanding of them additional payments besides the *jizya* as well as upgrading the villagers' former *jizya* levels. He for his part claimed the villagers owed him rent; and he was upset for not receiving his wife's portion in her mother's estate (nothing, according to Jewish law).¹²⁰ Also, al-Qāfiḥ had been interfering with al-Ḍarrāb's collection prerogative.¹²¹ The situation in his home village of Raḍma too was unstable. In January 1934 he addressed a sharply worded *shakwā* to the imām, after a year spent in Ṣanʿāʾ attempting to forward his affairs; in it he complained that a certain *sayyid* in al-Raḍma was illegally using his land and appropriating the crops, and that the representative of the *ʿāmil* of Yarīm wrongly claims that he owed moneys to the treasury.¹²² Ḍarrāb's dispute with the Jews of al-Sadda was a harbinger of his future relationship with those of Lower Yemen.

As preluded, Sālim al-Ḍarrāb was to play a central role in the next stage of *jizya* collection in Lower Yemen—in Liwāʾ Taʿizz as well as in Qaḍāʾ (soon to be Liwāʾ) Ibb. In al-Mazbar, Liwāʾ Taʿizz, five receipts show that during 1357*h* and 1359*h* *jizya* was gathered by Sālim b. Sālim, “on behalf of the imām, may God preserve him.”¹²³ Describing the situation near al-Makhādīr, Qaḍāʾ Ibb, Sulaymān ʿAwwāḍ Hārūn al-Ṣanʿānī too alludes to al-Ḍarrāb:

After al-Ḍāhirī there came al-Ḍarrāb. We and he went to court. He said he wanted two and three-eighths [*riyāls* from the *awsaṭ* payers] and he wanted to provide unsigned receipts. He came up from Taʿizz

¹¹⁹ Gamliel 1982: 83.

¹²⁰ Gamliel 1982: 104 (document 9, from Jumādā I, 1352*h* [22 August–20 September, 1933]).

¹²¹ Gamliel 1982: 83–84.

¹²² Gamliel 1982: 113 (document 12, from 8 Shawwāl, 1352*h* [21 January, 1934]).

¹²³ For 1357*h*: B.Z.F. 361.41, B.Z.F. 361.42, B.Z.F. 361.44 and B.Z.F. 361.52; for 1359*h*: B.Z.F. 361.54. The last of ʿImrān b. ʿImrān's *jizya* receipts is from 1360*h* (B.Z.F. 361.50); he may at that time have opted to depart the Mutawakkilite Kingdom.

to farm (*yaltazim*) *bilād* Ibb. About a hundred of us gathered (*altamaynā*) and appealed in Ibb; we said we would pay two and three-eighths but let him provide receipts [for the entire sum].

“Here is [the money] before you—let him sign. If not we will go up to the imām!”

We paid and he provided receipts, yet he lost [money] (*wakkas*), since he sat in Ibb about one and a half months to collect and he had his daughter with him and [additional outlays of] expenses and bribes. He experienced a loss even though we paid two and three-eighths. People hid from him.¹²⁴

Yūsuf Ma‘ūḍa and Dāwūd Yehūda of Qaḍā’ Dhī al-Sufāl too focus on Ḍarrāb. Their narratives however are difficult as ever to comprehend for the reasons already mentioned: both are replete with parenthetical flashbacks, and the narrative of Yūsuf Ma‘ūḍa further suffers from an absence of dates. Dāwūd Yehūda for his part does provide dates, but they are misleading. He defers al-Jamal’s death to 1357*h*, recalls that a Jew from Ḍūrān al-Ḥishā’ collected the *jizya* during 1358*h*, and consequently dates Ḍarrāb’s contractorship between 1359*h* and 1361*h*.¹²⁵ Yet as indicated by Gamliel’s claim from the estate, al-Jamal died in 1356*h* at the latest and in Mazbar as seen his collection activity stops abruptly in the middle of 1355*h*. It was in fact adjacent to the name “al-Ḍarrāb” that Goitein wrote the word “Confusion” when he noted down for himself changes in *jizya* collection extracted from Dāwūd’s narrative. Just as the documents from Mazbar illuminated the situation at al-Gades and al-Daḥiyya, so now a clearer narrative exists which resolves the confusion surrounding Ḍarrāb’s three-year appointment. This time, however, the clarifying narrative itself constitutes our focus of attention: it was recited by Yaḥyā Ḥayyim Dwayd.¹²⁶

1357*h* (March 1938–February 1939)

Al-Ḍarrāb’s activity in both Liwā’ Ta‘izz and Qaḍā’ Ibb suggests that the treasury in Ṣan‘ā’ was no longer satisfied with merely receiving the submitted *jizya* sums but had taken a step to overrule the administrative centers and assert direct control over census-taking

¹²⁴ Sulaymān ‘Awwāḍ Ḥārūn Yūsuf al-Ṣan‘ānī, /N.S. 4.

¹²⁵ Dāwūd Yehūda, N.S. 31:29.

¹²⁶ Yaḥyā Ḥayyim Dwayd, /N.S. 7.

and assessment of *jizya* rates, and over *jizya* collection. The opening of Yahyā Ḥayyim's narrative adds specific details:

In the year [thirteen hundred and] fifty-seven Sālim b. Sālim Ḍarrāb came down to count the Jews, upon Imām Yahyā's exalted order to *amīr* Liwā' Ta'izz and *amīr jaysh* of Qaḍā' Ibb. This was prior to the arrival of [the future] Imām Aḥmad in Ta'izz and al-Ḥasan in Ibb. He counted [the Jews of] Liwā' Ta'izz and Liwā' Ibb.¹²⁷ With him was a soldier, a *qabīlī* from his district who did not carry a rifle. At that time we were still [part of] Qaḍā' Dhī al-Sufāl, Liwā' Ta'izz. He passed from village to village and wronged people with his assessment. By us in al-Maqhāya he listed five *a'lā*-payers, while previously there was not one such amongst us. That year he [also] collected the *jizya*, upon the order of [the future] Imām Aḥmad who was [by then] already in Ta'izz.¹²⁸

Yahyā Ḥayyim's understanding was that al-Ḍarrāb was Imām Yahyā's appointment and not that of any provincial *amīr* (which Yūsuf al-Jamal had been). Ḍarrāb's orders to count and rank the Jews from Lower Yemen in its entirety thus constituted a move to remove *jizya* from the prerogative of 'Abd Allāh al-Wazīr, who was still in Ta'izz. That Crown Prince Aḥmad came down to Liwā' Ta'izz only after Ḍarrāb's roster for the year 1357*h* suggests that the imām's dispatch of Ḍarrāb may be viewed as a preliminary move in the spirit of his actions of later that same year. That Dhī al-Sufāl still belonged to Liwā' Ta'izz when *jizya* was collected in 1357*h* indicates that at that time the *amīr* had not yet embarked on the *hajj* from which he would not return to Ta'izz. *Jizya* management was thus one prerogative Aḥmad had taken hold of on behalf of the Ḥamīd al-Dīns from under the nose of his host 'Alī 'Abd Allāh al-Wazīr.¹²⁹ All at once there were five payers of the upper-level *jizya* in al-Maqhāya: the *dhimmīs* of al-Maqhāya are beginning to join in the experiences of their co-religionists.

Yahyā Ḥayyim's narrative continues as follows: when al-Ḍarrāb came to collect the *jizya* the people of Liwā' Ta'izz paid from fear of the alternative—hosting soldiers sent out by al-Ḍarrāb from Ta'izz. Having paid however, they gathered in Ta'izz to appeal to the imām,

¹²⁷ This would still have been Qaḍā' Ibb.

¹²⁸ Yahyā Ḥayyim Dwayd, /N.S. 7.

¹²⁹ Dāwūd Yehūda of al-Daḥiyya too mentions that during al-Ḍarrāb's first year it was Aḥmad who issued the order to collect *jizya* (N.S. 31:29).

who referred them to the treasury, the director (*mā'mūr al-mālīyya*) of whom, Sayyid 'Abbās b. 'Alī, the brother of Aḥmad's mother, was being bribed by al-Ḍarrāb. Nothing was done.¹³⁰ The event highlighted by Goitein of the Gadesīs going "... en masse to the capital of Lower Yemen" and burning "a big bogey of rags at the entrance to the palace"¹³¹ surely occurred at this point, while Dhī al-Sufāl still belonged to Liwā' Ta'izz.¹³²

1358h (February 1939–February 1940)

It will be recalled that by early 1939 the Wazīrs had been removed from Liwā' Ta'izz, and Qaḍā' Dhī al-Sufāl was annexed to Sayf al-Islām al-Ḥasan's freshly designated Liwā' Ibb. According to Yaḥyā Ḥayyim, al-Ḍarrāb did not tour the villages that year to prepare the roster. Al-Maqhāya was contacted instead by a certain Sayyid 'Alī 'Abd al-Raḥmān al-Naw'a, whom the 'āmil of Dhī al-Sufāl sent out to count and rate the *jazāya*. A soldier messenger brought al-Naw'a's message to al-Maqhāya from al-Jarshab, the other village in Nāḥiyat al-Sabra with a significant number of Jews, to prepare his sustenance by the time of his arrival. Next day however al-Naw'a did not turn

¹³⁰ Yaḥyā Ḥayyim Dwayd, /N.S. 7.

¹³¹ Goitein 1955: 19.

¹³² Actually, according to Ma'ūda, the people of al-Gades did not go down *en masse*; they sent down four people to present their complaint (... *ihnā yā ahl al-Jadas nazzalnā arba'a anfār* ...) (Yūsuf Ma'ūda, N.S. 24:46). Also Goitein's (1955: 19) statement that "[t]his resulted in partial satisfaction of their grievances" is debatable. No cause and effect relationship exists in the text itself between the appeal in Ta'izz and the next stage in Ma'ūda's narrative, because of a parenthetic conversation between the narrator and Yūsuf Sayyānī. (This highlights one advantage of the non-recorded interviews, where Sayyānī includes only material pertaining to the narrative itself.) Moreover, how a solution provided by Ta'izz could have affected the villagers is unclear, insofar as Qaḍā' Dhī al-Sufāl was detached from Liwā' Ta'izz before the next *jizya* payment was made. Indeed, Ma'ūda could not remember whether the Gadesīs' appeal happened during the period of the Amīr or the Sayf (Yūsuf Ma'ūda, N.S. 24:46), an uncertainty reflected in the fact that Goitein does not specify whose "palace" it was before which the rags were burnt. In this portion of narrative Yūsuf Ma'ūda relates that he continued to serve as village 'āqil. At the beginning of each year Sayf al-Islām (al-Ḥasan) would instruct the 'āmil of Dhī Sufāl to send an assessor ('addād) to perform the roster. Later, soldiers would appear at his house and Yūsuf would extract the payments from the villagers. "He who did not have [cash] would cry and go [borrow and] pawn by [the lender] a book or something else he has and would [then] pay. Also the soldiers [would be paid]" (Yūsuf Ma'ūda, N.S. 24:47–48).

up; in his place came two new soldiers, instructing the villagers to meet him at Jarshab for roster. The soldiers charged the inhabitants with rejecting them and left in anger. Five of the Jews—Yaḥyā Ḥayyim, Yaḥyā Yūsuf, Sālim Saʿīd, Yūsuf Ṭāba, and Yaʿqūb Duwādī—gathered bread and ghee and hurried to al-Jarshab, four hours away; al-Nawʿa had moved on, towards al-Gades, another two hours uphill. They reached al-Nawʿa on the way to al-Gades on the heels of the soldiers, and the entire party entered al-Gades together. Al-Nawʿa threatened to send a letter to Dhī al-Sufāl reporting the alleged behavior of the Maqhāya Jews; some Gadesīs proposed to defuse the situation with a payment to the official and the soldiers. Al-Nawʿa listed the Jews of al-Maḥāya but did not grade them; first he wanted the money. Yaḥyā's maternal uncle, Saʿīd ʿAwwād, who arrived at al-Gades behind his five colleagues, undertook in writing that he would meet up with al-Nawʿa later, and bring him the consideration from al-Maḥāya.¹³³ The six Jews returned to al-Maḥāya, extracted the money from the villagers and handed it to Saʿīd ʿAwwād. Thus Yaḥyā Ḥayyim:

“I said to him, ‘Listen, Uncle: don’t go and list for anyone other than his true [grade].’ He took his list out [from his home] and departed.”¹³⁴

Al-Nawʿa prepared not one but two rosters: one for 1357*h* (in addition to the one prepared by Ḍarrāb) and one for 1358*h*, and submitted them to the treasury office at Dhī al-Sufāl. But nobody followed up to collect *jizya* throughout that year, 1358*h*.¹³⁵

1359h (February 1940–January 1941)

For many months the villagers saw no *jizya* assessor or collector from either Taʿizz, Dhī al-Sufāl or Ibb. Then, during Shaʿbān of 1359*h* (September 4–October 2, 1940),¹³⁶ al-Ḍarrāb came up from Taʿizz

¹³³ Yaḥyā Ḥayyim Dwayd, /N.S. 7. This was an example of the additional payments a village has to pay which al-Maḥāya only now seems to be experiencing. The whole thing may have been a show, from the behavior of the soldiers in the village to al-Nawʿa's threat to report to the *qāḍāʾ āmil*.

¹³⁴ This suggests that Saʿīd ʿAwwād had participated in the previous *jizya* assessment, which had taken place under Ḍarrāb. For more on the relationship between Saʿīd ʿAwwād and Yaḥyā Ḥayyim see Chapter Nine, section II, Narrative “c.”

¹³⁵ Yaḥyā Ḥayyim Dwayd, /N.S. 7.

¹³⁶ Yaḥyā correctly says that this corresponds with the Jewish month of Elūl. It

to Ibb town and set up office in the home of a certain Shukr Shimʿōn ʿAdanī to collect the still unpaid *jizya* of 1358*h*. Yaḥyā Yūsuf Maddār and Sālīm Yaʿqūb went in on behalf of the village to pay the *jizya*. Discovering that al-Ḍarrāb had added his brother Sālīm Yūsuf to the five he had already graded as *aʿlā* in 1357*h*, Yaḥyā Yūsuf turned in complaint to Shaykh Muḥammad ʿAbd al-Qawī, who was at the time in Ibb, and Muḥammad talked to the *nāʿib*.¹³⁷ But Yaḥyā Yūsuf did not wait for the *nāʿib*'s reply and agreed to pay Sālīm's higher rate. Claiming he had no money, Yaḥyā Yūsuf assured Ḍarrāb he would send him the two additional *riyāls* on behalf of Sālīm once they returned home. Based on this promise, Ḍarrāb provided him with a receipt for having paid *aʿlā*.¹³⁸ Yaḥyā Ḥayyim implies that Yaḥyā Yūsuf acted hastily: he should have waited for al-Sayāghī's reply.

Before the year 1359*h* came to a close, Ḍarrāb sent out soldiers to collect *jizya* for that, third, year. Rejecting the soldiers, the Jews of Nāḥiyat al-Sabra—Jarshab and al-Maḡhāya—refused to pay, and advised the Jews of al-ʿAdhārib and Akama to act similarly. "If he wants to collect from us let him come up to Ibb," Yaḥyā Ḥayyim recalls counseling the Jews of Akama and al-ʿAdhārib.¹³⁹ It was of course in Ibb that earlier the same year al-Ḍarrāb had collected the *jizya* for 1358*h*. It was not because Ḍarrāb had been chartered by an authority from Liwāʾ Taʿizz, to which al-Maḡhāya no longer belonged, that Yaḥyā Ḥayyim took this principled position: Dāwūd Yehūda of al-Daḥiyya remembers that Ḍarrāb collected in Qaḍāʾ

is not surprising that the Jewish and Muslim months would begin and end on precisely the same days; both calendars are lunar. It is however a reflection of the accuracy of Yaḥyā's memory that the name of the Muslim month corresponds to the name of the Jewish month. The Muslim calendar is lunar and retreats yearly by about eleven days in relation to the solar calendar. The Jewish month, which is luni-solar, adds an additional month every two to three years to readjust to the seasons. (On seven years (the 3rd, 6th, 8th, 11th, 17th and 19th) of a 19 year cycle an thirteenth month is added [Spier 1952: 218]). What would be difficult to calculate in the course of a narrative is to say that a certain Jewish month corresponds to a certain Muslim month in a certain year. This accuracy allowed me to check if indeed Yaḥyā intended to say the year was 1359*h* and not 1358*h*. It would not work in all cases, however. Thus in both 1940 and 1941 the months of Adar and Shaʿbān coincide, making it impossible to use this to check if 1360*h* or 1361*h*.

¹³⁷ al-Sayāghī.

¹³⁸ Yaḥyā Ḥayyim Dwayd, /N.S. 7. It is likely that a deed of debt was also prepared.

¹³⁹ Yaḥyā Ḥayyim Dwayd, /N.S. 7.

Dhī al-Sufāl for the second and third years of his appointment upon the order of Qāḍī Ṣabra (not to be confused with the judge of Nāḥiyat al-Sabra), the treasury director (*mudīr māliyya*) at Ibb.¹⁴⁰ It is plausible therefore that the villagers of al-Sabra were refusing to slip further backwards and be exposed to the kind of excesses of co-religionist collectors backed by soldiers from which they had been spared under Shaykh Muḥammad's governorship of their *nāḥiya*. Payment to al-Ḍarrāb in Ibb, where appeal could be made to the *nā'ib* in case of need—and where with any luck, Shaykh Muḥammad might be available to facilitate the appeal—seems to have been one thing; having Ḍarrāb send out soldiers he worked with, probably from Ta'izz, to collect was another. Yaḥyā Ḥayyim's call to the Jews of Ba'dān to follow the example of Maqhāya and Jarshab may have been based on an appreciation of their defiance of their previous Jewish contractor, al-Ḍāhirī.

*

Sālim Ḍarrāb's three years were a period of transition. In form there was continuity and even confirmation of the existing system: here was another Jewish regional *jizya* assessor and collector, who operated over a domain more expansive than any of his predecessors. In substance however a change had occurred in that the collector was engaged by a different authority. Like the removal of Shaykh Muḥammad from his post as governor of Nāḥiyat al-Sabra, Sālim Ḍarrāb's appointment in 1357*h* was a harbinger of the cardinal event: the Ḥamīd al-Dīn takeover of Liwā' Ta'izz from 'Alī 'Abd Allāh al-Wazīr. For the Jewish villagers of al-Maqhāya therefore, change occurred in form as well as substance. It occurred in form because at one stroke a quiet period had come to an end and the villagers' *jizya*-payment experience equated with that of other Jewish villagers in Lower Yemen. It occurred in substance because the authority behind al-Ḍarrāb was simultaneously engaged in downgrading the status of their benefactor.

¹⁴⁰ Dāwud Yehūda Frāyim Lewī, N.S. 31:29.

IX. *Ḥayyīm Mīshā and Jizya Headmanship*

Yahyā Ḥayyīm makes it clear in his narrative that he was ill-disposed towards Sālīm Ḍarrāb, and as the end of 1359*h* approached, Yahyā advocated to the residents of al-‘Adhārib and Akamat Banī Maṣṣūr not to pay him that year’s *jizya*. But where was his father—Shaykh Muḥammad’s ‘*āqil* in al-Maqhāya—during the Ḍarrāb years? It was Ḥayyīm’s brother-in-law, Sa‘īd ‘Awwād, who worked with Ḍarrāb in 1357*h*¹⁴¹ (and with al-Naw‘a the subsequent year), and the collection stories for the years 1358*h* and 1359*h* do not involve Ḥayyīm; why was it not Ḥayyīm Mīshā who served as Sālīm Ḍarrāb’s ‘*āqil* for *jizya* collection?

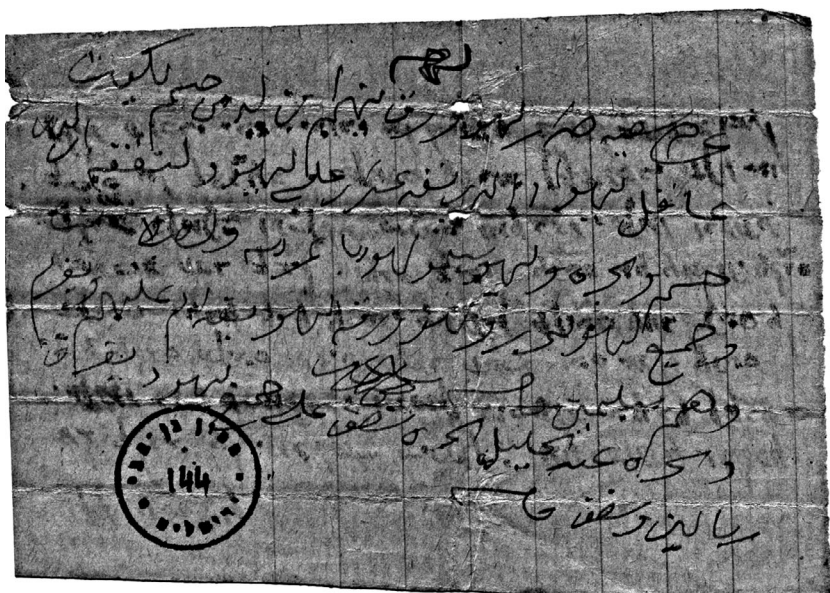
The answer is provided by Ḥayyīm’s retrospection on the second of his headmanship documents translated at the start of Chapter Four. This was the undated note in which Shaykh Muḥsin ‘Abd al-Qawī instructed ‘Abd Allāh Sa‘īd to put in writing that Ḥayyīm shall be ‘*āqil* for the Jews of al-Maqhāya, responsible for maintaining soldiers sent out upon them. On the note’s *verso* is Ḥayyīm’s statement, jotted down by Yūsuf Sayyānī:

In al-‘Adhārib market I came across a soldier roughing up (*yahzīr*) a Jew from our village because of al-Ḍarrāb’s *jizya*. I paid the soldier’s fee on behalf of the entire village and came to exact it from them but they did not want to pay. So I went and appealed (*ishtakaytu*) before the shaykh. The Jews claimed they did not instruct me to forward payment on their behalf and that if I want to be their headman I should put in writing that I will forward *jizya* and soldiers’ fee and they would put in writing that they would cover my expenses. [The shaykh] wrote this letter to the village garrison officer (*ratīb*), for him to draw up [the agreement] between us. Never again did I press nor did I present myself.¹⁴²

It was not long since Ḥayyīm had been ‘*āqil* not only over Jews but also over Muslims in the village and to enter the breach without first conferring with the villagers may have seemed natural. When Ḥayyīm paid off the soldier, he assumed the villagers’ repayment; the villagers however felt able to ignore him. The document’s authorship by Shaykh Muḥsin instead of his brother Shaykh Muḥammad suggests its compilation after Shaykh Muḥammad’s embroilment in

¹⁴¹ See n. 134.

¹⁴² B.Z.G. 144, *verso*.



Facsimile 8: Ḥayyim Mīshā's second letter of appointment as headman
(B.Z.G. 144)

the monetary scandal that was to precipitate ‘Alī ‘Abd Allāh al-Wazīr’s removal. Without the continuous backing of his shaykh, Ḥayyim Mīshā risked becoming Ḍarrāb’s al-Maqhāya equivalent of al-Mazbar’s ‘Imrān b. ‘Imrān. He waived the questionable privilege: under the changed circumstances, he left the field to other players. Shaykh Muḥsin’s document may easily be mistaken for a “document of appointment.” Instead, it marks the end, late in 1938 (when Ḍarrāb collected the 1357*h jizya*), of Ḥayyim’s function as village representative.

X. Conclusion

In this and the previous chapter I have illustrated how Ḥayyim’s two village headmanship documents were products of two different climates and refer to two entirely different classes of village ‘*āqil*. To be an ‘*āqil* on behalf of a powerful, quasi-autonomous shaykh was one thing; to be an ‘*āqil* in the absence of such support was another. In the case of al-Maqhāya, the first mode lasted an unnaturally long time into the Mutawakkilite era, and reflected favorably on the Dwayds’ status. The sudden transition to the second mode was symptomatic of an event of wider significance: the final takeover of Lower Yemen by the Ḥamīd al-Dīns.

The next two chapters deal with the post-Wazīr era, after the curtailment of Shaykh Muḥammad ‘Abd al-Qawī and the transfer of Bilād al-Shu‘aybī from Liwā’ Ta‘izz to Liwā’ Ibb. Since Ḥayyim reacted to the administrative changes by toning down his activity they focus mainly on his son, Yaḥyā Ḥayyim. A first chapter (Chapter Six) picks up the analysis of *jizya* headmanship from the Ḍarrāb years through to emigration. It concludes the year-to-year analysis of *jizya* collection under Mutawakkilite rule begun above, and while doing so distinguishes Yaḥyā Ḥayyim as a prime figure in village representation. The second chapter, Chapter Seven, focuses once again on the Dwayd relationship with the Shu‘aybīs.

CHAPTER SIX

YAḤYĀ ḤAYYIM AND JIZYA HEADMANSHIP

I. *Introduction*

In his study of al-Gades, Goitein asserted that Imām Yaḥyā “. . . tried various tax collection measures in order to eliminate the services of local headmen.”¹ I have contested this as far as concerns the appointment of Jewish district *jizya* collectors: it was not the imām who appointed these collectors in the early years; nor did their activity alleviate the need for local headmen. The present chapter considers the final stage specified by Goitein, where “. . . in the years immediately preceding the exodus, various government offices were charged with collection of the poll-tax.”² It traces Yaḥyā Ḥayyim’s handling of the *jizya* of al-Maqhāya during these years, up to and beyond the assassination of the imām, suggesting that even in this later period, in the absence of Jewish district *jizya* collectors, village *jizya* headmen continued their activity. Yaḥyā Ḥayyim’s rise to village representation in *jizya* affairs is examined by reflecting on the concluding section of the interview session with Yaḥyā Ḥayyim consulted extensively in the previous chapter;³ while Dāwud Yehūda Frāyim Lewī’s narrative continues to provide a comparative dimension.⁴ Subsequently, village *jizya* receipts located in the Dwayd cache will be used to sketch the final years of *jizya* collection at al-Maqhāya.

II. *Ḍarrāb’s Debt*

Yaḥyā Ḥayyim’s account of Ḍarrāb’s three-year appointment (1357–59*h*) does not look at the *jizya* payments pertaining to the year 1360*h* (January 29, 1941–January 18, 1942) and beyond. Some seam work

¹ Goitein 1955: 19.

² Goitein 1955: 19.

³ /N.S. 7.

⁴ N.S. 31:27–31.

is provided by Dāwud Yehūda Frāyim Lewī of al-Daḥiyya, who recalls in his narrative that for the two years following Ḍarrāb's three year appointment it was the *ḥākim* of Najd al-Jumā'ī (the Sabra *nāḥiya* center) who oversaw *jizya* assessment. He employed in each village a literate *qabīlī* to list its Jews, while a *ma'mūr* (commissioner) was sent forth from Dhī al-Sufāl to collect the tax.⁵ The involvement of the *ḥākim* of al-Sabra is remarkable for two reasons. First, unlike al-Maqhāya, Daḥiyya did not belong to Nāḥiyat al-Sabra but to its sister-*nāḥiya* within Qaḍā' Dhī al-Sufāl: Nāḥiyat Dhī al-Sufāl. Second, it was normally the task not of the *ḥākim* but of the *ʿāmil* to coordinate assessment and collection of taxes. Yaḥyā's Ḍarrāb narrative picks up from here, despite the condition that it does not focus on *jizya* pertaining to the years following 1359*h*. This is because the story of the three years of Ḍarrāb's activity ended not in 1359*h* but in 1361*h*, with a series of retroactive maneuvers involving this same Sabra *ḥākim*. Since Yaḥyā Ḥayyim's involvement in these affairs marked his rise to village *jizya* headmanship, it is important to summarize and analyze the essentials of the balance of his narrative.

It is conceivable that Ḍarrāb failed to submit the full sum which he committed himself to farm. Perhaps the treasury suspected, in the light of al-Naw'a's rosters of 1357*h* and 1358*h*, and the assessment and collection of 1360*h*, that it received from Ḍarrāb over the three years less than it could have. There may be some truth in both conjectures; what is certain is that the treasury was not satisfied with the results of Ḍarrāb's work. Yaḥyā Ḥayyim narrates that at the beginning of the year 1361*h* Sayf al-Islām al-Ḥasan set forth to ascertain full *jizya* remuneration for the years 1357–59*h*. Three times the Jews' representatives were to be summoned to Najd al-Jumā'ī, the Sabra *nāḥiya* center:

(1) Ḥasan began with the year 1359*h*, for which no government roster existed. In the month of Ṣafar/Adar of 1361*h* (February 18–March 18, 1942), he sent a certain Shaykh Muḥammad al-Ḍil'ī to assess the *jizya* due for 1359*h*. "Al-Shu'aybī" sent a soldier to the Jews instructing them to meet al-Ḍil'ī in Najd al-Jumā'ī. Yaḥyā Ḥayyim went in with a fellow villager named Ya'qūb Qatar. Seizing the opportunity to mend some of the damage done by Ḍarrāb, Yaḥyā succeeded in having al-Ḍil'ī mark on the assessment only his father

⁵ Dāwud Yehūda Frāyim Lewī, N.S. 31:30–31.

Ḥayyim and Yaḥyā Yūsuf as payers of the higher *jizya* grade, while he lowered eight men from the middle to the lower grade.⁶

(2) One month later the villagers were contacted again. The *ḥākim* of al-Sabra, Qāḍī Muḥammad b. Muḥammad al-Mujāhid, sent a soldier to summon the Jews to pay the *jizya* of 1357*h* and 1358*h*—which they had already paid to Ḍarrāb.⁷ This demand would not have come as a surprise to the Jews of al-Maqhāya: all over Qaḍā' Dhī al-Sufāl Jews were having the same experience. Dāwud Yehūda of al-Gades narrates that Ḥasan instructed the *ḥākim* of Najd al-Jumā'ī to collect *jizya* for the years for which payment had already been made to Ḍarrāb. Procuring from the *ḥākim* an eight-day grace period Dāwud went to Ibb, to appeal to al-Ḥasan on behalf of the Jews of Ma'wal and Daḥiyya. Representatives from al-Gades, Jarshab, Manzil al-Sūq and Ḥaḍāra did the same. Following an exchange of telegraph messages with al-Ḥasan, who was not in Ibb at the time, they received his instructions, made out to the *ḥākim* of Najd al-Jumā'ī, to check the receipts of all the villagers and to exact payment only from those who did not possess a receipt from Ḍarrāb. Back in Najd al-Jumā'ī, however, Dāwud Yehūda encountered a fresh problem. His name appeared on Ḍarrāb's receipts as Dāwud Frāyim (his father's name was Yehūda Frāyim [Ephraim]). Comparing al-Naw'a's roster to Ḍarrāb's receipts, the *ḥākim* understood that the man standing before him was an uncle of the man he claimed to be—and who al-Naw'a had evidently missed in his roster; and that the man listed by al-Naw'a as Dāwud Yehūda had not yet arrived. Many others coming to the *ḥākim* had comparable problems, as Ḍarrāb's receipt often listed the *kinwa* (surname) as a second name while al-Naw'a's roster listed the father's name. Such matters were alleviated by payments made to the *ḥākim* through a Jew from al-Najd named Sālim Sa'īd,⁸ whose task it was to sit before the *ḥākim* and read out the Hebrew-character Ḍarrāb receipts as they were brought in by the village representatives.⁹

Like his colleagues from elsewhere in Qaḍā' Dhī al-Sufāl, Yaḥyā explained to the *ḥākim* that the villagers had already paid the *jizya* for the two years. He paid the *ḥākim* two *riyāls* to delay the dispatch

⁶ Yaḥyā Ḥayyim Dwayd, /N.S. 7.

⁷ Yaḥyā Ḥayyim Dwayd, /N.S. 7.

⁸ Dāwud Yehūda Frāyim Lewī, N.S. 31:29–30.

⁹ Yaḥyā Ḥayyim Dwayd, /N.S. 7.

of soldiers onto al-Maqhāya until an appeal to al-Ḥasan could be made. Then he returned to al-Maqhāya, where the villagers entrusted Ḥasan Mūsā al-Duqma and Saʿīd ʿAwwāḍ with the task of going to Ibb to represent the village in its appeal. Like their counterparts from other villages, the representatives of al-Maqhāya received in Ibb a message to take to the *ḥākim* at Najd al-Jumāʿī that anyone with a receipt from Ḍarrāb should be released from payment. Though all were released from double payment, al-Ḥasan's reply was especially welcome to some villagers in al-Maqhāya. This was because al-Nawʿa had prepared his lists of al-Maqhāya's Jews with Yaḥyā Ḥayyim's uncle Saʿīd ʿAwwāḍ following the hustle to al-Gades; and it appears that one of the two men, or both, had used that opportunity to settle some scores: Nawʿa's rosters listed nine villagers at the upper rate,¹⁰ up from Ḍarrāb's five (and in contrast to al-Ḍilʿī's two). Yaḥyā Ḥayyim gathered the villagers' receipts and brought them up to the *māʾmūr al-taḥṣīl*.¹¹ The Ḍarrāb receipts were read out by Saʿīd Ḥasan al-Jamal, the *māʾmūr* signed the back of each of them and entered the data into his own notebook.

Yaḥyā addressed two additional issues on this visit to Najd al-Jumāʿī and one of these had to do with the 1357–58*h* receipts. Yaḥyā Ḥayyim, the more youthful Yaḥyā Yūsuf Maddār and his still younger brother Sālim Yūsuf wanted to prevent the *ḥākim* from listing and thus probably fixing Sālim as an *ʿlā* payer, which Ḍarrāb had considered him when in 1359*h* Yaḥyā Yūsuf came to Ibb to pay the 1358*h* *jizya*. The word *ʿlā* (“upper” level) being the last word on a line in Ḍarrāb's receipt to the two brothers, the three men connived to add by its side the word *wa-awsaṭ* (“and middle” level). The forgery was performed by the eighteen year old Sālim Yūsuf, using the same kind of ink and emulating the writing style of Musallam b. Shukr al-ʿAdanī, the man who had written the receipts for Ḍarrāb in Ibb. It was a fine piece of work: Yaḥyā Ḥayyim passed it by Sālim Saʿīd and the *ḥākim*.¹²

The additional issue was overt. The Jews of Jarshab and Maqhāya were required by al-Ḥasan to pay also the *jizya* for 1359*h*, which

¹⁰ Yaḥyā Ḥayyim Dwayd, /N.S. 7. This was in contrast to the experience of Dāwud Yehūda with al-Nawʿa, who had on his own initiative had removed Yehūda Frāyim from his list on account of his advanced age (Dāwud Yehūda Frāyim Lewī, N.S. 31:30).

¹¹ The *ḥākim* may have been performing this duty.

¹² Yaḥyā Ḥayyim Dwayd, /N.S. 7.

they had refused to pay Ḍarrāb; this payment too was requested by the *ma'mūr* when they came to display the Ḍarrāb receipts for 1357*h* and 1358*h*.¹³ But al-Ḍil'ī's 1359*h* notebook was in Ibb. The *ma'mūr* proposed using al-Naw'a's roster, which lay before him. Yaḥyā insisted that Naw'a's roster wronged the villagers;¹⁴ he paid the *ma'mūr* another *riyāl* to forestall dispatch of soldiers, and set out to Ibb to appeal the matter.¹⁵ On his way to Ibb he met the Jarshabīs returning from the town, having paid there the 1359*h* *jizya*: Sayf al-Islām Ḥasan had in fact allowed them to pay it directly to the treasury in Ibb based on the Ḍil'ī roster. This suggested to Yaḥyā that his own appeal was unnecessary, so he turned about and returned home to gather money from those who were able to dispense the sum on the spot (he remarks that he would pay on behalf of those who could not). Then he learned that his uncle Sa'īd was planning to go up to Ibb:

We were afraid of him. He wanted to go and betray [us] (*yimsōr*). Al-Ḍarrāb had made him the [village] informer (*ṣāhib l-al-mesīrōth*). Yaḥyā Yūsuf, Sālim Ya'qūb, Sālim Sulaymān Maklabānī, Yaḥyā al-Tays and I went up to Shaykh Muḥammad. He had already returned home.¹⁶ We complained about my maternal uncle Sa'īd:

"He wronged us profoundly when we entrusted him to establish the levels of the Jews' [*jizya* payments] before Sayyid al-Naw'a. And now we want to enter Ibb and pay the *jizya* of [13]59 and he wants to follow us and cause trouble."

In the morning the shaykh sent a soldier to block his way at the top of Wādī al-Sharaf, at the junction of the Ibb track and the track leading to Ta'izz or Munīf or al-Ḥūd. . . . The soldier seized him and took him up to Ḥiṣn Munīf and imprisoned him in the fortress.¹⁷

Of the five companions departing Ḥiṣn Munīf, only Yaḥyā Ḥayyim and Sālim Ya'qūb entered Ibb; the others turned back. In Ibb, things were not as smooth for the pair as Yaḥyā may have hoped after his encounter with the Jarshabīs. The two men met in Ibb with the

¹³ It is not clear from the narrative whether this *ma'mūr* was the *hākīm*.

¹⁴ As seen, Ḍil'ī's roster listed only two *a'lā* payers while Naw'a's listed nine, and it also listed eight *awsaṭ* payers less than what had been the case in previous years.

¹⁵ Thus the soldiers would not get their money, but the would-be dispatcher did.

¹⁶ This must refer to one of Shaykh Muḥammad's sojourns in Aḥmad's prison or in Ta'izz.

¹⁷ Yaḥyā Ḥayyim Dwayd, /N.S. 7. This is another instance of the shaykh doing what he can for his villagers, within the limits of his abilities. It is not the interests of the Mutawakkilite government that he is forwarding here.

treasury director (*mudīr al-māliyya*), Qāḍī Aḥmad Ṣabra, who said that he could receive the payment only upon receipt of an order. Yaḥyā wired Sayf al-Islām Ḥasan in the name of the *dhimmīs* of al-Maqhāya requesting permission to pay the 1359*h* *jizya* to the Ibb treasury. Ḥasan replied that he must pay to the collector who had been sent out to them. Yaḥyā then requested permission to copy the names from the treasury roster, and Ḥasan granted it. Yaḥyā took the copy to Najd al-Jumāʿī, and finally paid there al-Maqhāya's *jizya* for 1359*h*—according to Ḍilʿī's roster.¹⁸

(3) It is natural that Yaḥyā Ḥayyim's narrative should focus on the demands made of the villagers: on the basic desire, shared with Jews from all over the *qaḍāʾ*, not to repay the *jizya* for 1357–58*h* (according to Nawʿa's extravagant roster no less); and on the desire, shared by the Jarshabīs, of paying Ḍilʿī's lower *jizya* sums for the overleapt year 1359*h*. But Yaḥyā Ḥayyim was also aware that the villagers were entangled in a wider dynamic that centered on Ḍarrāb's own problems with the government. This concern is reflected in the need felt by the villagers to go to the extreme of convincing Shaykh Muḥammad to intercept and incarcerate Saʿīd ʿAwwāḍ, whom they considered as Ḍarrāb's informer, from reaching Ibb. It is also reflected in the contents of a second telegraph message Yaḥyā sent out before departing Ibb to yield the payment for 1359*h* at Najd al-Jumāʿī. This message was an appeal to Imām Yaḥyā himself, in which Yaḥyā Ḥayyim requested, on behalf of “all the *dhimmīs* residing in Liwāʾ Ibb,” that payment for 1359*h* be made directly to the treasury; but also that the source of the villagers' hardships was that Ḍarrāb collected *jizya* for the years 1357*h* and 1358*h* but did not remit the treasury. Yaḥyā Ḥayyim was worried about Ḍarrāb himself.

A soldier again arrived in al-Maqhāya from Najd al-Jumāʿī summoning the Jews. This time, Yaḥyā found that the *qabbād* in al-Najd had before him Ḍarrāb's personal rosters for the three years: the *dhimmīs* were being charged with hiding from Ḍarrāb and on a large scale. Al-Ṣanʿānī's report quoted in the previous chapter acknowledges that some people had indeed evaded Ḍarrāb; however, the complications encountered in Najd al-Jumāʿī by Yaḥyā al-Maqhāya were of the kind Dāwud Yehūda had described. Abrāham Yaḥyā

¹⁸ Yaḥyā Ḥayyim Dwayd, /N.S. 7.

was listed also as Abrāham al-Kohen;¹⁹ his brother from al-Nādib, who had stayed in al-Maḡhāya for a while during 1357*h* on his way to Aden, figured as taxable for the three years; Saʿīd Yūsuf al-Ṭāba and his brother Moshe, both of whom died in 1357*h*, appeared in the rosters for 1358*h* and 1359*h*.²⁰ For the third time, Yaḥyā requested a period of grace to allow him to clarify matters in Ibb.

Yaḥyā did two things upon his arrival in Ibb. First he visited the telegraph office, where he was on friendly terms with its director. He read Imām Yaḥya's instructions to al-Ḥasan—responding to Yaḥyā Ḥayyim's appeal on behalf of the Jews of the *liwāʾ*²—whereby the Jews may pay the treasury any arrears in *jizya* payment without Ḍarrāb's intermediation. Thus encouraged, he headed to the treasury director's home and quietly placed a container of honey at the bottom of the stairwell. These steps were in preparation for an imminent showdown with Ḍarrāb.

At the treasury office, Ḍarrāb claimed from Yaḥyā Ḥayyim the two *riyāls* he had been promised by Yaḥyā Yūsuf back in 1359*h*, to bring Sālim Yūsuf's *jizya* up to the high (*aʿlā*) rate. Yaḥyā Ḥayyim responded by proposing that the *mudīr* compare Ḍarrāb's claim against the listing made by the Najd al-Jumāʿī *qabbāḍ* of the contents of Ḍarrāb's receipts. (This was the listing that assimilated the alteration to the Maddārs' receipt for which Yaḥyā Ḥayyim shared responsibility.) Of course the *mudīr* discovered that Sālim Yūsuf was listed at the middle rate (*awsaṭ*).²¹ Yaḥyā then went on to charge that Ḍarrāb's roster was unrealistic, demonstrating that it contained people who had died, transients, villagers who had moved away, and persons listed more than once, each time with a different name.

“Sālim, you are stumbling along blindly (*biṭkhabbat*). Your notebooks are battered (*makhbūṭāt*),” chaffed Šabra the *mudīr*, using two forms of a verb the second of which is synonymous with the word Ḍarrāb.

¹⁹ On this individual see Hollander 1995a: 15 n. 46 (Saʿīda's former husband, also mentioned above, in Chapter One, section III).

²⁰ This evokes Yūsuf Maʿūda's complaint against Ḍarrāb that he fabricated names of *jizya* payers in his assessment notebooks. “He wrote me down [as] Yūsuf Maʿūda and he [also] wrote Yūsuf Mūsā. . . . My son's name is Yehūda; he wrote Yehūda Yūsuf and made the other name Yehūda Maʿūda” (Yūsuf Maʿūda, N.S. 24:45).

²¹ Had Shaykh Muḥammad ʿAbd al-Qawī not stopped him from reaching Ibb, Saʿīd ʿAwwāḍ might very well have disclosed the reason for Sālim Yūsuf's listing as *awsaṭ*, further complicating matters for Yaḥyā Ḥayyim, Yaḥyā Yūsuf and Sālim Yūsuf.

Yaḥyā Ḥayyim was asked to provide a guarantee from al-Shu‘aybī that if any additional person was found to exist besides those he acknowledged, he would be responsible for paying the fine.

Yaḥyā and the other Jews in Qaḏā’ Dhī al-Sufāl were arguing that they should not be made collectively to shoulder Ḍarrāb’s debt to the treasury. They recognized that the ultimate decision as to what the villagers would be required to pay would not issue from the *nāḥiya* government or treasury representative, or even the *liwā’* treasury director, but would be made by Ḥasan and indeed by his father the imām, and it was to them that their appeals were directed. The final observation in Yaḥyā Ḥayyim’s narrative requires an unusual amount of exegesis. Yet it is of considerable interest because it reveals Yaḥyā’s alertness to a further dimension: that a difference in outlook existed between the Ḥamīd al-Dīn princes themselves—Aḥmad in Ta‘izz, and Ḥasan in Ibb; and that how Ḍarrāb’s balance would be paid depended ultimately on which of the two opinions would prevail.

Then al-Ḍarrāb wired a message (*daqq silk*) to Aḥmad that al-Ḥasan is not acting to enforce payment on his behalf of the balance owed by the Jews (*lam yaqbuṣ la-hu bi-tastīm al-baqiyya alladhī ‘inda al-Yahūd*). And that there are Jews in the *qaḏā’*²² for whom he has already paid [*jizya*] who want to pay [directly] to the treasury (*al-māliyya*).

Sayf Aḥmad replied to al-Ḥasan: “Al-Ḍarrāb shall settle accounts with the treasury (*bayt al-māl*), and *jizya* will be paid by means of a just and trusted person (*‘adl amīn*). If it is ascertained that al-Ḍarrāb has, as he has reported, paid on behalf of the Jews, he shall be remitted. And if [it turns out that] he possesses the balance, the *jizya* shall be handed to the treasury.”

Al-Ḥasan said, “The *jizya* shall be paid [directly] to the treasury by the [liable] individuals (*afrād*).”

And those [Jews] of the *liwā’* owing a balance [in fact] paid [directly] to the treasury.²³

There seem to be two parts to Ḍarrāb’s predicament. First, there was his own debt to the treasury: Ḍarrāb had failed to provide the treasury with the sums he had undertaken to farm, and was now being called on to pay the deficit. Second, there was the Jews’ debt to him. Ḍarrāb was claiming that portions of the amount which he

²² This must refer to Qaḏā’ Dhī al-Sufāl, which in the past belonged to Liwā’ Ta‘izz, for which Aḥmad was now responsible.

²³ Yaḥyā Ḥayyim Dwayd, /N.S. 7.

did submit to the treasury were moneys he had paid up front, and many Jews on whose behalf he had paid still owed him their *jizyas*. Therefore, he argued not only that the government should extract from the villagers the balance he owed, but also that it was his right to be credited with those sums (“on his behalf”), not the right of the treasury. Ḍarrāb’s appeal to Aḥmad implies that in Liwā’ Ta‘izz this was precisely what was happening. Especially in his sights must have been those entire villages, such as al-Maqhāya, whose Jews had refused to pay him the *jizya* for the year 1359*h*; this would explain Yahyā’s enthusiasm to pay the *jizya* according to the notebook of al-Ḍil‘ī and directly to the *māliyya*. The stakes were high for Ḍarrāb: should villagers for whom he had already paid receive government receipts now, he would lose his chances of collecting his own credit from them, which in turn would make it even harder for him to cover his own deficit.

Aḥmad proposed to his brother an alternative course of action, designed to ensure that the treasury would make no loss and that any surpluses would go to the treasury, not to Ḍarrāb. The Jews should be taxed again, but the government would extract the money on its own behalf and not on that of Ḍarrāb. The lists compiled in the *nāḥiyas* of the contents of the Ḍarrāb receipts possessed by the villagers should be compared to the receipts that Ḍarrāb had received from the government. If the latter surpassed the former, this would show that Ḍarrāb had handed in to the government more than he collected from the Jews, and the government would pay him his due from what would by then have been extracted from the villagers. A reverse situation would imply that Ḍarrāb in fact collected the sum but had kept it from the treasury; in this case the freshly extracted moneys would remain in the treasury. The losers would be the villagers, most of whom would in either eventuality be paying their *jizyas* for the second time. Unlike the case in al-Mazbar under al-Wazīr, it was not only a deficit that the community would be asked to cover.

Hasan, however, appears to be taking the side of the villagers of his *liwā’*. The Ḍil‘ī and Naw‘a rosters (Ḍarrāb’s notebooks must by now have been recognized as inaccurate) would be compared to the Ḍarrāb receipts which had been transcribed into the *nāḥiya* notebooks, and any individual listed in the rosters without a receipt would be requested to pay the treasury according to those rosters. Thus there would be no collective penalty and no villager would be required to pay more than once. Ḥasan’s opinion prevailed.

If this exegesis is accurate, the three standpoints appear to be reflected in the fluctuating positions encountered by the villagers at Najd al-Jumā'ī, the interpolating *nāḥiya* center. Aḥmad's position seems reflected in the demand to repay the *jizya* for 1357–58*h*. The position of Ḥasan and Imām Yaḥyā was expressed in the adjustment that those with receipts would be exempt from payment. Ḍarrāb's deteriorating position is perceivable in the tardy attempt to use his questionable rosters to extract further sums from the villagers, and in the follow-up attempt to extract from such individual villagers as Sālim Yūsuf specifically traceable debts.

*

The Ḍarrāb story marks Yaḥyā Ḥayyim's rise to village representation in *jizya* affairs. As seen in Chapter Five, during al-Naw'a's tour in 1358*h* it was Sa'īd 'Awwād, whom Yaḥyā regarded as Ḍarrāb's informant, who had in his possession the village *jizya* list, suggesting that he was the village representative during 1357*h*. Yet even at that early stage Yaḥyā was one of the five villagers who set out in search of al-Naw'a. In 1359*h*, *jizya* for 1358*h* was submitted to Ḍarrāb on behalf of the villagers by Yaḥyā Yūsuf and Sālim Ya'qūb. Yaḥyā's absence from this team does not necessarily mean he was indifferent; it may merely reflect his aversion to complacency: later that year it was Yaḥyā Ḥayyim who called on the villagers of Akamat Banī Maṣṣūr and al-'Adhārib to reject the contractor's call for payment. But it is with the events of 1361*h* that Yaḥyā Ḥayyim emerges as the prime mover amongst the village Jews, when it was he who answered the recurring summons to Najd al-Jumā'ī on behalf of the villagers. He rearranged the payment levels in Ḍil'ī's roster, brought the villagers' receipts to be compared to Naw'a's roster and passed Sālim Yūsuf's forgery by the Jewish reader al-'Adanī and the *ma'mūr*. And he pressed forward on the matter of the unpaid *jizya* of 1359*h*: though accompanied by other villagers when asking Shaykh Muḥammad to constrict the movement of his uncle Sa'īd, it was Yaḥyā who brought the matter to a successful finish, petitioning the imām and working behind the scenes in Ibb. At age twenty-five, Yaḥyā Ḥayyim had come to the fore in representing the Jews of al-Maqhāya. That he also had, as he suggests, a part in influencing the government-level decision to allow each Jew in the *livā'* to pay

only his proven arrears and directly to the treasury, is a captivating possibility which cannot be proven.

III. *Yaḥyā Ḥayyim, Jizya Headman*

Dāwud Yehūda of Daḥiyya recalls that following the two years during which the *ḥākim* of Najd al-Jumāʿī coordinated *jizya* assessment, an assessor would be dispatched from Ibb while payment would be made by the village *ʿāqil* in Ibb.²⁴ At al-Maqhāya there was no collection during the year 1362*h* itself; but the Dwayd cache contains a community receipt (*sanad*) for that year's *jizya* dated Jumāda I [13]63*h*.²⁵ Of the seventeen *jazāya*, six paid the basic low rate of 15/16 of a *riyāl*, the remainder the middle rate of one and 7/8 *riyāls*. The very presence of this village *sanad* in the Dwayd cache indicates that Yaḥyā continued to represent the village Jews in *jizya* payment after the year 1361*h*. Missing from the list are Yaḥyā's own name, those of his three brothers, his father and the three Maddār boys; this suggests that Yaḥyā was handling the payments at least of the less affluent members of the community: his occupation with *jizya* was not an incidental matter.

Another occasion soon arose for Yaḥyā Ḥayyim to display both his leadership as well as his inclination, expressed in his 1361*h* activities, to test the limits of his ability to attain justice. Yūsuf Sayyānī transcribed the following narrative, among his earliest interviews with Yaḥyā Ḥayyim, in the second person. It involves the *jizya* payment for the next year in line, 1363*h*:

[(Yūsuf Sayyānī:) Yaḥyā] says that in the year [thirteen] sixty-three he came to Ibb to pay [his] *jizya* to the *qabbād*, Sayyid Muḥammad of Bayt al-Hādī.²⁶ [While Yaḥyā was with Sayyid Muḥammad] there appeared before them the soldier who had [earlier] been dispatched upon all the Jews in al-Maqhāya to make them come pay the *jizya* to the *qabbād*.

“Return to all the remaining Jews [who have not paid, and stay in the village] until they come to pay,” [the *qabbād*] told the soldier.

²⁴ Dāwud Yehūda Frāyim Lewī, N.S. 31:31.

²⁵ B.Z.G. 39 (Jumāda I, 1363*h* [April 24–May 23, 1944]).

²⁶ Cf. the version of this event provided by Yaḥyā Ḥayyim in his Hebrew *shakwā* to Ṣadōq, at the opening of the *Introduction and Plan of Work*.

Yaḥyā Ḥayyim rejoined: “Recall (*ifī*) the soldier and I will pay all that they owe as stipulated in the treasury notebook (*daftar al-mālīyya*).”

[The *qabbāḍ*] began writing up the receipts, [preparing for] the middle-rate [payers] high-rate [receipts] and [for] the lower-rate [payers] middle-rate [receipts].²⁷ [Yaḥyā] turned to him [and repeated]: “Receive as stipulated in the notebook. I will not pay the excess.”

[The *qabbāḍ*] ordered the soldier to take him [= Yaḥyā] and his three Jewish companions to jail. They were imprisoned from Thursday until Monday. They forwarded an appeal (*shakīyya*) to Sayf al-Islām al-Ḥasan that the *qabbāḍ* wants an excess beyond that which is in the notebook. [Sayf al-Islām al-Ḥasan’s] reply to the *qabbāḍ* was to accept the [amount] due as stipulated in the treasury.²⁸

They requested of the prison director (*mudīr al-ḥabs*), Shaykh Ḥamūd Daḥḥ[ā]n al-Ḍul‘ī, to go to the treasury and copy what the notebook contains, for them to pay according to it. They paid him one *riyāl* and he went and brought the copy.

[Then] they said to him, “Escort us with one of your soldiers so that we may go and pay the *qabbāḍ* according to [the sums listed] in the copy.”

He sent with him [!] a soldier. [Yaḥyā] came and told the *qabbāḍ*: “Receive that which is in the notebook!”²⁹

[The *qabbāḍ*] replied to him, “You have a reply (*ifāda*) from al-Ḥasan regarding the lowering of four men from the middle rate to the lower rate; but specify them—who is entitled for us to lower him?”

“I don’t know,” [Yaḥyā] replied. “Receive that which is in the notebook!”

He sent them back to prison. Next day [Yaḥyā] returned together with his companions [to the *qabbāḍ*], escorted by the soldier. [The *qabbāḍ*] responded: “I want from you from the treasury an individualized copy, name by name. This copy [that you have] is nameless (*naql majhūl*)—so many [men] high, so many medium, and so many low.”³⁰

[Yaḥyā] went over to the treasury with the soldier and the treasury director (*mudīr al-māl*) answered him: “No need. Tell him this [copy] is enough.” Now while [Yaḥyā] went to the treasury [the *qabbāḍ*] demanded of his companions, who remained in his place: “Pay the *jizya*!”

“It is already in the possession of our friend who went to the treasury,” they replied.

“Ha!” he said, “it is he who is emboldening you!” He let [Yaḥyā] return from the treasury, then got up and beat him on the back with

²⁷ Yaḥyā Ḥayyim must have thought that the *qabbāḍ* was planning either to pocket the difference, or to gain more for the treasury. The *qabbāḍ* for his part might not have realized that Yaḥyā knew very well each of the villagers’ rates.

²⁸ It is possible that the reply was written on the upper margin of the appeal itself and returned to the Jews in prison.

²⁹ Yaḥyā plausibly handed Ḥasan’s response to Sayyid Muḥammad.

a shoe.³¹ [Sayyid Muḥammad ceded:] “Pay what is in that copy! And give me the copy they made for you in the treasury, so I can settle accounts with them over it.”

[Yaḥyā] paid, with no excess. And he exited to appeal before al-Ḥasan [about the beating], but [Sayyid Muḥammad] sent important Gentile friends of his to [influence him to] pardon him. They went and brought [Yaḥyā] before him, and he pardoned him.³²

If the *sayyid* supposed that the Jews coming in from the backcountry were either too ignorant to realize he was exploiting them or too intimidated to voice their objection, Yaḥyā Ḥayyim must have constituted a surprise: here was one villager who proved himself as worldly-wise as the *sayyid*. Yaḥyā Ḥayyim knew the recent *jizya* levels of each villager and had a history of striving both for the lowering of *jizya* levels and for the principle that mediators’ fees should not be paid by the villagers. Nor was Yaḥyā intimidated: “Receive that which is in the notebook!” he recalls demanding repeatedly. This was considerably removed from the Qur’ānic premise whereby the People of the Book must pay the *jizya* while in a state of submission. The onlookers in Ibb may have interpreted his assertiveness towards the *sayyid* as either bold or impertinent; whatever the point of view, he must have appeared reckless. But was he? Yaḥyā’s own experience with Ḍarrāb had taught him that the treasury director, al-Ḥasan, and indeed the imām himself, all came down on the side of the villagers and against the excesses of the collector. Plausibly, Yaḥyā guessed that the official knew of the tendencies of his superiors. His confidence may well have reflected a degree of knowledge based on previous experience: Yaḥyā believed he could win. He could therefore afford to straighten his back, and may have considered the satisfaction in doing so worth the time in jail and the humil-

³⁰ B.Z.G. 145 may be this note; it reads as follows:

Al-Maqhāya of ‘Uzlat Bilād al-Shu‘aybī
Count (*tī’dād*) of *dhimmīs* in the aforementioned village
Ascended [to Palestine] (*ṭallā’a*)-2; *adnā*-10; *awsaṭ*-11; *a’lā*-2

Yūsuf Sayyānī adds Yaḥyā Ḥayyim’s comment: “My father and Yaḥyā Yūsuf were *a’lā*.”

³¹ This was not necessarily the *sayyid*’s own shoe: footwear is removed before entering the *ḍiwān*, or reception room, and left near the doorway; the *qabbād* may have had a variety from which to chose. Yaḥyā’s specification that Sayyid Muḥammad hit him with a shoe—something sordid that is stepped on—imparts the contempt in which he felt he was held. For similar usage of shoes in early sixteenth-century Jerusalem, see Stillman 1979: 278.

³² Yaḥyā Ḥayyim Dwayd, N.S. 55:4.

iating beating. Yet although he was pushing the limits of *dhimma* etiquette, he did not make the mistake of returning the *sayyid*'s blows.

Again on his own initiative, Yaḥyā Ḥayyim once more represented his village in *jizya* payment and delivered them from exploitation. Where his father abstained in the past, he acted, paying in advance on behalf of villagers, plausibly the poorer members, who would have had to support the soldier as well as pay a higher *jizya*. He sustained a beating on the villagers' behalf; and then he was vindicated, entreated by important Muslims to save his aristocratic antagonist from rebuke or punishment. All this was beheld by witnesses from al-Maqhāya and Yaḥyā Ḥayyim's status as the villagers' *jizya* representative may only have been enhanced.

Yaḥyā continued his *jizya*-related representation during the following years. In the years 1364*h* and 1365*h* again there occurred no assessment or collection. But early in 1366*h*,³³ an assessor named Ghālib b. Ḥamūd Ghālib sent a soldier from Najd al-Jumā'ī to summon the Jews to be assessed there for the previous two years.³⁴ The assessment took place soon thereafter, during Ṣafar 1366*h* (December 25, 1946–January 22, 1947). The roster handed to the Jews, preserved in the Dwayd cache, contains the names of twenty *jazāya*; that of Ḥayyim Mīshā, heading the list, is crossed out.³⁵ Payment for these two years occurred within the next two months: Ghālib Ḥamūd, now functioning as collector (*ma'mūr al-tahṣīl*), issued a receipt during Rabī' II 1366*h* (February 22–March 22, 1947).³⁶ The receipt lists ten villagers at the low rate, eight at the medium rate, and one, Yaḥyā Yūsuf, at the high rate. Five months later the villagers were called on again by Ghālib Ḥamūd to be assessed, this time for the year 1366*h* itself.³⁷ Assessment occurred on 21 Ramaḍān 1366*h* (August 8, 1947). This time there were no higher-level payers at all—Yaḥyā Yūsuf was listed as middle-level.³⁸ Thus, during his assess-

³³ Muḥarram 1366*h* (November 25–December 24, 1946).

³⁴ B.Z.G. 147. On the note he sent to the village Ghālib Ḥamūd added that this assessment was coordinated with Shaykh Muḥsin b. 'Abd al-Qawī. This suggests that one reason *jizya* had not been collected during the previous years may be related to *'uzla* politics.

³⁵ B.Z.F. 361.6. It is thus possible to determine that the last year during which Ḥayyim Mīshā paid *jizya* was 1363*h*.

³⁶ B.Z.G. 16.

³⁷ B.Z.G. 148, from Ramaḍān 1366*h* (July 19–August 17, 1947).

³⁸ B.Z.F. 361.9.

ments for the three years, Ghālib Ḥamūd had exempted Ḥayyim Mīshā from *jizya* payment and then lowered the last remaining higher-level payer, Yaḥyā Yūsuf, to the middle rate. That he was well liked by the Jews is noted in Yūsuf Sayyānī's script on the *verso* of one of his two summons: "This is from the assessor Ghālib Ḥamūd who went out from Ibb to enumerate [the *jazāya* of] Qaḍā' Dhī al-Sufāl; he was benevolent to the Jews (*ḥasīd li'l-Yahūd*)."³⁹ But Yaḥyā Ḥayyim himself, who probably disclosed this to Yūsuf Sayyānī, must also have enjoyed some of the villagers' esteem: over the course of 5 1/2 years during which he handled the villagers' *jizya* affairs since Ḍil'ṭ's assessment, the number of *a'lā* payers in al-Maqhāya had dropped from nine to zero.

The receipt for the year 1366*h* signed by the treasury director (*mudīr al-māl*) is dated a full year after the assessment, on Shawwāl 4, 1367*h* (August 10, 1948).⁴⁰ This delay may reflect the uncertainty following the assassination of Imām Yaḥyā, more about which will be seen in Chapter Seven. Collection that year was in fact accompanied by a dramatic event, a hint of which appears when three individually unremarkable Dwayd cache documents are read in tandem. The event involved a Jew named Sālim 'Awwāḍ who, to judge from the absence of his name in the string of al-Maqhāya *jizya* receipts in the cache, was not from the village. One of the three documents is an undated receipt written in Hebrew characters, a "breakdown (*bayān*) of the *jizya* handed to Sālim 'Awwāḍ."⁴¹ Another is a receipt from the *mudīr al-māl* to *dhimmī* Sālim 'Awwāḍ, for payment of a soldier's fee of 1 1/4 *riyāls*, "since he [= the soldier] reported that the *dhimmīs* did not pay it."⁴² It is dated Shawwāl 4, 1367*h*, the same day this very *mudīr al-māl* prepared the community receipt mentioned at the start of this paragraph. The third document is the community receipt itself, which lists the same names, in the same order and paying the same rates, as appear in Sālim 'Awwāḍ's receipt to the villagers; only that on the document is the added specification that "*Dhimmī* Yaḥyā Ḥayyim and his companions, the *dhimmīs* of al-Maqhāya village (*maḥall*), paid . . ."⁴³ the sums listed in

³⁹ B.Z.G. 147.

⁴⁰ B.Z.F. 361.1.

⁴¹ B.Z.G. 116.

⁴² B.Z.G. 149.

⁴³ B.Z.F. 361.1 (Facsimile 9).

the receipt. These three documents suggest that Sālīm ‘Awwād was playing the part of Jewish regional *jizya* contractor, a function the village had not seen since Ḍarrāb. The first document suggests that he had actually collected the *jizya* from the villagers. The third suggests that it was Yaḥyā Ḥayyim and not Sālīm ‘Awwād who deposited the sums at the treasury,⁴⁴ suggesting that the money was at some point handed by Sālīm ‘Awwād to Yaḥyā Ḥayyim. The second document suggests that the circumstances under which this happened caused Sālīm ‘Awwād to dispatch a soldier upon the villagers; but the villagers would have none of it and he was eventually obliged to pay the fee himself. The fact that this document is at all to be found in the Dwayd cache makes for the possibility that this prospective district ‘*āqil* disappeared from the scene in some haste. Again, Yaḥyā Ḥayyim appears to lead the village Jews in pursuing their interests, and again he saw his position acknowledged at the government level.

The final community receipt in the Dwayd cache refers to *jizya* of the year 1367*h*;⁴⁵ it is not dated. The cache contains no receipt for 1368*h*, the year in which al-Maḡhāya, as almost all of the rest of Yemen, gradually emptied of its Jews; and a possible reason for this will be considered at the end of the next chapter.

IV. Conclusion

Goitein, it will be recalled, specified a final stage of *jizya* collection, in which "...in the years immediately preceding the exodus, various government offices were charged with collection of the poll-tax."⁴⁶ Indeed there existed various options for assessment and collection. The assessor might be dispatched from Ibb and payment made in Ibb; or, the assessor might use the mediation of the government office at the *nāḥiya* center, and payment made to a collector in Najd al-Jumā‘ī. Payment might have been expected from the village ‘*āqil*; or, intended to be handed personally by each individual villager to the collector. On at least one occasion payment was

⁴⁴ This is the only receipt among the string of assessments and receipts in which the name of a specific villager is mentioned following the list of payers.

⁴⁵ B.Z.G. 287.

⁴⁶ Goitein 1955: 19.

١٩٦٦ هـ

المقرهاية	ادنا اوسط	عبد الله	عبد الله	٢٥
الذمي عي حيم	.	.	.	٢٧
الم حيم	.	.	.	٢٧
حس حيم	.	.	.	٢٧
الراحم حيم	.	.	.	٢٧
حس يوسف	١	.	.	٢٥
سالم يوسف	١	.	.	٢٥
شاول يوسف	١	.	.	٢٧
سالم حسن	١	.	.	٢٥
حس حيم النيس	.	١	.	٢٧
حس احمد	١	.	.	٢٥
حسن مدس	١	.	.	٢٥
سالم مدس	.	١	.	٢٧
سالم يوسف	.	١	.	٢٧
حس يوسف	١	.	.	٢٥
بريه الكديان	١	.	.	٢٥
سودا النيس	.	١	.	٢٧
سالم سلمان	١	.	.	٢٥
هانود حسن	.	١	.	٢٧
سعد يوسف	.	١	.	٢٧
ديس النيس	.	١	.	٢٧
سالم بصوب	١	.	.	٢٥
مدر	١٠	١١	٢٩	٦٠

مطبعة عثمان بن مال ومحمد بن عبد الله

سلم الذمي عي حيم ورقناه ذيون مل المقرهاية
نسمة عثرون ريال ونفستين ونفست حيم
وونكر عثره اوسط واحد عثراونا وهذا نقيرها
سالم حيم يوسف

٣٦١.١

Facsimile 9: *Jizya* receipt for al-Maqhāya village (B.Z.F. 361.1)

handled by the *nāḥiya*'s *ḥākim*. Thus the path used by Sayf al-Islām al-Ḥasan to assess and collect the *jizya* often would change from year to year; but whatever the configuration, the basic payment reached a single destination: the treasury in Ibb. Jewish district *jizya* collectors were done away with; they were replaced, however, not by "various government offices" but by non-Jewish assessors and collectors, working like their predecessors under the treasury and the relevant representative of imamic authority, be it *amīr*, prince, *ʿāmil*, and sometimes *ḥākim*.

Even on those occasions when individuals went to Ibb on their own to pay their tax, an enterprising villager could assume village representation, assuming leadership where no set frame existed. Yaḥyā Ḥayyim supplied this service during the final Mutawakkilite years, providing an example of *jizya* representation which benefited the villagers, not the government: thus, in the last of the four stages recognized by Goitein, as in the previous stages, there was no elimination of the local *ʿāqil*'s services.

Clearly, as reflected in his treatment of the topic within the section of his ethnography entitled *The Community*, Goitein associated *jizya*-collection with Jewish community leadership. Tobi too describes *jizya*-collection in Yemen within the framework of Jewish community structure, which he depicts as a pyramid with parallel religious and temporal exponents. In the structure described by Tobi, on the local level was the individual community organized around one or more synagogues, headed by a rabbi who might also function as a court of law. In most cases on this level the local *ʿāqil* collected the *jizya* tax from a number of small communities. The regional level was the single large town where there resided representatives of the central government—a governor and a judge—and a relatively large Jewish community. Here was located a Jewish court whose authority covered the entire region. The taxes gathered by the local *ʿuqqāl* would be transferred to the main *ʿāqil* of this central town's community, who in turn would pass it on to the governor of the town—and not to Ṣanʿā' the capital city. At the national (countrywide) level was Ṣanʿā' alone. While the Jewish court of Ṣanʿā' exercised clear authority not only over all Jewish communities in imamic Yemen but also beyond its borders, the Ṣanʿā' *ʿāqil* had no authority whatsoever with regard to other communities. Tobi relates this feature to the supposed circumstance that as part of its overall "divide and rule" scheme, the imamic state was interested in discouraging the

existence of Jewish organization on a national level.⁴⁷ He appears here to have entertained the notion that the potential may have existed for a kind of Jewish “state within the state” in Yemen.

The context-enhancing properties of the microscopic approach have permitted the relation of effect to cause and to contest such community-oriented interpretations of *jizya*-collection. Rather than ascribing the management of *jizya* to the imām’s design to replace local *‘aqils*, or to a scheme to “divide and rule” the Jews, I have proposed viewing the changes in *jizya* collection as part of the politics of overall authority in Lower Yemen. Yūsuf al-Jamal’s career was linked to ‘Alī ‘Abd Allāh al-Wazīr’s control over Liwā’ Ta‘izz; Sālim Ḍarrāb’s Lower Yemen experience by contrast was an expression of the Ḥamīd al-Dīns’ assertion of control over Lower Yemen and the imminent removal of the Wazīrs from Liwā’ Ta‘izz. *Jizya* collection continued to be symptomatic of differences amongst the Ḥamīd al-Dīns themselves. As early as 1358*h*, with *jizya* collection in the hands of Ḍarrāb, working from Ta‘izz, Ḥasan embarked on his own census and assessment of the Jews of his *liwā’*. In 1361*h*, the end of the Ḍarrāb story provides a glimpse of Ḥasan asserting his independence vis-à-vis his brother, Crown Prince Aḥmad.

Jewish district *jizya*-contractors may also be linked to political change in a further respect. Such changes created new opportunities for personal gain. The prospective contractors identified a need and proffered themselves to cater to it: they were of value to any new administration, being better positioned than Muslims to know the Jewish population. It appears that this knowledge was put to use in the early days of a new administration for at least the initial roster work. This was the choice of al-Wazīr in the early 1920s and of the imām in 1357*h*/1938. But while Yūsuf al-Jamal maintained satisfactory results and served al-Wazīr until his death, Ḍarrāb failed in his task. After Ḍarrāb had played out his role in the imām’s designs of 1357*h*/1938, and after the more reliable rosters of al-Naw‘a and al-Dīl‘ī were available, there were no future advantages in the employment of a Jewish district contractor. This remained the case until the next administrative change: the imām’s assassination; and, collecting *jizya* after the period of upheaval following this event, a Jewish district collector again appears to surface briefly.

⁴⁷ Tobi 1984: 206–207.

The year-to-year, name-specific survey of *jizya* management, conducted in Chapters Five and Six, has revealed how Jewish *jizya* headmanship reflected primarily the domestic agendas of imamic government rather than any kind of Jewish organization. It is administrative considerations such as described above which must take first place in explaining the characteristics of *jizya* management in Lower Yemen.

CHAPTER SEVEN

TOWARDS A CONCLUSION: SUPPLANTED AUTHORITIES AND REINTERPRETED RELATIONSHIPS

I. *Introduction*

As governor of Nāḥiyat al-Sabra, Muḥammad ‘Abd al-Qawī furthered his autonomy within Bilād al-Shu‘aybī al-Suflā and in doing so benefited also the Jews of al-Maqhāya, whose physical safety and judicial autonomy were maintained. Especially enhanced was the status of Yūsuf Musallam Maddār and that of Ḥayyim Mīshā Dwayd: Shaykh Muḥammad engaged these trusty Jewish grainstorers to manage the traffic of his grain, and accorded them the position of village headman for Muslims and Jews alike. And, while elsewhere Jewish and Muslim *jizya* assessors and collectors were squeezing villagers for supplemental income, Shaykh Muḥammad held the process at bay in his *‘uzla*. I hypothesized that if this interpretation of the evidence was reasonably accurate, this spell should have been brought to a close with the administrative changes of 1938–39 and the fall of Shaykh Muḥammad from government favor; and that the status of the Jews of al-Maqhāya and of the Dwayds should have altered accordingly. The sudden encounter of the Jewish villagers of al-Maqhāya with the government’s taxation system, described in the previous chapters, partially substantiates this hypothesis. Over the next decade, demands that more individuals pay higher sums eased, due in part to Yaḥyā’s enterprising spirit and his inclination to test the boundaries of *dhimma* etiquette. Another alteration described was the changeover in the category of headmanship assumed by the Dwayds, specifically, a termination of Ḥayyim Mīshā’s headmanship on behalf of the shaykh and its replacement by the more narrowly defined *jizya* headmanship of Yaḥyā Ḥayyim. While Yaḥyā’s *jizya* headmanship during the 1940s highlights liaison with the central government, the present chapter seeks to recognize change in the stature of the Shu‘aybī shaykhs and in the character of their

relationship with the Dwayds during the same years, and concludes the exercise of corroborating our hypothesis regarding the connection between the status of Shaykh Muḥammad and that of his *ʿuzla*'s Jews.

II. *The Lingering Authority of Shaykh Muḥammad ʿAbd al-Qawī*

From his place of exile in Cairo and for reasons of his own, ʿAbd Allāh b. ʿAlī al-Wazīr, the erstwhile *ʿāmil* of Dhī al-Sufāl, lamented Shaykh Muḥammad's recurrent jailings in Aḥmad's prison and confinements to Taʿizz. If he was so often absent from his territory, what remained of Shaykh Muḥammad's local authority and of his former esteem?

When, as seen in the previous chapter, a Shuʿaybī shaykh appeared as middleman upon al-Ḍilʿī's arrival in Najd al-Jumāʿī to assess the Jews early in 1942, his dispatch of a soldier merely moderated Ḍilʿī's initial summons of the villagers. From that point of contact and through the following stages in the government's attempts to recover Ḍarrāb's debt, the villagers dealt directly with the government officials. When Muḥammad ʿAbd al-Qawī sent a soldier to apprehend Saʿīd ʿAwwāḍ before he exited the *ʿuzla* and reached Najd al-Jumāʿī he displayed a continuing willingness to assist his Jewish villagers within the bounds of his ability. But his course of action also may expose his own limited ability to influence verbally or in writing the activity taking place in the government centers of Najd al-Jumāʿī and Ibb; and intercepting Saʿīd ʿAwwāḍ the *dhimmī* could not have been a great challenge. Thus, while these pieces of information testify to Shaykh Muḥammad's continued function as *ʿuzla* shaykh, they do not reflect much on the extent of his authority.

An opportunity exists to consider the stature of Shaykh Muḥammad in the eyes of his cousins from neighboring Bilād al-Shuʿaybī al-ʿUlyā, a territory he had governed not long before as *ʿāmil* of Nāḥiyat al-Sabra. In the mid-1920s, it will be recalled, Ḥayyim Mīshā resolved to disengage from these Shuʿaybīs; his belief that Shaykh Muḥsin played a causal part in the 1931 death of Yūsuf Musallam, his nephew, partner in grainstorage and predecessor in headmanship, must have strengthened this inclination. But Ḥayyim's position from 1931 as grainstorer very near to al-Ghubayrā meant that his relationship with the shaykhs of Bilād al-Shuʿaybī al-ʿUlyā continued

whether he liked it or not. Late in the summer of 1935,¹ Qāsim Yaḥyā borrowed a large sum of money and grain from Ḥayyim Mīshā: forty-one *riyāls* and thirty *qadaḥs*, to be repaid “at the time designated when [payment is] demanded (*ilā al-ʿajal al-maʿlūm ʿinda ṭalabihi*).”² Qāsim was to make maximum use of these open-ended conditions: “We were unable to retrieve [the debt],” states the Dwayd narrator, in a clause appearing in the margin of the document deposited by Qāsim as security. “It sat from the Arabic year [13]54 till [Qāsim] died in the year [13]60,³ when his brother Muḥsin b. Yaḥyā paid us thirty *qadaḥs* but not the money. [The debt] caused us a lot of coming and going before them.”⁴

Yaḥyā Ḥayyim describes this particular transaction as having been “extorted” by Qāsim (*ighṭaṣabanā*).⁵ However, his brother Ibrāhīm Ḥayyim, who was twelve or thirteen years of age at the time, appears to be more understanding of Qāsim Yaḥyā’s situation. Often, Ibrāhīm recalls, the Dwayds supplied the needs of villagers from Bilād al-Shuʿaybī al-ʿUlyā, dispensing to individuals or groups. Though Qāsim was a junior Shuʿaybī brother, being the Shuʿaybī resident at al-Ghubayrā it was to him that the twenty-five to thirty families in that village turned when hungry. According to Ibrāhīm this would have been one such case and Qāsim b. Yaḥyā would have been a kind of middleman, asking for money and grain on behalf of his villagers.⁶ This is remindful of similar situations experienced by the apostate ʿaqil of Wādī Ṣawbān, who would come to Yūsuf Musallam when he ran out of grain. If this was indeed the situation, the circumstances under which Qāsim pressured the Dwayds to provide the loan can be the better appreciated.

Ibrāhīm also credits Qāsim b. Yaḥyā with ensuring that the grain was returned at all; he states that before his death Qāsim summoned witnesses and described the debt to them, specifying that it should

¹ Jumāda I, 1354*h* (August 1–August 30, 1935).

² B.Z.G. 48.

³ 1360*h* (January 29, 1941–January 18, 1942).

⁴ B.Z.G. 311, upper margin, transcribed narrative. The term “them” could refer to the debtors but refers more likely, in the light of what follows, to Shaykh Muḥammad and his reception-room retinue.

⁵ B.Z.G. 299, *verso*, transcribed narrative.

⁶ Ibrāhīm Ḥayyim Dwayd, recorded interview, April 8, 1997. Discussion of B.Z.G. 48.

[illegible]

Facsimile 10: Shaykh Qāsim Yaḥyā al-Shu‘aybī’s debt (B.Z.G. 48)

be paid immediately upon his death. Ibrāhīm actually participated in the ensuing event: “We took all the donkeys and camels, and they opened the silo and we took the grain.”⁷ But there was more to the return of this debt than met Ibrāhīm Ḥayyim’s eye and the executor of Qāsim b. Yaḥyā’s estate needed additional convincing. The following is a note written by Muḥammad to his elder cousin, Shaykh Muḥsin, who was, according to an interviewee from al-Gades, also his father-in-law:⁸

In the name of Allāh

To the honorable father Shaykh Muḥsin b. Yaḥyā, salutations.

Peace unto you. The deceased Qāsim b. Yaḥyā owes a debt to the *dhimmī* and the listing [of debts] (*al-raṣad*) is your privilege and responsibility.⁹ The *dhimmī* possesses a deed of debt (*warāqa*) and a deed of ownership (*baṣīra*) [securing the debt]. I urge you to go forth and repay the *dhimmī*; and take the deed of ownership in your hand until you are repaid from the property of the deceased. No benefit can ensue from having the rights of the *dhimmī* remain the responsibility of the deceased.

Peace unto you.

Your servile son,

[Signature:] Muḥammad ‘Abd al-Qawī al-Shu‘aybī¹⁰

This outwardly respectful and inwardly compelling note to his father-in-law suggests that at the end of 1941 Shaykh Muḥammad remained concerned for the rights of his protegee. Yet concern for Ḥayyim can only partially explain Shaykh Muḥammad’s interest in the debt’s return: the Dwayds had attempted in the past to extract the debt and nothing had happened.

What Shaykh Muḥammad accentuates in the note is his concern for the deeds themselves: specifically, the deed of ownership deposited by Qāsim as security. His concern was justified, as things turned out: Muḥsin never did repay the cash portion of the debt and Ḥayyim therefore never returned the document; today it bears the stamp of the Ben-Zvi Institute. Why did Shaykh Muḥammad ‘Abd al-Qawī

⁷ Ibrāhīm Ḥayyim Dwayd, recorded interview, April 8, 1997. Discussion of B.Z.G. 48.

⁸ Anonymous, /67.

⁹ The deceased debts must be removed from the estate before it can be apportioned amongst the heirs. Either Muḥsin had taken this task upon himself or Muḥammad ‘Abd al-Qawī was urging him to do so now.

¹⁰ B.Z.G. 28.

al-Shu‘aybī attach such importance to this deed? A glance at the deed reveals that he had authored it himself. Dated 1926,¹¹ the deed attests to Shaykh Muḥammad’s sale to “the learned Shaykh” Qāsim of a large plot of land in Ghayl al-Ghubayrā for forty-five *riyāl*s; the tract, “Sāḥilat al-Tuban,” was part of Shaykh Muḥammad’s share in his mother’s estate.¹² Muḥammad’s selling of the plot to Qāsim is excusable: it was not within his own territory of Bilād al-Shu‘aybī al-Suflā. Yet despite its location outside his territory, Shaykh Muḥammad attempts to ensure that this piece of Shu‘aybī land should not end up outside the family. His failure to extract this deed of sale from the Dwayds is suggestive of the degree of influence he possessed with his own father-in-law, Shaykh Muḥsin Yaḥyā of neighboring Bilād al-Shu‘aybī al-‘Ulyā.¹³

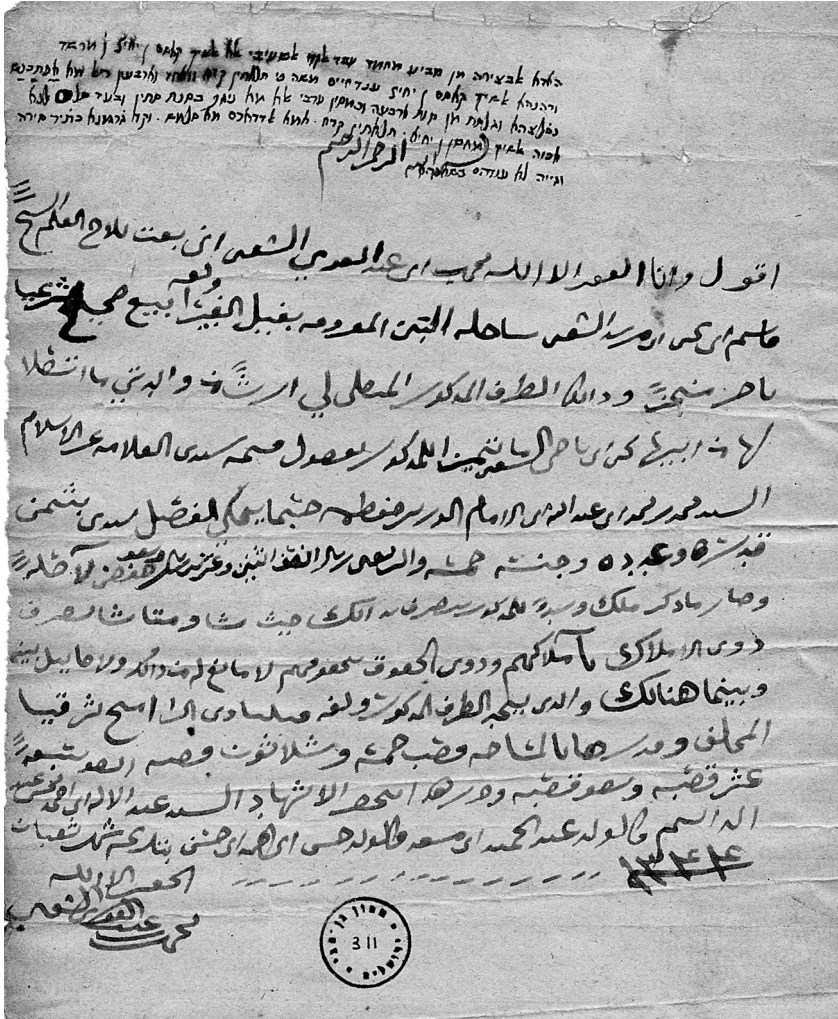
Two separate episodes illustrate the degree of deference accorded Shaykh Muḥammad by surrounding *mashāyikh* and residents of his own *‘uzla*. One involves ‘Alī al-‘Amārī, the man reported to have shot the apostate *‘āqil*. Whether that event occurred before or after Shaykh Muḥammad’s removal as *‘āmil* of al-Sabra is not divulged in Yaḥyā’s narrative; but the period in which the next stage in the story took place can better be established. ‘Alī al-‘Amārī turned to road-robbery; alongside him operated his brother ‘Abd Allāh al-‘Amārī and a third individual, ‘Abd Allāh Qāsim Thābit al-Saddāḥī. Twice Shaykh Muḥammad imprisoned them in Ḥiṣn Munīf. The first time, Yaḥyā reports, he imprisoned them “since the number of people complaining in Ibb about the shaykh, that they were robbed within his territory, had risen.”¹⁴ They were released upon the guarantee of a prominent individual named Qāsim ‘Alī al-Wajīh, but continued to raid. Shaykh Muḥammad charged the guarantor to bring him in, which he did—Shaykh Muḥammad instructed the inhabitants of Ṣawbān to assist him—and again he imprisoned the outlaws in Munīf. But they escaped from prison while Shaykh Muḥammad was in Ta‘izz and continued to raid. It was Crown Prince Aḥmad who dispatched an order to the administrator (*ḥākim*

¹¹ Sha‘bān 1344h (February 14–March 14, 1926).

¹² B.Z.G. 311.

¹³ That the document remained in Ḥayyim’s possession is also an indication of a relative apathy of the Shu‘aybī shaykhs of Bilād al-Shu‘aybī al-‘Ulyā, particularly those of al-Ghubayrā, towards family land. As seen in Chapter Three, they had been selling land within their territory from early on in the Mutawakkilite era.

¹⁴ Ḥayyim Mīshā Dwayd and Yaḥyā Ḥayyim Dwayd, N.S. 22:41.



Facsimile 11: Shaykh Muḥammad 'Abd al-Qawī sells Sāḥilat al-Tuban to Shaykh Qāsim Yahyā al-Shu'aybī (B.Z.G. 311)

al-sūq) of each of the area's markets that any who found the Banī al-ʿAmārī should hand them over dead or alive. Actually it was the partner ʿAbd Allāh Qāsim Thābit al-Saddāhī who was apprehended, with his brother Ṣālih, in *sūq* Ḥusayn al-Ḥayqī, the Bilād al-Ḥayqī market (which in fact pertained to Liwāʾ Taʿizz). ʿAbd Allāh managed to escape but was shot in the back and killed by the *ḥākim al-sūq*, Shaykh Nājī Qaḥṭān al-Ḥayqī, who then ordered *akhdām* (members of the black-skinned pariah caste) to drag his body away and bury it.¹⁵

The extended lawlessness of the three highwaymen clearly occurred during our period of interest: following the transfer of Bilād al-Shuʿaybī to Liwāʾ Ibb, after Aḥmad began governing from Taʿizz, and with Shaykh Muḥammad alternately at his home and in Taʿizz. Yaḥyā's narrative reveals Shaykh Muḥammad in place as *ʿuzla* shaykh and in a position to motivate action amongst his villagers. At the same time, he appears to have lost much of his alacrity. The narrative implies that Shaykh Muḥammad acted not on his own initiative but only after numerous complaints had arrived in Ibb; his activities were limited to seeing to it that the criminals were apprehended and placed in prison. They did not linger long in his jail; instead it was the mandate issued by Sayf al-Islām Aḥmad that yielded real results.

The second opportunity to reflect on Shaykh Muḥammad's stature is provided by a Dwayd narrative recalling an episode which took place, around the first half of the year 1944, much closer to their own home:

On one occasion, eight years ago during the period of the first exodus,¹⁶ departing Jews passed by on their way down to Aden and spent the night in the home of Dāwud al-Khammār [(“the distiller”)]. (His father distilled *ʿaraq* and was nicknamed “the one-handed distiller.”) Aḥmad Qāʾid al-Shuʿaybī, Shaykh ʿAbd al-Qādir al-Tām, Shaykh Aḥmad Muḥsin al-Ḥayqī and the peasants of al-Maqhāya came and robbed them of their possessions. Then Shaykh ʿAbd al-Qādir al-Tām wrote to Shaykh Muḥammad ʿAbd al-Qawī al-Shuʿaybī in Taʿizz, because they did not give [him] a “nab” (*lihim*) of the plunder. He wrote that some Jews heading for Jerusalem (*muqaddisīn*) passed through and were robbed in the village of al-Maqhāya. The shaykh replied to

¹⁵ Hayyim Mīshā Dwayd and Yaḥyā Hayyim Dwayd, N.S. 22:41–44.

¹⁶ The interviews in N.S. 55 were held in March–April 1952.

the *‘āqil* of al-Maqhāya, Thābit al-‘Awlaqī, [with instructions] to fine the people of al-Maqhāya at least one hundred *riyāls* on account of the robbery. The *‘āqil* levied fifty *riyāls* on the Jewish inhabitants of al-Maqhāya. Yaḥyā Ḥayyim and Yaḥyā Yūsuf paid thirty *riyāls*—for it was they who owned property—and the remaining [sum] fell on the other Jews. Then all those [travelling] Jews exited the village. The *‘āqil*’s brother Šālīḥ ‘Abd Allāh Sa‘īd,¹⁷ Ḥasan ‘Alī Muḥammad and Muḥammad ‘Abbādī Muqbil al-Munifī caught up with them at the watercourse named “Sā’ilat al-Shaykh,” Bilād al-Ḥayqī, and robbed them of what they still possessed, down to [their last] shoe. When they fired their rifles at them one of the Jewesses was hit and fell off [her] camel and broke her backbone.¹⁸

That *mashāyikh* from Bilād al-Shu‘aybī (which of the two Shu‘aybī territories is not clear), Bilād al-‘Adhārib and Bilād al-Ḥayqī could all converge on al-Maqhāya and, with the assistance of its own inhabitants, commit this act on Shaykh Muḥammad’s turf represents a forceful statement as to their opinion of his current authority. That the current village *‘āqil* levied fifty percent of the fine on the Jewish villagers seemed to the narrator reprehensible; certainly it reflected a change for the worse when compared to Shaykh Muḥammad’s reaction to the jostling of ‘Abraḥam Sa‘īd by Nājī Šālīḥ Sirḥān of Ubāla a decade earlier. The status of Yaḥyā Yūsuf and Yaḥyā Ḥayyim in particular is seen to have declined significantly from the days when their fathers served under Shaykh Muḥammad as village *‘uqqāl*.

Shaykh Muḥammad was held responsible for the internal security of his *‘uzla* up to 1944. He hardly seemed able to maintain it, between his absences and the decline in his prestige and deterrence in the eyes of the surrounding *mashāyikh*, his relations, and, indeed, even some of the peasants.

III. 1944: *The Rise of Shaykh Muḥsin ‘Abd al-Qawī*

A capable and assertive son might have assumed the management of the *‘uzla*, as Shaykh Muḥammad had succeeded his own father. But the already disenchanted Muḥammad had no sons to outlive

¹⁷ This was the brother not of Thābit al-‘Awlaqī but of the *‘āqil* of al-Maqhāya at the time of the 1949 emigration, Qāsim ‘Abd Allāh Sa‘īd (Yaḥyā Ḥayyim Dwayd, N.S. 55:3).

¹⁸ Yaḥyā Ḥayyim Dwayd, N.S. 55:2.

him.¹⁹ Instead it was his brother, Shaykh Muḥsin ‘Abd al-Qawī, who stepped into the breach and attempted to stem the encroachment of the central government. Muḥsin was a veteran participant in *‘uzla* management. In August 1936 Morī Ya‘qūb Yehūda al-Maddār of al-‘Adhārib apportioned an estate “in accordance with the disbursement of authority (*al-ṣarf*) by Shaykh Muḥammad ‘Abd al-Qawī and Shaykh Muḥsin ‘Abd al-Qawī, may God preserve them.”²⁰ And it was of course Muḥsin who late in 1938 instructed the *ratīb*, ‘Abd Allāh Sa‘īd, to draw up Ḥayyim’s second headmanship document.

When Shaykh Muḥsin moved to center stage, and how he expressed his authority on the ground, are divulged by Yaḥyā Ḥayyim while retrospectively on the story of a debt. Unlike his brother, Shaykh Muḥsin ‘Abd al-Qawī did have a son—Yaḥyā Muḥsin; and the narrative also introduces him as a significant player on the *‘uzla* scene. Seeking merely to retrieve a debt, the solicitous Yaḥyā Ḥayyim tangled himself in a web of competing interests, including those of Shaykh Muḥammad, his brother Muḥsin, one of their paternal cousins from within the *‘uzla*, and the imamic government.

In the year [13]62²¹ I sharecropped (*ashtaraktu*) a piece of irrigated land, named “Jirābat al-Sibāb,” in the watercourse at Ḥabīl al-Sūq village, Bilād al-Shu‘aybī al-Suflā. I subscribed to the [payment conditions of the] “predefined share” (*quṭ‘a ma‘lūma*): each harvest—early summer (*qiyāḍ*) and autumn (*ṣurāb*)—one *qadaḥ* as [the owner’s] share (*qisām*), and one *riyāl* cash consideration (*quṭ‘a*), as well as [commitment to pay] anything the sharecropper might need [to spend so as to utilize the land]. [I shared it out] from [its owner,] Shaykh ‘Abd al-Wāḥid b. ‘Abd Allah b. Khālīd b. Nājī b. Ḥasan b. Aḥmad al-Shu‘aybī, who lives in Dār Mayfa‘a, in the lands of al-Ḥūd village.²²

Then the shaykh borrowed [lit. took] cash from me, [to be returned] during the ghee-season of the “fifth month” (Tishrī²³) in the form of a tin box (*tanaka*) of ghee; and a five *riyāl* interest-free loan (*salaf*), [to be returned] during the *qiyāḍ* month (perhaps Sīvan²⁴). He repaid me (*barrajanī*) the five *riyāls* by assigning me the owner’s share of one *qadaḥ* [due from me]. But the tin of ghee remained undelivered; he told me he would return to me [in cash] the ten *riyāls* which he took from me. I said [to myself that] I shall never receive them, [as] he already

¹⁹ Yaḥyā Ḥayyim Dwayd, /N.S. 6.

²⁰ Undesignated (2).

²¹ January 8, 1943–December 27, 1943.

²² This does not signify that Yaḥyā Ḥayyim did the actual farming.

²³ September–October.

²⁴ May–June.

collected [revenue] from me as [from] everyone else when taxes were collected.²⁵

Then one Muḥsin al-Ḥarīrī, a farmer (*raʿwī*) of Ḥabīl al-Sūq village, came forth and [proposed] a higher share for the aforementioned shaykh: one and three-quarter *qadaḥs* and one and three-quarter *qirsh*. He engaged him as his shareholder, and took the plot of land away from under me. But I had already paid the irrigation costs. (Rains come during the summer months (*kharīf*) and damage the water channels, necessitating repair work. The village *ʿāqil* comes out and sends workers to repair the channels and enable the water to flow, and divides the cost among the plots.) And [I had already paid] the “softening fee” (*haqq al-thirā*). (After *ṣurāb* we water [the earth] until it becomes soft—not dry but not yet muddy—and then we plough.) I still owed him the *ṣurāb* harvest’s due of a *qadaḥ* and a *riyāl*, which he wrote out to the credit (*hawwal bi-hā*) of Ḥājī ʿAbbādī Ḥusayn Ḥumay-dān the butcher (*al-jazzār*), and I paid it to him.²⁶

The tin of ghee remained in the hands of the shaykh. I went and appealed (*ishtakaytu*) before the son of his paternal uncle, Muḥammad ʿAbd al-Qawī b. Khālīd, the shaykh of the territory. He replied that he cannot compel him, [and that] I should go complain in the imām’s government-court (*ḥukūmat al-imām*). I waited a year and [still] he did not repay me.²⁷ Then Muḥammad ʿAbd al-Qawī, shaykh of Bilād al-Shuʿaybī al-Suflā, was taken to Ḥajja and imprisoned by Aḥmad son of the imām.

In the month of Ṣafar year [13]64,²⁸ I appealed before the judge (*ḥākim*) of [Nāḥiyat] al-Sabra, Sayyid Aḥmad b. Muḥammad al-Mutawakkil, in the matter of Shaykh ʿAbd al-Wāḥid and in the matter of another *qabīlī* woman who owed [me] a debt of thirteen and a half [*riyāls*]; he dispatched upon them a soldier (*askarī mujāhid*). The shaykh rejected the soldier. The *qabīlī* woman sent her son with the soldier, to come up to me at the government building (*ḥukūma*) and satisfy me regarding what they owed me and to pay the soldier’s fee.

²⁵ This may reflect a situation where Shuʿaybīs were employed by the government as collectors within Bilād al-Shuʿaybī al-Suflā. Alternatively, the reference may be to *ʿuzla* taxes. The period described by Yaḥyā appears to be just after the autumn harvest of 1943.

²⁶ The time still appears to be just after the autumn harvest of 1943. It seems from Yaḥyā’s description that his sharecropping agreement held out for one year, 1943; not knowing that he would be replaced as sharecropper, Yaḥyā had already made the payments for the collective work relating to the crops of 1944. The episode of Muḥsin al-Ḥarīrī is not directly related to what follows.

²⁷ What Yaḥyā seems to be trying to recover was only the ten *riyāl* loan, apparently the market value of the tin of ghee during “the fifth month,” September–October. The additional costs he spent on the land are additional details introduced to the narrative because they relate to Yaḥyā’s losses in his dealings with Shaykh ʿAbd al-Wāḥid.

²⁸ Ṣafar 1364*h* (January 16–February 13, 1945).

Shaykh Muḥsin ‘Abd al-Qawī, who became [*‘uzla*] shaykh after they imprisoned his brother, was at the door of the *ḥukūma* and met the soldier and the son of the *qabīlī* woman.

“Very well, Yaḥyā Ḥayyim.” he said. “You [have begun to] dispatch [soldiers] from the government.” He paid two *riyāls* of his own to the soldier. “Return,” he told the son [of the woman]. “I shall entertain (*u‘ajjib*) Yaḥyā Ḥayyim. He has [begun to] dispatch from the government.”

I feared him. I waited till after lunch. Then I came up while they were chewing [*qāl*] and paid him the two *qirsh* which he had given the soldier and one *qirsh* as shaykhly consideration (*rubā‘a*), for him to effectuate [the return of the debt] on my behalf.²⁹ Now he had already written his son, Yaḥyā b. Muḥsin, to go out [and live] off me at my home and not to rise from my home until he received from me a fine (*adab*) of not less than a hundred *riyāls*. [Shaykh Muḥsin] returned to me three *qurūsh* and told me: “Go to [my] son for him to seize [the debt] on your behalf.” But he had already written the letter to his son and sent it with a messenger.³⁰

That night I slept in Najd al-Jumā‘ī. Next day was *khurūja* (when I remove grain from the silo on behalf of the peasants) so I departed Najd al-Jumā‘ī and arrived at Ghayl al-Jawārif—and [there] I encountered Yaḥyā b. Muḥsin and his consort: Sayyid Muḥammad Ṭāha and Aḥmad al-Nawfī and Muḥammad Muḥsin al-Qumāl and Qā‘id Ṣāliḥ Muqbil the butcher. They were already on their way to my house in keeping with [Yaḥyā Muḥsin’s] father’s letter.³¹ He came [over to me] and I extended to him the letter and the three *riyāls*.³² But he did not agree to turn back. Then I engaged Ḥājī ‘Abbādī as guarantor that [Yaḥyā Muḥsin] should return to his home and I shall pay whatever his father says; he did not agree to turn back. Ḥājī ‘Abbādī turned to [address] him and [still] he did not consent. So I commissioned Ḥājī ‘Abbādī to stand over the silo [and engage in the grain-removal activity] with my brother Abrāham, and I returned to Najd al-Jumā‘ī to Shaykh Muḥsin.

²⁹ In other words, Yaḥyā Ḥayyim was making the statement before all present in the chewing session that calling in the government had been a mistake, and that it was only to Shaykh Muḥsin that he should apply for assistance in debt recovery.

³⁰ This he would only discover the next day; see below.

³¹ Instead of proceeding to Yaḥyā Muḥsin at Ḥiṣn Munīf or Ḥiṣn Sabwā, Yaḥyā Ḥayyim heads directly for home to take care of the grainstorage activity scheduled for that day—the debt could wait another day. Just before arriving at al-Maqhāya however, at the ford of Ghayl al-Jawārif, he overtook Yaḥyā Muḥsin, who, acting on his father’s letter, had evidently set out for al-Maqhāya earlier than Yaḥyā Ḥayyim himself.

³² This must have been a note Yaḥyā Ḥayyim was carrying, written by Shaykh Muḥsin to his son to notify him of the change in plan.

[Meanwhile,] his son Yaḥyā and his companions arrived at [my³³] home. I had a sheep at home that was being fattened for the Passover holiday; they took it and slaughtered it and brought it to the home of Khālīd al-Fīl to prepare it.³⁴ [Also they took] bread and ghee and honey from the house.³⁵

I came to Shaykh Muḥsin and told him: “Your son is already in the house along with his companions. I appealed to him and presented Ḥājj ‘Abbādī as guarantor. He took the letter and the three *riyāls* but did not consent to turn back.”

“I did not wish my son to leave for your home,” he said. And he went and wrote for me a sealed letter (*maktūb mighrayy*) for his son.

I came with the letter to his son. And he showed me his father’s first letter, that he collect from me a fine of one hundred *riyāls*.³⁶ Again he told me: “Pay the hundred,” and that if I did not I should travel with them to the fortress and be imprisoned. I departed, following them.³⁷ I had on me thirty *riyāls* in the riding-bag (*khuj*) on the donkey; they conducted me to a hidden part along the track and robbed me of twenty-nine [of the thirty *riyāls*]. I don’t know who took the one [remaining] *qirsh*. His servant (*khaddām*) Qā’id Ṣāliḥ took them. He took me up to the jail, unto ‘Abd Allah al-Nawfī the prison guard. I was imprisoned for eight days. He took away from me the deeds [of debt] (*awraq*) of the *qabīlī* woman and of the tin of ghee. Then Ḥājj ‘Abbādī came up and released (*fākak*) me, and guaranteed payment of forty [*riyāls*]. (He had requested on my behalf that I pay a fine of forty [*riyāls*].) And [I paid an additional] forty for expenses they incurred when they went out [upon my home in al-Maqhāya], [soldier’s and messenger’s] fees and prison-guard fee. They gave me eight *riyāls* for the value of the *tanaka* of ghee while the [current market] value was twenty-five.³⁸ As for the moneys owed by the *qabīlī* woman, they gave me [in their place] one and a quarter *qadaḥs*.³⁹

³³ Lit.: “his,” a slip of Yūsuf Sayyānī’s pen.

³⁴ This was the same Khālīd al-Fīl who served as Yūsuf Musallam Maḥfūd’s auxiliary when he was *‘āqil*.

³⁵ These details too Yaḥyā could only have discovered later on.

³⁶ Thus suggesting to Yaḥyā Ḥayyim that Shaykh Muḥsin’s assurance that he had not intended his son to set out to al-Maqhāya was false. Plausibly, Yaḥyā Ḥayyim’s belief now was that Shaykh Muḥsin was attempting to maintain a facade of evenhandedness, while in fact it was he who was behind the damages his son was inflicting.

³⁷ Muḥsin perhaps had not been candid with Yaḥyā Ḥayyim about his instructions to his son, but ultimately had accepted Yaḥyā’s acknowledgment of his mistake. How could the son refuse to do so? This is another case in which Yaḥyā Ḥayyim opts not to surrender to what he viewed as injustice.

³⁸ The market value during September-October appears to have been ten *riyāls*.

³⁹ Yaḥyā Ḥayyim Dwayd, N.S. 22:29–33.

It is in keeping with Shaykh Muḥammad's profile construed thus far that he should have encouraged Yaḥyā Ḥayyim to try and recover his debts; but nothing else in the narrative evokes Muḥammad's finest years. To his inadequate weight with his father-in-law from Bilād al-Shu'aybī al-'Ulyā may now be added his inadequate weight with a first cousin from within his own territory, Bilād al-Shu'aybī al-Suflā. Complementing Shaykh Muḥammad's dwindled influence among his fellow *mashāyikh* came his guidance which at one time would surely have come as a surprise: that Yaḥyā Ḥayyim enlist government help to recover a debt owed by a Shu'aybī. But to Shaykh Muḥsin and his son Yaḥyā Muḥsin this option remained anathema, and it was they who in the end effectuated the (partial) return of Yaḥyā Ḥayyim's debts while at the same time teaching Yaḥyā a lesson. His total loss of about 135 *riyāls* amounted to nearly six times the *jizya* paid that year by all the Jews of al-Maqhāya.⁴⁰ And of course there was the time in jail. In monetary terms, Yaḥyā Ḥayyim's refusal to pay Yaḥyā Muḥsin the hundred *riyāls* did not pay off; on the other hand, it is evident that the dignity he retained was of some value to him.⁴¹

Yaḥyā Ḥayyim's narrative indicates that one function which Muḥsin 'Abd al-Qawī took over upon his brother's imprisonment was the exercise of authority over 'uzla residents in the field of debt recovery. His involvement ran much deeper. The image of the authority passing from Shaykh Muḥammad to Shaykh Muḥsin can be broadened by studying a certain document in the Dwayd cache. This piece of paper accommodates two account windups, both written during Shawwāl 1365*h* (August 29–September 26, 1946). The first of these was authored by Shaykh Muḥammad and covers accounts up to *qiyāḍ* (May-June) of the year 1363*h* (1944) only; the second, authored by Shaykh Muḥsin, covers accounts up to the date of writing.

In the name of Allāh

This [document placed] in the hands of *dhimmī* Ḥayyim Mīshā is a termination of the *dhimmī*'s accounts (*qāṭi' ḥisāb*) between ourselves and him up to the date: *qiyāḍ* of the year [13]63. No heed shall be given to any written record (*waṣl*) which he shall bring

⁴⁰ B.Z.G. 16.

⁴¹ Since Yaḥyā concludes the story by summing up his losses, it appears that he decided not to worsen his condition by returning to Najd al-Jumā'ī to complain about his treatment by Shaykh Muḥsin and his son Yaḥyā Muḥsin.

forth regarding that which precedes this date. No heed shall be given to any right (*haqq*) of his which may appear on his part up to this date of ours, *qiyāḍ* [of the] year [13]63. Written on its date, the month of Shawwāl, year 1365.

[Signature:] Muḥammad ‘Abd al-Qawī al-Shu‘aybī

This is a termination of accounts between us and *dhimmī* Yaḥyā Ḥayyim regarding the grain stored by him on our behalf. And that which was deposited as landowners’ shares [. . .]⁴² we have received [both] *ṣurāb* and *qiyāḍ*. He has delivered these up to this date. Written on its date, Shawwāl [13]65.

[Signature:] Muḥsin b. ‘Abd al-Qawī al-Shu‘aybī⁴³

Shaykh Muḥammad’s account was active until May-June—*qiyāḍ*⁴⁴—of 1944; and the emphasis placed on this final harvest is significant. It is possible to derive from Yaḥyā’s narrative that Shaykh Muḥammad’s removal to Aḥmad’s notorious prison at Ḥajja occurred about September-October 1944—a year after Shaykh ‘Abd al-Wāḥid should have returned the ghee.⁴⁵ Presumably, by the autumn harvest of 1944/1363*h* Shaykh Muḥammad would have been in Ḥajja prison. This combined reading of the narrative and the document suggests that with Shaykh Muḥammad’s imprisonment Shaykh Muḥsin began administering also the Shu‘aybī finances.

How did Shaykh Muḥsin’s assumption of *de facto* authority affect the Dwayd-Shu‘aybī grainstorage relationship? The answer may be reflected in an additional difference between the two account windups, namely, that the counterpart of Shaykh Muḥammad was Ḥayyim Mīshā while that of Shaykh Muḥsin was Yaḥyā Ḥayyim. Did then Muḥsin’s takeover from Muḥammad result in a parallel transition between the Dwayd father and son? As the accounts seemed to have been settled, the Dwayd cache should not be expected to provide dated deeds the names on which might answer this question: Shaykh Muḥammad’s own words reveal that he did not expect Ḥayyim to come forth with written records relating to their grainstorage relationship, and none in fact appear in the Dwayd cache. What do appear are deeds reflecting the debts outstanding from the Dwayds’

⁴² Unclear word.

⁴³ B.Z.F. 361.7.

⁴⁴ Sivan, or May-June, according to Yaḥyā Ḥayyim in his narrative.

⁴⁵ The payment date was *Ṣurāb*, a month Yaḥyā parallels with *Tishrī*—September-October. The year was 1362*h*. Payment date was therefore September-October, 1943.

private grainstorage dealings, and these debt acknowledgments do point to a transition. Deeds acknowledging a debt to Ḥayyim Mīshā exist from the years 1933,⁴⁶ 1935,⁴⁷ 1939,⁴⁸ 1940,⁴⁹ and finally 1943.⁵⁰ There is a period of overlap, with the first debt acknowledgment in the cache made out to the name of Yahyā Ḥayyim being drawn up in 1942.⁵¹ Thereafter deeds exist for the subsequent year up to the exodus: 1943,⁵² 1944,⁵³ 1945,⁵⁴ 1946,⁵⁵ 1947,⁵⁶ 1948⁵⁷ and 1949.⁵⁸ The number of unpaid deeds does not reflect on the number of debts that *were* returned and whether or not they were returned on time. But the absence among these deeds of Ḥayyim Mīshā's name for the latter period and the absence of Yaḥyā Ḥayyim's name for the early period appears to indicate the years 1942/1361*h* and 1943/1362*h* as a time during which Yaḥyā Ḥayyim took over from his father the formal responsibility over that part of the family grainstorage enterprise that did not involve Shu'aybī grain. A transfer had indeed occurred between father and son, but this preceded *qiyāḍ* of 1363*h* by one to two years. According to this interpretation, Ḥayyim Mīshā remained attached to Shaykh Muḥammad beyond the time he discontinued his private grainstorage activity, right up to the time Shaykh Muḥammad discontinued his own financial activity. Only then did he retire, leaving Yaḥyā the responsibility of managing the franchise for Shaykh Muḥsin.

A shaykh's grainstorer was expected to be trustworthy—literally, a *daffān amīn*, or trusty grainstorer. In the aftermath of Yaḥyā Ḥayyim's appeal before the *ḥākim* of Nāḥiyat al-Sabra early in 1945, how much trust could there have been between him and Shaykh Muḥsin? This was, furthermore, not the sole occasion on which Yaḥyā availed himself of the government's apparent eagerness to dispatch soldiers into

⁴⁶ B.Z.G. 66, B.Z.G. 232, B.Z.G. 13.

⁴⁷ B.Z.G. 48.

⁴⁸ B.Z.G. 179.

⁴⁹ B.Z.G. 112.

⁵⁰ B.Z.G. 92, B.Z.G. 195.

⁵¹ B.Z.G. 175.

⁵² B.Z.G. 279.

⁵³ B.Z.G. 151.

⁵⁴ B.Z.G. 178.

⁵⁵ B.Z.G. 59.

⁵⁶ B.Z.G. 282, B.Z.G. 228.

⁵⁷ B.Z.G. 225.

⁵⁸ B.Z.G. 100.

the *‘uzla*, to the aggravation of Shaykh Muḥsin. A note sent by Shaykh Muḥsin to Yaḥyā Ḥayyim indicates another such instance:

In the name of Allāh

For *dhimmī* Yaḥyā Ḥayyim, at Najd al-Jumā‘ī, government house (*al-ḥukūma*): Muḥammad Sa‘īd came and informed us that you have dispatched upon him. After this, no demand is to be made of him. This is enough. Peace.

[Signature:] Muḥsin ‘Abd al-Qawī al-Shu‘aybī⁵⁹

This note is undated and it is therefore impossible to determine if it can explain the ardent reactions of Shaykh Muḥsin and Yaḥyā Muḥsin recalled by Yaḥyā Ḥayyim in the narrative; or, alternatively, if it signifies that Yaḥyā Ḥayyim continued to outflank Shaykh Muḥsin despite his chastening.⁶⁰ But the event fortifies the supposition that a negative atmosphere governed Yaḥyā’s interaction with Shaykh Muḥsin.

That an unpleasant atmosphere permeated also the realm of grain-storage is indicated by two undated notes that conceivably pertained to a single sequence of events. If the notes are indeed related, then the following note, sent by Yaḥyā Ḥayyim to Shaykh Muḥsin, appears to have been the first of the two. It discloses that Yaḥyā Ḥayyim was unhappy with the conditions of his grainstorage relationship with Shaykh Muḥsin:

In the name of Allāh

Lord, master, sword, Shaykh Muḥsin ‘Abd al-Qawī,
may Allāh preserve him:

The peasants transporting the landowner’s share [to my silos] are not paying the storage fee of one *nafar* (*al-nafar al-dakhal*), whereas in al-Ḥūd and in al-Shājiba they [= the grainstorers] take one *nafar* storage fee for each [deposited] *qadaḥ*.⁶¹ We have informed you already [about this matter] and you notified [us] that if attempts to appease occur over this issue, we are [to be regarded as] among the grainstorers in the territory. We abide by your dictates. [But] we shoulder [the costs of] measuring [in] and removing [the grain] and guarding the silos. Announce to us what we shall rely on. If your honor so commands we shall receive the

⁵⁹ B.Z.G. 103.

⁶⁰ It is, however, unlikely that the note refers to the aforementioned event narrated by Yaḥyā Ḥayyim, where his encounter with Shaykh Muḥsin was person-to-person and took place in Najd al-Jumā‘ī itself.

⁶¹ This statement suggests that the Shu‘aybīs’ grain revenues were funneled to three storage centers: al-Maqhāya, al-Ḥūd and al-Shājiba.

depositing fee of a *nafar per qadaḥ* and if not, it will suffice us.
 Inform us [whether] to cede or to take the *nafar*. Peace.
 Your most helpless slave, the servile *dhimmī* Yaḥyā Ḥayyim.⁶²

Yet again, Yaḥyā Ḥayyim seems to be demanding his rights, which this time correspond to payment for his grainstorage services to the Shuʿaybīs and equality with their Muslim grainstorers. Behind Yaḥyā's letter appears to lie a protracted refusal by villagers depositing the share of their Shuʿaybī landlord to pay for the service. Shaykh Muḥsin affords his reply on the letter's *verso*: "A *nafar* is permitted as the storing fee of all the grainstorers."

Shaykh Muḥsin may have granted Yaḥyā Ḥayyim the *nafar per qadaḥ*; but the second note commissioned by the farmers of al-Maqhāya and its reply indicate that Shaykh Muḥsin was in fact displeased with Yaḥyā's composure:

In the name of Allāh

Lord, master, sword, Shaykh Muḥsin ʿAbd al-Qawī, may Allāh preserve him:

Your soldier has come in the matter of our transporting the landowner's share (*qisām*) to al-Ḥūd. You know that we have suffered from flooding and we have nothing save small and large millet (*dukhṇ wa-gharb*). We do not possess sorghum (*taʿām*) and if someone does possess a little sorghum it is of bad quality (*fātīr*). It is not appropriate for the grainstorer of al-Ḥūd. Our wish is to store the landowner's share in our village by *dhimmī* Yaḥyā Ḥayyim or Yaḥyā Yūsuf since the silos are already open and storage occurs on Sunday. Peace.

The servants, all the farmers (*raʿiyya*) of al-Maqhāya⁶³

Shaykh Muḥsin's reply appears on the *verso* of the note:

In the name of Allāh

The people of al-Maqhāya shall transport sorghum (*taʿām*), millet (*dukhṇ*) and corn (*ṣīn*) to al-Maqhāya. On account of [al-Maqhāya's] proximity to them, it is not necessary to transport to al-Ḥūd. This is endorsed. This [original demand] was because of *dhimmī* Yaḥyā Ḥayyim's humbling of the people of al-Maqhāya. Peace.

[Signature:] Muḥsin ʿAbd al-Qawī al-Shuʿaybī

Shaykh Muḥsin explains to the farmers that his decree that they shoulder the cost of transporting grain on the 1 1/2 hour journey

⁶² B.Z.G. 102.

⁶³ B.Z.G. 160.

to al-Ḥūd, was to protect them from what he considered as behavior unbefitting a *dhimmī*. In other words, Shaykh Muḥsin was making his sharecroppers pay for Yaḥyā Ḥayyim's conduct; Yaḥyā's relations with the farmers could not possibly have benefited from this pressure, nor for that matter could his relationship with Shaykh Muḥsin. If the two letters are indeed related, it is possible that Shaykh Muḥsin was referring to Yaḥyā Ḥayyim's demand of the *naḥar per qadah* when he wrote of the *dhimmī*'s "humbling of the people of al-Maqhāya."

The farmers' note reveals that Yaḥyā Yūsuf, the orphan, had begun to store grain on a commercial scale (and indicates once again that he and Yaḥyā Ḥayyim were the only such grainstorers in this part of Bilād al-Shu'aybī al-Suflā). Shaykh Muḥsin therefore had an alternative to Yaḥyā Ḥayyim in al-Maqhāya, if he required one. In the light of their mutual mistrust and sour relationship, it would have been a reasonable step from Muḥsin's point of view to terminate the Dwayd grainstorage franchise; and such a step may have suited Yaḥyā Ḥayyim as well. Now let us return to the account windup document of the Shu'aybī brothers, which suggests this actually to have been the case. Muḥsin was releasing Yaḥyā Ḥayyim; and his wording of the windup implies that Yaḥyā's silos were now empty of his grain. Just before the autumn harvest of 1946, Muḥsin 'Abd al-Qawī appears to have rid himself of the services of Yaḥyā Ḥayyim Dwayd, concluding a Shu'aybī grainstorage relationship with the Dwayds which had lasted exactly fifteen years.

One last aspect of the two account windups remains to be considered, namely the fact that the brothers were making statements of an entirely different nature. While Shaykh Muḥsin was absolving Yaḥyā Ḥayyim from further obligations—a Dwayd concern, Shaykh Muḥammad was releasing himself—a Shu'aybī concern. His was a strange declaration: a legally binding acknowledgment could come only from an exempting party, not from a party being exempted. Now the single *bismalla* heading ("In the name of Allāh") at the top of the document suggests that both its parts were prepared on a single occasion. It seems fair to assume that although Shaykh Muḥammad's portion of the document comes first, it was in fact an appendix to the main event: Shaykh Muḥsin's release of Yaḥyā Ḥayyim.

Could Shaykh Muḥsin have had a concern which required Shaykh Muḥammad's announcement? As we shall soon see, Shaykh Muḥammad died within a few months of the document's preparation. As

he had prepared a will, his death was probably anticipated not sudden. Now the manner in which creditors might show up after someone's death and claim their debt from the estate's beneficiaries was illustrated near the beginning of this chapter. In that example, Shaykh Muḥammad himself attempted without success to convince his father-in-law to dispense his brother's debt to Ḥayyim Mīshā, so as to extract from him the ownership deed of land which had once belonged to Muḥammad's mother. Returning to the current document: Shaykh Muḥsin, the man possessing *de facto* authority in the 'uzla, could do without the litigious Yahyā Ḥayyim insisting on the recovery of some old debt from Shaykh Muḥammad's estate, perhaps dispatching soldiers from Najd al-Jumā'ī as he had in the past. Shaykh Muḥsin's concern would not have been for the common property only: Muḥammad's only daughter was married to his son, Yahyā Muḥsin.⁶⁴

How might Shaykh Muḥammad's announcement help prevent such an outcome? Should the Dwayds in fact make a claim from Shaykh Muḥammad's estate, Muḥsin 'Abd al-Qawī could make a counterclaim that Yahyā owed him a debt. Yahyā would then need to bring forth this document as evidence, and would thus be required to display the declaration of Shaykh Muḥammad. Yahyā Ḥayyim could not tear off the first half of the document without incriminating himself, because of the order of the two documents: it was there that the *bismalla* headline was located. Shaykh Muḥammad's announcement might even have possessed legal value, if Shaykh Muḥsin was able to display a preliminary declaration by Ḥayyim Mīshā that he granted Shaykh Muḥammad the liberty to settle their accounts. This is not a far-fetched possibility: Yūsuf Musallam specified in his will that Aḥmad 'Alī the apostate 'āqil should be allowed to define the nature of his own debt.⁶⁵ But even if Ḥayyim did not make such a preliminary declaration, Shaykh Muḥammad's announcement would be of psychological value, clearly establishing in the Dwayds' consciousness that Muḥsin 'Abd al-Qawī would wholeheartedly deny any demands made of Shaykh Muḥammad's estate.

I have suggested that the transfer of management from Shaykh Muḥammad to Shaykh Muḥsin was reflected in the transfer of the

⁶⁴ Yahyā Ḥayyim Dwayd, /N.S. 6.

⁶⁵ Ḥayyim Mīshā Dwayd and Yahyā Ḥayyim Dwayd, N.S. 22:37.

Maqhāya grainstorage franchise from Ḥayyim Mīshā to his son Yaḥyā Ḥayyim. It appears that the end of Yaḥyā's two-year franchise too had an effect on the internal hierarchy of the Dwayd household: early in 1947 Yaḥyā Ḥayyim and his father required an account windup of their own, as the following document describes.

In the name of Allāh, the Compassionate, the Merciful
 [Signature:] ‘Abd al-Jabbār b. Muḥammad Aḥmad ‘Abd al-Karīm
 There occurred before me the computation between Ḥayyim Mīshā⁶⁶ and his son Yaḥyā Ḥayyim with regard to all that Yaḥyā Ḥayyim took [lit.: pinched possession (*tavallā qibṣah*)] from the property (*māl*) of his aforementioned father, be it cash, grain, the value of livestock—all he took since he began taking and until the present date. Owed to Ḥayyim by his aforementioned son there remain sixty-four *qadaḥs* of grain to terminate the entire account. Acknowledgement (*tiqrār*!) occurred between the aforementioned as to what is ascertained to be the property of Yaḥyā Ḥayyim ensuing from his endeavors and ambition (*min sa‘ihī wa-baṭshihī*), as states the [written] statement (*taqrīr*) pertaining to this, and the statement regarding the depositing of their [shared?] property in the hands of Yaḥyā Ḥayyim. [Further:] Yaḥyā Ḥayyim handed his father the [documents and objects] mortgaged (*al-rahūnāt*) by their owners and *dhimmī* Ḥayyim handed his aforementioned son all the mortgaged [documents and objects] he possessed which were Yaḥyā Ḥayyim's. Each of them terminated any claim and demand of the other and that which each retains is [now] his property and acquisition in accordance with the mutual recognition (*ta‘āruḥ*) between them. On this account [this document] was written on its date, Rabī‘ I, 1366 [= January 23–February 21, 1947]. The “son” Sayyid Muḥammad Ḥātim witnessed it, as well as Thābit Aḥmad al-‘Awlaqī and Ḥasan Nāṣir al-Shuwayb. And Allāh is a sufficient witness.

[Summary at top corner of the document:] The remaining grain owed Ḥayyim by his son Yaḥyā Ḥayyim has been ascertained to be 64 *aqdāḥ* of grain.⁶⁷

It is suggested in the document that a dispute resolution was made necessary because of action on the part of Yaḥyā Ḥayyim, who had begun to “pinch” his father's possessions. Yaḥyā however had his own perspective, which he laid down in his own writing, on a sheet of paper located in the cache.⁶⁸ His position was that he had become

⁶⁶ Note the unusually low occurrence of the pronoun *dhimmī* in this document.

⁶⁷ B.Z.F. 361.17.

⁶⁸ B.Z.G. 95.

wealthy in his own right, and that he had passed his own wealth to his household. Yet his father (who was now old and blind) his mother, and his brother Ibrāhīm squandered the wealth and at the same time would not allow him to make use of any other family funds which may have existed. The final portion of this draft reveals that Yaḥyā was pondering an application to a judge (*qāḍī*) to lay bare the property of his father, mother and brother Ibrāhīm and to restore to him his personal property. It appears from the document translated above that Yaḥyā preferred to act on the ground instead of applying to the judge. This dispute was resolved by mutual consent, within Bilād al-Shu‘aybī al-Suflā, before a local notary.⁶⁹

In the deeds of debt remaining in the Dwayd cache, Yaḥyā Ḥayyim’s name surfaces in the year 1362*h*. But he had begun his business activity much earlier: that date should rather be regarded as the time during which he began to assert his financial independence. It seems that early in 1947 the process had reached its culmination: his grainstorage ties with Shaykh Muḥsin having been severed, his wife Shūdhya entering her final month of pregnancy with their first child,⁷⁰ Yaḥyā now breaks off financially also from his father’s household.

IV. 1947: *The Death of Muḥammad ‘Abd al-Qawī and the Succession Issue*

The Dwayd-Shu‘aybī relationship continued to react to alterations in the *‘uzla* power structure, this time to the death of Shaykh Muḥammad ‘Abd al-Qawī, which happened between September 1946 and June 1947.⁷¹ It appears that whereas he was being repeatedly disciplined by Aḥmad from his center in Ta‘izz, Shaykh Muḥammad had aligned himself with Sayf al-Islām al-Ḥasan’s *nā’ib* (deputy) in Ibb, al-Sayāghī: Yaḥyā Ḥayyim recounted that Shaykh Muḥammad

⁶⁹ The writer of the document, ‘Abd al-Jabbār b. Muḥammad, was described elsewhere as the scribe of both *‘uzlas* of Bilād al-Shu‘aybī (*kātib al-‘uzlatayn*); one of the witnesses, Thābit al-‘Awlaqī, was a resident of al-Ḥūd who functioned as *‘āqil* of al-Maqhāya.

⁷⁰ Shūdhya, Yaḥyā Ḥayyim’s widow, relates that their first child, Mazal, was born during the month of Adar, 5707, just after the Purim festival (or March 6, 1947). Mazal was deceased in 1990, a year after her father.

⁷¹ This is the span between the aforementioned account windup signed by Shaykh Muḥammad (B.Z.F. 361.7) and the document translated below (B.Z.F. 361.10).

had left his will in the hands of the *nāʾib*. The will expressed his volition that his brother's son, Shaykh ʿAbd al-Wāḥid b. Musʿid al-Shuʿaybī, be his heir and gather the Shuʿaybī dues from the peasants.⁷² Al-Sayāghī protected Shaykh ʿAbd al-Wāḥid from his uncle Muḥsin and cousin Yaḥyā.⁷³ It may well be that he could not have overlooked the legitimized opportunity provided by the will to marginalize Shaykh Muḥsin and his son Yaḥyā, who had been acting, at least during Shaykh Muḥammad's periods of absence, to minimize government authority within the *ʿuzla* (as illustrated by their intimidation of Yaḥyā Ḥayyim over his direct dealings with the imamic government). This development must have angered Muḥsin ʿAbd al-Qawī, who as manifested above was already exercising much *de facto* control, and whose son Yaḥyā was married to Muḥammad's only daughter. By the same token, it provided Yaḥyā Ḥayyim with new prospects.

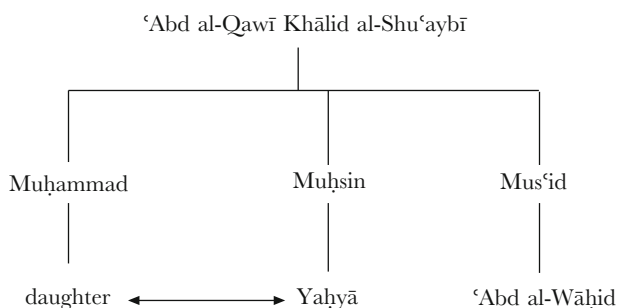


Figure 6: Contenders for Succession

As seen, the grainstorage relationship between Yaḥyā Ḥayyim and Shaykh Muḥsin apparently terminated on the eve of the autumn 1946 harvest, prior to the death of Shaykh Muḥammad. The following note describes the re-engagement of Yaḥyā Ḥayyim by the new *ʿuzla* shaykh, ʿAbd al-Wāḥid, early in the summer of 1947—in time to participate in storing the *qiyād* harvest.

⁷² Yaḥyā Ḥayyim Dwayd, /N.S. 6; B.Z.F. 361.10, *verso*, narrative transcribed by Yūsuf al-Sayyānī.

⁷³ Yaḥyā Ḥayyim Dwayd, /N.S. 6.

In the name of Allāh

We instruct *dhimmī* Yaḥyā Ḥayyim to clear [from rubble] one silo of the empty silos of al-Maḡhāya, and to store in it [?⁷⁴] our grain or the grain of the late “father,”⁷⁵ or of whoever wishes [to store], as customary. Whoever wishes to transport to it shall not be prevented. This [document] was [placed] in his hand, on the date: Rajab, year [13]66 [= May 21–June 19, 1947].

[Signature:] ‘Abd al-Wāḥid Mus‘id⁷⁶

Yaḥyā Ḥayyim thus had missed only one harvest before his Shu‘aybī storage franchise was renewed. The marginalization of Shaykh Muḥsin and his son Yaḥyā, planned by Shaykh Muḥammad and executed following his death by the *nā’ib* al-Sayāghī, seems therefore to have translated into renewed cooperation between Yaḥyā Ḥayyim and the *‘uzla* shaykh. But this new period did not last long and the Dwayd-Shu‘aybī relationship would soon be altered again, following yet another death.

V. 1948: *The Death of Imām Yaḥyā and Another Reversal*

Imām Yaḥyā was assassinated on February 17, 1948 (the Prime Minister of the coup government was ‘Alī ‘Abd Allāh al-Wazīr). But by March 14, Yaḥyā’s son Aḥmad had crushed the design figureheaded by some of his father’s former judge-generals to overthrow the Ḥamīd al-Dīn dynasty.⁷⁷ After quelling the attempted coup Aḥmad established his capital in Ta‘izz. Sayf al-Islām Ḥasan became his brother’s *nā’ib* in Ṣan‘ā’.⁷⁸ With Ḥasan’s relocation, al-Sayāghī became governor of Liwā’ Ibb; formerly the *nā’ib* of Sayf al-Islām Ḥasan, al-Sayāghī now became the Ibb *nā’ib* of Imām Aḥmad.⁷⁹

In al-Gades, wrote Goitein, the last thirty years before the exodus were comparatively orderly, “. . . except for the dangerous time of 1948, after the murder of the old Imām . . .”⁸⁰ Beneath al-Gades

⁷⁴ Word unclear.

⁷⁵ This may refer to Shaykh Muḥammad ‘Abd al-Qawī. On the note’s *verso* in Yūsuf Sayyānī’s hand is the specific clarification that this occurred following the death of Shaykh Muḥammad, the brother of ‘Abd al-Wāḥid’s father.

⁷⁶ B.Z.F. 361.10.

⁷⁷ Douglas 1987: 138–139, 143.

⁷⁸ al-Akwā’ 1996: 85.

⁷⁹ al-Akwā’ 1996: 247–248.

⁸⁰ Goitein 1955: 15.

in Bilād al-Shu‘aybī, this dangerous time and the eventual regaining of control by the new imām, Aḥmad, brought some rapid changes, as narrated by Yaḥyā Ḥayyim:

There occurred the assassination of the imām. Muḥsin ‘Abd al-Qawī and his son forcibly took the grain from the grainstorers and marketed it. Then began Aḥmad’s command and he reinstated the *nā’ib* in his position. And the *nā’ib* dispatched twenty-five soldiers upon Muḥsin ‘Abd al-Qawī because of his harming of the grainstorers. He paid the soldiers’ fees and they went off on the road together. He went to Ta‘izz, to Imām Aḥmad.⁸¹

But Muḥsin’s son Yaḥyā was not taken to Ta‘izz, and the upcoming early summer harvest of crops grown on irrigated plots, the *qiyāḍ*, soon furnished conditions for a new flare-up: who was now the legitimate recipient of the *qisām*, the landowner’s share, in Bilād al-Shu‘aybī al-Suflā?

[Muḥsin’s] son Yaḥyā coerced the farmers to pay him the landowner’s share for the *qiyāḍ* [harvest], and he took it from them forcibly. [At the same time] ‘Abd al-Wāḥid, who was under the *nā’ib*, dispatched [soldiers] of the *nā’ib* upon the farmers, for them to pay him the landowner’s share (*qisām*) for the land. Now there were four farmers by us who farmed irrigated land belonging to the shaykh. They learned that ‘Abd al-Wāḥid’s soldiers had begun collecting the *qisām* in the villages. But they had already transferred [it] to Yaḥyā Muḥsin. They fled from their homes.⁸²

Yaḥyā Muḥsin’s challenge of his cousin ‘Abd al-Wāḥid occurred at the expense of sharecroppers of irrigated Shu‘aybī land; as Yaḥyā Ḥayyim continues to relate, the Jewish villagers too paid a price.

Yaḥyā Yūsuf Maddār paid Shaykh ‘Abd al-Wāḥid two *qirsh* as protection money (*rabā’a*), so the soldiers would not turn and harass the Jews, the farmers having fled. [In other words, so that when] the soldiers should see that there are no farmers they would not turn and harass the Jews; among the Jews were no farmers of the shaykh’s irrigated land, concerning which the soldiers had come.⁸³ Now there were Gentiles assisting Yaḥyā Muḥsin who went and informed (*khaṣṣū*) Shaykh Yaḥyā Muḥsin that Yaḥyā Yūsuf Maddār had sent a messenger, Ḥasan

⁸¹ Yaḥyā Ḥayyim Dwayd, /N.S. 6.

⁸² Yaḥyā Ḥayyim Dwayd, /N.S. 6.

⁸³ In the absence of those upon whom they had been dispatched, someone else would have to pay their fees. Yaḥyā Yūsuf assumed this would have been the Jews.

al-Ḥaddād, with two *riyāls* in protection money to ‘Abd al-Wāḥid.⁸⁴ And Shaykh Yaḥyā Muḥsin dispatched Ḥasan ‘Alī Mḥammad[!] upon Ḥasan al-Ḥaddād to reveal who it was that gave him the cash to pay the protection money to Shaykh ‘Abd al-Wāḥid. Yaḥyā Yūsuf went and sent two *riyāls* to Shaykh Yaḥyā Muḥsin to calm him. Yaḥyā Yūsuf levied it out upon [all] the Jews, and they⁸⁵ prevented Morī Sālīm Sulaymān Maklabānī from slaughtering [animals for them] until they paid this levy of four *riyāls*.⁸⁶

Yaḥyā Yūsuf’s demand may seem fair enough; Yaḥyā Ḥayyim, however, tried to ignore it:

[The time] corresponded to the eve of the Pentecost feast. I took a small goat that belonged to me and called Sālīm Sulaymān to slaughter it. He said he cannot slaughter for me because of Yaḥyā Yūsuf and his brother Sālīm Yūsuf—that they should not cause him losses.⁸⁷ So I told him: “[Let us stand] before a *qabīlī*.” And I gave the *qabīlī* a silver amulet as security for Sālīm Sulaymān for [payment of] what was established as my part of the four *riyāl* levy. Sālīm Sulaymān came and slaughtered the small goat for me.⁸⁸

It is unlikely that Yaḥyā Ḥayyim was truly unable to dispense the few *buqshas* that would have been his share of the levy. Rather, it seems that Yaḥyā chose not to pay immediately, and when he came to require the services of Sālīm Sulaymān it was too late: the eve of the Pentecost feast fell that year on a Sabbath (June 12, 1948), when cash transactions are forbidden by Jewish tradition.⁸⁹ The services of the *qabīlī* were needed to circumvent the problem and allow Yaḥyā Ḥayyim and his family to celebrate the feast with meat on their dinner mat.

Morī Sālīm Sulaymān Maklabānī was one villager rabbinically licenced to slaughter livestock; another was Sālīm Yūsuf Maddār, who with his brother Yaḥyā Yūsuf was pressuring Morī Sālīm to

⁸⁴ The collaboration of Yaḥyā Yūsuf and Ḥasan al-Ḥaddād is important to remember when reading the latter portions of this narrative.

⁸⁵ Yaḥyā Yūsuf and his brother, Sālīm Yūsuf, as will presently be seen.

⁸⁶ Yaḥyā Ḥayyim Dwayd, /N.S. 6.

⁸⁷ Yaḥyā Ḥayyim appears to be suggesting that Sālīm Sulaymān feared the two brothers would complain to the shaykh, which would result in the dispatch of soldiers upon him.

⁸⁸ Yaḥyā Ḥayyim Dwayd, /N.S. 6.

⁸⁹ As is the slaughtering of animals. Sālīm Sulaymān must have slaughtered the kid that night, after the departure of the Sabbath and the onset of the Pentecost feast.

refrain from slaughtering. Slaughter is the subject also of the next segment of the narrative:

On the second day of the Pentecost feast, 5708 [= June 14, 1948], Ḥasan al-Ḥaddād and Ḥasan Mūsā Duqma purchased a cow from an al-Maqhāya *qabīlī* for seven *qurūsh* and led the cow to the door of the synagogue (*mi'lāma*) to slaughter it.⁹⁰ Ḥasan al-Ḥaddād went to call Sālīm Yūsuf to slaughter—I was present [at that time] by Sālīm Yūsuf—while Ḥasan Mūsā went to call Sālīm Sulaymān; and [it was] they [who arrived first and] slaughtered the cow. Sālīm Yūsuf arrived after they had already slaughtered the cow, and al-Ḥaddād asked why they violated [convention] (*ta'addū*) and slaughtered the cow, half of which he owns, while he was not present.

That day the servant (*khaddām*) of Shaykh Yaḥyā Muḥsin showed up (his name is Qā'id Ṣāliḥ). He came to Yaḥyā Yūsuf and his brother Sālīm Yūsuf to bring [provisions] to Shaykh Yaḥyā Muḥsin. They told the servant and [also] sent with him a note to Shaykh Yahya Muḥsin, [saying] that the Jews of al-Maqhāya violated [convention] and slaughtered Ḥasan al-Ḥaddād's cow. The shaykh dispatched three soldiers upon the Jews of al-Maqhāya. The soldiers were of the most loathsome types (*al-ṭeme'im al-kubbārāt*).⁹¹ They were Sayyid 'Abd al-Wāḥid b. Ḥātim, whose grandfather was from Baghdād and came to live in *bilād* al-Qabayyla (which is *bilād* al-Dālī'); and al-Hamdānī, who had fled from the Sabra *'amil* to Shaykh Yaḥyā Muḥsin because the farmers complained about him that he was beating people;⁹² and 'Abd Allāh Muḥsin Ba'wa. These three soldiers came and slaughtered two chickens from the home of my father (Ḥayyim Misha) and gathered the Jews unto the home of Sālīm Yūsuf and Yaḥyā Yūsuf. They beat the Jews, knocked them about by their shoulders (*yidlizūhum*) and confined them in a room in Yaḥyā Yūsuf's house. I went up to the *sayyid* and talked to him about their fee. The *sayyid* said he wanted a fee of fifteen *riyāls* for him and his mates.

"This affair is a provocation (*waq' taghrīr*)," I said to him. "Because we have committed no offense. Most people were not [among the] co-owners of the cow nor were they present." [I proposed] their fee should be four *qurūsh*—two for him and two for his friends. He did not accept.

"I am going to the shaykh for him to direct us to legal adjudication," I told him. "Myself [against] Sālīm Yūsuf and his brother and al-Ḥaddād—who appealed and provoked (*gharrirū*) the shaykh [saying] that the Jews violated and slaughtered a cow."

⁹⁰ It is highly unlikely that the cow was actually purchased on the holiday. Perhaps it had been purchased in advance and brought out later for slaughter.

⁹¹ Alternate translation: "unclean important figures."

⁹² This indicates again the nature of the association between Shaykh Muḥsin and the seat of government.

"You have no choice but to pay what I declare," replied the *sayyid*. "If not here then before the shaykh."

I left for Shaykh Yaḥya at night: my brother Ibrāhīm, Musallam Ḥasan al-Damtī and myself. We came to Ḥiṣn Munīf but he was in Ḥiṣn Mayfa'a; we proceeded at night from Ḥiṣn Munīf to Ḥiṣn Mayfa'a. My brother Ibrāhīm's stomach ached and he stayed in al-Ḥūd, while along with Musallam Ḥasan I ascended to the castle. When we arrived they had already gone to sleep, [so] we returned [to al-Ḥūd] and slept in the street, in the square, till morning. In the morning we and the shaykh proceeded to al-Khirba village; and the soldiers together with Sālīm Yūsuf [too] arrived in al-Khirba. The soldiers approached [the shaykh] but I had committed no offense that might justify a claim on their part. So they went and said that I had spoken [insolently] of Shaykh Yaḥyā. [They said] that I got up [and said], "I am going to 'entertain' the shaykh, for his dispatching [soldiers]." The shaykh ordered them to take me up to the prison in Ḥiṣn Munīf and ordered the slave to chain me. They chained me. Then the shaykh, the *sayyid*, and the soldiers ascended to Ḥiṣn Munīf.

[As I arrived,] Shaykh Yaḥyā appeared at the window [of the castle]. I appealed to him and said: "Why is it that you give credence against me, when [in fact] I did not talk or speak [insolently as they claimed]? I came to appeal to you for justice and you justify them and send me to jail."

He intensified his abuse of me and told the slave: "Put him into the jailhouse and close the door [= lit.: the house] on him."

He put me in, closed the door and locked [it]. Then the *sayyid* came and talked to me from beyond the door. "It's like I told you [in al-Maqhāya]," he said. "There is no alternative. You pay what I say here and if not then by the shaykh."

I paid him the fee according to [the rate] he had declared. Musallam Ḥasan and I remained in jail for two days; but Musallam Ḥasan was loose, unbound, while I was chained. Then Ḥājī 'Abbādī Ḥusayn came up and talked over the matter of my release before Shaykh Yaḥyā Muḥsin. I paid the shaykh a fine of five *riyāls* and he set me free.⁹³

It was Muḥsin 'Abd al-Qawī and his son Yaḥyā who appear to have re-asserted their control on the ground in the *ʿuzla* following the death of the imām. And Yaḥyā Muḥsin continued to exert control even after Aḥmad installed himself as imām in Ta'izz and even though his father's competitor 'Abd al-Wāḥid al-Shu'aybī was allied with the *nā'ib* in Ibb. Yaḥyā Ḥayyim depicts a state of lawlessness: Muḥsin's emptying of the silos, Yaḥyā Muḥsin's coercion of the vil-

⁹³ Yaḥyā Ḥayyim Dwayd, /N.S. 6.

lagers to pay him the *qisām*, the behavior in al-Maqhāya of those Yahyā Ḥayyim considered as renegade auxiliaries and their wanton fines. Finally, there was the manner in which justice seemed entirely out of reach for Yahyā Ḥayyim. Again Yahyā stood up for the rights of the villagers, appealing to shaykhly justice; again he was taught a lesson. Even before the death of Shaykh Muḥammad ‘Abd al-Qawī the relationship between Yahyā Ḥayyim and Muḥsin ‘Abd al-Qawī and Yahyā Muḥsin was not a harmonious one. From the perspective of Yahyā Ḥayyim, just treatment from Shaykh Yahyā Muḥsin remained unrealistic and the prospects for improvement would now have seemed remote as ever.

The same may not have been the case for Yahyā Yūsuf Maddār. Yahyā Yūsuf, who (as seen in Chapter Four, section II) was nine years of age at the time of his father’s death in 1931, was now a central figure in al-Maqhāya. In 1938, at the age of sixteen, he was listed by Ḍarrāb as one of five *a‘lā* payers in the village.⁹⁴ In 1939, at the age of seventeen, he was among the five villagers who set out to meet al-Naw‘a.⁹⁵ In 1940, it was he who together with another villager went up to Ibb to transfer al-Maqhāya’s *jizya* to Ḍarrāb. In 1942, he was among those who went up to convince Shaykh Muḥammad to stop Sa‘īd ‘Awwād from traveling to Ibb, after having participated in the forgery of his *jizya* receipt.⁹⁶ In 1947, he was the last remaining higher-rate *jizya*-payer in the village.⁹⁷ He had become a grainstorer in his own right.⁹⁸ Now, in 1948, it was he who took representation of the village Jews into his hands, paying off Shaykh Yahyā while imposing restrictions on the villagers until they compensated him for the expenditure. He also appears to have maintained a commercial link with Shaykh Yahyā Muḥsin. Though Yahyā Ḥayyim never denounces the sons of his father’s departed soul mate directly—they remained neighbors in Israel when the interview took place—it is possible to sense in his narrative a bitterness towards the two elder Maddār boys, beyond his unhappiness with the pressure exerted on Sālim Sulaymān Maklabānī not to slaughter.

⁹⁴ The others were Ḥayyim Mīshā Dwayd, Sālim Sulaymān Maklabānī, Sālim Ya‘qūb al-Qatar and Ya‘qūb Dwādī (Yahyā Ḥayyim Dwayd, /N.S. 7).

⁹⁵ Yahyā Ḥayyim Dwayd, /N.S. 7.

⁹⁶ Yahyā Ḥayyim Dwayd, /N.S. 7.

⁹⁷ B.Z.G. 16.

⁹⁸ B.Z.G. 160.

He makes it clear that it was they who were responsible for the dispatch of the three violent soldiers upon the village, he makes sure to mention that their home served as the trio's base of operations within al-Maqhāya, and that the household paying the price was the Dwayds: first, the loss of Ḥayyim Mīshā's two chickens, then the tribulations endured by Yaḥyā Ḥayyim on account of his sallying forth to talk to the soldiers on behalf of the villagers. And if his latest attempt to obtain justice was thwarted by Yaḥyā Muḥsin and the *sayyid* grandson of the Baghdādī migrant, his opponents at the aborted adjudication were Yaḥyā Yūsuf and Sālīm Yūsuf Maddār.

It is not surprising that the Dwayd cache contains no *jizya* roster or receipt for al-Maqhāya from the year preceding the exodus. Rather, it is remarkable that despite his fall from favor with the *ʿuzla* shaykhs, the representation endeavors of Yaḥyā Yūsuf Maddār, and his own failed recent attempt at village representation, Yaḥyā Ḥayyim should have taken upon himself the issue of *jizya* payment in August 1948 and ensured that the villagers paid the tax directly to the *nāḥiya* center instead of to a Jewish contractor.

VI. *Summary: Towards a Conclusion*

Two maneuvers undertaken by the Ḥamīd al-Dīns during their 1938–39 administrative takeover of Lower Yemen from the Wazīrs changed the meaning of Jewish headmanship in the village of al-Maqhāya: these were the engagement of Sālīm Ḍarrāb to assess and collect *jizya* from all of Lower Yemen, and the removal of Shaykh Muḥammad ʿAbd al-Qawī from governorship of Nāḥiyat al-Sabra. The Jews of al-Maqhāya immediately became prey to the excesses of the government's *jizya*-collection apparatus from which they had apparently been shielded by Shaykh Muḥammad and his father ʿAbd al-Qawī; and after the Ḍarrāb years, Yaḥyā Ḥayyim assumed the part of *jizya* headman on behalf of the village Jews who were less disposed than himself to challenging authority. As for headmanship on behalf of the shaykh, no Jews would henceforth be appointed to the post of village *ʿaqil*, held recently by Ḥayyim Mīshā and before him by Yūsuf Musallam Maḥfūḍ al-Maddār. Over the next decade the post was held first by a certain Thābit al-ʿAwlaqī, who lived in al-Ḥūd village, near the Shuʿaybī fortress Munīf and a 1 1/2 hour's walk from al-Maqhāya; and then by the al-Maqhāya *ratīb*, Qāsim

‘Abd Allāh al-Qaḥṭānī, who, according to Yaḥyā Ḥayyim, was ill-disposed towards the Jewish villagers (*tame’ la-Yehūdīm*).⁹⁹

Though Ḥayyim Mīshā was no longer village ‘*āqil*, his relationship with Shaykh Muḥammad endured: its personal quality is expressed by the fact that despite his own diminished grainstoring activity he continued to store grain on the shaykh’s behalf. The Dwayd-Shu‘aybī relationship became increasingly strained, however, as Shaykh Muḥsin assumed *de facto* authority in the ‘*uzla* from his emasculated brother Shaykh Muḥammad, and as Yaḥyā Ḥayyim became the prime mover within the Dwayd household. Yaḥyā, who had accumulated experience in dealing with government officials, tried to avail himself of the services of the government center at Najd al-Jumā‘ī to induce payment of debts; and his interests clashed with those of Shaykh Muḥsin and his son Shaykh Yaḥyā, who were attempting to stem the Mutawakkilite inroads. The incompatibility between Shaykh Muḥsin and Yaḥyā Ḥayyim precipitated the termination late in 1946 of Yaḥyā’s Shu‘aybī grainstorage franchise, and this was followed early in 1947 by Yaḥyā’s assertion of his own financial independence from his father’s household.

Shaykh Muḥammad’s death rekindled the urgency of a theme that was a central part of our pre-Mutawakkilite narratives, namely, the struggle among Shu‘aybī shaykhs for control of the territory’s land and revenue and the reaction of the central government. Al-Sayāghī’s implementation of Shaykh Muḥammad’s bequest resulted in the temporary marginalization of Shaykh Muḥsin and in the 1947 renewal of Yaḥyā Ḥayyim’s Shu‘aybī grainstorage franchise. This reversal was short-lived, however, because Shaykh Muḥsin and his son Shaykh Yaḥyā took advantage of the anarchy that followed the assassination of Imām Yaḥyā early in 1948 to establish their primacy on the ground and to emerge unquestionably as the ‘*uzla* strongmen; a fact eventually recognized, apparently, by Imām Aḥmad.

Less than a year before the Jews of Yemen began to funnel towards Aden, Yaḥyā Ḥayyim’s future in al-Maqhāya appeared bleak and the advantages of living in Bilād al-Shu‘aybī al-Suffā no longer seemed to apply in his case. There did remain however one benefit, due to the Shu‘aybī prerogative of land ownership: the ease with which it was possible to get up and move away from the ‘*uzla*; and this

⁹⁹ Yaḥyā Ḥayyim Dwayd, N.S. 55:3.

freedom could only have been enhanced by Yaḥyā's financial independence from his father's household, concluded the previous year. How Yaḥyā Ḥayyim was to exercise this option pertains to the chapter dealing with Bilād al-Ḥayqī, the *ʿuzla* in which he decided to resettle with his household. Even as it approaches its 1949 conclusion, therefore, we must set aside for now the story of the Dwayd-Shuʿaybī relationship (to be concluded in the Epilogue) in order to consider relationship histories which had been developing within the different administrative contexts of the two remaining adjacent *ʿuzlas*: Bilād al-ʿAdhārib and Bilād al-Ḥayqī.

CHAPTER EIGHT

BILĀD AL-‘ADHĀRIB AND THE BANĪ AL-MUNĪFĪ

I. *Beyond the Home Territory: An Introduction*

A disharmony materialized in the early 1930s between the Dwayds' status in practice and their subordination in theory as tribute-paying *dhimmīs*. Upon the death of Yūsuf Musallam Maḥfūd al-Maddār, on the eve of the 1931 autumn harvest, Ḥayyim Mīshā Dwayd and his son Yahyā Ḥayyim were spirited to the forefront of agricultural and economic activity on the plateau. This promotion was followed in February 1934 by a further rise in status, when Ḥayyim Mīshā was proclaimed *‘aql* by Shaykh Muḥammad ‘Abd al-Qawī al-Shu‘aybī “over the village of al-Maḥāya, Muslims and Jews [alike].”¹ While no prerogative beyond al-Maḥāya was bestowed on Ḥayyim Mīshā, the irregular appointment over Muslims would have been noticed beyond the borders of Bilād al-Shu‘aybī al-Suflā. It was amidst this disharmony that business relationships were set in motion between the newly prominent *dhimmīs* and a Muslim clientele in need of a place to store their grain surpluses, looking to purchase grain, or demanding to draw grain on credit. The Dwayds' ability to purchase land—outside Bilād al-Shu‘aybī al-Suflā of course—would also have improved, widening the scope for relationships predicated on activities related to land acquisition and use. In each such relationship, a *modus vivendi* needed to be negotiated between the parties. The overall purpose of the next three chapters is to reveal and analyze such negotiations, while highlighting the Dwayd threshold of *dhimma* beyond the borders of their home *‘uzla*. But the relationship histories in themselves provide only part of the context I seek to define: there is also the administrative dimension. Al-Maḥāya was a border village situated at the eastern extreme of an offshoot of Bilād al-Shu‘aybī al-Suflā and the administrative accountabilities of inhabitants in neighboring villages varied. It is therefore desirable

¹ B.Z.G. 196.

that any detailed relationship history expose as contributing factors not only passions and past experiences but also the significance of these varied administrative contexts.

The period of uncertainty after the assassination of the old Imām Yahyā heralded an eventful summer for Yahyā Ḥayyim. It will be recalled that in mid-June 1948, while arguing with Yahyā Yūsuf Maddār on behalf of a group of villagers, he tangled with the rising *‘uzla* strongman, Shaykh Yahyā Muḥsin ‘Abd al-Qawī al-Shu‘aybī. By August 10 he had coordinated al-Maḥāya’s *jizya* payment probably for the last time, and appears to have played a part in shaking off a Jewish district collector. To these events can be added the incident described in the following graphic testimonial:

In the name of Allāh

Qāsim Aḥmad Qāsim Mihrās Šālīḥ ‘Abbādī Qāsim ‘Aww[ā]ḍ
Those [persons] whose names are inscribed at the top of this [document] appeared before me and testified in the name of Allāh—who has no associate—a single, undisputed testimony. On the eighteenth of Shawwāl, [13]67 [= August 24, 1948] they were present in the hamlet (*qarya*) of al-Mashā‘īb, village cluster of (*mamsā*) Shadhān, Bilād al-Ḥayqī. All of a sudden there arrived Ḥājj Muḥammad, his sons and their camel-driver, together four men, all armed with rifles, and Ḥājj Muḥammad began assaulting *dhimmī* Yahyā Ḥayyim, striking him with the muzzle of [his] rifle. His sons and their comrade beat the aforementioned *dhimmī* with rifle butts until they made the *dhimmī* drop to the ground. Then, the *ḥājj* tugged [one of] the *dhimmī*’s sidelock[s] with his hand, lowering him to the ground. This is what the aforementioned [individuals] witnessed. [The document was drawn up] in the presence of those who witnessed their utterances: “brother” Nājī Ṭāhir; Shaykh ‘Abd Allāh Aḥmad al-Ṭām; and Muqbil Sa‘īd Muḥammad al-Mālikī. Muqbil ‘Abd Allāh al-Munīfī wrote [the document] based upon the utterances of the witnesses.²

The further debasing of the already beaten Yahyā Ḥayyim—the drawing down the unmistakable mark of his denomination—may well have been a compelling statement on the part of Ḥājj Muḥammad as to his understanding of the Jew’s correct status. But an implicit statement appears also to have been intended by Muqbil ‘Abd Allāh al-Munīfī, the individual who wrote the testimonial, insofar as the information included in the document is not a word-for-word

² B.Z.G. 331.

transcription of the eyewitnesses' testimony but rather an edited rendition of their story, written in the third person ("they were present . . ."). The composition neglects the context of the attack, but instead succinctly brings to the fore those elements of the witnesses' report which project Yaḥyā Ḥayyim as a helpless *dhimmī* succumbing to an unprovoked assault, substantiating the intense scene by repeated usage of the actual term "*dhimmī*"—literally, a person for whose safety the Muslim government must take responsibility (and presumably was about to be called upon to do so). The status of Yaḥyā Ḥayyim seems therefore to have been a concern of both these Muslims; but while Yaḥyā was for Ḥājj Muḥammad someone to be debased, for Muqbil ‘Abd Allāh he was a *dhimmī* requiring protection. Occurring just over a year before emigration, the assault took place near the conclusion of the relationships between Yaḥyā Ḥayyim and these two Muslims. In the next three chapters I reconstruct these relationship histories, in order to provide the context within which to comprehend the diametrically opposed interpretations of Yaḥyā Ḥayyim's *dhimmī* status that appear to intersect in our testimonial from the summer of 1948.

The administrative requirement is also accounted for: Muqbil ‘Abd Allāh al-Munīfī resided in the village of Ubāla, within Bilād al-‘Adhārib (and the next village down the track from al-Maqhāya); while Ḥājj Muḥammad, to whose relationship with the Dwayds we shall turn in Chapter Ten, lived in a hamlet named al-Ma‘āzib, which was, like the hamlet in which he staged his attack, within Bilād al-Ḥayqī.³ These two relationship histories are part of a wider picture not only because they played themselves out in the two *‘uzlas* beyond Bilād al-Shu‘aybī but also with regard to the spectrum of Dwayd activities. While my reconstruction of the Dwayds' relationship with the Shu‘aybīs highlighted village headmanship, the reconstructed relationship with Ḥājj Muḥammad focuses on ownership of land, and the Dwayd-Munīfī relationship, to which I turn first in Chapters Eight and Nine, turns on the Dwayds' function as storers of grain.

³ These hamlets appear neither on the 1:50,000 map (Series YAR 50 [Arabic], sheet 1344 A2 [Najd al Jumā‘ī, edition 1 [1983]], nor in the section on Bilād al-Ḥayqī al-‘Ulyā in the 1981 census (al-Jumhūriyya al-‘Arabiyya al-Yamaniyya 1981c: 705–706.

*

As I hypothesized in my opening remarks to this chapter, the contrast between the Dwayds' status as wealthy grain dispensers and their status as tribute-paying *dhimmīs* must have expressed itself within the business relationships which stood to be negotiated between the newly prominent *dhimmīs* and their Muslim clientele. But there are two parties to any relationship. While we know much about the Dwayds, how they may have viewed the Munīfīs has yet to be seen. The balance of this chapter seeks an understanding of what it meant to be one of these Bilād al-ʿAdhārib *mashāyikh* during the 1930s and 1940s. Chapter Nine will study the Munīfī-Dwayd relationship itself.

II. *The Munīfīs during the "Days of Corruption"*

Yūsuf Sayyānī registered three episodes focusing on Munīfī household history prior to the final three decades of the nineteenth century, or during the "Days of Corruption" (*ayyām al-fasād*). They were recounted by Yahyā Ḥayyim and therefore represent pieces of his perception of the Munīfīs. Though the episodes cannot be dated more precisely, all three suggest that Muqbil ʿAbd Allāh al-Munīfī belonged to a house which, in days gone by, fought for and achieved local predominance. One of these episodes describes how the Munīfī *mashāyikh*, together with the Banī al-Ḥayqī to the south, extinguished a wedge-like stronghold being carved out on Jabal Ḥilḥāl, between Bilād al-ʿAdhārib and Bilād al-Ḥayqī, by descendants of a man who had arrived from the east. Such is the story retold by Yahyā Ḥayyim:

[The following is] about [the] Bānī Muḥammad who now live in the village of al-Maqhāya, Bilād al-Shuʿaybī and in the village of al-Maʿāzib, Wādī Shadhān, Bilād al-Ḥayqī. Their progenitor was a slave (*ʿabd*) who had come from al-Ḥāzize of [the territory of] ʿAbīd (to the north of Jabal Jihāf, Bilād al-Ḍālī),⁴ and taken up residence in a castle home

⁴ Ḥayyim Mīshā elsewhere describes a village cluster named al-Ḥāzizeh (alternatively al-Hazzizeh and al-Hawāziz) inhabited by the descendants of a slave. Hence their appellation ʿAbīd. This cluster was located in the area just south of Qaʿṭaba which became the southeast border zone of the Ottoman and later Mutawkkilite territories. Traders arriving from al-Ḍālī would pass through here to avoid the

(*dār*) at the summit of Akamat Dhī al-Nawb, adjoining Jabal Ḥilhāl, Bilād al-Ḥayqī. He acquired property in Wādī Ma‘āhirī—“al-Sukayyneh,” the third [terrace] above ours; and in Wādī Mash‘ab, Bilād al-Ḥayqī; and “Shi‘b al-Bīr,” in Mlāḥ. He became wealthy, and undermined (*aḡsada ‘alā*) the Banī al-Munīfī who ruled (*kānū mutadawwīlīn*) in Ḥiṣn Ubāla, Bilād al-‘Adhārib; and the Banī al-Ḥayqī, who ruled in the village of al-Saḥbayn. For he was on the borderline (*bayn al-ḥaddayn*).

The Banī al-Ḥayqī and Banī al-Munīfī exchanged messages about [removing] him. The Banī al-Ḥayqī moved forward at night and hid by the flank (*nijf*) of Jabal Ḥilhāl [i.e. near the castle home]; meanwhile al-Munīfī wrote the slave, for him and his servant (*khaddām*) to meet him in [the field named] “Jirbat Qumrān”—already al-Munīfī had sent [his own] men ahead to hide amongst the crops. Finally they faced each other. The shaykh [al-Munīfī] greeted the slave and took hold of his hand; and al-Munīfī’s servant greeted the slave’s servant, and took hold of his hand. The concealed men emerged from the field, bound them up and brought them up to Ḥiṣn Ubāla. The Banī al-Ḥayqī attacked the tower-home.

The slave had two sons, one of whom was styled ‘Abd al-Karīm, for he was respectful of others, and one of whom was styled ‘Abd al-Ṣamīl [= servant of a club], for he would deliver something only if forced to do so. They had already taken hold of rifles to fight the Banī al-Ḥayqī, when the Banī al-Munīfī shouted to the Banī al-Ḥayqī that only children remain [in the castle home].

“Restrain (*dummī*) your children,” the Banī al-Ḥayqī told their mother, “or we shall go up and throw them down from the rooftop.”

She went and caught hold of them. They [i.e. the Banī al-Ḥayqī] entered, took all that was in the house, ruptured the water cistern from which they would be sustained in the event of a siege and demolished the castle home. Then the two brothers moved to the village of al-Maqhāya and multiplied (*dharrū*). From ‘Abd al-Karīm’s offspring came garrison officers (*rutba*) in Dār al-Maqhāya, [in coordination] with al-Shu‘aybī.⁵

If this tale indicates that Munīfī *mashāyikh* had been active along their southern border, shared with the Banī al-Ḥayqī, the two remaining items of local lore evoke that the Munīfīs asserted themselves also along their northwestern and western border, the one between them and the Banī al-Shu‘aybī. The first of these two episodes appears as a by-product of Yaḥyā Ḥayyim’s account of the arrival

Ottoman customs point (which was first at Sanāḥ, south of Qa‘taba then moved to Qa‘taba), and would be stopped by the ‘Abīd, who demanded their own tariff (Ḥayyim Mīshā Dwayd, N.S. 24:31).

⁵ Yaḥyā Ḥayyim Dwayd, N.S. 22:145–147.

of his own forefathers in al-Maḡhāya.⁶ Yaḥyā Ḥayyim relates how his great-great-grandfather, Yaḥyā, moved from al-ʿAwd to a hill north of al-Ḥudayda village, and established a neighborhood named Akamat al-Yahūd (Jews' Hill), complete with synagogue, ritual bath and cemetery.⁷ He recounts how the next generation abandoned the hamlet and their property, dispersing to al-Khiyāriyya, Ḍūrān al-Ḥishā', and a village named Zur'a to the west. Yaḥyā Ḥayyim's great-grandfather, Sālīm Yaḥyā, chose to move to al-Maḡhāya, which at that time still belonged to Bilād al-Jumāʿī (ʿUzlat al-Iṣrār), and often went by the name Mlāḥ. Another brother, Ḥasan Yaḥyā, also moved to al-Maḡhāya.⁸ The reason the family scattered is not provided in this narrative; Yaḥyā Ḥayyim merely comments that the family property was abandoned and taken over by the Banī al-Munīfī and another shaykhly house, the Banī al-Tām. Yaḥyā Ḥayyim is clearer as to this point in another interview session: "It was common knowledge (*al-ʿilm bayn al-nās*) that this [property] had first belonged to the Jews and [that] they had left it (*falatūhā*) in the old days on account of plundering by their *mashāyikh* neighbors."⁹

Following a parenthetical explanation of al-Maḡhāya's name, Yaḥyā goes on to explain that the Dwayds were not the only evacuees from the Munīfī habitat to have arrived in al-Maḡhāya. Al-Maḡhāya was in fact populated by refugees from a village named al-Mihlāla, located beneath Jabal Mimṭār, a hill which at that time was part of the border between Bilād al-ʿAdhārib and Shuʿaybī territory. What caused them to evacuate to al-Maḡhāya were the Munīfis, who pelted them with rocks from the heights of Jabal Mimṭār. Prior to its habitation by refugees, al-Maḡhāya/Mlāḥ had been no more than a stronghold (*martib*) and a coffehouse or way station (*maḡhāya*).¹⁰

Now this latter account reflects a situation whereby Shuʿaybīs had laid claim to a zone that during the 1930s and 1940s belonged to Bilād al-ʿAdhārib (Jabal Mimṭār is the northeastern continuation of the Jabal Shīḥāt ridgeline, east of al-ʿAdhārib and north of al-Ḥudayda). At that time therefore Shuʿaybī territory separated the

⁶ Yaḥyā Ḥayyim Dwayd, /N.S. 25.

⁷ The 1:50,000 scale map (D-38-53, 1986 SA-1) shows a location to the northeast of al-Ḥudayda named Ḥabil Dwayd, or, Dwayd's Valley. It is possible that this name preserves something of the Dwayds' activities in this vicinity.

⁸ Yaḥyā Ḥayyim Dwayd, /N.S. 25.

⁹ Yaḥyā Ḥayyim Dwayd, /N.S. 55:6.

¹⁰ Yaḥyā Ḥayyim Dwayd, /N.S. 25.

plateau and its villages from al-‘Adhārib itself. The Munīfīs may have managed to push the Shu‘aybīs from Mīmṭār back to al-Maqhāya, but the Shu‘aybīs were not to vacate that village; Yaḥyā Ḥayyim inserts the story of the following Shu‘aybī success within the parentheses of the Mīhlāla episode:

Enmity (*akhwāf*) existed in the past between the Banī al-Munīfī of Ubāla village and Ḥudayda village and al-Shu‘aybī. A skirmish took place between them. Seven fought on each side. The skirmish took place at the mosque of (*bi-qubbat masjīd*) Mlāḥ village. The shaykh of the Banī al-Munīfī, whose name was Shaykh Zayd Muthannā al-Munīfī, was killed. His son Aḥmad Zayd fled from the midst of battle and was hit in his buttocks (*quḥreh*) by bullets; they were extracted. He rose [to be shaykh] following his father’s death, lived in the fortress of Ubāla village, and grew in strength.¹¹

If this skirmish played an important part in establishing the permanence of Shu‘aybī rule over al-Maqhāya, it is understandable why this event remained so vividly ingrained in the Dwayd memory. Or, perhaps it was remembered on account of the awkwardness of the wounds endured by Aḥmad Zayd Muthannā al-Munīfī and the undistinguished circumstances in which they were inflicted. Be that as it may, the forthcoming piece of lore recounted by Yaḥyā Ḥayyim may have been kept alive in the Dwayd consciousness because it was yet closer to home. Like Yaḥyā’s grandfather Sālim Yaḥyā and like the Banī Muḥammad who were snuffed out from the flank of Jabal Ḥilḥāl, the hero of this tragedy had moved westwards within the col, over the borderline from the Munīfīs’ zone of influence in Bilād al-‘Adhārib and into al-Maqhāya, and Shu‘aybī territory. Like Yaḥyā Ḥayyim, he was a *dhimmi*:

In the village of al-Maqhāya there once was a Jew of the Banī Shahbar. He was originally from Ajrad village in Bilād al-‘Adhārib, [which was] subject to the (*taht yad*) Banī al-Munīfī. Al-Munīfī and his auxiliaries (*askar*) went out to al-Maqhāya to cause mischief (*yitwaddirū*).

“Let Shahbar and one of al-Munīfī’s auxiliaries wrestle (*yighāban*)!” said the shaykh—al-Munīfī—to the Jew.

Shahbar was valiant (*gibbōr*); he seized the auxiliary and threw him (*nadhaq*) to the ground. The shaykh and the auxiliaries mocked the auxiliary, that a Jew had overpowered him. Intending to kill the Jew out of shame, the auxiliary raised the shaft (*ḥarba*) of his lance (*salab*).

¹¹ Yaḥyā Ḥayyim Dwayd, /N.S. 25.

Being valiant as he was, Shahbar snatched (*istalqaf*) the lance in the air—he caught it. He broke the lance then fled (*darab* [!]).

“Enough! Let us return,” said the shaykh.

But already they were consulting loathsomely (*mʿamʿin*) as to the Jew for doing as he did to the auxiliary. They waited till Sabbath eve; seven men went forth unto him. They came and opened the door of the Jew’s home—he resided in a cottage in the lower portion of al-Maqhāya village, in the northern quarter. They entered while he was asleep. One [of them] came up and hit at his head with a club. But the club glanced off the block of wood (*jasfā*) which was beneath his head. He sat up—though he was entrapped in his sleeping bag (*mukayyas*) and the bag was tied up—and hit the *qabīlī* using his head.

“Save me! The Jew has killed me!” he cried out (*ayyab*¹²); and all his companions transfixed him [with their weapons] (*taʿwranūhu*), killing him.

Then, Yaḥyā Ḥasan al-Shuʿaybī learned that Banī al-Munifī [!] and his auxiliaries came and killed the Jew who was already one of his proteges (*raʿīyya*). Al-Shuʿaybī mustered his militia (*jayyash al-qawm*) and advanced towards al-Munifī. They advanced until the militias of both sides met at [the group of fields named] “Ashrā al-Mishtāma [= the cursing-fields],” at the borderline between the village of Ubāla and the village of Mlāḥ.

Mashāyikh came and mediated between them. “Will you go and kill Muslims and will [men] of your militia be killed because of a Jew?” they said to al-Shuʿaybī. “Rather, let them pay blood money (*diyyeh*).”

They abandoned the quarrel (*aslamū al-fitn*). The shaykh, al-Shuʿaybī, received the blood money but did not hand over any [of it] to the Jew.¹³

This happened at the time of Shaykh Yaḥyā Ḥasan [al-Shuʿaybī], before the Turks. Four generations have now passed since then.¹⁴

Considering the dramatic attributions, we can take for granted that this is another reenactment; but due to the decades of gossip during which some particulars may have leaked from one or more of the participants in the incident and become common lore, there may be some truth even to what Yaḥyā Ḥayyim asserts happened between the walls of Shahbar’s cottage that Friday night. The important issue,

¹² This verb seems to be derived from the name Iyyōb, the stricken Job of the Bible.

¹³ Yaḥyā Ḥayyim presumably means to say that the individuals normally eligible for restitution in the event of a murdered relative did not receive any of this payment.

¹⁴ Yaḥyā Ḥayyim Dwayd, /N.S. 25.

however, is not whether or not the details are precise but that the narrative seems to have been retold in good faith; and the fact that the stories are not unequivocally grounded in identities and time suggests this to be the case. What we are most able to appreciate therefore is the vision entertained by Yaḥyā Ḥayyim: a frightful vision indeed, powerfully vivid although, or because, at least eighty years of retelling had passed before the tale was put down on paper. This was the image of the valiant but trapped Shahbar turning and twisting in his sleeping bag as he was being transfixed by the steel of Munīfī’s men, hearing his assailants but probably unable to see them.¹⁵ It seems fair to assume that Yaḥyā Ḥayyim recognized that the mighty Shahbar had blundered fatally in taking up the Munīfī challenge; and also that being within Shaykh Yaḥyā Ḥasan al-Shu‘aybī’s territory did not automatically assure Shahbar’s safety.

The narrative divulges Yaḥyā Ḥayyim’s own beliefs most clearly on two points. Yaḥyā reveals his understanding, first, that the Shu‘aybī shaykh was not interested in the restitution of the rights of a wronged individual: at the end of the day, the shaykh considered the blood money as Munīfī compensation for their breaching of his own authority. And second, that even in the eyes of *mashāyikh* who were committed to such ideals as the preservation of honor, the life of Shahbar as a Jew was worth less than that of a Muslim. The Shahbar episode therefore may have contributed to Yaḥyā Ḥayyim Mīshā’s appreciation of the need for care in dealing with such *mashāyikh* as the Munīfīs, and at the same time provided an opportunity for Yaḥyā Ḥayyim Mīshā to display his own understanding of what it meant to be a *dhimmī*.¹⁶

The Munīfī past is not the primary context for any of these three stories. The first forms the background for a more recent story: the conversion to Islām, mediated by a descendant of ‘Abd al-Šamīl, of

¹⁵ Yemenis tied their sleeping bags above their heads, cocoon-like (al-‘Azīm 1986: 90).

¹⁶ Processing the details provided by Yaḥyā with an eye to determining the legal nature of the settlement would be of dubious value because of the removal in time of four generations. It may only be noted at this point that in both Šāfi‘ī and Ḥadawī law physical retaliation (*qisās*) is not applicable in the case of a non-believer, in contrast to blood money (*diyya*) (Schacht 1964: 132 n. 1, 181; Ibn al-Murtaḍā 1332[h]: 103, 107). Thus, when he mustered his men, and when he did not transfer the blood money to its rightful recipients, Shaykh Yaḥyā Ḥasan would not have been following *shar‘ī* dictates.

two sisters—one of whom was the widow of Yaḥyā Ḥayyim's maternal uncle—and their marriages to two brothers, descendants of 'Abd al-Karīm. The second describes the move of Sālim Yaḥyā, Yaḥyā Ḥayyim's great-grandfather, from al-Ḥudayda to al-Maqhāya and the third forms part of Yaḥyā Ḥayyim's description of the Shu'aybīs. Yaḥyā probably carried with him more stories about the Munīfī past than he had occasion to narrate to Yūsuf Sayyānī; Yaḥyā's father, Ḥayyim Mīshā, knew perhaps still more. But even such incidental residue of local lore provides enough background to realize that this terrain—specifically, the space between al-Maqhāya and Ubāla and the slopes of Jabal Ḥilḥāl to the southeast of Ubāla—had a spirited history during the *ayyām al-fasād* as a border zone between contending lords. The strategic and symbolic meaning for the Shu'aybīs of al-Maqhāya as their remaining foothold on this easternmost spur of Jabal Ba'dān can be easily imagined. The manner by which contending houses of *mashāyikh* defined and redefined what were later to become acknowledged as 'uzla and hence *nāḥiya*, *qadā'* and even *liwā'* boundaries becomes appreciable. Of relevance in the present context are the clear memories retained by the Dwayds of specific pieces of property taken over by the Munīfīs around al-Ḥudayda—and Yaḥyā Ḥayyim's awareness of the bounds of shaykhly protection and of the futility of gallantry. But most relevant is the fact that the Munīfīs were remembered as having been the predominant *mashāyikh* within the plateau villages of Ubāla, Ḥudayda and Ajrad.

The fragments of lore considered so far reach back deep into the nineteenth century, but reveal nothing of the status of the Munīfīs immediately prior to the early 1930s, when the Dwayds assumed the operation of the al-Maqhāya silos, setting in motion the negotiations about which I have been hypothesizing. To provide the contemporary perspective from which to approach the apparent enigma of the Dwayd-Munīfī relationship, I direct my attention to the status of the Munīfīs as habitants of Bilād al-'Adhārib under Imām Yaḥyā's centralizing rule.

III. *Law and Order in Bilād al-'Adhārib: Temporal Authority*

Like the Shu'aybīs to their west and the Ḥayqīs to their south, Muqbil 'Abd Allāh al-Munīfī's forefathers worked during *ayyām al-fasād* to consolidate the local supremacy of their house; unlike the

Shu‘aybīs and Ḥayqīs, however, the Munīfīs’ name failed to adhere to their domain. Neither, for that matter, does the territory bear the name of a rival house: it is instead *madīnat* al-‘Adhārib, the small “town” perched just beyond Jabal Shīḥāt, the col’s northern rim, which imparts to the territory its name. The manner in which *madīnat* al-‘Adhārib was related to the mediation of government authority in Bilād al-‘Adhārib is in fact of fundamental importance in trying to appreciate the status during the 1930s and 1940s of Muqbil ‘Abd Allāh al-Munīfī, his brothers and their cousin, the witness referred to in the 1948 testimonial as “the brother,” Nājī Ṭāhir Muthannā al-Munīfī of al-Ḥudayda. Now government authority in the *nāḥiya* and *qaḍā’* headquarters was realized by a temporal administrator responsible for the preservation of order, and a *shari‘a* judge representing the ultimate supremacy of Islamic law. Al-‘Adhārib however was not a *nāḥiya* center and was assigned no ‘āmil or ḥākim. In the next two sections I will seek to understand how the Munīfīs are likely to have been touched by the manner in which temporal and religious functions were discharged on the al-‘Adhārib ‘uzla scene. I turn, first, to the sphere of temporal authority.

*

One name that surfaces repeatedly in Dwayd narratives focusing on the 1930s and 1940s is that of Shaykh ‘Abd al-Qādir b. Muḥammad al-Tām. We have already encountered the name in Chapter Four (section II): it was Shaykh ‘Abd al-Qādir who in 1932 confirmed hearing the testimony of the three Muslims from Ubāla, Jaḥfāl and Ḥamak (all villages in Bilād al-‘Adhārib) as to Yūsuf Musallam Maḥfūḍ al-Maddār’s explanation of his mortal illness.¹⁷ The story of the Tām house of *mashāyikh* in al-‘Adhārib is closely related to the Munīfīs’ own.

Who were the Banī al-Tām? Goitein would have referred to them as “Highlanders.” As transmitted by Ḥayyim Mīshā, local lore had it that ‘Abd al-Qādir al-Tām’s paternal ancestor, Sa‘īd al-Tām, came down from Khawlān, a tribal territory to the southeast of Ṣan‘ā’, and shamelessly acquired possession of the al-‘Adhārib ‘uzla

¹⁷ B.Z.F. 361.15.



Photograph 7: al-ʿAdhārīb, 1998 (author)

(*istamlakahā bi’l-keyfrūth*). A gruesome example of his methods ingrained itself—or again, perhaps flourished—in local memory. This tale involves a childless landowner named Sa‘īd Ghurāb (Sa‘īd the “raven”), who lived in a castle home to the west of Ḥamak village, across the valley from *naqīl* Ḥashaba, the eastern descent from our col. Bringing to mind the manner by which the Munīfīs and Ḥayqīs are reported to have dealt with the Banī Muḥammad, Ghurāb was lured away from his home on the pretext of a meeting with Sa‘īd al-Tām in a certain field, and from there escorted to al-Tām’s abode in al-‘Adhārib. Al-Tām’s auxiliaries (*‘askar*), already in position near Dār al-Ghurāb, used this opportunity to sack the castle-home, removing from it Ghurāb’s cash, weapons—and his documents of land ownership. Meanwhile, al-Tām’s servants (*khaddāmīn*) blackened Ghurāb’s eyes with fired nails. Sa‘īd al-Tām then scraped the name “Ghurāb” from the ownership documents, replacing it by the name “al-Tām.”¹⁸

It may seem remarkable that so grisly a tale be used by Ḥayyim Mīshā to illustrate that the Banī al-Tām:

... were magnanimous within their homes. Every day they fed (*yu’siṭū*) passersby, even if it cost them money. During the harvest month (*surāb*), should a Jew or beggar (*miskīn*) or itinerant bard (*dawshān*) come by he [!] would not turn him back empty-handed. Rather he would go from him loaded [with grain].¹⁹

What justifies these opening remarks appears at the end of the tale: Sa‘īd al-Tām lodged Ghurāb at his home to the end of his days. Furthermore, before his own passing, al-Tām dedicated as a charitable endowment (*awqafa*) the lands commandeered from Ghurāb, placing them under the supervision of his male descendants. The stated aim of this endowment was to provide for a nightly reception (*maqām*) during the month of Ramaḍān for the inhabitants of al-‘Adhārib town. Every night a sheep would be slaughtered, porridge prepared, and an evening’s supply of *qāt* and tobacco provided for all. The townsmen would pass the night together in informal conversation (*yismirū*), chewing, smoking, remembering the Prophet and his companions and praying for the soul of the founder of the charitable trust.²⁰

¹⁸ Ḥayyim Mīshā Dwayd, N.S. 24:27–28.

¹⁹ Ḥayyim Mīshā Dwayd, N.S. 24:27.

²⁰ Ḥayyim Mīshā Dwayd, N.S. 24:28.

All this, like the lore reflecting on the Munīfis during the *ayyām al-fasād*, is not datable; but Saʿīd al-Tām's dual morals as they surface in Ḥayyim Mīshā's narrative appear also as hallmarks of one of his descendants, Shaykh Muḥammad b. Muḥammad Ghālib al-Tām—ʿAbd al-Qādir's father. The following recollections must relate to the final years of Ottoman control: the narrator, Sālim Yehūda Sulaymān Maddār of al-ʿAdhārib, was approximately sixty-five years of age when interviewed by Yūsuf Sayyānī in 1956. Like Yaḥyā Ḥayyim, Sālim Yehūda was a grainstorer very much in touch with his surroundings.²¹ Like Ḥayyim Mīshā's assessment of the Banī al-Tām, Sālim Yehūda remembers Shaykh Muḥammad b. Muḥammad al-Tām as being at one and the same time both

... voracious and magnanimous. Whoever entered his home would eat and drink; but he trumped up charges against whomever he found to be even moderately wealthy (*duwayfeh* [lit.: lukewarm]), so as to be able to fine him.²²

Sālim Yehūda provides a number of examples. There was a blind woman who reported seeing in a dream that prophets happening by al-ʿAdhārib did not enter it because it was filthy and because it was inhabited by persons who did not pray. The shaykh used this opportunity to announce that all were to rise for the morning prayer and that all were to clean their houses and entrances. Then he prescribed a fine of one *qirsh* upon whoever did not arrive on time for the morning prayer, and a similar fine upon anyone at whose home entrance would be found so much as a small amount of water; Sālim Yehūda himself was charged with one such offence.²³ Then there was the cow belonging to Moshe Yaʿīsh Maddār the tailor, upon which Shaykh Muḥammad had set his sights. When a *sharīfa* charged that Moshe Yaʿīsh had removed from her body a shirt he had made her, Shaykh Muḥammad imprisoned him for ten days, releasing him only upon payment of a twenty *riyāl* fine, the value of his cow.²⁴ Yet another moneymaking opportunity recalled by Sālim Yehūda Maddār was provided when a Jew passed through the open space adjacent to the town water reservoir—wearing shoes—while a *qabīlī* was pray-

²¹ See Chapter Nine, section II, Narrative “a.”

²² Sālim Yehūda Sulaymān Maddār, N.S. 18:36.

²³ Sālim Yehūda Sulaymān Maddār, N.S. 18:36–37.

²⁴ Sālim Yehūda Sulaymān Maddār, N.S. 18:38.

ing there. The outcome on this occasion was a 2 1/2 *riyāl* fine gathered by Shaykh Muḥammad from every Jew in al-‘Adhārib; some sold their clothes in order to pay.²⁵ Sālim Yehūda neatly encapsulates the shaykh’s rapaciousness in the following recollection:

Once the shaykh gathered all the Jews of al-‘Adhārib together in his reception hall (*dīwān*). Having arrived [they asked:] “What is your request, O shaykh?”

“A fine of one *qirsh* from every household,” he replied.

The shaykh’s mother came and stood up for (*t’arraḍā ‘alā*) Yaḥyā Sa‘īd Maddār: “This one did nothing [wrong],” she said, “do not exact a fine from him.”

“And the others,” replied the shaykh to his mother, “did they go out and fornicate?”²⁶

So Shaykh Muḥammad b. Muḥammad Ghālīb was endowed with a wry sense of humor; a characteristic displayed also by his summons of one Jewish townsman he found especially amusing to entertain him with his loquacity.²⁷ But such lighter moments provided little relief for al-‘Adhārib’s population. According to Sālim Yehūda, Shaykh Muḥammad’s voraciousness resulted in the flight of persons with any money at all from al-‘Adhārib to the neighboring territories—southwest to Bilād al-Shu‘aybī and northwest to ‘Uzlat Banī Manṣūr—leaving only the poor from whom he could extract nothing more.²⁸ Fed up with Shaykh Muḥammad, the townspeople colluded and called upon a certain Shaykh Ḥasan Nājī Suhayl from neighboring Banī Manṣūr to be their shaykh, providing him with a signed document to that effect. Their plan to use Shaykh Muḥammad’s own servant to kill him was not successful (the servant fired above instead of at the shaykh) and Shaykh Muḥammad managed to escape the ensuing siege to Ḥiṣn Ubāla. An attempt by Shaykh Muḥammad to retake the *qaṣ’a* (the Fortress²⁹) was defeated.³⁰

The same series of episodes is narrated by Ḥayyim Mīshā but in greater detail. The immediate harbinger of the Suhayl intervention

²⁵ Sālim Yehūda Sulaymān Maddār, N.S. 18:19.

²⁶ Sālim Yehūda Sulaymān Maddār, N.S. 18:19.

²⁷ Sālim Yehūda Sulaymān Maddār, N.S. 18:36.

²⁸ Sālim Yehūda Sulaymān Maddār, N.S. 18:36.

²⁹ This was a large edifice located on high ground in al-‘Adhārib built, according to Ḥayyim Mīshā, when the Shuwaf ruled. The building symbolized authority in the town (Ḥayyim Mīshā Dwayd, N.S. 23:23).

³⁰ Sālim Yehūda Sulaymān Maddār, N.S. 18:38–39.

was the imprisonment by Shaykh Muḥammad of nine of the more distinguished among the territory's residents (*a'yān al-ra'yya*). Here Shaykh Muḥammad was not engaged in regular fundraising activity: "They belong in jail until they become loyal and acquiesce [my] authority,"³¹ is the key statement attributed to him by Ḥayyim Mīshā. For a month the shaykh kept these men chained together by their necks; then a certain Faqīh Nājī Muḥsin al-Shabbābī—we shall return to this figure later on—appealed on behalf of one of the prisoners, his brother-in-law Mus'īd al-Jalāl, to be allowed to water his fields. It was Mus'īd al-Jalāl who, when released upon Shabbābī's guarantee of his return, turned to his in-laws (*ansāb*) the Banī Suhayl, requesting their help in ridding the town of Shaykh Muḥammad b. Muḥammad.³²

Ḥayyim Mīshā does not specifically report the abortive assassination but describes the manner in which the Banī Suhayl *mashāyikh* entered the town at night, took up positions and released the imprisoned notables. In the morning they all greeted Shaykh Muḥammad with a coordinated volley of fire. But Shaykh Muḥammad had been forewarned (perhaps here the abortive assassination plan should be read into Ḥayyim's account), and locked himself within his residence; and his wife and son had managed to slip out. Symbolically presenting the boy as her supplicatory offering (*aqīra*), Muḥammad's wife appealed for assistance to a certain Shaykh Ḥizām 'Abd Allāh al-Ṣayyātī, who lived to the northeast of al-ʿAdhārib in al-ʿAwd. Al-Ṣayyātī mediated between Shaykh Muḥammad and the people of al-ʿAdhārib and their supporters the Banī Suhayl, and it was agreed that the shaykh would depart al-ʿAdhārib. "The residents retain the prerogative of approval," al-Ṣayyātī explained to al-Tām; "shaykh, it was the residents who installed you as shaykh [in the first place]."³³

Muḥammad b. Muḥammad moved to Ḥiṣn Qaryat Ubāla. To take his place as shaykh of al-ʿAdhārib—Ḥayyim Mīshā differs here from Sālim Yehūda—the locals installed not Ḥasan Nājī Suhayl but Yahyā Ṣāliḥ al-Ḥijrī, who resided in Ḥiṣn al-Samana (the castle home situated halfway along the track leading from al-ʿAdhārib to al-

³¹ *makānathum fī al-ḥabs la-ḥattā yukhlīṣū wa-ya'minū bi'l-amr* (Ḥayyim Mīshā Dwayd, N.S. 23:21).

³² Ḥayyim Mīshā Dwayd, N.S. 23:21–22.

³³ *al-rīdā bi'l-ra'yya . . . yā shaykh mā shayyakhūk illā al-ra'yya* (Ḥayyim Mīshā Dwayd, N.S. 23:22).

Maqhāya skirting Jabal Shīḥāṭ on the west side).³⁴ Muḥammad appealed to the Ottoman governor in Ibb, the Qā’im Maqām, but nothing was done; al-Tām spent his time over the next three years alternating between Ibb and Ḥiṣn Ubāla, where he exercised authority over the cluster of villages to the east of al-Maqhāya—Ubāla, al-Ḥudayda, Ajrad and Jaḥfal.³⁵

Eventually the people of al-‘Adhārib had enough also of al-Ḥijrī. Three years after having appointed him they petitioned the Qā’im Maqām in Ibb to have him removed. The Qā’im Maqām replied with a policy statement: “Only a Tām shaykh can follow a Tām; if you don’t want this one—fetch us another Tam.”³⁶ Turning to Muḥammad b. Muḥammad, the Qā’im Maqām promised to recognize his old position if he managed to take the town from al-Ḥijrī. Gathering men (*‘askar*) from al-‘Awd and from his four plateau villages, Shaykh Muḥammad advanced on al-‘Adhārib. It was at this point, according to Ḥayyim Mīshā, that Muḥammad b. Muḥammad’s unsuccessful attempt to take the al-‘Adhārib *qaḥ’a* took place and it was again the Banī Suhayl, led by Shaykh Ḥasan Nājī Muṣliḥ, who neutralized the attempt. Now it was Shaykh Muḥammad b. Muḥammad’s turn to petition the Qā’im Maqām in Ibb, requesting his help in taking the town; the Ottoman governor obliged, and Muḥammad b. Muḥammad agreed to pay for the operation. Al-‘Adhārib fell almost immediately and the Qā’im Maqām quartered himself in the *qaḥ’a*; al-Samana, al-Ḥijrī’s castle home, fell a day later, after it was shelled from al-Ghubayrā. Shaykh Muḥammad however did not stand up to his commitment to fund the venture, and the Turks tried after all to find amongst the Tāms an alternative to Muḥammad b. Muḥammad; they appointed his paternal uncle, Aḥmad Ghālib. But Aḥmad Ghālib was unsuited for the job: according to Ḥayyim Mīshā, he was a feeble peasant (*ri’wī da’if*), while his nephew was a shameless barbarian (*kōfer Aghoghī*). There were no alternative candidates; and two months later the Ottomans reinstated Shaykh Muḥammad b. Muḥammad Ghālib as shaykh of al-‘Adhārib.³⁷

³⁴ This was the individual who negotiated Ḥayyim Mīshā’s release from the custody of Mus’id Yaḥyā al-Shu’aybī of al-Ghubayrā (see Chapter Three, section I).

³⁵ Ḥayyim Mīshā Dwayd, N.S. 23:22.

³⁶ *mā yiqā’ illā shaykh Tām ba’d Tām idhā mā tishṭūsh hādha idḍinā Tām thānī* (Ḥayyim Mīshā Dwayd, N.S. 23:23). This is in keeping with our observation in Chapter Three, section I, that the Ottoman administration furthered the idea of shaykhly territories.

³⁷ Ḥayyim Mīshā Dwayd, N.S. 23:22–27.

Both accounts recognize the presence of a democratic element in the appointment of al-‘Adhārib’s shaykh: in principle the people took upon themselves the prerogative of appointing their shaykh, while in practice the previous shaykh had to be removed with external help. The two accounts disagree, however, over the specific identity of Shaykh Muḥammad’s replacement as well as over some particulars of Shaykh Muḥammad’s abortive attempt on the *qaḥ’a*. Sālīm Yehūda Maddār witnessed first-hand some of the excesses he described; but how did Ḥayyim Mīshā come to acquire all this information about al-‘Adhārib? In part, presumably, through his acquaintance with the son of his maternal uncle, Yūsuf Maḥfūḍ Yehūda Maddār, who was also the brother of his partner and brother-in-law, Musallam Maḥfūḍ. Yūsuf Maḥfūḍ maintained the closest contact with Shaykh Muḥammad: he served him as *‘āqil* over the Jews of al-‘Adhārib. According to Ḥayyim Mīshā, the results of Yūsuf Maḥfūḍ’s work among al-‘Adhārib’s Jewish inhabitants pleased Shaykh Muḥammad more than did those of the *‘āqil* whom he positioned over the Muslims of al-‘Adhārib, Muḥammad Ṣāliḥ Wāṣil of Ubāla village. The deal the shaykh struck with both *‘uqqāl* was for them to reveal persons quarrelling or insulting one another and fine them; the fine would be divided in half between himself and the enterprising *‘āqil*.³⁸ But Ḥayyim Mīshā knew of what went on also because he had lived through the events themselves: he and Musallam Maḥfūḍ had chosen to flee to al-‘Adhārib from al-Maqhāya, because of unusual payments one of the Shu‘aybī shaykhs began to demand, which they were either not prepared or not able to pay. Ḥayyim Mīshā himself eventually came to experience first-hand Shaykh Muḥammad b. Muḥammad al-Tām’s rapaciousness, along with his two brothers-in-law, Musallam Maḥfūḍ and Ḥasan Maḥfūḍ. Together they were imprisoned for three days, and asked to provide Shaykh Muḥammad a loan of one hundred *riyāls* each. “Milk [them, do] not slaughter [them],”³⁹ advised al-Tām’s servants; and the sum ultimately agreed on was forty *riyāls* between the three detainees. Following his release, Ḥayyim Mīshā fled al-‘Adhārib with his wife just as others had before, and returned to al-Maqhāya after a three year absence with

³⁸ Ḥayyim Mīshā Dwayd, N.S. 23:21.

³⁹ *mnīḥe wa-lā dhibīhe*.

no more than such essentials as a pot and ladle. “Believe me,” Ḥayyim Mīshā told Yūsuf Sayyānī, “we had nothing [left].”⁴⁰

Why all this relates to the status of the Munīfīs becomes apparent when it is contrasted to the narrative trilogy focusing on the Munīfīs during the *ayyām al-fasād*. There, the occupancy of Ḥiṣn Ubāla by the Munīfīs was central and unequivocal. By contrast, in the accounts just reviewed—on this point Ḥayyim Mīshā and Sālim Yehūda Sulaymān Maddār are in agreement—Ḥiṣn Ubāla appears as a stronghold of Shaykh Muḥammad b. Muḥammad Ghālib al-Tām. This was the case at the end of Ottoman rule but also after their departure, as Sālim Yehūda Sulaymān Maddār concludes his account:

Then came Imām Yaḥyā’s state (*dawlat al-imām Yaḥyā*); shaykhly rule (*mashīkh*) existed no longer, neither for al-Tām nor for Suhayl. He [= Muḥammad b. Muḥammad al-Tām] sat as a farmer in Ḥiṣn Ubāla until he died; and now his son is a farmer [there].⁴¹

*

The Munīfīs seem to have lost their predominance in Ubāla by the beginning of Mutawakkilite rule; but Yaḥyā Ḥayyim noted that the Banī Munīfī had during the *ayyām al-fasād* been predominant in al-Ḥudayda village as well as in Ubāla. What then was their position in that village during the period leading up to their grainstoring relationship with the Dwayds? Of interest in resolving this question is a reference made by Yaḥyā Ḥayyim to a court dispute.

Mashāyikh of Banī al-Munīfī and Banī al-Mālikī litigated before *ḥākim* Sayyid ‘Alī b. Aḥmad al-Shāmī. Ṭāhir Muthannā al-Munīfī had forged a document at the hands of Ḥasan Muḥammad al-Sharafī, which indicated Qaryat al-Ḥudayda and Qaryat al-Yahūd as his property purchased from the Banī al-Jahdarī. But on account of the whiteness [of the paper], the date and the absence of [supporting] source-documents (*uṣūl*), the *ḥākim* recognized that this was a forgery. The *ḥākim* recognized that they had expropriated the property.⁴²

⁴⁰ Ḥayyim Mīshā Dwayd, N.S. 23:27.

⁴¹ Sālim Yehūda Sulaymān Maddār, N.S. 18:39–40.

⁴² Yaḥyā Ḥayyim Dwayd, N.S. 55:6.

Yaḥyā Ḥayyim was emotionally associated with the question of Munīfī possessiveness within al-Ḥudayda; nevertheless, the deed of sale he refers to did exist, forgery or not. Transcribed in its entirety, it surfaces in a Dwayd security deposit, a document of arbitration dated June 7, 1938, drawn up by Sayyid Aḥmad b. Aḥmad al-Sufyānī (a figure to whom we shall return in the next section of this chapter).⁴³ This time the deed was used by Nājī Ṭāhir al-Munīfī (the son of the now deceased Ṭāhir Muthannā) to buttress his own claims of ownership within al-Ḥudayda when these were challenged; not by descendants of Jewish absentees, but by none other than Muqbil ‘Abd Allāh al-Munīfī. Muqbil for his part claimed that the deed

... is an artificial gem which the deceased Ṭāhir Muthannā manufactured for his own purposes at the hands of its deceased scribe Hasan Muḥammad al-Sharafī. Ṣāliḥ Muḥammad al-Mālīkī and Ṭāhir Muthannā al-Munīfī disputed and litigated over it before Sayyid ‘Alī b. Aḥmad al-Shāmī and he ruled as to its annulment, and a document enunciating the judgement was written up by the aforementioned *sayyid*.⁴⁴

The issue focused on by Yaḥyā Ḥayyim, the *ḥākīm* Sayyid ‘Alī Aḥmad al-Shāmī, Sayyid Aḥmad b. Aḥmad al-Sufyānī and Muqbil ‘Abd Allāh al-Munīfī was whether the Jaḥdarī transaction had in fact occurred. My own concern lies elsewhere. For a forgery to be taken seriously, the accessory facts it exploits—dates, names, titles, topography—need to be sufficiently accurate to be able to deceive persons with some knowledge of the local scene: fraudulence should be embedded in fact. Al-Shāmī may have rejected the document, as Muqbil ‘Abd Allāh and Yaḥyā Ḥayyim eagerly asserted, each for their own reasons; however, it was accepted by al-Sufyānī in his 1938 deliberations. Whatever its true nature, therefore, this supposed document of sale allows us to determine a number of facts. The peak of Munīfī dominance within al-Ḥudayda was considered to have been fairly recent: the document is dated early 1893.⁴⁵ Of

⁴³ B.Z.F. 361.20. The document was deposited as collateral in the hands of Yaḥyā Ḥayyim by Muḥammad ‘Abd Allāh Muqbil al-Munīfī (B.Z.F. 361.20, *verso*, information submitted by Yaḥyā Ḥayyim and transcribed by Yūsuf Sayyānī). Because of its length—142 lines of text on three collated folios—I will add line numbers in my references to this scroll (I count line 1 as the line below the opening *bismalla*). The deed of sale referred to surfaces on lines 17–31 of B.Z.F. 361.20.

⁴⁴ B.Z.F. 361.20, lines 41–44.

⁴⁵ Rajab 1310*h* (January 19–February 17, 1893).

further interest is that Ṭāhir Muthannā wields the title “shaykh;” and that it was in consideration for a debt, part of which was defined as *ḥuqūq dawla* (state dues)—a grand total of thirty-six *riyāls*—that the entire village of al-Ḥudayda was supposedly transferred to him by the Banī al-Jaḥdarī. If around the year 1893 Ṭāhir Muthannā bore the title “shaykh” and one of his activities was the gathering of dues in the name of the Ottoman state, it would seem that at that time Ṭāhir Muthannā al-Munīfī had been al-Ḥudayda’s equivalent of al-‘Adhārib’s Muḥammad b. Muḥammad al-Tām (and of Bilād al-Shu‘aybi’s Shaykh ‘Abd al-Qawī).

The document’s *verso*, also transcribed into al-Sufyānī’s 1938 arbitration document, reflects a further transaction concerning the village, and intimates that the Munīfī predominance in al-Ḥudayda came to an end by the late 1920s:

[Whereas] mutual agreement has been confirmed between Ṭāhir Muthannā al-Munīfī and Ṣāliḥ Muḥammad al-Mālikī with regard to the halving of the village of al-Ḥudayda as inheritance [entitlement]; that which had been confirmed on Ṭāhir Muthannā’s behalf to be Ṭāhir Muthannā’s legal acquisitions shall [hereby] be [divided into] two halves. The entire named village and the silos and that which appears in the body of this deed [of sale] is verified as bisected on behalf of Ṣāliḥ Muḥammad al-Mālikī and Ṭāhir Muthannā al-Munīfī; [this] represents Ṭāhir Muthannā’s payment to his sisters of inheritance [dues] (*mīrāth naṣīb wa-ta‘ṣīb*)⁴⁶, payments to the brides’ guardian[s] (*shurūt*) and dowers (*muhūr*).⁴⁷ Mutual concession (*musāmaḥa*), release [from debt] (*ibrā’*) and relinquishment [of claims] (*isqāt*) transpired between the two sides.

⁴⁶ *Ta‘ṣīb* denotes the sharing of an estate at the proportion of two parts to a son and one part to a daughter (Coulson 1971: 41).

⁴⁷ Lower down in the document the 1938 arbitrator specifies that Ṭāhir Muthannā’s two sisters were married to Ṣāliḥ Muḥammad and Sa‘īd Muḥammad al-Mālikī respectively. Presumably, Ṭāhir Muthannā had retained his sisters’ portions in their parents’ estate. Ṭāhir Muthannā died at some point between the dates of preparation of the two documents and the Mālikī brothers may have come forth to claim their wives’ portions so as not to have to deal with Ṭāhir’s heirs—among whom was Nāji Ṭāhir. The reference to marriage dues is less simply understood: *sharṭ* is paid by the groom to the bride’s father or brother and not vice versa, and *mahr* is also payable (to the wife) by the groom or out of his estate upon divorce or demise. What then could Ṭāhir owe his sisters by way of marriage payments? Perhaps the terms were being used here figuratively, as a manner of saying that all possible mutual claims between the parties are annulled (see a comparable usage within a divorce settlement in Hollander 1995a: 18 n. 54). Alternatively, a specific situation may have existed into which the sources at hand do not allow further insight.

Dated the month of Shaʿbān 1346 [= 24 January–21 February, 1928]. [The document’s] witnesses: Muthannā Qāsim Qurayʿ and Rājih b. Yahyā al-ʿJil; its scribe: Qāḍī ʿAbd Allāh Ismāʿīl al-Jalāl.⁴⁸

Early in 1928, therefore, Ṭāhir Muthannā—no longer bearing the title shaykh—transferred ownership of half of al-Ḥudayda to Ṣālih Muḥammad al-Mālikī, his brother-in-law.

Munīfī predominance in Ubāla was replaced by that of Muḥammad b. Muḥammad al-Tām and his son ʿAbd al-Qādir. Ṭāhir Muthannā al-Munīfī gave up half of al-Ḥudayda. Thus, while Muqbil ʿAbd Allāh al-Munīfī and his brothers and Nājī Ṭāhir Muthannā al-Munīfī belonged to a generation which grew up at a time when their families were predominant in the villages they inhabited, as they grew older they experienced the loss of this relative advantage. The Munīfis by the late 1920s seem to have been no more dominant than neighboring *mashāyikh* families, notably, the Tāms in Ubāla and the Mālikīs in al-Ḥudayda.

What replaced the “rule of shaykhs” in Bilād al-ʿAdhārib? Yahyā Ḥayyim would not have agreed with Sālim Yehūda Sulaymān Maddār’s statement that shaykhly rule existed no longer for al-Tām—at least insofar as concerned parts of Bilād al-ʿAdhārib outside the town proper.⁴⁹ According to Yahyā Ḥayyim, “Shaykh al-Tām” remained the rapacious shaykh of Bilād al-ʿAdhārib, though he may have altered his techniques. One of these was to direct government soldiers, on his own initiative, to locals and exact payments from them; the individuals he pointed out to the soldiers would pay up without asking to know the reason for the demand or the identity of the dispatcher. The system worked, according to Yahyā Ḥayyim, because the people of Bilād al-ʿAdhārib were feeble (*duʿuf*) and accustomed to maltreatment. Even when wronged, they were not in the habit of making appeals (*yurājiʿū*) or entering government offices. So conspicuous was their plight that when Sayf al-Islām Ḥasan came down to Ibb he instructed the *amīr al-jaysh*—Sayyid Yahyā b. Muḥammad ʿAbbās—that “the people of Bilād al-ʿAdhārib are under your protection.”⁵⁰

⁴⁸ B.Z.F. 361.20, lines 32–39.

⁴⁹ The source of information for what follows, up to the next dividing asterisk, is a single page in N.S. 8 (narrated by Yahyā Ḥayyim Dwayd).

⁵⁰ *ahl bilād al-ʿAdhārib hum bi-dhimmatak.*

[illegible]

Facsimile 13: Al-‘Adhārib oral history narrated by Yaḥyā Ḥayyim and written down by Yūsuf Sayyānī (/N.S. 8)

Al-Tām was one rapacious actor on the Bilād al-‘Adhārib stage; others were the soldiers sent out on errands by government officials, some of whom supplemented their meagre government incomes by mutual back-scratching with al-Tām. There were, further, newcomers who made their appearance soon after the start of Imām Yahyā’s rule. One of these was the soldier al-Ḥāshidī, who as seen in Chapter Four (section II) established himself in al-Nmaṣ village and befriended Yūsuf Musallam Maddār. Another such newcomer appears as a witness to the 1928 splitting of al-Ḥudayda between Ṭāhir Muthannā al-Munīfī and Ṣāliḥ Muḥammad al-Mālikī—Rājih b. Yaḥyā al-‘Jil (“the calf”). Rājih and three brothers, Nāṣir, Rassām and Ṣāliḥ, “descended” from the tribal territory of Arḥab, to the north of Ṣan‘ā’ in Zaydī Upper Yemen. Some ‘Jils were commanders in the military, others became administrative servicemen in the business of apprehending and leading wanted persons to prison.⁵¹ Ṣāliḥ’s son, Ḥasan al-‘Jil, was appointed tax assessor (*muthammir*) for Bilād al-‘Adhārib. It was the task of the *muthammir* to tour the fields prior to the harvest and, based on the condition of the crop in the field, define the tithe (*‘ushūr*) to be paid after the harvest. *Mashāyikh* went out of their way in their displays of hospitality towards the *muthammir* during his rounds, and came to mutual agreements with him as to lowering their *zakāt*. Royal treatment during the assessment season was, however, only one source of gain for Ḥasan Ṣāliḥ the *muthammir*. Yaḥyā Ḥayyim believed that ‘Jil had a more serious agenda: acquiring title to the agricultural lands of ‘Uzlat Bilād al-‘Adhārib, “irrigated and non-irrigated, free and *waqf* [lands]”; and he depicted in detail to Yūsuf Sayyānī the tactics that he perceived were used to attain that goal.

*

By the end of the first decade of imamic rule, half of al-Ḥudayda had been sold. Ḥiṣn Ubāla was now occupied by Muḥammad al-Tām and his son ‘Abd al-Qādir—“Highlanders” of a past era who were themselves attempting to make the most of what authority they might still be able to wield in their increasingly limited sphere of

⁵¹ *kān nās min-hum amir wa-nās ‘askarī wa-yahbisū wa-yuqayyidū.*

influence. Also applying pressure was a faction of ‘*askar*, martial tribesmen (or former tribesmen) recently descended from Upper Yemen who had stepped to the center of the Bilād al-‘Adhārib stage. Riding upon the opportunity provided by the Mutawakkilite domination of Lower Yemen, they used their connections with the regime to consolidate their own landed property base at the expense of local *mashāyikh* and other landowners. On yet another front, as of 1929, a downtrodden farming populace unaccustomed to standing up for themselves recognized that in Ibb, a day’s walk away, there was a figure to whom they could appeal directly when faced with the kind of excesses for which they had hitherto been easy prey. Tenants residing in *mashāyikh*-owned (or *mashāyikh*-claimed) places like al-Ḥudayda could hope to stand on their dignity. Thus, the Munīfīs’ temporal preeminence in the plateau had eroded; the world around these *mashāyikh* had undergone change and they were among the losers.

IV. *Law and Order in Bilād al-‘Adhārib: Religious Authority*

The Mutawakkilite takeover of Lower Yemen precipitated the decline in the temporal status of the once dominant Munīfīs; in what follows I attribute some of the pressures experienced by these *mashāyikh* to change in the manner in which religious authority was discharged in Bilād al-‘Adhārib. No Dwayd narrative exists to help address this issue and it is necessary to rely entirely on what may be culled from documents.

I begin with al-Sufyānī’s arbitration document of June 5, 1938, cited in the previous section of this chapter, in which Nājī Ṭāhir Muthannā al-Munīfī is pitted, along with his fellow claimant Ṣālīḥ Muḥammad al-Mālikī, against the sons of ‘Abd Allāh Muqbil al-Munīfī and those of ‘Abd Allāh Muqbil’s brother.⁵² The two claimants held that between them they owned the entire village, and that their opponents were unlawfully occupying two edifices within that village (the current occupants being Muḥsin ‘Abd Allāh and Muḥammad ‘Abd Allāh, two brothers of Muqbil ‘Abd Allāh). They claimed that they were ignored in the past when they requested of the occupants

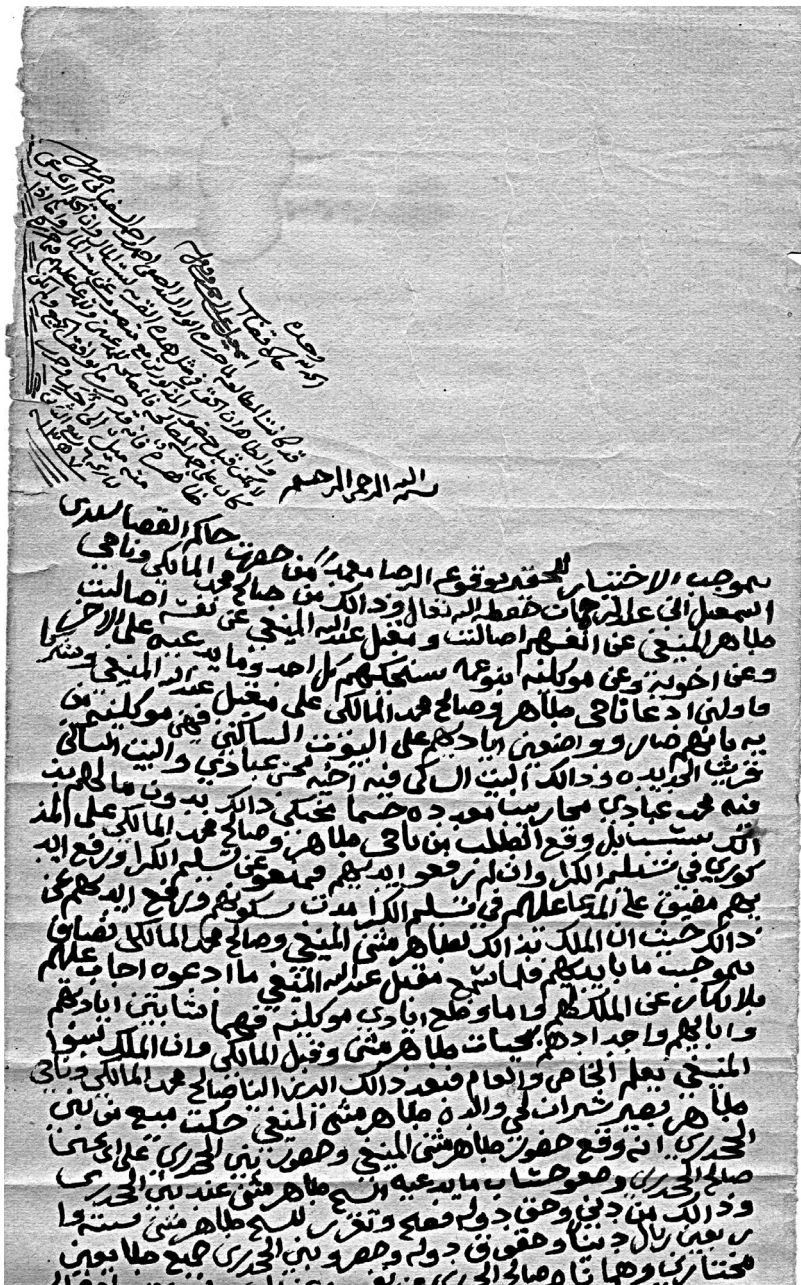
⁵² B.Z.F. 361.20.

to pay their rent or leave. Now, they demanded flatly that the squatters pay their arrears and leave the premises. Muqbil ‘Abd Allāh al-Munīfī, representing himself, his brothers and his first cousins, denied that Ṭāhir Muthannā ever held the unilateral right of disposal. Al-Sufyānī summarizes his argument: “When Muqbil ‘Abd Allāh al-Munīfī heard their demand he responded by denying their ownership. As for his clients’ [claimed] unlawful occupancy: they, their fathers and their grandfathers held the right of possession during the lifetime of Ṭāhir Muthannā, before [the acquisition made by] al-Mālikī. And [he added] that the real estate (*milḳ*) belongs to the Banū al-Munīfī, as is known by one and all.”⁵³ The events that occurred during Ṭāhir Muthannā’s lifetime which explain these opposite positions were considered earlier in this chapter; here I shall focus instead on Sayyid Aḥmad al-Sufyānī and his arbitration work.

The document contains the standard clauses of the arbitration genre. Al-Sufyānī presents his credentials in a preamble: he was empowered to officiate by virtue of the free choice of the litigants, but he was also authorized by (*mu‘ammadan min*) the *ḥākim* of the *qaḍā’*, Sayyid Isma‘īl b. ‘Abd al-Raḥmān. This introduction is followed by the sketching of the dispute: claim and counterclaim appear (as summarized above), followed by six pieces of documentary evidence supporting the claim. Al-Sufyānī mentions that he spent a year unsuccessfully pressing the parties to provide additional evidence, as he felt unable to reach a decision based on the evidence placed before him. Following this gloss, the document continues in the ordinary manner: the arbitrator tours the site and systematically addresses each piece of evidence and sub-claim. He then makes his judgement—which he defined as “customary and ‘*shar‘ī*-oriented”” (*ḥukm ‘urfī wa-wajh shar‘ī* [lines 110–111])—and summarizes with a geographical definition of the bounds of the village in question.

Although he considered Muqbil ‘Abd Allāh’s responses to the evidence presented by the claimants to be unsatisfactory, al-Sufyānī nevertheless decided to preserve the status quo. He would have been amply aware that this would satisfy neither side; having been authorized by the Ibb *ḥākim* to act as arbitrator, he concluded by drawing that official back into the picture.

⁵³ B.Z.F. 361.20, lines 13–16. It is unnecessary to solicit a *shar‘ī* definition for the obscure joint ownership by the Munīfī agnatic blood-group suggested by Muqbil ‘Abd Allāh: none such, we shall presently see, was found by the Ibb *ḥākim*.



Facsimile 14: Upper portion of arbitration document by Sayyid Aḥmad b. Aḥmad al-Sufyānī, with remarks by the *ḥākim* of Qadā' Ibb (B.Z.F. 361.20)

This [arbitration document] shall be submitted to the honorable *sayyid*, the knowledgeable master, light of Islam, the *ḥākim* of Ibb *qaḍāʾ*—may God almighty preserve him—so as to prevent any hostile action on the part of the rivals. [The rivals shall] acquiesce to whatever [legal] bond he who evokes compliance may order and [shall abide by] his authoritative ruling.⁵⁴

Ibn ʿAbd al-Raḥmān’s remarks are wedged into the upper margin of the document, the space allocated for that purpose by al-Sufyānī. Even as he corroborated al-Sufyānī’s verdict, the *ḥākim* made the most of the opportunity which had come his way to widen government prerogatives in this rural domain:

Praise is Allāh’s alone

Ismaʿīl b. ʿAbd al-Raḥmān, may God grant him success

The *ḥākim* of Ibb *qaḍāʾ*

Study has been accorded that which the “son” (*al-walad*),⁵⁵ Sayyid Aḥmad “the pure”⁵⁶ b. Aḥmad al-Sufyānī—may God safeguard him—has written. Clearly the right [of ownership] in cases such as this village belongs to the treasury; no *sharʿī* verdict is [therefore] possible prior to the appearance [before me] of the aforementioned [rivals] together with a representative of the treasury. However, if [the solution] has transpired by way of mutual settlement—[specifically,] the agreement between the petitioners and the respondent with regard to what [the arbitrator] has clearly written—that to which all [parties] agree has already been established in writing and no deviation from it towards any party shall occur. Written on its date, the sixth of Rabīʿ II, year 1357.

Ibn ʿAbd al-Raḥmān gave the Munīfī opponents a concrete reason to refrain from such hostilities as al-Sufyānī appears to have been anticipating, and at the same time he increased their dependence on the al-ʿAdhārib *sayyid* by denoting him as the individual providing the means of escape from a more detrimental alternative. By the same motion the *ḥākim* established a foothold for government authority—both in principle and, presumably, in the minds of the Munīfis. Even as he did all this, and although he himself was a government functionary, the Ibb *ḥākim* sustains the image of the authority of *sharʿa* over government and governed alike. In sum: through al-Sufyānī,

⁵⁴ B.Z.F. 361.20, lines 137–140.

⁵⁵ The term *walad* is a common honorific title (Piamenta 1991: 532). His paternalistic use of the term “son” in addressing the rural *sayyid* underscores the *ḥākim*’s perception of the hierarchic relationship between the two men.

⁵⁶ “*Al-Ṣaḥfī*,” a title given to a man called Aḥmad (Piamenta 1991: 284).

Ibn ‘Abd al-Raḥmān was able to govern with a modicum of effort; and the locals too secured the least damaging of the two alternatives placed before them. The Munīfīs’ *muḥākim* thus personified a cushioning link not only between the litigating parties but also between the litigants as a group and government.

Alongside al-Sufyānī’s position negotiating political authority, Ibn ‘Abd al-Raḥmān knew of another plane on which the *sayyid* occupied middle ground. When the *ḥākim* specified the condition under which a “*shar‘ī* verdict” would become possible, he implied that al-Sufyānī’s verdict—the amicable settlement—while legitimate, was not “*shar‘ī*.” Al-Sufyānī would not have been offended by this differentiation on the part of the *ḥākim*: evidently sharing a similar associative perception, he regarded his own verdict as a customary one (*ḥukm ‘urfī*). But he introduced a further differentiation: the full terminology used by al-Sufyānī to characterize his own verdict—*ḥukm ‘urfī wa-wajh shar‘ī*—stresses that the customary judgement was *shar‘ī* “oriented,” implying that there existed such customary judgements which might not be *shar‘ī* “oriented.” Within this framework of associations, *shar‘a* judgements are equated with the government *ḥākim*; other verdicts, those leaning primarily on the legitimation endowed the arbitrator by the litigants’ mutual agreement, are customary judgements. And such customary judgements would be deemed legitimate when *shar‘ī* “oriented.” Al-Sufyānī appears to associate *shar‘ī* “orientation” with his person in much the same way that the Ibb *ḥākim* associated himself with *shar‘ī* verdicts.

Another opportunity to observe the Munīfīs’ encounter with religious authority in Bilād al-‘Adhārib is offered by documents relating to estate apportionment. *Fuṣūl* (s. *faṣl*—a generic term used to denote deeds of partition between rival claimants, often in the context of estate apportionment), and *furūz* (s. *farz*—a more specific term denoting documents which identify the *shar‘ī* share in an estate of a specific heir) found their way into the Dwayd cache either as *uṣūl* transferred upon purchase of a plot or as debt securities. While Munīfīs often appear on these documents as accessory witnesses, they play a more central role in three of them. The earliest of these is a *faṣl*, dated Shawwāl 1322h (December 9, 1904–January 6, 1905), representing the apportionment work of Nājī Ṭāhir al-Munīfī’s father (B.Z.G. 313).⁵⁷

⁵⁷ This document is unusual because it was not written by the person conduct-

Another *faṣl*, dated Muḥarram 1355*h* (March 24–April 22, 1936) specifies Muqbil Abd Allāh al-Munīfī's share in the estate of his deceased father (B.Z.F. 361.12). A third document, dated Rajab 1360*h* (July 25–August 23, 1941), specifies Nājī Ṭāhir al-Munīfī's share in the estate of his now deceased father (B.Z.G. 312).

Estate apportionment represents an appropriate vehicle for observing Mutawakkilite inroads because of the legal principle that the Islamic judge (*ḥākim*)—the imām's appointment—has the right to demand to apportion an estate.⁵⁸ Indeed the imamic government expressed a special interest in gaining control of this area of activity in rural regions. It was an accusation widely voiced by *ʿulamāʾ* (Islamic scholars) that in such places women's shares in inheritable estates were being withheld,⁵⁹ and this charge had been used in practice by Imām Yaḥyā to legitimize military operations aimed at subduing parts of the countryside.⁶⁰ There were other reasons for this interest. Because a portion of an estate would be set aside for the individual writing the documents,⁶¹ *sharʿī* estate division held pecuniary benefits for government-affiliated legal experts.⁶² Debts were repaid as a first step in the apportionment, and these could include arrears in tax payment. This was also an opportunity for the recording of a significant portion of the beneficiaries' tax-producing wealth. And, the comments by the Ibb *ḥākim* inscribed on Sufyānī's document of arbitration indicate that in certain situations the treasury might be able to claim ownership over entire villages. For these reasons, it would have been in the interests of government to process the division of an estate and to do so as early as possible after the death of its praepositus. The issue of government involvement in estate management has in fact already surfaced in our own look at the two *ʿuzlas* of Bilād al-Shuʿaybī. Specifically, the management by the government seat at Najd al-Jumāʿī of the retroactive apportionment of the estate of Zayd Aḥmad Saʿīd ʿĀmir from Bilād al-Shuʿaybī al-ʿUlyā, on the one hand, can be contrasted with the

ing the apportionment but by another individual, who doubled as a witness. Was Ṭāhir Muthannā Qāsim al-Munīfī very old at the time? Or, was he illiterate?

⁵⁸ Ibn al-Murtaḍā 1949 (IV): 109.

⁵⁹ Mundy 1979: 161, 177–179.

⁶⁰ al-Akwāʿ 1996: 118–119; Stookey 1978: 178.

⁶¹ Mundy 1979: 187 n. 28.

⁶² al-Akwāʿ 1987: 404.

manner in which the independent-minded Shaykh Muḥammad ‘Abd al-Qawī referred Bilād al-Shu‘aybī al-Suflā Jews to the al-‘Adhārib *morī*, rather than to the Najd al-Jumā‘ī *ḥākim*, and with the manner in which Shaykh Muḥammad concerned himself with Yūsuf Musallam’s estate.

Care must be exercised, however, when putting *fuṣūl* to use, to take into account the limitations of their genre. First, the *farz* is not intended to cover all recorded activity surrounding an estate apportionment and its preparation is typically preceded by documents reflecting two preliminary stages. The first of these documents, named *ḥasr mukhallaf al-tarika*, is an initial listing and evaluation of the items in an estate, including a listing of the various sums to be subtracted from the estate before its apportionment: debts, widows’ dowers (*mahr*), and various division-related expenses. Thus knowledge as to the extent of the entire estate is generally not provided by the *farz*. The second document, the *tarkīz al-tarika*, contains a series of columns equal to the number of heirs, each of which describes the constitution of a particular share.⁶³ any one *farz*, therefore, would not provide knowledge as to the shares of the other heirs. Additionally, the documents in this series of stages may not all have been prepared on a single occasion.⁶⁴ Finally, *furūz* often mention that payments were made out of the estate prior to the apportionment of property to the heirs. These payments may include the setting aside of a third of the estate to cover a bequest, repayment of the deceased’s debts and burial expenditures. *Furūz* made out to offspring of a deceased—agnatic heirs—may mention fractions of the estate that had been allotted to members of another class of heirs, the Qur’ānic quota-heirs (such as the wife of a deceased man). However, the value of such payments is rarely specified.

There are further limitations. Martha Mundy has warned that the *farz*, intended as a statement of ownership rights, does not inform the reader of the manner in which its directives were actually implemented. In fact, weaker male heirs and women may not even know what is written in these documents, whether because of their own illiteracy or because the documents were retained by a more powerful figure in the family.⁶⁵ In the present discussion, Munīfī *fuṣūl*

⁶³ Messick 1978: 370–76. At times these two stages appear on a single form.

⁶⁴ Mundy 1995: 149–150.

⁶⁵ Mundy 1979: 174.

will be used not to discuss apportionment implementation but rather, pursuing the thread offered by al-Sufyānī's 1938 arbitration document, to suggest correlations between document experts, the parties engaging their services, and the apportionment patterns they sanctioned—the documents' substance.⁶⁶

But can *fuṣūl* in fact be used to observe hierarchies in substance? Mundy challenged the perception that in the field of inheritance local custom resisted Islamic law. She observed among the rural population of Wādī Ḍahr near Ṣan'ā' no positively defined, ideologically substantiated alternative to the *shar'ī* system: at issue, rather, is "... the interpretation of Islamic regulations advanced by local and central authority and the capacity of the central authority to enforce its interpretation."⁶⁷ Moderating the other pole, Mundy observed that Islamic law itself remains ambiguously silent about two outstanding local practices: the delay of sometimes years in the apportionment of an estate; and the according of separate types of property to different classes of heirs: "... women tend to hold jewelry, men land, and housing and animals are owned by both sexes."⁶⁸ Mundy deduces that "... farmers, whose women rarely acquire full control of land through inheritance, may well honestly believe that they follow Islamic law in its essentials."⁶⁹ Mundy's argument suggests that delays in estate apportionment may be reflective of the condition whereby the central authority's interpretation of the *shar'ī* had yet to be applied, rather than of a formal contrast between Islamic law and local custom.

Two outstanding issues about which Islamic law cannot be said to be silent are nevertheless relevant to *fuṣūl*. The *shar'ī* rule in fact prescribes that where a dividable estate consists of classes of property, each class must be apportioned into shares. It also prescribes that within each class, each unit of property must be apportioned into shares; and that where a unit—such as a large house—is composed of sections of different value, these sections too must be apportioned into shares.⁷⁰ Now it is not ordinarily possible, while reading

⁶⁶ Arguably, hierarchies may be observed in the terminological or calligraphic formats of various *fuṣūz*. I have chosen not to appeal to these (see text at n. 74).

⁶⁷ Mundy 1979: 176.

⁶⁸ Mundy 1979: 176.

⁶⁹ Mundy 1979: 176.

⁷⁰ Ibn al-Murtaḍā 1949 (IV): 105. Mundy based the statement that Islamic law

a *farz* describing the portion of a single heir, to determine all classes of property in an estate, whether sons were accorded different classes of property than daughters, or even whether all other *shar‘ī* heirs participated in the apportionment. The antithesis of the *shar‘ī* rule would be clearly perceptible, however, should a *fāsl* without explanation consistently accord one of the deceased’s children the unshared rights to entire units within a particular class of property: entire houses for example, or entire terraces. The possibility of such a non-*shar‘ī fāsl* does not arise in Mundy’s discussion—the problem she defined regarding *fuṣūl* is that weaker beneficiaries may not be able or may not wish to pursue what they prescribe.⁷¹ While it is possible that such *fuṣūl* were not common in Ṣan‘ā’-oriented Wādī Ḍahr during the 1970s, they were produced in Bilād al-‘Adhārib well into the 1930s.

Let us turn now to our three *fuṣūl*, working backwards in time beginning with Nājī Ṭāhir al-Munīfī’s *farz* of summer 1941.⁷² This was a production of Sayyid Aḥmad b. Aḥmad al-Sufyānī, who as seen was claiming *shar‘ī* “orientation.” One *shar‘ī* principle accommodated in this document is the according to daughters of half a son’s share in a deceased parent’s estate; al-Sufyānī stated that following payment of expenses and debts relating to the deceased and the allocation of one-eighth of the estate to the widow, the residue was divided into four shares: one share for each female (the two daughters) and two for the male (the son). As for the rule that each unit of property must be apportioned, that Nājī was accorded not entire units but portions of such is reflected with regard to the edifices in which he was granted rights: each edifice remained under joint ownership (*shā’i‘an*). The rule is also reflected with regard to the items of land accorded to Nājī: unlike his co-ownership of the edifices, here he was granted exclusive ownership of a physically defined portion, but these remained portions *within* a unit—nineteen *qaṣabas* “of” (*min*) “Dhī al-Ḍayḥ” worth nineteen [*riyāls*]; seven *qaṣabas* “of” the terrace to the south of “Dhī al-Ḍayḥ” worth seven *riyāls*; and so on.

is silent about the according of different classes of property to different heirs on Ibn al-Murtaḍā’s (vol. V) chapter on inheritance quotas (*kitāb al-farā’id*) (Mundy 1979: 185 n. 21), whereas the relevant data is located in his (vol. IV) chapter describing apportionment itself (*kitāb al-qisma*).

⁷¹ Mundy 1979: 174.

⁷² B.Z.G. 312.

The document makes no mention of government and it is agreement among the heirs as to the division of the estate which legitimates al-Sufyānī's activity. We know that the June 1938 arbitration document considered at the beginning of this section finalized a dispute of at least one year: al-Sufyānī's 1941 *shar'ī* division, therefore, postdates the death of Ṭāhir Muthannā the praepositus by over four years; indeed, our *farz* reveals that Ṭāhir's widow had remarried. It is impossible to know what occurred following the death of Ṭāhir Muthannā; but it is conceivable that one or both of the son's two sisters were now setting forth their *shar'ī* claims. If this was the case, the current apportionment corrected an incomplete situation in terms of Islamic law (recall Mundy's point), which existed up until 1941 and this *farz* would appear to testify to al-Sufyānī's authority by its very existence.

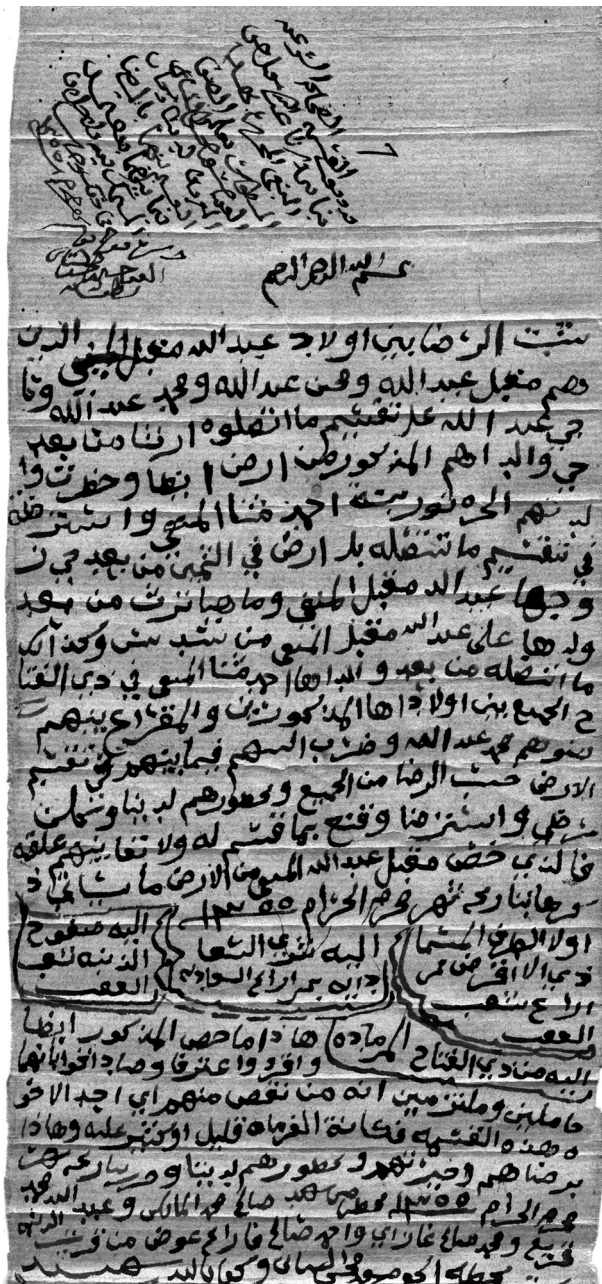
Next we focus on the *faṣl* of Muqbil 'Abd Allāh al-Munīfī, from spring 1936.⁷³ This document and Nājī Ṭāhir al-Munīfī's *farz* (which we have just contemplated) share common ground. In terms of format, in both cases, apportioned items are visibly defined in oblong pockets. Terminology is also similar and in both cases the estate was being divided on account of an agreement (*ridā*) between the heirs. But these are mere superficialities.⁷⁴ In contrast to Nājī Ṭāhir's *faṣl*, that of Muqbil 'Abd Allāh specifies that it concerns itself only with sons and only with land; suggesting perhaps, as explained above, that the central authority's interpretation of the *shar'ī* was not being applied.⁷⁵ A more consequential difference exists however in that here the property units—terraces—retain their integrity: Muqbil 'Abd Allāh is accorded all of "Dhī al-Aqrād"; all of "Shrī al-S'ādāya"; all of "Şufūḥ al-Dhanba."⁷⁶ Thus despite similar format and terminology, behind the term "agreement" there seem to lie two different meanings. While Nājī Ṭāhir would likely have had to be prodded to move forward with a *shar'ī* apportionment, the *faṣl* of Muqbil 'Abd Allāh seems to reflect an agreement actually hammered out between himself and his brothers.

⁷³ B.Z.G. 361.12.

⁷⁴ See n. 66.

⁷⁵ This statement is tenable of course only if 'Abd Allāh al-Munīfī owned edifices and had daughters.

⁷⁶ In a fourth case Muqbil does receive a portion of a plot. Several years later (1360*h*) he would sell this splinter to his brother Muḥammad 'Abd Allāh (B.Z.F. 361.12 *verso*).



Facsimile 15: Muqbil ‘Abd Allāh al-Munīf’s *faṣl* (B.Z.F. 361.12)

Muqbil's *faṣl* was prepared by a certain Mus'īd Muḥsin al-Shabbābī; to enhance it Mus'īd left open a space which could later be filled by a supporting statement (*ʿitimād*) of a qualifying authority. Thus begins the *ʿitimād* occupying that space: "There transpired the valid, *sharʿī* apportionment . . ." (*qad waqaʿat al-qisma al-ṣaḥīḥa al-sharʿiyya* . . .); it proceeds to reveal the supporting authority as Faqīh Ḥusayn b. Muḥammad al-Shabbābī, who refers to Mus'īd as "brother." But Faqīh Ḥusayn was actually Mus'īd Muḥsin's nephew: he was the son of Faqīh Muḥammad Muḥsin al-Shabbābī, "who was *amīn al-sharʿa* in al-ʿAdhārib town during the time of the Turks."⁷⁷ Ḥusayn's own son, Aḥmad Ḥusayn Muḥammad, blind in one eye, was the document writer (*musajjil al-baṣāʾir*) in al-ʿAdhārib at the time of Yaḥyā Ḥayyim's departure from Yemen. "This *faqīh* was benevolent (*ḥasīd*): it was reported that he would go into the Jews' [houses] and eat of the Jews' meat without the Muslims knowing."⁷⁸ We know of course of a fifth Shabbābī, Faqīh Nājī Muḥsin al-Shabbābī, who signed documents employing the title *amīn al-sharʿa al-muṭaḥhara* (notary of the pure *sharʿa*) of al-ʿAdhārib.⁷⁹ It was he who had appealed to al-Tām to release his brother-in-law Mus'īd al-Jalāl from jail. We know of this Shabbābī *faqīh* also from the narrative of the events which followed the death of Yūsuf Musallam Maḥfūḍ al-Maddār, where Ḥayyim Mīshā described the document Faqīh Nājī had prepared on behalf of Ḥasan Maḥfūḍ al-Maddār concerning the transfer to him of "the third" from the estate of Musallam Maḥfūḍ, and its suspension in another document that the same Nājī prepared for Yūsuf Musallam. In that narrative session, Ḥayyim Mīshā recalled too the reaction of Shaykh Muḥammad ʿAbd al-Qawī: "You Jews are mad! Nājī Muḥsin has no food. He would produce a document for whosoever should go to him and give him anything whatsoever."⁸⁰

⁷⁷ This information was added by Yūsuf Sayyānī on the *verso* of B.Z.G. 334, a document dating from al-Qaʿda, 1200*h* (August 26–September 24, 1786). But the signature on that document, the content of another clause added there by Yūsuf Sayyānī, and the early date (almost a hundred years prior to the Ottoman takeover) demonstrate that this information was written on the back of the wrong document. The document to which the addition refers is most likely B.Z.G. 329, from Rabīʿ II, 1310*h* (October 23–November 20, 1892).

⁷⁸ B.Z.G. 334, *verso*, narrative added by Yūsuf Sayyānī.

⁷⁹ Yaḥyā Ḥayyim Dwayd, Notebook in box 9. See Chapter Nine, section II, Narrative "d.1."

⁸⁰ Ḥayyim Mīshā Dwayd, N.S. 24:33, 35. See Chapter Four, section II.

Finally we turn to the earliest of our three *fuṣūl*, dated late 1904 or early 1905.⁸¹ This division too was not imposed by government on the two brothers mentioned in the document. It occurred instead “by means of the arbitrator (*muḥakkam*) between them, Ṭāhir Muthannā Qāsim al-Munīfī, in accordance with their authorization of him and of the arbitration (*al-ijāza min-hum la-hu wa-l’l-taḥkīm*).” The substance clearly pertains to the Shabbābī class: no daughters or edifices are mentioned. More tellingly, nothing of the “land, sheep, rifles, *jan-biyyas* and [other weapons of] steel, and silver . . .” being accorded to the heir appears in shared or fragmented form. This document is a statement as to the freedom of heirs (male heirs here) to select their arbitrator and, more pertinently, as to the liberties an arbitrator himself—in this case Nājī Ṭāhir al-Munīfī’s father—allowed himself with regard to matters of legal substance.

Al-Sufyānī’s 1938 arbitration of the dispute between Nājī Ṭāhir and Muqbil ‘Abd Allāh and others over al-Ḥudayda exposed his position as a mediator of authority on behalf of the *ḥākim* of Qaḍā’ Ibb. The three Munīfī documents just considered suggest that not only did al-Sufyānī claim *shar‘ī* “orientation” but that his work was in fact substantially closer to the *shar‘ī* doctrine than that of other local document experts who had been involved in estate apportionment. But are they expressions of a change in the manner in which religious authority was discharged in the al-‘Adhārib *‘uzla*? Did an alliance between government authority and al-Sufyānī come to limit the options open to the Munīfīs with regard to the devolution of property? While our four documents raise this possibility, standing alone they cannot substantiate such an understanding of government encroachment in Bilād al-‘Adhārib. The three *fuṣūl* deal with separate estates and therefore do not represent a thread of events; and, singular as they may have been to Muqbil ‘Abd Allāh and Nājī Ṭāhir, the deposited documents as explained provide only fragments of information on any particular estate apportionment. A contemporaneous, extended estate apportionment history occurring within Bilād al-‘Adhārib would be of significant value at this point by providing a structure within which to situate the available Munīfī documents. What follows acquires such a history.

⁸¹ B.Z.G. 313.



Since the Goitein archive consists of caches received from Jews it is easily appreciated that the extended story to accord perspective to the Munīfis' experiences might involve not a Muslim but a Jewish family within al-ʿAdhārib. This particular story complements our wider portrait and not only because of its focus on al-ʿAdhārib. The documents in question belong to the cache of the section of the Maddār family of *madīnat* al-ʿAdhārib into which Ḥayyim Mīshā Dwayd's mother, Miryam, was born; thus the material supporting this section of our chapter derives from the caches of two related families: the Maddārs of al-ʿAdhārib and the Dwayds of al-Maqhāya. Pointing out some differences between these two caches will help define the methodological premises of our Maddār exercise.

Unlike the regular interweaving of documents and narratives in the Dwayd case, the events that left their mark in the Maddār documents are referred to only cursorily in Yūsuf Sayyānī's transcriptions.⁸² Also unlike the Dwayd cache, of which the pawned Munīfī *fuṣūl* are part, the Maddār archive is family centered. It is not the extroverted archive of a grainstorer and there are no deposited security documents; consequently, the insights afforded into relationships with the surrounding Muslim population are more limited. Yet for our current requirement—an estate apportionment history—this introversion is a strength not a weakness and the fact that a single individual retained the documents of his lesser siblings works here to our advantage. Some of these documents share common subject matter: the ownership of specific items of property is debated, resolved and debated again; and this recurring adjudication allows us to reflect on the manner in which directions contained in earlier documents had been carried out. Moreover, cross-references may be performed between a group of siblings' *furūz*, enabling an attempt to reconstruct missing *furūz*. Working backwards from the *furūz* it then becomes possible to visualize the content of both the *tarkīz* and the *ḥasr*. In sum, these mutually illuminating documents make it possible to over-

⁸² Some information on the family was narrated to Yūsuf Sayyānī by Morī Musallam b. Sālīm al-Maddār of al-ʿAdhārib (/N.S. 10). This was the individual who transferred the cache to Yūsuf Sayyānī (B.Z.F. 362.9, *verso*, addition by Yūsuf Sayyānī). Where relevant, I have referred to this interview in the forthcoming discussion.

come some of the limitations already mentioned with regard to the individual *faṣṭ*: events, identities and dimensions may be viewed in perspective, making it easier to hypothesize also as to the intentions of the personalities behind the names. By unrolling these documents and laying them out in chronological order, as we shall do presently, a story involving four generations is seen to emerge spanning the four decades between 1900 and 1940—nicely encapsulating our period of concern regarding the status of the Munīfis.

Another significant difference exists between the two caches: because the Maddār documents focus on dissension within the family and therefore amongst Jews, mediation by fellow Jews appears more often than in the Dwayd cache. Like other Jewish communities, al-‘Adhārib had its own *morī* (learned person) who in fact authored one of these documents (and who performed the estate apportionment described in Chapter Four, section III). This individual, Morī Ya‘qūb Yehūda al-Maddār (whose branch of the family was coined “*al-Aṣṣal*” (“Twisted”) because their forefather suffered a limp), was the marriage and divorce functionary of al-‘Adhārib’s Jews, and he received his religious education as well as his authorization as ritual slaughterer locally in al-‘Adhārib.⁸³ Also making his appearance is the central judicial authority recognized by Jews from the entire area, who resided a two-hour walk to the northwest of al-‘Adhārib in the village of Akamat Banī Maṣṣūr, an exclusively Jewish village located in ‘Uzlat Banī Maṣṣūr, Nāḥiyat Ba‘dān. This individual, Morī Hārūn Ya‘qūb al-Maṣrafi, was active throughout the half century preceding the 1949 exodus.⁸⁴ Now the ability to use Jewish legalistic experiences to illuminate contemporary experiences of their Muslim neighbors has its limits and I shall conclude the exercise by better defining this reservation. But at the forefront of the current inquiry are such aspects of these experiences as Goitein must have envisioned when he remarked, in his ethnography of al-Gades, that rural Jews and Muslims were drawn together in the face of increased government interference with “tribal law;”⁸⁵ for the imamate’s policies of Islamization were experienced by villagers of both denominations as shall be seen.

⁸³ Morī Musallam b. Sālim al-Maddār, /N.S. 10.

⁸⁴ See a divorce settlement he drafted in 1948, edited in Hollander 1995a: 10–15.

⁸⁵ Goitein 1955: 16–17.

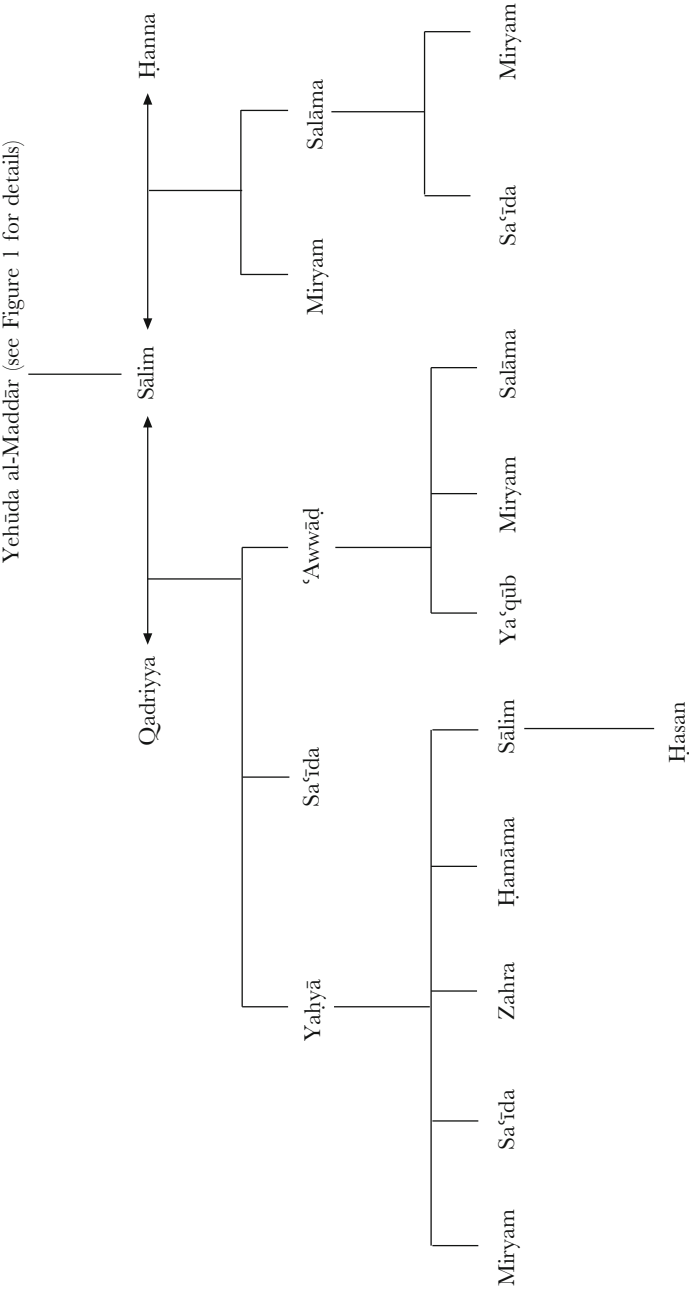


Figure 7: Bayt al-Maddār

The players at center stage are Ḥāyyim Mīshā Dwayd’s maternal uncle, Sālīm Yehūda al-Maddār; a son from Sālīm’s first wife, Yaḥyā Sālīm; Sālīm’s second wife, Ḥanna; their daughters, Mīryam and Salāma; Salāma’s daughters, Mīryam and Sa‘īda; Yaḥyā Sālīm’s son, Sālīm; and Yaḥyā’s grandson, Ḥasan Sālīm.⁸⁶

1900; 1902

Sālīm Yehūda al-Maddār opens the sequence early in the year 1900 when, accompanied by his son Yaḥyā, he applies to a Muslim notary to ascertain in unequivocal wording, through an *iqrār* document (a document of acknowledgment),⁸⁷ that buildings located in an area of al-‘Adhārib named Ḥāfat Mawwān which appear listed in the son’s name and various books (including a share in a *tōra* scroll) are indeed his alone.⁸⁸ Two years later Sālīm has another notary draft a second *iqrār*, in which he updates the list of items over which he wished Yaḥyā’s ownership to be recognized.⁸⁹ These documents, prepared for reasons of judicial security, are indicative of a special relationship between Sālīm and Yaḥyā, his son from his first wife, Qadriyya.

1903

1) Sālīm’s relationship with his second wife, Ḥanna (or Ghazāl), was more complex.⁹⁰ When Sālīm lost his sight (about the year 1896), Ḥanna took it upon herself to tend to his mundane needs until his death, in return for which he provided her with the right to the produce of a cow kept by a Muslim partner. Ḥanna also agreed that another such cow she became entitled to would cover her marriage dues.⁹¹ But Sālīm survived longer than must have been expected.

⁸⁶ Consult the Dwayd-Maddār family tree (Figure 1) and the Maddār family tree (Figure 7). The latter includes the names only of those household members alluded to in what follows.

⁸⁷ The *iqrār* represents a form of evidence creating an obligation without regard to the cause of its origin (Schacht 1964: 151).

⁸⁸ B.Z.G. 184, from February–March, 1900.

⁸⁹ B.Z.G. 362.15, from May–June, 1902.

⁹⁰ The following two paragraphs are derived from B.Z.F. 362.9, dated June 20, 1903.

⁹¹ These could have included maintenance payments (*nafaqa*) during the marriage and the sums listed in the *ketubba* (the marriage contract), normally payable by the husband upon his demise or divorce. Morī Musallam b. Sālīm al-Maddār remem-

Ḥanna failed to fulfil her obligations, leaving Yaḥyā to pay for his father's maintenance. In 1903 the affair was brought before Morī Hārūn al-Maṣrafi's court.⁹²

The proceedings open with Yaḥyā claiming that Ḥanna had neglected her obligations. She replied that she had been *prevented* from selling the produce of the first cow, and admitted that the second cow was sold, but the revenue was transferred to Sālīm. Now turned claimant, Ḥanna propounded that Sālīm was liable for her upkeep from the day he lost his sight. Witnesses impressed Morī Hārūn that Ḥanna did receive regular payments for the milk of the first cow, and that the second was indeed sold, but Sālīm had duly transferred the money to Ḥanna. The court—Morī Hārūn—decided that no mutual obligations remained between the couple; that Sālīm was to divorce Ḥanna and to provide her with two *riyāls* to cover any possible remaining debt; and that Sālīm's maintenance should now be equally incumbent on all the children. Despite the court's advice that a divorce should take place, the couple agreed that Ḥanna would remain married, with no further rights to a *ketubba* (marriage contract); neither should any other mutual duties remain.⁹³ Yaḥyā could be pleased with this result: when Sālīm should pass away, Ḥanna's *ketubba*, having been defrayed, would not be deducted from the estate; in the meantime, the burden of Sālīm's upkeep would be mitigated.

2) Capitalizing on the court's instructions that the children should share payments for their father's upkeep, Yaḥyā took his case one step further that day, as revealed in a separate document.⁹⁴ Basing himself on clauses in Sālīm's will as well as on two other documents, Yaḥyā now claimed that his father owed *him* sixteen *riyāls*, the sum he had spent to date on Sālīm's maintenance. Rather than denying this, Sālīm promptly suggested covering the debt by providing Yaḥyā with the value of one of the two houses he owned in a neighborhood named Ḥāfat Misbār. This suggestion did not satisfy Morī Hārūn: the house had been promised to Ḥanna's daughters in the

bered this arrangement, which accorded Ḥanna the cow's future offspring (*dharārīhā*) and the receipt once a year of the milk it produced (*durr*), in the form of ghee (/N.S. 10).

⁹² Morī Hārūn had arrived in al-ʿAdhārib to conduct the proceedings.

⁹³ B.Z.F. 362.9 *verso*.

⁹⁴ B.Z.F. 362.10, from June 20, 1903.

will just presented. Sālīm retorted that the will had been drawn up while he was on his deathbed (*shekhūv meraʿ*) and while Ḥanna was committed to his upkeep; since these circumstances were now changed, the bequest was null and void. Unless his other children fulfil the decree of the court, he declared, the house should be Yaḥyā’s. This aroused Yaḥyā’s half-sisters, who were now willing to do their part, on condition that the house was not transferred to him. More unexpectedly, they demanded also that two additional houses—those of Ḥāfat Mawwān—should be recognized as belonging to their father (and not to Yaḥyā), who according to them was doing his best to deprive them of their rightful share in his estate.⁹⁵ Following the hearing of evidence, judgement was made in Yaḥyā’s favor: the Ḥāfat Mawwān houses belonged to Yaḥyā by right of purchase and those of Ḥāfat Misbār too should be delivered to him, as the dutiful son.

3) This verdict notwithstanding, the parties returned to court the following day in a more relaxed atmosphere to notarize an accord, inscribed on the *verso* of the judgement mentioned above, whereby Yaḥyā agreed that Ḥāfat Mawwān should after all be divided amongst his siblings, while his half-sisters agreed to submit to Yaḥyā’s decision as to the size of the shares they would receive.⁹⁶ Indeed, the single *farz* handed to Qadriyya’s children (Yaḥyā, ‘Awwāḍ and Saʿīda) states that although Yaḥyā was empowered to divide the estate as he saw fit, he followed to the letter his father’s original will, according to which the half-sisters Miryam and Salāma were to be eligible for the small house in Ḥāfat Misbār. Yaḥyā also gave up his claim to the sixteen *riyāls* owed by his father, technically allowing the small house at Ḥāfat Misbār to be transferred to his half-sisters as specified in the will.⁹⁷ On the assumption, based on his forceful appearances in court, that Yaḥyā did not relinquish the small house and the debt solely out of goodwill, his courtesy may reflect his wish and perhaps that of his father to check any further claims by his agnatic sisters: by compromising Ḥāfat Misbār they may have hoped to close the issue of Ḥāfat Mawwān permanently. Whether or not

⁹⁵ It should be recalled that in the presence of a son daughters have no “rightful” share in an estate (Maimonides 1949: 260 [= *Naḥalōt* (laws of inheritance), 1:2]), though rabbinic law grants unmarried daughters the right to maintenance (Maimonides 1949: 273 [= *Naḥalōt*, 5:2]).

⁹⁶ B.Z.F. 362.10 *verso*, from June 21, 1903.

⁹⁷ Undesignated (8), from June 21, 1903.

this was the intention, tempers in the Maddār family appeared to have abated.

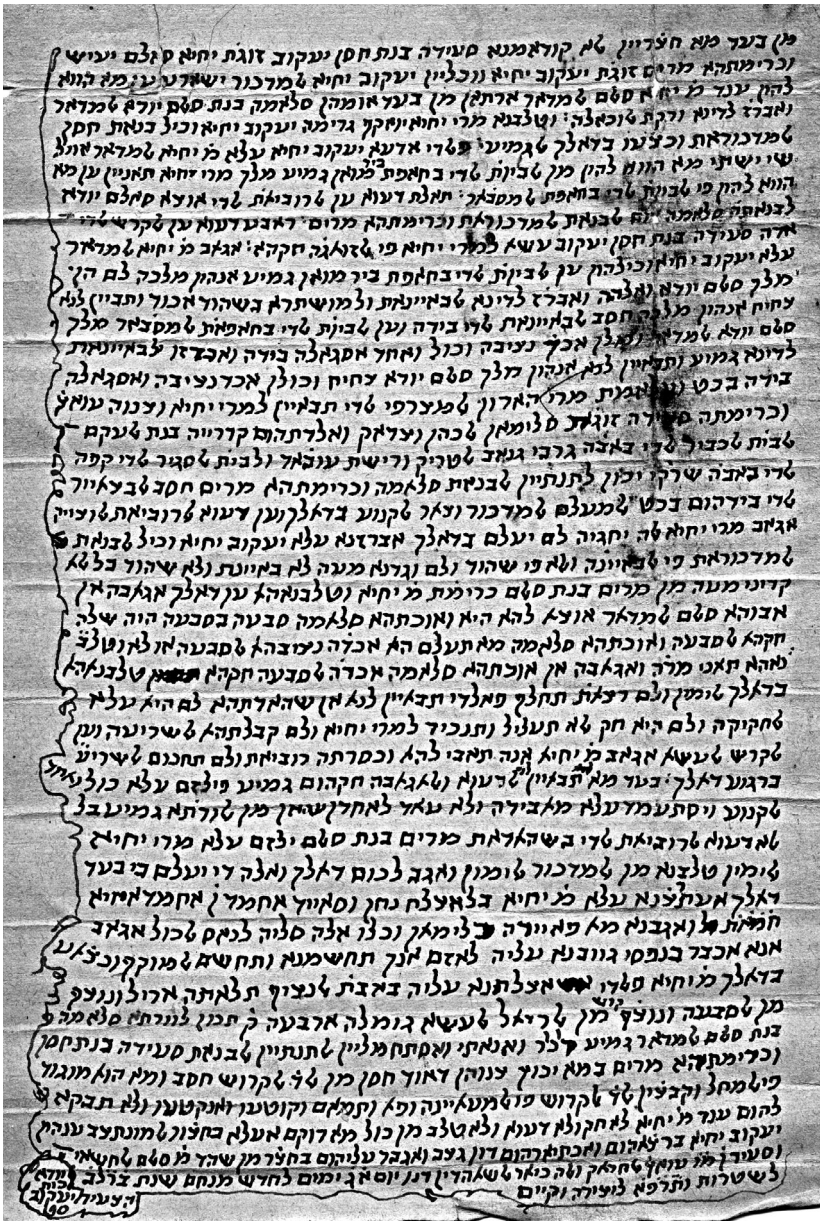
1921

Salīm eventually did pass away; and some eighteen years following the events of 1903, strife surfaced again. Salāma's daughters (Ḥanna's granddaughters) claimed from Yaḥyā their now deceased mother's portion in Salīm's estate. Although Hārūn al-Maṣrafi was still active the daughters did not turn to him—his position was known. Instead they approached the local Jewish court of al-ʿAdhārib, Morī Yaʿqūb Yehūda al-Maddār, listing four claims: Salāma's portion in the Ḥāfat Mawwān houses; her portion of the Ḥāfat al-Misbār houses; her portion of cash monies left by Salīm; and the return of a *riyāl* owed by Yaḥyā to one of the claimants. But the *beyt dīn* (= the court of) al-ʿAdhārib did not alter Morī Hārūn's 1903 conclusions: the Ḥāfat Mawwān houses were Yaḥyā's by right of purchase, and the Ḥāfat Misbār houses had been divided between the successors by agreement. Yaḥyā did agree to pay half the cash claimed (four *riyāls*), but only following an exceptional showdown between Yaḥyā and the functionary—who enlisted the backing of an individual referred to simply as Sayyid Aḥmad b. Aḥmad Yaḥyā—over proper judicial procedure: Yaḥyā had to be persuaded to take the defendant's oath.⁹⁸ It is to be noted at this point that all the prescriptive documentation mentioned so far—the *furūz* of 1903 as well as the 1903 and 1921 adjudications—were dispensed by Jewish functionaries in Judeo-Arabic (Jewish vernacular Arabic transliterated into Hebrew characters); this was soon to change.

1925

Four years later, twenty-three years after the initial apportionment of the estate, Miryam (Yaḥyā's second half-sister and Saʿīda and Miryam's aunt) felt conditions were ripe to try her hand. Like her nieces, she charged that Yaḥyā was illegally in possession of the entire estate—the Ḥāfat Mawwān properties as well as those of Ḥāfat Misbār. To these she added the *tōra* scroll, various other books, a

⁹⁸ B.Z.F. 362.11, from August 8, 1921.



Facsimile 16: Morī Ya‘qūb Yehūda’s judgement on the Maddār estate
(B.Z.F. 362.11)

cow given by Sālim to Yaḥyā to cover part of the debt waived by Yaḥyā, and various other items of property. She demanded that a new inventory and apportionment of the estate should take place. But unlike her nieces, she took her case to a *Muslim* court, breaking the Maddār pattern of application to Jewish functionaries mentioned above. The sophistication of her double-edged claim is impressive: she succeeded first in proving to this functionary's satisfaction that Yaḥyā and his father were partners in all their financial endeavors; and second, that having taken place before their father's death, the 1903 estate apportionment was null and void. Yaḥyā produced yet a third time the series of documents he kept for such occasions, the latest addition to which was the explicit confirmation of Morī Hārūn's 1903 verdict by an individual named Qāḍī 'Abd Allāh Ismā'īl al-Jalāl, a transaction deed and marriage contract expert from al-'Adhārib town.⁹⁹ All this was of no avail: the functionary ordered the undertaking of a fresh inventory assessment and a division amongst the heirs of all properties held by Yaḥyā at the time of his father's death, according to the Islamic inheritance laws (*'alā farā'id Allāh al-shar'iyya*). He nullified what he referred to as a "customary partnership (*shirka 'urfīyya*)," using the term to describe the unacceptable way in which Yaḥyā Sālim had used capital which he in fact shared with his father to acquire property under his exclusive name, and the way in which his father produced *iqrār* documents to enhance the illusion of Yaḥyā's sole ownership. He took care to add a passage of annulment to the *verso* of *beyt dīn* al-'Adhārib's 1921 document, and Yaḥyā was duly returned the cash paid then to Salāma's heirs. The sober consideration of each piece of evidence brought before this functionary is noteworthy indeed: while giving serious consideration to the contents of Jewish documentation read out to him, in overturning the "customary partnership" this functionary discounted an array of evidence associated with Muslim document experts supportive of Yaḥyā Sālim. This included the *iqrār* documents mentioned above; Qāḍī 'Abd Allāh al-Jalāl's 1924 affidavit; oral testimonies by a certain Ṣāliḥ Ismā'īl al-Jalāl and Faḥr Nājī Muḥsin al-Shabbābī (whose legal methodology was so poignantly censured by Shaykh Muḥammad 'Abd al-Qawī); and a written testimony (*mashhad*), reporting testimonies by three witnesses, written

⁹⁹ B.Z.F. 361.15, *verso*, addition in Yūsuf Sayyānī's hand.

on the eve of litigation (September or October 1925 [Rabī‘ I, 1344h]) by a certain ‘Abd al-Qawī al-Sumayrī and sanctioned by Faqīh ‘Abd Allāh al-Manṣūb.¹⁰⁰

The name of this functionary was ‘Alī Aḥmad al-Shāmī, doubtless the same individual referred to by Ḥayyim Mīshā and Yaḥyā Ḥayyim with respect to the Munīfī-Mālikī dispute over al-Ḥudayda as “Ḥākim Sayyid ‘Alī b. Aḥmad al-Shāmī.”¹⁰¹ Now the term *ḥākim* indicates a government-appointed *shar‘ī* judge, typically at the *nāḥiya* or *qaḍā’* level; and the litigation indeed occurred in the *shar‘ī* court (*al-mawqif al-shar‘ī*). It appears therefore that Yaḥyā Sālim’s favored treatment, enshrined during the *prae mortum* apportionment of his father’s estate in 1903 by Morī Ḥārūn al-Maṣrafi, substantiated by the local Jewish court (*beyt dīn*) of al-‘Adhārib, Ya‘qūb Yehūda al-Maddār and acknowledged by Qāḍī ‘Abd Allāh al-Jalāl, had finally been overturned by a Mutawakkilite *ḥākim*; and that Mīryam had taken full advantage of *shar‘ī* norms, access to which until then may not have been a practical option.

Al-Shāmī’s lengthy document of adjudication is accompanied in the Maddār cache by Yaḥyā’s *farz*¹⁰² and by that belonging to the heirs of his brother ‘Awwād,¹⁰³ who lived at the time in the border town of al-Ḍālī‘. These too were prepared by al-Shāmī; and an amendment he added to the *verso* of the 1903 *farz* prepared by Morī Ḥārūn summarizes the new *furūz* he handed to Yaḥyā’s sister and two half-sisters. Together, these sources provide a satisfactory picture of the re-apportionment. Both the Ḥāfat Mawwān buildings as well as those of Ḥāfat Mīsbār are now in fact taken into consideration, half their value being divided between the siblings in keeping with the partnership Mīryam had uncovered. Yaḥyā was able to salvage in full only the *tōra* scroll: half was rightfully his as part of the partnership and half he received in return for his participation in the actual labor of division. At the end of the day ‘Alī Aḥmad al-Shāmī left Yaḥyā Ḥayyim with rights to less than sixty-five percent of what he had considered his for more than thirty years. It is safe

¹⁰⁰ B.Z.G. 319, from October–November, 1925. The clauses *‘alā farā’id Allāh al-shar‘iyya* and *shirka ‘ufiyya*, mentioned above, are located on line 45 and line 40 respectively.

¹⁰¹ Yaḥyā Ḥayyim Dwayd, N.S. 55:6. See above, section III.

¹⁰² B.Z.G. 138, from October–November, 1925.

¹⁰³ B.Z.G. 172, from October–November, 1925.

to presume that he had learned a lesson: when a “customary partnership” (*shirka ʿurfīyya*) between father and son obliterated the financial source of a son’s acquisitions, or when an estate was divided (even *de jure*) before the death of its owner, *iqrār* documents prepared by Muslim notaries no longer provided adequate security as proof of ownership. If Yaḥyā wished to ascertain that a portion of property as large as possible should remain in *his* son’s lineage following his own death, he would have to consider alternative courses of action.

1927

One year and three months following his defeat, Yaḥyā again approached Faqīh ʿAbd Allāh al-Manṣūb, who had sanctioned the 1925 *mashhad* discounted by al-Shāmī, to draft the following document. Sanctioning al-Manṣūb here is ʿAbd Allāh al-Jalāl, the *qāḍī* who inscribed the 1924 acknowledgment by Yaḥyā Sālīm’s half sister that she had received her share of Sālīm Yehūda’s estate—also, it will be recalled, a document which had not been well received by al-Shāmī:

[Signature:] ʿAbd [Allāh] b. Muḥammad al-Manṣūb, may A[llāh] grant him success

The issuance of the gift (*hiba*) from the donor (*wāhib*) occurred before me on the date: the month of Rajab, year 1345 [= January–February 1927].¹⁰⁴

Praise be to Allāh

Dhimmi Yaḥyā Sālīm al-Maddār appeared before me willingly, of his own free choice, advancing on his own two feet [and] able to dispose freely in such matters as are lawful;¹⁰⁵ and he granted his son’s son, *dhimmi* Ḥasan Sālīm, out of a third of his estate (*mukhallaf*) [which consists of] everything he owns, a valid gift. The donor authorized his son’s son’s taking of possession (*qabḍ*)¹⁰⁶ and [right of] disposal. [This occurred] of [his own] free will and agreement and [his] executive ability and endorsement, by means of the donor’s declaration “I have donated it” (*wahabtuḥū*) and the declaration of the donee himself, *dhimmi* Ḥasan Sālīm, “I have

¹⁰⁴ This is the functionary’s own summary of the contents of the document.

¹⁰⁵ The donor’s capacity to contract and dispose (*taṣarruf*) is a precondition for the validity of a gift (Linant 1973: 327).

¹⁰⁶ Another condition for the validity of a gift is the authorization extended by the donor to the donee to take possession of the donated object (Linant 1973: 361).

received” (*qabiltu*).¹⁰⁷ The donor relinquished a third of his estate; the ownership, rights and physical possession of a third of his estate passed to his son’s son, *dhimmī* Ḥasan Sālim, [as] a donation which may not be returned and from which nothing may be extracted.¹⁰⁸ [The document was written] on the date: the month of Rajab “The Pouring” (*al-aṣabb*),¹⁰⁹ year thirteen hundred and forty five—the year 1345—in the presence of those who testified: the son¹¹⁰ Šāliḥ ‘Abd [Allā]h al-Manṣūb and Muḥammad Nājī Yaḥyā al-Sumayrī and Khālīd Mānī‘ al-Sumayrī and others. Allāh is a sufficient witness.

[Top right corner:]¹¹¹

In the name of Allāh

This is the script of ‘Abd [Allā]h Muḥammad al-Manṣūb whose script and person are known to me, concerning the conditions of the apportionment [and] relating to the donation that must be considered lawful. [Written] on its date: Rajab, year 1345.

[Signature:] ‘Abd Allāh Ismā‘īl al-Jalāl¹¹²

This is a puzzling composition. On the one hand, unequivocal terminology constituting declaration of offer, acceptance and taking of possession indicate that a *shar‘ī* gift (*hiba*) had been bestowed.¹¹³ On the other hand, additional features suggest that no immediate transfer of ownership was intended. First, although a gift is not limited in size,¹¹⁴ this one was structured as an order of bequest (*waṣīyya*): up to one third of the estate only may be bequeathed, and no bequest to *shar‘ī* heirs is permitted.¹¹⁵ Yaḥyā here “donates” a third of his

¹⁰⁷ *Ījāb* (offer) and *qabūl* (acceptance) are two of the three requisites validating a contract, the third being the taking of possession (*qabd/yad*) (Nawawī 1883:193, 195; al-Sayāghī 1348[*h*]: 381, 383), which is twice mentioned in this document.

¹⁰⁸ In principle, a donation is irrevocable (Linant 1973: 388; al-Sayāghī 1348[*h*]: 384). One exception to this rule according to the Shāfi‘is is the gift to a grandchild (Linant 1973: 406).

¹⁰⁹ This epithet is said to relate to God’s bestowal of mercy upon his servants during the month of Rajab (consult Kister 1971: 200).

¹¹⁰ The use here of the term *walad* particularly becomes Šāliḥ ‘Abd Allāh al-Manṣūb, in that he seems to have been the son of our functionary, ‘Abd Allāh Muḥammad al-Manṣūb.

¹¹¹ The following passage is an attestation as to the identity of the functionary, added by a personality who must have been more widely acknowledged than the writer himself. Messick (1990: 70) explains that “Documents seem to stand alone as pieces of evidence, only because of the judge’s intimate acquaintance with the local men who produce them.”

¹¹² B.Z.G. 136, from January–February, 1927.

¹¹³ See Linant 1973: 319–320; 359.

¹¹⁴ Nawawī 1883: 194; Linant 1973: 356.

¹¹⁵ Coulson 1971: 213–214.

estate to his son's son, Ḥasan, who is not a *sharʿī* heir. Second, use is made of the term *mukhallaf*, estate. Third, while the nature of a gift must be precisely designated,¹¹⁶ here the relevant “donated” third is *not* depicted. This hybrid of a *hiba* and a *waṣīyya* demands explanation.

Had it not been for his past experience, Yaḥyā presumably would have preferred drafting a Jewish bequest, according to which an entire estate *can* be apportioned by the praepositus—and during his lifetime—and in which the praepositus retains the right to the fruits of the property until his death.¹¹⁷ Could Yaḥyā be using Islamic terminology to accommodate the Jewish notion of bequest? According to this possibility, this Islamic document defies a single *sharʿī* definition because it reflects the *rabbinic* idea of bequest, which offers the testator, in a manner of speaking, the best of both worlds.¹¹⁸ This explanation, which views the hybrid document as a single substantive statement, is however self-defeating: a *sharʿī* court could not be expected to carry out such broad instructions.

A more plausible explanation views the document as having been drafted to deal with either of two possible situations which might arise following the death of the praepositus. In scenario number one, the apportionment functionary is (or might be paid to be) sympathetic to the patriarchal ideal. Such an individual could accept the fiction presented in the first part of the document that ownership of the property reverted to Ḥasan Sālim prior to the praepositus' death, and he may allow this portion of Yaḥyā Sālim's property not to appear as part of the apportionable estate. In other words: having prepared this document Yaḥyā Sālim's *sharʿī* right to bequeath up to a third of his estate remained unused and he could now go on to make additional dispositions. In the alternative future scenario, by contrast, the estate is apportioned by a “*sharʿī*-oriented,” government-affiliated functionary such as al-Shāmī. The *hiba* is not allowed because the property had never in actual fact reverted to Ḥasan Sālim, despite the wording of the document. Here the second part of the document would come into play, and the document, made out within

¹¹⁶ Linant 1973: 346.

¹¹⁷ Caro 1993; 664 (= *Shulḥan ʿArukh*, *Hōshen Mishpat*, 257:1).

¹¹⁸ The expertise of Jews applying to Muslim courts in couching Jewish legal theory in Islamic terms is also discernible in divorce settlements drafted in majority courts (consult Hollander 1995a: 6).

the limits of a third of the estate and not to a legal heir, could serve as a *shar‘ī* bequest.

This, more plausible explanation is inspired by a ruling attributed to Imām Yaḥyā himself. *Ikhtiyārāt* (“choices”) are legal rulings on issues which demanded attention because of their gravity and recurrence, issued by the Zaydī Imām and sent out to his appointed *shar‘a* judges for them to enforce.¹¹⁹ Twenty-two of Imām Yaḥyā’s *ikhtiyārāt* were published in 1937 by Qāḍī ‘Abd Allāh b. ‘Abd al-Wahhāb al-Shamāḥī, and among them is the following:

The right of commoners (*a‘wām*) to dispose [of their property] by way of donation [exists] within [the limits of] a third, taking effect after their death. For when disposal by the donee is not fully implemented and concluded with the cognizance of the donor, this is an opening for denial.¹²⁰

Al-Shamāḥī explains in his comments on this *ikhtiyār* that unless the donee had actually assumed full ownership on the spot, anything commoners dispose of during their lifetime, worded in terms of an irrevocable undertaking (*nadhr*), donation (*hiba*), charitable endowment (*waqf*), or transfer of ownership (*tamlīk*), shall be treated as a bequest (*waṣīyya*).¹²¹ Thus it is possible that the hopes of Yaḥyā Sālim al-Maddār, as suggested above in scenario number one, mirror a wider trend. As a result of the renewed enforcement of *shar‘a* principles in such areas as rural Lower Yemen, it may be that cases of unexecuted *hibas* began to surface in increasing numbers of estate apportionments. Accommodating these dispositions served to enhance the shares of some legal heirs, or—from the imām’s perspective—to “deny” or reduce the *shar‘ī* shares of other, presumably weaker heirs. Imām Yaḥyā may have been targeting this trend with his *ikhtiyār*.

1940

Which of the two scenarios developed following the death of Yaḥyā Sālim: who apportioned the estate and did he sustain Imām Yaḥyā’s ruling? The apportionment event is revealed by the three final documents of our Maddār series: the *farz* pertaining to Yaḥyā Sālim’s

¹¹⁹ On Imām Yaḥyā’s *ikhtiyārāt* see Haykel 2003: 202–206.

¹²⁰ al-Shamāḥī 1356[*h*]: 44.

¹²¹ al-Shamāḥī 1356[*h*]: 44–45.

son, Sālim,¹²² that of the grandson, Ḥasan Sālim,¹²³ and that of one of four daughters, Ḥamāma.¹²⁴ Conducting the division of Yahyā's estate (the *mutawallī al-qisma*) in 1940 was Sayyid Aḥmad b. Aḥmad al-Sufyānī, whose *sharʿī* apportionment work appears in Nājī Ṭāhir's 1941 *faṣl* and whose mediation of the authority of the Qaḍā' Ibb *ḥākim* is reflected in the 1938 arbitration document. If Nājī Ṭāhir's *faṣl* prepared by al-Sufyānī does not mention government, the three Maddār *furūz* are direct on this point: the heirs select al-Sufyānī to perform the apportionment, but this choice was made, also, "according to the order of the *ḥākim* of Qaḍā' Ibb, Sayyid Ismāʿīl Ibn 'Abd al-Raḥmān."¹²⁵

Unsurprisingly, al-Sufyānī treated the 1927 hybrid not as a *hiba* but as a bequest. Furthermore, as is clear from the following selections from the *furūz*, he did not accord Ḥasan the bequeathed third in its entirety:¹²⁵

After initially removing the death-related provisions (*jihaz al-mawt*) from the total (*rā's al-tarika*), we first extracted the donated third and subtracted from this third the *waqf* as well as what relates to the renovation of the synagogue, in keeping with their [= the heirs'] acknowledgment of the will (*waṣīyya*) and [our] recognition of the *hiba* document (*wahbiyya*) written in the handwriting and signature of the learned Faqīh 'Abd Allāh al-Manṣūb of Ḥisl village and [of] its witnesses, dated the month of Rajab, year 1345.¹²⁷ Allocated as *waqf* are the *tōra* scroll (*al-sīfar*), worth thirty-five *riyāls*, a large book worth fifteen *riyāls* and seven *riyāls* for synagogue renovation. What remains of the third is allocated to *dhimmī* Ḥasan Sālim . . .

Farther down in the *furūz* al-Sufyānī substantiated his decision:

Regarding rights of disposal (*taṣarruf*) as per the *hiba* and the *waqf*, and [regarding] work in the synagogue: these shall be [considered] legally valid only within the [limits of the] third, not beyond [this limit]. [Such] disposal [would represent] an occurrence which

¹²² B.Z.G. 301, from March-April, 1940.

¹²³ B.Z.G. 320, from March-April, 1940.

¹²⁴ B.Z.G. 304, from March-April, 1940.

¹²⁵ B.Z.G. 301, B.Z.G. 304, B.Z.G. 320.

¹²⁶ I have used B.Z.G. 320, Ḥasan Sālim's *farz*, for the following two translated passages (lines 15–21 and 33–36 in that document), but all three *furūz* contain these clauses.

¹²⁷ This of course is the hybrid document transcribed above.

does not correspond to the *shar‘ī* principle (*ghayr munāsib li’l-wajh al-shar‘ī*). The deceased retains [directorship rights over] one third only, and anything above this is valid only upon approval by the heirs.

In his quest to mitigate the anticipated impact on his estate of the *shar‘ī* norm, Yaḥyā Sālīm had appealed therefore not only to the *shar‘ī* devices of *hiba* and *waṣīyya* but also to that of *waqf*; why he may have allowed himself to surpass the bequeathable third has been suggested in our second explanation of the hybrid *hiba*. Al-Sufyānī, for his part, facing a *hiba* as well as a *waṣīyya* and a *waqf*, acted in full accord with the instructions issued by Imām Yaḥyā to his *shar‘ī* judges, as published by al-Shamāḥī in 1937.

Consideration of the substance of the three *furūz* continues and a comparison between the shares listed in them reveals that each item of property was surgically dissected into the appropriate *shar‘ī* shares: a third to the grandson, two ninths for the son, one ninth for the daughter.¹²⁸ Three houses were sectioned, with each section regarded as a separate divisible item. Other items or classes of property undergoing apportionment were a demolished structure, a field, a shop, the area surrounding the houses and the silos beneath them, movables and animals.¹²⁹ There is one item however—a sum of cash—which appears on the *furūz* of the son and daughter but does not appear on that of the grandson; presumably, this vacancy represents the value of the *waqf* detracted from the bequeathable third.¹³⁰

¹²⁸ The Maddār cache contains three of the six *furūz*: the grandson’s, the son’s and that of a daughter. These three documents represent all variations in the *furūz*, as the four daughters were eligible for similar shares.

¹²⁹ While in the case of Ṭāhīr Muthannā’s heirs the edifices remained under joint ownership, in the case of the heirs of Yaḥyā Sālīm each building was divided into separately owned shares, similar to the apportionment of agricultural land in both events. Al-Sufyānī must have had practical reasons for his decision in either case: perhaps he was following preferences expressed by the heirs themselves; or, perhaps he used this leeway to control the direction in which he wanted power relationships to proceed within each of the families.

¹³⁰ In the absence of post-1940 Maddār documents, a conclusive picture of the way the property was divided in practice is evasive here—in contrast to the 1903 and 1925 allocation and re-allocation of Sālīm Maddār’s estate: there the document sequence supplies ample evidence that several of the functionaries’ rulings had not been carried out (Hollander 1994: 140).

V. *Interim Conclusion*

Having observed the identities, sources of authority, and substantive leanings of document experts in a series of Muslim and Jewish estate apportionment events, and keeping in mind that the documents that have been considered do not disclose how the instructions contained in them were carried out, it is time to take stock of what may be learned from the exercise. The *fuṣūl* are symptomatic of a change in the manner in which religious authority was discharged in the al-‘Adhārib *‘uzla*; while earlier agreements were not supportive of *shar‘ī* principles, new, *shar‘ī* “oriented” agreements and verdicts mirror the gaining of ground by the centralizing Islamic polity. A specific date cannot be set for this shift: it occurred over the 1920s and 1930s, the first two decades of Mutawakkilite rule in Lower Yemen. One individual—a local *sayyid*, Aḥmad b. Aḥmad al-Sufyānī—emerges as the pinnacle of a new Bilād al-‘Adhārib hierarchy, linking government to the rural population through his association with Islamic law. But although his authority rested on a commonality of interests with the central government, his mediation also helped buffer the locals from direct contact with the center and its officials.

The rearrangement affected members of both religious denominations within al-‘Adhārib’s society. It affected, on the one hand, both Muslim and Jewish document experts: Munīfī shaykh, Jalāl *qāḍī*, Shabbābī *faqīh* and Maddār *morī*—all had participated as document experts within the existing system; now, through no action on their own part, the rungs were being rearranged beneath their feet. According to Shaykh Muḥammad ‘Abd al-Qawī al-Shu‘aybī, Nājī Muḥsin al-Shabbābī provided rivals with conflicting documents because he was penniless or hungry. But it stands to reason that one explanation for his financial plight was precisely that his documents were proving to be so little honored. With the “*shar‘ī*-oriented” al-Sufyānī enjoying government support, there may not have been enough work to go round to support all the Shabbābī *faqīhs* and Jalāl *qāḍīs* in the village.

On the other hand, the rearrangement affected the hopes and expectations of heirs, both Muslim and Jewish. Yaḥyā Sālim’s case epitomizes this: the wiser from his own experience, Yaḥyā had adapted to the change he had witnessed—the new accessibility of a government *ḥākim*—by pressing into service the classic devices by which Muslims outflanked their own laws of inheritance. There was no way back: following his own death, his heirs found themselves subjected

to meticulous instruction as to what these *shar‘ī* principles permitted them to do. Returning to Goitein’s remark that rural Jews and Muslims were drawn together in the face of increased government interference with tribal law,¹³¹ I do not know that Maddār and Munīfī experienced a feeling of being “drawn together;” and the patriarchal ideal being interfered with here may more appropriately be termed “local practice” or “local custom” than “tribal law.” Yet in essence Goitein’s point stands substantiated: the tandem consideration of Maddār and Munīfī documentation has suggested strongly that both families were subjected to an experience which was inter-confessional.

While the Jewish document expert, *praepositus* and heir faced similar challenges as their Muslim counterparts, there exists a significant difference between their experiences. This is best illustrated by recalling Mundy’s conception that there was among the rural population no positively defined, ideologically substantiated alternative to the *shar‘ī* system; for unlike his Muslim counterparts, Yaḥyā Sālim Maddār in his departure from local custom was not leaving an undefined system nor was he approaching the religious ideals of his denomination. The reverse was the case: behavior deemed improper in terms of Islamic law was quite compatible with Jewish law, which enshrined the patriarchal ideal with regard to property devolution; females never share in an inheritance with a male, and the firstborn is granted twice the share of any of his brothers. Nor, as described, does the Jewish bequest entail the restrictions which limited the Muslim *praepositus*: an entire estate may be willed (not just one-third); and not only to persons who are not legal heirs but to anyone at all, first-born son included. There is, further, the issue of communal autonomy. Jews under Islam are accorded autonomy in jurisdictional matters insofar as no Muslim is involved in the litigation,¹³² and this principle was in fact acknowledged by Imām Yaḥyā.¹³³ Marginalization of the Maddār *morī* marked the waning of this autonomy in al-‘Adhārib.

The safe place of al-‘Adhārib’s Jews involved legal substance and judicial autonomy; it was where *faqīhs* and *qāḍīs* were on hand, willing to couch in the appropriate legal terminology—for love or for

¹³¹ Goitein 1955: 16–17.

¹³² Schacht 1964: 133.

¹³³ Tobi 1976: 106, 109–10.

money—most any personal request; where such functionaries would drop by for surreptitious repasts. As the Judeo-Muslim concourse in Lower Yemen entered what was to be its final decade, this safe place had become increasingly pressed. But as suggested this major difference between the situations of the Maddārs and the Munīfis concerns the meaning of the experience, not its matter.

*

In this chapter I attempted to imagine the status of the Munīfis under Imām Yaḥyā's centralizing rule as it may have seemed to local onlookers. In the process I examined the Munīfis' displacement from their dominant temporal status in the extreme tip of Nāḥiyat Ba'dān. I also pointed out how, on the heels of this setback, an alliance between the government authority and a local *sayyid* marked a change in the manner in which religious authority was dispensed in the locale. Illustrating this in particular was the narrowing of the options previously available to the Munīfis, and to other residents of Bilād al-ʿAdhārib, with regard to the devolution of property. It is time now to consider the negotiations between these retrogressing *mashāyikh* and the newly prominent *dhimmī* grainstorers and to define the understandings underlying them.

CHAPTER NINE

THE BRINK OF DHIMMA: NEGOTIATING WITH THE BANĪ AL-MUNĪFĪ OF BILĀD AL-‘ADHĀRIB

I. *Introduction*

At the outset of Chapter Eight I drew attention to the disharmony between the Dwayds' status in practice as well-to-do grainstorers and their subordination in theory as tribute-paying *dhimmīs*. Later in that chapter, our appreciation of Munīfī regression and government accessibility only accentuated this contrast. It would stand to reason against this background that the Dwayd grainstorers should have been able to recover any debts owed by the Munīfīs more easily than if they were facing more authoritative *mashāyikh*. Yet the Dwayd document cache harbors an apparent enigma in this regard. Documents such as the assault testimonial appearing at the beginning of Chapter Eight disclose that as witnesses and scribes the Munīfīs facilitated the smooth management by the Dwayds of legalistic activities within and around the plateau. Other documents—Munīfī acknowledgments of debts—show that the Dwayds, as grainstorers, figured significantly within the Munīfī household economy. Neatly reciprocal as this may appear, the very same deeds of debt also signal that these were somewhat bittersweet relationships: since such documentation was normally returned to the debtor upon repayment, the deeds remaining in the Dwayd cache highlight debts which for years remained unpaid. Furthermore, despite the existence of unpaid debts over extended periods of time, there can be found in the Dwayd cache not a single document relating to Dwayd-Munīfī legal adjudication. The task at hand is therefore, first, to determine whether the enigma is real or imagined—did the Munīfīs indeed regularly neglect debt repayment? If the suspicions prove to be warranted, additional questions need to be answered. Why, then, was the Dwayd cache void of documents indicating arbitration with these *mashāyikh*? What negotiated understandings supported this brand of reciprocity? Can such understandings explain the support granted Yaḥyā Ḥayyim by Muqbil ‘Abd Allāh in the summer 1948 assault testimonial?

Before examining more closely the Dwayd-Munīf relationship—the purpose of the present chapter—two methodological issues need to be addressed. First: the absence of documents of arbitration advances narrative as the main source material for this particular inquiry—in contrast to our Maddār exercise, where documents took center stage. Also unlike the documents and narratives referred to in the previous chapter, here the episodes depicted in the narratives directly touch on our topic of inquiry: the Munīf-Dwayd relationship. For these reasons the narrated episodes are presented in full; to limit instances of redundancy, I have relegated elaborative departures from the main story to the footnotes.

A second point concerns the yearly headings under which the narratives appear. We will be looking at relationships built around the movement of grain and grain-related finances; it was the main autumn harvest which marked at the same time both the end of a lapsed year's relationship and the beginning of a new year's relationship. If, when examining *jizya* collection, I highlighted the *hijrī* year as a heading to help manage information, here I have arranged the narratives around the yearly grainstorage cycle. The heading 1934–35, for example, refers to the year beginning in the autumn 1934 harvest and ending in the harvest of autumn 1935.¹ This framework may serve to draw us closer to the perspectives of the players themselves; and, it helps explain why there are only six narrated episodes. For while the points of contact between a grainstorer and a farmer or landowner were regular, they were at the same time numbered.² During the course of a year, four occasions for such contacts could be foreseen: the use by farmers and landowners of storage facilities following the harvest; the borrowing of grain and cash which commences as private stores begin to dwindle, typically some months following the autumn harvest, but sometimes—in bad years—during the harvest itself; the integrated inventory of the year's repayable debts in late summer; and debt payment, typically occurring upon the new harvest unless another date was specified. It should also be noted that the opening of a silo between harvests was not a casual

¹ The fall harvest, it should be noted, was that of cereal grains from unirrigated plots. There were other harvests at various times during the year.

² The systematic nature of this cycle in which debts were listed once a year may explain how it was that debt size and type were registered in the grainstorer's memory as clearly as they were.

occurrence but was an event announced ahead of time so as to allow persons wishing to draw or deposit grain to prepare for the day.

A final preliminary clarification is in order regarding the positioning of documentation within the narrative sequence. As mentioned, incidental, non-adjudicational documentation reflecting Dwayd-Munīfī contact does not function here as a major conveyor of detail.³ It nevertheless performs an important function in the sequence to follow: it is when such allusions as do occur in these documents are positioned amongst the narrated events that the peculiar complexity of the Dwayd-Munīfī relationship can be more fully appreciated. Thus we begin our inquiry, not with a narrative but rather with information imparted by a document from the Dwayd cache in which two Munīfī brothers make an appearance.

II. *The Dwayd-Munīfī Equilibrium*

1934–35

Early in the summer of 1935 Ḥayyim Mīshā Dwayd and a certain ‘Alī Muḥammad al-‘Abbādī documented the pawning of half of a plot named “Maqlid” as a security deposit pending ‘Alī Muḥammad’s repayment of a debt amounting to fifteen *riyāls*. To prepare the document they engaged Muqbil ‘Abd Allāh al-Munīfī; and Muqbil’s brother, Nājī ‘Abd Allāh al-Munīfī, was one of the witnesses.⁴ Muqbil and Nājī—Muqbil in particular—appear here as facilitators enabling one of Ḥayyim Mīshā’s financial interactions to proceed. That year, Muqbil himself entertained a debt of comparable size, as will soon be seen. Come autumn harvest, the time for repayment had arrived; this is how Yaḥyā Ḥayyim recalled the occasion:

Narrative “a”⁵

[The following concerns] Muqbil ‘Abd Allāh Ḥasan Muthannā Aḥmad al-Munīfī, who lives in the village of Ubāla, Bilād al-‘Adhārib, [Nāḥiyat] Ba‘dān, Qaḍā’ Ibb.

³ Testimonials, the *raison d’être* of which is exposition of detail, are one exception to this rule.

⁴ B.Z.G. 232, from Ṣafar 1354*h* (May 5–June 3, 1935).

⁵ Yaḥyā Ḥayyim Dwayd, /N.S. 6.

During the year [thirteen hundred and] fifty-four⁶ he borrowed from my father three *aqdāḥ* of grain, eight *riyāls*, two *raṭls* of clarified butter (*samn*) and eight bullet cartridges. He took these [on his] noble [word of honor] (*nabāla*), as a loan (*‘āra*).⁷

In the harvest month (*shahr al-khayr*) of that year he directed Mus‘id Muḥsin Munīfī, [who was] his sharecropper (*sharīk*) [farming] the land [named] “al-Mi‘yan,” to transport the landowner’s share (*dimān*) to our silo.⁸ Now Mus‘id Muḥsin brought the grain (*ṭa‘ām*) on Friday, at the time of the afternoon prayer (*waqt al-‘aṣr*); but we do not measure (*nukīl*) [grain] on the Sabbath day (*yawm al-Shabbath*), and it was [then already] late afternoon (*zeman minḥa*), approximately [the onset of] Sabbath. I told him to lay the grain (*ḥabb*) on top of the silo until the eve of Sunday [at which time] we would measure and [formally] take possession of it. He left it; and on the Sabbath day he went and told Muqbil ‘Abd Allāh: “The Jew did not consent to measure the grain—he said it’s [the day of] rest (*sabt*).”

“Do not further allow him to process the grain,” [Muqbil] told him. “Leave it [there] till Sunday morning, and transfer it (*wa-suktumeh*) to Sālim Yehūda Maddār [in] al-‘Adhārib.” For [Sālim Yehūda] was a grainstorer.

On Sunday morning as they were in the process of loading the grain onto donkeys [in order] to transport it to al-‘Adhārib, [Muqbil’s] brother, Muḥammad ‘Abd Allāh al-Munīfī,⁹ appeared and said to his brother: “Leave this grain in my name; I shall thresh (*albuḡ*) [my own] crop (*ghilla*) and transport its equivalent on your behalf to al-‘Adhārib.”¹⁰

[Muqbil] left it and we measured it in the name of his brother.

He never repaid us his debt (*mā barrajnāsh*); and [consequently] we gave him nothing more. And he saw that we no longer consented to lend him [as before]. [But] because he was oppressive (*meyṣer*) we most certainly did not complain about him nor did we speak to him [about the matter]. For he was a gluttonous man and a killer (*hōregh nefesh*)—he had already killed a slave (*‘abd*).

This narrative begins to answer one of our puzzles. The Dwayd cache is silent in terms of documents of adjudication because the Dwayds—Yaḥyā Ḥayyim in this case—were simply frightened for

⁶ April 5, 1935–March 23, 1936.

⁷ *‘Ara*: possession of the use of a thing without giving anything in exchange (Lane 1968: 2195). This seems to indicate that no security document was deposited.

⁸ And thereby, perhaps, return the year’s debt.

⁹ According to Yaḥyā Ḥayyim, Muḥammad ‘Abd Allāh was one of the three robbers of the group of departing Jews who passed through al-Maqhāya in 1944 (Yaḥyā Ḥayyim Dwayd, N.S. 55:2; see above, Chapter Seven, section II).

¹⁰ It appears that Muḥammad at that time was actually living in al-Maqhāya. See forthcoming narrative (Narrative “b”).

their lives. Not only did Yahyā fail to apply to adjudication; he did not further raise the issue before Muqbil ‘Abd Allāh himself. Yet Yahyā and his father were not entirely muted and negotiation was taking place. From that moment on, Yahyā implies, the Dwayds formalized the grain-storage relationship with Muqbil ‘Abd Allāh. No longer did they provide loans as before—in return for no more than Muqbil’s word of honor, as may have been the case in the previous year or two. Collateral would now be demanded as security.

1935–36

Muqbil ‘Abd Allāh’s reaction to the Dwayd deferral of storage activity that Friday afternoon in autumn of 1935 did not necessarily signify a cessation of grain-depositing activity even during that same harvest season. The fact that the alternative to storing grain by the Dwayds was to store it by Sālim Yehūda Maddār in al-‘Adhārib, beyond Jabal Shihāt, suggests that Muqbil ‘Abd Allāh considered few other storage options on the col itself. Whether or not Muqbil deposited grain in the Dwayd silos that year, however, documentation continues to present him as facilitator, enabling Dwayd financial activity within the domain. Early in the summer of 1936¹¹ Muqbil ‘Abd Allāh was involved in the forwarding by Shaykh Qasim b. Qāsim al-Ḥayqī to Ḥayyim Mīshā of a portion of “Shāqat al-‘Awḍī” valued at twenty *riyāls*, transferred to Ḥayyim by Shaykh Qāsim to cover part of his son-in-law’s debt.¹² In this particular case Muqbil ‘Abd Allāh dons the cloak of integrity (*‘adāla*), as one of the two “chosen appraisers” (*al-‘adlayn al-mukhtārayn*) who assessed the value of the land (both of whom doubled as witnesses for the document).¹³

Muqbil’s brother Muḥammad certainly used the Dwayd facilities during the autumn 1935 harvest, as Yahyā’s narrative indicates, and it may safely be assumed that during the year following that harvest he visited the Dwayds on matters of business, drawing on this

¹¹ Rabī‘ II, 1355*h* (June 21–July 19, 1936).

¹² Undesignated (4). For Yahyā Ḥayyim’s comments on the document see Chapter Four, section III.

¹³ *wa-kāna ‘adl al-thaman fī al-ṭaraf al-madhkūra bi-ma’rifat al-‘adlayn al-mukhtārayn wa-humā Muqbil ‘Abd Allāh al-Munīfī wa-Khālīd Muḥammad al-Fīl ḥasb al-ikhtiyār li’l-‘adlayn min Qāsim b. Qāsim al-Ḥayqī wa-min al-dhimmi Ḥayyim Mīshā al-mushtarī li’l-ṭaraf al-madhkūr.* Whether or not Muqbil was selected personally by Ḥayyim Mīshā is unclear; either way, Muqbil remains an “enabling appendage.”

credit of deposited grain. But the Dwayds had reason to believe that Muḥammad's visits were not always overt: sometime that year, according to Yaḥyā Ḥayyim, Muḥammad returned clandestinely to the Dwayd silos. He was joined by his brother Nājī (who had witnessed the pawning of "Maqlid") and by a man from outside the col whose sister had married into the Wāṣil family of Ubāla village. As had been the case with Muqbil's standing debt, again the Dwayds would suppress their reaction.

Narrative "b"¹⁴

During the early summer harvest season (*qiyād*) of the year [thirteen hundred and] fifty-four I stored maize (*shām*) in the hilltop silo (*madfan al-ʿakad*), [which is situated] to the east of the sheep enclosure (*zarība*) belonging to ʿAbd Allah Saʿīd al-Qaḥṭānī, [who was] the garrison officer (*raṭīb*)¹⁵ in al-Maqhāya village, subordinate to al-Shuʿaybī.¹⁶ At that [period of] time, Muḥammad ʿAbd Allah Muqbil Ḥasan Muthannā Munīf[ī] left al-Ḥudayda village, Bilād al-ʿAdhārib, [and moved] to our [village]; and dwelled in a house [situated] below the aforementioned silo, in the southern quarter, which is inhabited by *qabāʿil*.

He, his brother Nājī and Muḥammad Hamādī ʿĀmir conspired and opened the aforementioned silo [one] Sabbath eve. Now we had already removed from this silo half of [what] it [contained]. They opened it at the beginning of the night and left it [open] until it cooled down, about half the night.¹⁷ [Then] they filched the grain to Muḥammad ʿAbd Allah al-Munīf's house, returning the dirt [into place over the cover]; but [before doing so] they did not mortar [with clay] the stone silo-opening cover (*lijāʿa*).¹⁸

Four days later we received some cash from grain-traders (*masāʿireh*), and we sent the grain removal expert (*mukharrij*) to open the silo.¹⁹ He

¹⁴ Yaḥyā Ḥayyim Dwayd, /N.S. 8.

¹⁵ A sheriff-like, one-man garrison.

¹⁶ Yaḥyā explains: "This silo is the one hewn by Ḥasan Abraham Sālim Yaḥyā Dwayd, who was the son of my father's paternal uncle. [Ḥasan] had died without sons—he had daughters only, and following his death my father stored in it."

¹⁷ This, presumably, was Yaḥyā Ḥayyim's assumption based on his knowledge that one cannot enter a silo immediately after its opening because of the gasses it contained. At the same time it would be unwise for prospective pilferers to linger beside the silo until the gas dissipated.

¹⁸ Yaḥyā provides examples of the uses of the verb *lāj* in the context of silo sealing: "[*lijāʿa* is sometimes referred to as] *malāj*. It would be said: '*lajjīʿū al-madfan!*' ('Seal the silo!'); one might say '*anta lajjaʿt al-madfan?*' ('have you sealed the silo?') to which the answer might be '*ghaʿ lajjaʿtū*' ('I've sealed it already')."

¹⁹ Yaḥyā explains: "Yaʿqūb Dwādī is the silo-opening expert (*al-boqī*). [An expert is needed:] for one who is not knowledgeable [may] remove [grain] from the middle, and whatever [grain] remains on the sides will [later] be spoiled, as it will stick [to the walls]."

came [to the silo] and hoed away the dirt until he reached the stone silo-cover; but no clay [sealant] remained [in place]. He called us from the house.

"[Come] look at the silo!" he said. "It is no longer the way I sealed it (*lajja'tūh*)!"

We went up [the hill] and looked at it, [then] called 'Abd Allāh Sa'īd [the *raṭīb*] from the citadel-home (*dār*) to come have a look.

He inspected it; "The silo has been filched," he said.

Then they [commenced] milling. That is, Muḥammad 'Abd Allāh's wife milled corn at her mother's place. We recognized the [type of] maize (*ṣīn* [*shām*]) but were unable to speak of it [with them]. We said [to ourselves], this is our grain (*ḥabb*). Later he carried the [unmilled] grain on a beast of burden and returned to his home in al-Ḥudayda.

When [eventually] the silo was emptied I completed the computation [of deposited and withdrawn grain] and arrived at a deficit of ten *aqdāḥ*.

Thus far the documentation and narratives suggest that between 1934 and 1936 the Dwayds experienced multifaceted relationships with two Munīfī brothers, Muqbil 'Abd Allāh and Muḥammad 'Abd Allāh. The relationships exist because of the Munīfīs' needs for financing and for a convenient place to store their harvested grain, on the one hand; and on the other, because of the Dwayds' need for locals who were able to serve as notaries. Concurrently, the relationship had a covert side; and the Dwayds, fearing for their lives, would refrain from speaking out when they felt wronged. But though they appear helpless in the face of Muḥammad's apparent deed, some unvoiced negotiation was in fact taking place with Muqbil. The Dwayd position was such that they were able to adjust the terms of future grainstorage operations so that Muqbil, at least, would find it more difficult not to honor his commitments.

1936–37

Late in the summer of 1937, Muqbil's brother, Nājī, involved himself once again in a sortie against the Dwayd facilities, according to Yaḥyā Ḥayyim. Muḥammad Ḥmādī 'Āmir, a veteran of Nājī 'Abd Allāh's previous Dwayd adventure, again joins the expedition. More interestingly, Nājī 'Abd Allāh was joined in the larceny by his and his brothers' rival over ownership of al-Ḥudayda, Nājī Ṭāhir al-Munīfī. It will be recalled that at this time precisely—from summer 1937 through June 1938—Sayyid Yaḥyā b. Yaḥyā al-Sufyānī of al-'Adhārib was attempting to settle the dispute between Muqbil and

his brethren and Nājī Ṭāhir al-Munīfī over ownership of al-Ḥudayda village; and it may be assumed that the dispute itself predated al-Sufyānī's 1937 involvement. Yaḥyā's narrative serves to illustrate still more the two-sided relationship between these Munīfī kinsmen.

Narrative "c"²⁰

During the autumn harvest (*surāb*) of the year [thirteen hundred and] fifty-six²¹ I stored in that silo²² white sorghum (*dhura qufay'ī*) from the Ḥabīl al-Sūq watercourse (*ghayl*). We had already "necked" (*rakkabnā*) the silo²³ and removed from it twelve *qadaḥs*. Nājī 'Abd Allah Muqbil al-Munīfī, who lives in Ubāla village, Bilād al-'Adhārib; and Nājī Ṭāhir Muthannā al-Munīfī who lives in al-Ḥudayda village; and Muḥammad Ḥamādī 'Amir connived and opened the silo [one] Thursday night, stole grain, closed the stone cover and mortared it.²⁴

At daybreak "old Miryam" (a priestess [*koheneth*]) from al-Khiyāriyya and Ḥasan Abrāham's wife—the grandmother of my wife here—arose and found grain spilled (*mukharra'*) on top of the silo, on the platform (*mabṣaṭ*).²⁵ They²⁶ called us from the house and we went up [the hill to the silo]. We came and looked; and indeed, as they had been carrying the "disgrace" (*al-'yiyab*) [= the stolen grain] some grain had sprinkled down (*yistafakh*). The silo expert (*mukharrij*) came up and opened

²⁰ Yaḥyā Ḥayyim Dwayd, /N.S. 8. This is the immediate continuation of Narrative "b."

²¹ March 14, 1937–March 2, 1938.

²² This was the hilltop silo referred to in Narrative "b."

²³ Here Yaḥyā Ḥayyim proceeds to explain what silo "necking" entails: "[The term refers to when the storage experts] remove from [the silo] a certain amount at the start of the year. [In more detail:] if he knows the year was a good one and [that therefore the grain in the silo] would not be needed [during that year, then] they would remove a certain amount, and thus would it remain until the following year when he would top it up. There were flawless[, watertight] silos which would not rise (*mā tir'ash*) [and overflow] from the inside out. But silos which were not flawless would rise (*yir'ayn*), because the grain would swell (*tūrim*). [If "necking" were not performed, overflowing would occur, and it] would then [be necessary to] go and dry [the grain], and loss [would occur]. [The word could be used in an additional context:] there were silos in which the grain situated at the mouth (*bi-luqfiḥ*) would go bad (*yūghayyan*). [Then] it would be said: "Neck it!" [from the word] neck, [signifying that they should] remove the [spoiled grain in the] neck [of the silo]."

²⁴ Reading the previous note, it is clear why this particular silo should have been chosen by the pilferers: the year 1356*h* was obviously a good year, and that silo was not due to be opened for its duration. The grain would not be missed for many months, by which time it would have been sold, or milled and consumed.

²⁵ Yaḥyā Ḥayyim explains: "a platform is levelled on the left side for the measuring (*kāl*) of [grain] into the silo, because one is only able to pitch at a fast pace (*yihdhif*) towards the left side."

²⁶ Apparently the grandmother of Yaḥyā's wife was not alone.

the silo to see how much was missing from it—he recognizes this—and he said much had been stolen.

Šāliḥ ‘Abd Allah, the *raṭīb* in the castle home (*dār*),²⁷ and myself followed the track and the trail of grain—for grain by grain had dropped from them on the track. We followed [the trail] until we arrived at Ubāla village. Šāliḥ ‘Abd Allah stayed [outside the village,] next to the large boulder (*jaṣṣ*), at the head of “Beehive Field.”²⁸

The watchman, Qāsim Nāṣir Muqbil al-Munīfī, saw me (*laqīnī*) and asked me, “When is Nājī ‘Abd Allah al-Munīfī to get married? I saw them—he and Muḥammad Ḥmādī ‘Amīr—passing by me, heavily loaded (*mūqarīn*), at first light. I do not know what they had on them, *qāt*, or landowner’s share of grain (*ḥabb qisām*).”²⁹ [He asked this question] because Nājī ‘Abd Allah Muqbil had seduced (*nabbara*) a woman³⁰ . . . and now they were expecting the wedding.

Following what the watchman said to me I went up to the village and proclaimed, “People of Ubāla, know that my silo has been pilfered and the tracks lead to you[r village].”

Nājī Sirḥān answered me. “Ha!” he said. “Had I not said how [unusual] it was for Muḥammad Ḥmādī to have risen early in the morning to wash his hands in the pool of the mosque, plaster being on them yet?”

Having spoken to them I went up to the fortress (*ḥiṣn*), to al-Tām. He was asleep in the external parlor (*al-dīwān al-khārijī*)—there was a parlor outside the fortress. “The silo had been pilfered,” I said to him. “And the tracks have led us here.”³¹

“If Muḥammad Ḥmādī is here, the silo has truly been pilfered,” he replied to me. “For it has been half a month now that I have not seen him here.” He then went down with me to the village; and al-Tām saw Muḥammad Ḥmādī as he exited the house of Nājī Muḥammad Wāṣil (who is married to Muḥammad Ḥmādī’s sister), passed from the rooftop and entered the house of Nājī ‘Abd Allāh al-Munīfī. Al-Tām said to me: “It is he himself who has passed!”

Then he gathered the villagers (*raʿīyya*). “Now—what do you desire?” he said to me. “Choose one of three: [either] enjoin a search, God’s

²⁷ This was the son of ‘Abd Allāh Saʿīd, the former *raṭīb*, mentioned in Narrative “b.”

²⁸ Yaḥyā Ḥayyim elaborates: “Shaykh al-Tām employed a watchman over the hives, [positioned] above the track which led from *bīlād* al-Qabayleh ([which is to the east, in] the direction of al-Ḍālī). He contracted the watchman to guard [the hives so they] would not be stolen or the honey extracted from them. For [the honey] was inside hives of wood (wood in the shape of an [elongated] cube, hollow within like the [elongated] weed baskets [used as hives], but better than the weed baskets; they cost one and a half *riyāls* on account of the wood).”

²⁹ This indicates that this was the harvest season and that the theft occurred soon after the silo had been sealed for the year.

³⁰ Some nomenclatural specifics follow.

³¹ Both down in the village and up by al-Tām, Yaḥyā does not mention who he suspects were the perpetrators.

oath [by the accused] (*‘ahd Allāh*), or [appeal to] government [intervention] (*al-ḥukūma*)."

"The tracks end up by you[r village]," I replied. "I have a shaykh [of my own] who will press charges [on my behalf]; and if [he does] not, what could I desire? I am a weak Jew (*Yahūdī ḏa'īf*)."

Ṣāliḥ 'Abd Allah and I returned home. On Sunday, Ṣāliḥ 'Abd Allah and I went up to Shaykh Muḥammad 'Abd al-Qawī al-Shu'aybī to Ḥiṣn Munīf. We told him that the silo had been pilfered and [that] the tracks ended up in Ubāla village. He gave us a letter to [bring to] the people of al-Maqhāya, saying:

"It is your obligation to uncover the pilferers. If you do not—you yourselves are [to be considered] the pilferers."

And [he gave us another] letter to [bring to] Shaykh 'Abd al-Qādir al-Tām, saying:

"The Jew's silo has been pilfered, and the tracks end up by you[r village]. Clear tracks."

He sent us carrying the letter to al-Tām, who said he would respond to al-Shu'aybī.

Then they gathered the people of al-Maqhāya and Ubāla in the wasteland (*ṣalaba*) [between the villages]. This one said, "[the thieves are] in your [zone]" and the other said, "[the thieves are] in your [zone]." They could not identify the thieves.

Ten days later Nājī Ṭāhir came up to our house. "God help!" we said to him. "Bread and salt unite us;³² how is it that you acquiesce that we be robbed?"

"What will I get should I show you the grain?" he replied to us.

"You will get two *riyāls*," we said to him.

"So be it," he said. "Tomorrow morning come to my house."

My father and I went [as agreed]. We appeared with him before his paternal aunt and deposited (*sharraḥnā*) the two *riyāls* with his paternal aunt—the sister of his father—in our presence and his. "These two *riyāls* [stay] with you," we said to her. "We may return for them by noon. If [we do] not, give them to Nājī Ṭāhir."

We and he left (*ijlarraynā*) the village. He said to us, "The grain is in the house of Sa'īd 'Awwāḍ"—my maternal uncle. "In the Sabbath oven (*tābūn al-sabt*) and another oven, and [in] a chest (*saḥḥāra*) and [in] a leather grain receptacle (*ayba*)."

This was already after ten days [had passed since the theft]. We and [a group of] people entered the house of my maternal uncle Sa'īd, taking sacks (*gharā'ir*) [with us]. The grain was there just as he said. We measured the grain and arrived at [the sum of] six and a quarter *aqdāḥ*. We then transferred grain from the "Bāb al-Dār" silo to the pilfered silo. It received twenty-six *qadaḥs* of grain. Of this [amount],

³² *baynanā wa-baynak 'aysh wa-millh*.

twelve we [ourselves] had removed [when we “necked” the silo; so] fourteen had been stolen. Six and a quarter we [had] returned [to our possession, leaving] seven and three-quarters which had been carried away (*alladhī ṭāḥa*).

That same night we, the people of al-Maḡhāya and my maternal uncle Saʿīd, went before the shaykh [to Ḥiṣn] Munīf. The shaykh manacled my uncle Saʿīd and told him to identify the antagonist thieves (*al-ghuramāʾ al-suruq*) who brought the grain to his place. My uncle charged Nājī Ṭāhir, who had told us [of the grain’s whereabouts]. “He is the one who brought the grain to me,” he said.

[About] a month later al-Tām went up to al-Shuʿaybī seeking from him some money as a loan. Al-Shuʿaybī said [to him], “How is it that you acquiesce that robbers from your territory (*min bilādak*) come and pilfer in my territory?”

“These robbers are ruinous,” al-Tām responded. “They steal from us and eat it by you,” that is, in al-Maḡhāya, “and steal from you[r territory] and eat it by us.” Al-Tām [further] told al-Shuʿaybī, “Petition (*ifīʿ*) before the Commander (*amīr al-jaysh*) in Ibb regarding the people of the villages surrounding al-Maḡhāya—Ubāla, al-Ḥudayda and Jaḥfal—that soldiers be dispatched (*bīʾl-tanfīdh*) upon the three villages till they expose the devils.”³³

The petition arrived [in Ibb] and the *amīr al-jaysh* dispatched a soldier (*ʿaskarī*). The soldier came and the peasants (*raʿīyya*) of the three villages paid his fee (*ajjarūh*). Hastily they provisioned themselves and set out in order to enter Ibb and identify the devils.

Now the Banī al-Munīfī and Banī Wāṣil were frightened; for when I left al-Tām on that day [of the theft], Shaykh al-Tām had ordered that Muḥammad Ḥamādī ʿĀmir [alone], who is a forlorn [transient] (*jālīl*), be seized. But Nājī ʿAbbādī (ʿAbd Allah) is a local (*waṭanī*): he has a house and property. And brothers.³⁴ Nājī Muḥammad Wāṣil had provided a guarantee for (*kifīl ʿalā*) Muḥammad Ḥmādī, [who is] the husband of his sister (*nasīb*), and al-Tām had released him from jail. And [now,] as the *raʿīyya* set out to enter Ibb, Muḡbil ʿAbd Allah al-Munīfī on behalf of his brother [Nājī ʿAbd Allāh] and Aḥmad Muḥammad Wāṣil on behalf of his brother [Nājī Muḥammad Wāṣil], who had provided the guarantee for Muḥammad Ḥmādī ʿĀmir, went up to al-Shuʿaybī and appeased al-Shuʿaybī. Al-Shuʿaybī then wrote [new instructions] and sent messengers to turn back the *raʿīyya*: already the first ones were in al-Aḥbūsh; the intermediate ones [had reached] al-Jarshab, Bilād al-Jumʿī; and the last ones were still in Bilād al-Shuʿaybī al-ʿUlyā. [The messengers] turned them back in accordance with al-Shuʿaybī’s letters.

³³ This was Sayyid Yaḥyā b. Muḥammad ʿAbbās.

³⁴ And as such, had not been arrested along with ʿĀmir.

Nājī Ṭāhir, who had showed us the grain, became afraid [that] the family of (*uhlat*) Nājī ‘Abbādī and Nājī ‘Abbādī [himself] would most certainly kill him; he fled to al-Nmaṣ village, which is at the border between Bilād al-Shu‘aybī al-‘Ulyā and Bilād al-‘Adharib (it was once part of Bilād al-Jumā‘ī). He could not return [to his village]. Muḥsin Qā’id Qurrān of al-‘Adhārib went up to al-Shu‘aybī to seek a loan and happened upon (*haṣṣala*) Nājī Ṭāhir in al-Ghubayrā watercourse (*ghayl*). [Nājī] described (*awṣaf*) before him that he was fleeing and frightened of his kin the Banī al-Munīfī because of the silo robbery. “Follow me to al-Shu‘aybī,” that one said to him.

“We pilfered the silo,” [Nājī] said to al-Shu‘aybī. “And Ṣālih ‘Abd Allah Sa‘īd the *ratīb*, Ḥasan ‘Alī Mḥammad, Muthannā Muḥsin al-‘Abbādī and Sālim Sulaymān Maklabānī were aware (*dāriyyīn*) that we were robbing the silo, so that people would not say that the robbers can be only the Banī al-Munīfī.”³⁵

Shaykh al-Shu‘aybī dispatched to them a soldier and imprisoned the four in Munīf. Al-Shu‘aybī then prescribed a five riḡāl fine (*adab*) for each of the *qabā’il*. They paid and exited [jail]. But he said he wanted ten from Sālim Sulaymān, and only upon my guaranteeing (*bi-kafālatī*) the fine’s payment did he exit [jail]; he released him.

Then Sālim Sulaymān, Ḥasan Mūsā al-Duqma and I went and appealed (*nurājī‘*) to the shaykh about the fine which he prescribed for Sālim Sulaymān, [propounding] that he neither knew nor did he rob, but Nājī Ṭāhir lied about him. At that time al-Shu‘aybī was in Ḥabīl ‘Idāna, a village situated between Qaḍā’ Ibb and Bilād al-Jumā‘ī, repairing the conduit (*sāqīya*) of the watercourse (*ghayl*). Al-Shu‘aybī jailed me because I came to appeal.

“The [same] day the silo was pillaged [something might have been done],” he said. “But two days later [and beyond] can they perform a more comprehensive investigation than this?”

I paid the ten [*riḡāls*]; and [also] one and a half *riḡāls* [to cover] the jail lodging fee (*rasāma*) and the fee of the soldier who led me to jail.

The snapshots in this narrative of Shaykh Muḥammad ‘Abd al-Qawī, months before his dismissal from his position as *‘āmil* of Nāḥiyat al-Sabra, substantiate the picture composed in Chapters Four and Five. Shaykh Muḥammad’s authority—and its limits—are revealed in Yaḥyā Ḥayyim’s reliance on his patronage, in his epistle to Shaykh al-Tām, in his solicitation as providor of loans by shaykhs and farmers from beyond the borders of the *nāḥiya*, in his work on the watercourses

³⁵ What Yaḥyā Ḥayyim appears to be saying is that the Munīfīs engaged locals to divert attention from themselves.

beyond Bilād al-Shu‘aybī; and in his inability to chastize villagers east of al-Maqhāya. Here however we concern ourselves with the behavior of Yaḥyā Ḥayyim. Though he appears to swing into action, his steps became increasingly cautious: even as he suspects the identities of the pilferers, he refrains from mentioning their names; and when presented by the local shaykh with three options to choose from, he chose neither, reverting instead to his own shaykh. When standing before Shaykh Muḥammad, again he mentions no names.

Nājī Ṭāhir—one of the pilferers—was engaged, like his kinsmen, in a multifaceted relationship with the Dwayds. This was visible during his visit to the Dwayd home ten days after the theft: in the congeniality which characterizes the dialogue that took place at the time and in the next day’s reciprocal visit. But the narrative touches also on Nājī Ṭāhir’s relationship with his kinsmen: beginning with the coalition between Nājī ‘Abd Allāh and Nājī Ṭāhir—noteworthy in its own right in the light of their concurrent dispute over al-Ḥudayda—it ends with Nājī Ṭāhir fleeing for his life from Nājī ‘Abd Allāh and his brothers. Like the Dwayds, Nājī Ṭāhir pursued a multifaceted relationship with the Munīfī brothers, in which fear played a major part.

Nuances of character begin to take form; specifically, with regard to the two Munīfī antagonists over al-Ḥudayda: Muqbil ‘Abd Allāh and Nājī Ṭāhir. In approaching the Dwayds at their home, Nājī Ṭāhir brought into motion a process that was destined to end in the exposure of the culprits. The fact that he came forward at all points to his bad judgement; the fact he did so for a recompense of only two *riyāls* reveals two additional character traits: Nājī’s lack of pride in his lineage and of self-respect—and his lack of fluid assets; his flight to al-Nmaṣ could not have helped to regain the respect of the locals. Judging from the narratives soon to be considered, the Dwayds appear to have taken note of these signals.

By contrast, through his lobbying before Muḥammad ‘Abd al-Qawī al-Shu‘aybī on behalf of his brother Nājī ‘Abd Allāh, the narrative projects Muqbil ‘Abd Allāh as the senior of the Munīfī brethren. We know that the Ibb *ḥākim*, Ibn ‘Abd al-Raḥmān, was already involved in the Munīfī dispute over al-Ḥudayda, and that in June, 1938, he would impose a question-mark on Munīfī ownership prerogatives within the village. The urge felt by Muqbil ‘Abd Allāh to avert an Ibb-ordained government-level inquest at this time is therefore understandable. With just hours to spare, Muqbil manages to convince al-Shu‘aybī to turn back the villagers who were about to

incriminate his brother. This problem-solving trait attaches itself to our perception of Muqbil, suggested by the documents, as an enabling accessory for deals made in the domain.

1937–38

Despite the events of autumn 1937, the financial relationship between Nājī Ṭāhir and the Dwayds continued; and so did his two-sided relationship with his kinsmen. With the al-Ḥudayda dispute in full swing, Nājī Ṭāhir's fears of being done in may have been warranted: he had no brothers of his own to grant him protection (recall his 1941 *farz*). Yet when Nājī Ṭāhir again found himself in trouble with the government—for he was to spend time in the Ibb prison that year after all—it was to Muqbil 'Abd Allāh, the senior Munīfī brother, that he turned to help bail him out.

Narrative “d.1”³⁶

[The following concerns] Nājī Ṭāhir Muthannā Qāsim al-Munīfī, who lives in al-Ḥudayda village, Bilād al-ʿAdhārib, [Nāḥiyat] Baʿdān.

Following his father's death he became entitled to (*taʿayyana la-hu*) eighteen *qaṣabas* in the terrace (*ḥawl*) named “Dhī al-Ḍayḥ.”³⁷

During the year [thirteen hundred and] fifty-seven³⁸ he borrowed fourteen *riyāls* from my father, and listed [that debt in a document written] in the handwriting of Faqīh Nājī Muḥsin al-Shabbābī, who was the notary (*amīn al-sharīʿa*)—he would sign “*amīn al-sharīʿa al-muṭahhara*”³⁹—in al-ʿAdhārib. [The document specified] the harvest month (*shahr al-khayr*) [as the date of repayment]: should he pay it [at that time, fine]; if not, the sale of fourteen *qaṣabas* in the aforementioned terrace shall come into effect (*naffadha*).⁴⁰

The harvest arrived and he did not pay; nor did he come [as agreed] to execute (*yinaffidh*) the sale. I consequently submitted a complaint (*ashtakaytū*) about him to the Ibb *qadāʾ* judge (*ḥākim*) and [brought about the] dispatch upon him of a soldier.

[But] then he pilfered from a *qāt* paddock, and fled to the mountain. They went forth to catch him. He had a rifle and shot at a

³⁶ Yaḥyā Ḥayyim Dwayd, /Notebook in box 9.

³⁷ Nājī Ṭāhir's *faṣl*, from 1941, grants rights to nineteen *qaṣabas* in this terrace (B.Z.G. 312).

³⁸ March 3, 1938–February 20, 1939.

³⁹ Yaḥyā further explains, in Hebrew, in the margin: “he was the signatory” (*haya hōthem*).

⁴⁰ Of interest here is that Nājī Ṭāhir would only receive his *faṣl* from al-Sufyānī three years later, in 1941.

qabīlī—the bullet whistled between his thighs. They tied him up and imprisoned him in Ibb, in the al-Jalāliyya prison.

Then he wrote a document conferring agency (*ṣaṭṭar bi-wikāla*) to his relative (*ahīl*) Muqbil ‘Abd Allah al-Munīfī, [allowing him] to sell on his behalf the four remaining *qaṣabas*. Muqbil ‘Abd Allah came to us with the agency deed, and we purchased from him the four *qaṣabas* for four and a quarter *riyāls*. He wrote us [a document of sale] (*sajjal la-nā*) in his handwriting.

Then [Nājī Ṭāhir] was released from prison. My father went to Muqbil ‘Abd Allah [to discuss] the *qaṣabas*—all [of them]. [As a result of this discussion,] Nājī Ṭāhir leased (*ista’jar*) from us the four *qaṣabas* that [he had sold us], while the fourteen [other] *qaṣabas* [of the terrace] remained as collateral until he should repay [the debt].⁴¹ He paid us one-quarter of a *qadaḥ* [per] year as [landowners’] share (*ḍimān*) for [use of] the four *qaṣabas*.

Perspective can be derived from this narrative to enhance our view of the relationship between the Dwayds and Nājī Ṭāhir. It was not only from the Dwayds that Nājī Ṭāhir used to steal; and, Nājī Ṭāhir’s need for the four *riyāls* to bail himself out of prison indicates again his lack of cash reserves at that time.

The differences in character between Muqbil ‘Abd Allāh and Nājī Ṭāhir already observed are further established; but interesting also is the way these differences seem to have registered themselves in the Dwayds’ actions. First, the Dwayds set out in earnest to retrieve their debt from Nājī Ṭāhir; they felt able to deal directly with the Ibb *ḥākim*—and not through al-Tām the local shaykh—who dispatched a soldier on their behalf. This certainly had not been the case with regard to Muqbil’s unpaid debt (Narrative “a”). Second, Hayyim Mīshā was able to use Muqbil’s influence with Nājī Ṭāhir to ease the terms whereby Nājī Ṭāhir would be able to repay his debt and regain control of the fourteen pawned *qaṣabas*, as well as continue to utilize the four *qaṣabas* he had sold. In effect, the conditions specified in the document written by Faqīh Nājī Muḥsin al-Shabbābī were not to be implemented. We thus are provided with another reason why the Dwayd cache contains no documents of

⁴¹ Thus the negotiation resulted in an indefinite extension of the period in which Nājī Ṭāhir would be able to repay his debt of fourteen *riyāls* on the one hand, during which time the commensurate fourteen *qaṣabas* would remain as security. At the same time the Dwayds agreed that Nājī would be allowed to rent the other four *qaṣabas*.

adjudication. If with Muqbil ‘Abd Allāh this can be attributed to the Dwayds’ survival instinct, in Nājī Ṭāhir’s case adjudication was averted through compromise.

1939–40

The agreement between Muqbil ‘Abd Allāh and Ḥayyim Mīshā with regard to Nājī Ṭāhir’s debt and regarding the use of “Dhī al-Ḍayḥ” held for three years at the most; that episode was to continue in 1941–42. Meanwhile, Muqbil ‘Abd Allāh’s brethren continue to appear in Dwayd documentation as enabling accessories. In the spring of 1940, Nājī ‘Abd Allāh Muqbil al-Munīfī, one of the pilferers in Narratives “b” and “c,” appears as one of two witnesses before whom Muḥsin Ḥasan al-Sharafī assures Yaḥyā Ḥayyim that his sale of half a plot of land named “al-Ḥijfār” is legally sound.⁴² And in autumn that year, just before the harvest, Muḥammad ‘Abd Allāh al-Munīfī, who also participated in the pilfering recorded in Narrative “b,” witnesses a certain Nājī Muḥsin Muthannā Ḥasan’s debt to Ḥayyim Mīshā and his pawning of “Shi‘bat Ṣbīḥ,” Wādī Ḥashaba, as security for repayment.⁴³

1941–42

As mentioned, the agreement brokered by Muqbil ‘Abd Allāh between Nājī Ṭāhir and the Dwayds fell apart by its third year. Yaḥyā Ḥayyim’s narrative continues:

Narrative “d.2”⁴⁴

Nājī Ṭāhir [later] said to us: “Use (*ibṣiṭū*)⁴⁵ [all] eighteen *qaṣabas* until I repay you.”⁴⁶

We brought forth the bulls and ploughed. He waited until the summer furrowing season and then went and ploughed [notwithstanding the arrangement].

In the year [thirteen hundred and] sixty-one he borrowed another five *riyāls* from me.

⁴² B.Z.G. 68, from Rabī‘ [I] 1359*h* (April 9–May 8, 1940).

⁴³ B.Z.G. 112, from Sha‘bān 1359*h* (September 4–October 2, 1940).

⁴⁴ Yaḥyā Ḥayyim Dwayd, /Notebook in box 9.

⁴⁵ Lit. expand on, extend over, spread out on.

⁴⁶ In other words, it appears that Nājī Ṭāhir proved unable to provide even the quarter of a *qadaḥ* per year on the four “sold” *qaṣabas*.

I went and [brought about a] dispatch of soldiers from Ibb, and he lost twelve *riyāls*. To oppose him I appointed against him as my agent ‘Alī Ḥasan al-Jiblī from Ba‘dān, and gave him the [debt-related] papers.

Then [Nājī Ṭāhir] came to me and gave me, by way of collateral, deeds of sale pertaining to his father’s purchases.

The order and dating of these events is unclear: was it only the additional loan of five *riyāls* which occurred in 1361*h*, and was this the cause for the dispatch of soldiers? Fortunately, it is possible to juxtapose upon this portion of narrative a second version of the same story transcribed by Yūsuf Sayyānī. This version appears on the *verso* of Nājī Ṭāhir’s estate apportionment document (B.Z.G. 312), which in fact describes Nājī Ṭāhir’s rights within Dhī al-Ḍayḥ. Here we read that Yaḥyā Ḥayyim’s empowerment of ‘Alī Ḥasan al-Jiblī of Ṭabī‘ village in Ba‘dān (a village just a two hour walk from Ibb) occurred in the year 1361*h*; that Yaḥyā transferred the documents supporting his case through Shaykh Muḥammad ‘Abd al-Qawī; and that the reason for this activity was to extract the sold land and the land serving as security from Nājī Ṭāhir, who had ploughed it under. This allows us to position these events in the summer of 1361*h*, or 1942; and to presume that Yaḥyā Ḥayyim was preparing for formal adjudication in Ibb—which, it appears from our original narrative, Nājī Ṭāhir averted by depositing additional documents as security.⁴⁷

To sum up, it seems that in the years which followed Nājī Ṭāhir’s embroilment in the 1937 pilfering of the Dwayd storage facilities, the Dwayds reached a working relationship with Nājī Ṭāhir. When things were not going smoothly, they found they were able to deal with him through dispatch of soldiers by means of complaints lodged directly in Ibb, or, by threatening adjudication. These preliminary actions led to compromises, one of which was brokered by Nājī Ṭāhir’s kinsman Muqbil ‘Abd Allāh. Though we do not know who brokered the second, 1942 solution, we do know the result of the compromise: a deposit by Nājī Ṭāhir of security documentation. The relationship with Nājī Ṭāhir was to continue. Twice more, once in 1943 and again in 1948, he appears in the Dwayd document cache as a witness in documents that were drawn up on the Dwayd’s behalf in preparation for pending court proceedings.

⁴⁷ The reference to the further borrowed five *riyāls* may be a parenthetic flashback, with the event occurring prior to the ploughing of the field by Nājī Ṭāhir.

We turn now to Nājī Ṭāhir's antithetical kinsman, Muqbil 'Abd Allāh. Thus far, little besides the unreturned debt in 1935 has been seen to reflect the dual nature of his relationship with the Dwayds. Rather, it was Muqbil's expediency which has surfaced time and again. However, late in the summer of 1942 something happened that revives Yaḥyā Ḥayyim's impression of Muqbil 'Abd Allāh, as "a gluttonous man and a killer." Yaḥyā Ḥayyim tells the story of another Friday night larceny. This time, the veteran of two previous sorties, Nājī 'Abd Allāh, was joined by his brother, Muqbil himself.

Narrative "c"⁴⁸

He waited⁴⁹ until the year [thirteen hundred and] sixty-one.⁵⁰ [It was] a week into the month of Sha'bān.⁵¹ Since they pilfer during the black of night, and [because] there was no moon, he came [at that time]. He and his brother Nājī burglarized us on Sabbath eve. They stole seventy-five *riyāls*; and my sister's clothes—a black gown (*qamīṣ*); and a shirt (*madrū*); and my prayer-shawl of silk from Akama (Banī Maṣṣūr); and a shirt of mine of fine quality white cloth (*ṣaḥn*).

They [tried to] break in (*falasū*) from the roof (*jubā*) of the kitchen (*saqīfā*), above the Sabbath oven, but were unsuccessful.⁵² Again they tried, pulling out the wood frame of the door; he inserted his hand and opened the latch (*ma'laja*). They entered, took the money and fled. No one [besides] my mother was [in the house,] asleep on the divan (*dakka*) in which the chest (*saḥḥāra*) containing the money was [placed]. My wife and I were sleeping in a hut (*ḍiwān*) outside the [main] house (referred to as "*al-miḥḍād*" because a Jew used it as a blacksmithery); my father was in some other place; and my sister was in the women's nightquarter cottage (*dayma*) outside the house. They [had] shut the bolt (*ghilq*) on myself and my sister from the outside (they are made of wood, some call them *ghalqa* and others call them *rab'a*) so that any one of us who should hear could not get out—the door would already have been locked. They took nothing of the other movables, only those that were close at hand, and left.

The next day—Sabbath morning—[as] we were crying out that our house had been burglarized, al-Fīl's wife, Nājī 'Abd Allāh's mother-in-law (her daughter was married to him), said: "They did not come looking for cash. They came looking for blood."

⁴⁸ Yaḥyā Ḥayyim Dwayd, /N.S. 6.

⁴⁹ This is the continuation of Narrative "a."

⁵⁰ January 19, 1942–January 7, 1943.

⁵¹ Sha'bān 1361*h* (August 14–September 11, 1942).

⁵² The intruders may have attempted to introduce themselves through the chimney above the oven. Being a Sabbath oven (*tabūn ḥaqq al-Shabbōth*), it may very possibly have been releasing fumes at the time.

In other words, they wanted to kill. We turned silent, for they were oppressors (*meysrīm*); even the Arabs were unable to say a thing to them. They would come burglarize them and no one was able to speak to them [about it]. Certainly we Jews [were unable to say a thing to them]. We sat [quiet].

Already a month later his wife was wearing the [stolen] clothing. One day, wearing it, she went down to the well to draw water. It happened (*jā'a*) that bystanders recognized the clothing and stared at it. The women were those who stared. Never again did she wear it.

His brother [Nājī, for his part,] had begun selling and buying coffee beans while [it was known that] he had no cash. People talked among themselves about them but nobody could testify or tell them [a thing].

1942–43

Proceedings of any kind evidently seemed out of the question. Despite the circumstantial evidence, the Dwayds thought it wise to remain silent regarding the events of that late summer Friday night in 1942. It was, presumably, this sagacity which allowed their overt, financial relationship with Muqbil 'Abd Allāh to continue on course. Yahyā's narrative continues:

Narrative "f"⁵³

[The time was] following the harvest (*al-khayr*) of the year [thirteen hundred and] sixty-one,⁵⁴ during the period of the alms-tax collection. They were collecting it from Bilād al-'Adhārib and Bilād al-Ḥayqī. Muqbil 'Abd Allāh came and took cash from me in return for [his commitment to return] half a tin container (*tanaka*) of clarified butter (*samm*) during the fifth month of the year [thirteen hundred and] sixty-two; and [in return for his commitment to return] three-quarters of a *qadah* of grain upon demand (*ilā waqt ṭalabih*).

Whatever the [grain] rate might be in the month of *Ab* (the *qabā'il* themselves would say "the month of *Ab*"), it doubled by the [time of the] autumn harvest (*ṣurāb*). Now in that [particular] year the rate [was to] rise to six *anfār* per *riyāl*, and he took from me eleven *riyāls*. He wrote me in his own hand a deed of sale (*ṣijill mabī'*) for twenty two *qaṣabas* in the terrace named "Dhī al-Aqrād," [located] within [the group of terraces named] "Shu'ab al-'Aqab," in the Ubāla village farm-lands (*mazārī'*). [Yet despite my being in a position to make a profit] I told him that if he should pay his debt to me during the harvest

⁵³ Yahyā Ḥayyim Dwayd, /N.S. 6.

⁵⁴ January 19, 1942–January 7, 1943. The harvest month referred to would be November, 1942.

month of that year I would return the deed to him. He paid me six *riyāls* [out of the debt], and I wrote him a credit-receipt (*istilām*) for six *riyāls* out of [the total debt listed] in the deed.

Then, during the summer rain season (*kharīf*), he went and stole a sheep from the mountain, and his wife brought it [down] (*rawwahathu*), [hiding it] amidst the firewood. The sheep belonged to Aḥmad ‘Ubayd Luqayf of Ubāla village. Aḥmad Luqayf went up to the [Ubāla] fortress to Shaykh ‘Abd al-Qādir al-Tām [to report the theft]. The shaykh engaged two men, Nājī Quṭayb and Aḥmad Ṭāhir al-Tihāmī, to go sit beside the fence of the kitchen where Muqbil ‘Abd Allah al-Munifi was until his wife prepared the meat, and then come back and notify the shaykh. They went [as instructed] and sat half the night, till Muqbil’s wife got up to prepare the meat. (They had already butchered it on the mountain; all his wife had brought [down] was [the] meat.) They went and notified Shaykh ‘Abd al-Qādir. The shaykh sent men [to go] along with those two [observers] and the sheep’s owner. They went and entered Muqbil al-Munifi’s house, removed the meat from inside the oven as well as the meat not yet cooked, and took it to the shaykh. Muqbil waited till morning then fled to the mountain out of disgrace.

Then the shaykh wrote about what had occurred and submitted (*rafʿa*) it by means of Luqayf to al-Sayāghī the *nāʾib*. But Luqayf was unable to go to the *nāʾib*: [he was] afraid of Muqbil’s brethren.

The deed of sale, the document regarding the grain and the clarified butter, and the apportionment document substantiating [ownership of the plot] (*al-farḥ al-aṣlī haqq al-jirba*) remained in my possession and he paid me no more [of this debt]. (During the harvest of [thirteen hundred and] sixty-one, he further took from me the value of one *qadah* of grain.)

What could the theft of Luqayf’s sheep in summer 1943 have to do with non-payment of Muqbil ‘Abd Allāh’s 1942–43 debt? Could it be that Muqbil was so long in emerging from hiding that he missed the autumn harvest which would have allowed him to repay his debt? Whether or not this was the case, the theft is of interest because it underlines Muqbil’s dire finances that year; a fundamental background condition which emerges primarily in the manner in which the debt was created. First, the borrowing of money during and immediately after the 1942 harvest, demonstrates that Muqbil *began* the year in debt, suggesting in turn that revenues from his 1942 harvest did not cover even his short-run financial obligations. A second indicator of Muqbil’s financial condition is deducible from the terms of the loan: Muqbil’s promise to return three-quarters of a *qadah* of grain upon demand (*ilā waqt ṭalabih*). The existence of a clause whereby a set amount of grain is to be returned upon demand reflects the

financial straits of the borrower for the following reason. Should the individual granting the loan request payment immediately prior to the harvest, the value of this grain would be very high indeed; as Yaḥyā explains in the narrative, grain would double in value over a mere two to three month period beginning in summer. In the case at hand, where the loan was made soon after the harvest month, Muqbil's losses could have been even more acute—had Yaḥyā demanded repayment of the grain when significant profits could be made.

Let us return to Luqayf's sheep. It is not because Muqbil was hiding in the mountains that Yaḥyā could not demand remuneration in late summer: Yaḥyā was not repaid even upon emigration, six years later. Muqbil simply did not feel he had the means to repay; so he did not. But unlike the case with Nājī Ṭāhir, Yaḥyā did nothing to bring the powers that be to coerce Muqbil. For it was fearful respect, not financial expediency, which characterized Yaḥyā's understanding of his relationship with Muqbil 'Abd Allāh. Like Nājī Ṭāhir, then, Muqbil 'Abd Allāh was not well endowed in terms of liquid assets. But there is another shared perspective: we pointed out that it was not only from the Dwayds that Nājī Ṭāhir used to steal, and the same may be said of Muqbil 'Abd Allah. Specifically, note should be made of the behavior of Aḥmad 'Ubayd Luqayf. He was sent with a letter of appeal by the local shaykh, 'Abd al-Qādir al-Tām, to Ibb. This, we recall, was one of the options given to Yaḥyā Ḥayyim when he followed the trail of grain to Ubāla (Narrative "c"). And, like Yaḥyā Ḥayyim, Luqayf opted out for fear of the Munīfī brothers. While comfort in such cases was unlikely to have been found in numbers, it has emerged that fear of the Munīfīs, which influenced the actions of Nājī Ṭāhir al-Munīfī, Luqayf, and the Dwayds alike, was a common ailment in the domain.

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The debts outstanding from these first seven years of the Dwayd-Munīfī grainstorage relationships remained unpaid during the last seven years; this is clearly indicated by the presence in the Dwayd cache of the debt acknowledgment documents and deposited security documents. Yet Yaḥyā Ḥayyim found these years free of additional points of conflict worth dwelling on, to judge by the narrative notebooks, which do not mention further events relating to Dwayd-

Munīfī relationships. This is not to say that the Dwayds and the Munīfīs ceased to interact. It stands to reason that the Dwayd relationships with Nājī Ṭāhir al-Munīfī and Muqbil ‘Abd Allāh al-Munīfī had simply stabilized along the separate lines of understanding which have been identified above: fearful respect, in their dealings with Muqbil ‘Abd Allāh and his brethren; assertive self restraint, in their dealings with Nājī Ṭāhir. At the same time—as we have already noted with regard to Nājī Ṭāhir—the side of the relationship revealed in the documents, where the Munīfīs served as enabling facilitators and borrowed cash, continued as before. On May 26, 1945, Muqbil ‘Abd Allāh al-Munīfī documents for Yaḥyā Ḥayyim the statement of ‘Abd Allāh Ṭāhir Ismā‘īl that he received from Yaḥyā full payment for his quarter of the plot named “al-Ḥijfār.”⁵⁵ And a late dated document in the cache, from March 1, 1949, reflecting another debt unpaid by Muqbil ‘Abd Allāh (the kind which the Dwayds had taught themselves to live with) shows that the financial relationship continued right up to the year of emigration.⁵⁶ It should be added at this point that the Dwayd relationship with the Munīfīs involved not only grainstorage, finance, robbery and documentation. One undated note introduces a personal tone, when an ill Muqbil ‘Abd Allāh requests from Yaḥyā Ḥayyim (“may God guide you [to the true faith], Amen”), that he send a quarter-*riyāl* worth of *qāt*, personally selected by Yaḥyā (*nuq[ā]yat yadak*), along with an ounce of tobacco. The *qāt* was paid for by the boy messenger, while payment for the tobacco would await Yaḥyā’s demand for repayment.⁵⁷

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It was during the summer of 1948, following Ḥājj Muḥammad’s assault on Yaḥyā Ḥayyim, that Munīfī documentary support of the Dwayds was fully brought to bear. Muqbil ‘Abd Allāh wrote up on Yaḥyā’s behalf the testimonial which served to introduce Chapter Eight; and one of its witnesses was his “brother,” Nājī Ṭāhir.⁵⁸ In

⁵⁵ B.Z.G. 276 (13 Jumāda II, 1364*h*). One of the witnesses was Aḥmad ‘Ubayd Luqayf, whose sheep Muqbil had stolen and butchered several years before.

⁵⁶ B.Z.G. 100.

⁵⁷ B.Z.G. 177.

⁵⁸ B.Z.G. 331.

another document, an affidavit to be transcribed in Chapter Ten, Muqbil—again the scribe—was joined by his true brother Muḥammad ‘Abd Allāh.⁵⁹ Other Bilād al-‘Adhārib personages figure in these documents: Shaykh ‘Abd Allāh Aḥmad al-Tām, Muqbil Sa‘īd Muḥammad al-Mālikī, Aḥmad Muḥammad Wāṣil; but it seems clear that the Munīfis were the core of the group. Certainly it centered around Muqbil ‘Abd Allāh. More than mere accessories, these *mashāyikh* stood up for Yaḥyā Ḥayyim in his struggle with a forceful Muslim, and at a time when passions were in an excitable state on account of the May 1948 establishment of Israel and the coincident fighting. The confluence of Munīfī support may be the more fully appreciated given what we have learned about the relationships among the Munīfis and between the two Munīfī houses and the Dwayds. By providing their documented support when it was most needed these Munīfī *mashāyikh* appear to testify also that the Dwayds had indeed, on the whole, displayed sage brinkmanship with each of them.

III. Conclusion

It was the document cache that generated the apparent enigma from which we set forth on our narrative-based inquiry. The documents implied that the Munīfis loomed large in Dwayd legalistic activities on the col while the Dwayds as grainstorers figured significantly within the Munīfī household economy. It seemed difficult to reconcile this apparent balance with other document-borne facts, namely, that a series of debts remained unpaid for so long; and that none of these non-repaid deeds seemed to have led to arbitration. The regressing status of the Munīfis under Imām Yaḥyā’s centralizing rule, observed in Chapter Eight, further accentuated our question. We have seen in this chapter that the Dwayd-Munīfī narratives confirm the enigma to be a substantive rather than an imagined one. For they demonstrated that more unpaid debts existed than are disclosed by the documents; and, that it was not only unpaid debts which did not reach adjudication—this was true also of a series of nighttime pilferings and burglaries. Two separate relationship strains thus emerge: an overt grainstorer-client strain; and a covert victim-

⁵⁹ B.Z.F. 361.16, from 18[?] Sha‘bān, 1367*h* (June 26[?], 1948).

robber strain. What seems to have occurred over the years is that working understandings had been arrived at between the Dwayds and the Munīfīs, and the nighttime strain lost ground to the day-time strain.

Our explanation of the enigma is tied to these individually negotiated understandings. In their relationship with Nājī Ṭāhir, who had publicly presented himself to be unworthy of respect, the Dwayds found they were able to go some distance towards adjudication, but chose finally to resolve matters by way of compromise. Repayment dates would be deferred in return for the right to use pawned lands,⁶⁰ or in return for further security deposits. The reason why there are no adjudication documents relating to such nighttime activities as attributed to the ‘Abd Allāh al-Munīfī brothers as well as to the unpaid debts of Muqbil ‘Abd Allāh is more straightforward: the Dwayds simply feared for their lives. But this fear was in itself part of an ongoing negotiation. It is questionable, for example, whether the Munīfī brothers really “came looking for blood,” as Nājī ‘Abd Allāh’s mother-in-law had it. It is difficult to reconcile this quotation with the fact that they took the care to lock Yaḥyā Ḥayyim and his sister in their huts prior to the robbery. While the Dwayds were frightened to death of Muqbil and his brothers (as were Nājī Ṭāhir and Luqayf), they themselves were never physically touched by them.

The Munīfīs had reason to value their relationship with the Dwayds. As would befit *mashāyikh* they wanted a supply of *qāt* for their chewing sessions, tobacco for their *madā’a* (water pipe), and the occasional lamb. Evidently they were unable to afford these luxuries. In the Dwayds, the Munīfīs found financiers who would never make of them unreasonable demands: the Dwayds were made to realize that if they would not provide grain and finance the Munīfīs would come and help themselves to both. Understanding the risk, the Dwayds chose to work within rather than attempt to overhaul the situation by recourse to government authorities, even as unpaid debts piled up. The Munīfīs reciprocated by making themselves available as facilitators for Dwayd financial activity within their domain. Though the Dwayd-Munīfī relationship was no idyllic harmony it did function;

⁶⁰ This source of gain for the creditor amounts to the taking of interest. On the legitimation of similar transactions by Shāfi‘ī jurists in nineteenth and early twentieth-century Ḥaḍramawt see Boxberger 1998.

and, insofar as it proved able to meet a challenge from the outside when called upon to do so, it may be termed a success. The relationship had been set up and managed by the parties themselves; sculptured by trial and, apparently, by little error. Court proceedings brought into motion by the Dwayds may only too easily have upset its uncertain balance.

CHAPTER TEN

A THRESHOLD CROSSED: YAḤYĀ ḤAYYIM AND ḤĀJJ MUḤAMMAD OF BILĀD AL-ḤAYQĪ

I. *Introduction*

Following his humiliation in the summer of 1948 at the hands of Ḥājj Muḥammad Mus‘id Ḥusayn and his sons, Yaḥyā Ḥayyim secured the support of Muqbil ‘Abd Allāh al-Munīfī. The extended and multifaceted relationship between the Dwayd grainstorers and the Munīfī *mashāyikh*, interpreted in the previous chapter, has helped explain Muqbil ‘Abd Allāh’s disposition towards Yaḥyā Ḥayyim. The present chapter attempts to place in comparable context the apparently opposite standpoint of Ḥājj Muḥammad as to the appropriate status of Yaḥyā Ḥayyim.

The chapter incorporates a five-page transcription by Yūsuf Sayyānī of Yaḥyā Ḥayyim’s account of his relationship with Ḥājj Muḥammad. Like the assault testimonial authored by Muqbil ‘Abd Allāh, this is a partial narrative. My purpose in what follows is not to provide the narrative with a running commentary, but rather to embed it within a wider scene which, by incorporating also a string of documents from the Dwayd cache, provides a better chance of appreciating Ḥājj Muḥammad’s position and point of view. I suggest that the relationship between the Dwayds and Ḥājj Muḥammad as of the early 1930s—when the Dwayds undertook their extensive grain-storage commitments—developed in tandem with the Dwayds’ consolidation of a property base within Bilād al-Ḥayqī. My depiction progresses from a review of seemingly haphazard instances of Dwayd land acquisitions, focusing on a piece of land named “Maqlid,” to more purposeful attempts at land purchase, focusing on a tract named “Ḥijfār,” and culminates in actual construction activities within the Bilād al-Ḥayqī hamlet of “Mashā‘īb,” where the assault took place. The section headings evoke this process of consolidation.

As in previous chapters, the manner in which a local geo-administrative condition impressed itself upon the development of a relationship will become apparent. The peculiar condition here was that

during the decade preceding emigration, the adjacency of Bilād al-Shu‘aybī al-Suflā to Bilād al-Ḥayqī stood in contrast to the exceptionally diverse administrative accountabilities of inhabitants facing each other across the boundary. At the close of Ottoman rule, both territories were part of Bin Nāṣir’s Qaḍā’ al-Qamā‘ira. Following the Mutawakkilite takeover and until the 1938-39 administrative changes the ‘uzlas belonged to separate *qaḍās*, yet both remained part of a single *liwā’*—Ta‘izz. During the following decade, however, the borderline between the two contiguous territories came to constitute the boundary between the two *liwā’*s of Lower Yemen, with Bilād al-Shu‘aybī al-Suflā belonging to Sayf al-Islām al-Ḥasan’s Liwā’ Ibb and the abutting Bilād al-Ḥayqī belonging to Sayf al-Islām Aḥmad’s Liwā’ Ta‘izz. To accentuate this point: the lowest-level official *shared* by al-Maqhāya and the neighboring Bilād al-Ḥayqī hamlets was none other than the imām in Ṣan‘ā’ himself; and later, following the period of uncertainty upon his assassination in February 1948, his son and heir Aḥmad in Ta‘izz.

II. A Field Named “Maqlid”

Debt recovery was an often complicated process for the Dwayds and in numerous instances it proved impossible, as shown by the debt acknowledgments that remain in the Dwayd cache.¹ The Dwayd-Munīfī relationship history reconstructed in Chapter Nine provides an in-depth look at the problem within the specific context of Bilād al-‘Adhārib. With regard to Bilād al-Shu‘aybī al-Suflā it was noted (in Chapter Seven) how Yahyā Ḥayyim attempted to retrieve debts by direct application to the *nāḥiya* officials at Najd al-Jumā‘ī, only to be chastised by Shaykh Muḥsin ‘Abd al-Qawī. Chapter Four closes with the case of the she-camel “sold” by Ḥasan Muḥammad ‘Ays to the Dwayds to cover a debt, which he simultaneously pawned to the credit of al-Najjār the grainstorer from Bilād al-Ḥayqī, so that the latter would vouch for ‘Ays’ debt of grain to Shaykh Muḥammad ‘Abd al-Qawī. Ḥasan ‘Ays’ duplicate use of his camel was followed by her abduction by Ḥayyim Mīshā from the herd in which it was grazing, by al-Najjār’s appeal to Shaykh Muḥammad, and by a meet-

¹ See Chapter Seven, notes 46–58.

ing between the Dwayds and ‘Ays in Wādī al-Wizla, at the borderline between Bilād al-Ḥayqī and Bilād al-Shu‘aybī al-Suflā. This in turn was followed by the “sale” of land in Bilād al-Ḥayqī which, like that of the camel, actually refers not to a sale but to the return of a debt.

The complications encountered by the Dwayds with regard to ‘Ays’ debt were results of the dubious method of debt repayment; and at the end of the day, the creditors seemed entirely dependent on the goodwill of the borrower, or, perhaps, on the manner in which ‘Ays took Shaykh Muḥammad ‘Abd al-Qawī’s instructions to heart. In other cases, the risks to the lender might be reduced by some security, which would be noted in the document of debt. Where the deposit was a tract of land (and why real estate should be the preferred item of security is appreciable after reading the story of ‘Ays’ grazing camel), ownership documents—recent documents of sale (*baṣa’ir shirā’*), more venerable *uṣūl*, or both—actually changed hands. The Dwayd cache in fact contains documents representing ownership rights in Bilād al-Ḥayqī; these, together with the sale by ‘Ays of Shāqat al-‘Awdī (which was located in Waḍī al-Wizla and pertained to the lands associated with Jaḥfal village, Bilād al-Ḥayqī),² suggest debt management as one context in which the Dwayds acquired rights to land in this territory.

As seen in Chapter Nine, the Dwayds began demanding security deposits from Muqbil ‘Abd Allāh al-Munifī after he cancelled a repayment in 1935.³ One *baṣīra* deposited by Muqbil ‘Abd Allāh pertains to his ownership of a 9 3/4 *qaṣaba* portion of a plot named Ma‘yan, which like Shāqat al-‘Awdī pertained to Jaḥfal village, Bilād al-Ḥayqī. The contents of this *baṣīra* reveal little about the debt itself. Because of the absence in the cache of the actual debt acknowledgment which this document would have been deposited to secure, once again it is only by virtue of an explanatory clause added on its *verso* by Yūsuf Sayyānī that we know that it represents a security deposit. We do not know when the loan was actually made, but can only assume that it followed the date of acquisition listed on the deposited deed (September–October 1944⁴); nor do we know the

² Undesignated (4).

³ See above, Chapter Nine, Narrative “a.”

⁴ Shawwāl 1363*h* (September 19–October 17, 1944) (B.Z.G. 31, *verso*).

terms under which the deposit could be activated by the creditor. And, we may again only assume—since the deed was not returned to the debtor—that the debt remained outstanding upon emigration. But even this assumption is problematic: should the cache not have included the deed of debt in addition to the security document?

It is the case of another security deposit pertaining to land in Bilād al-Ḥayqī that will feature prominently in this section. This time, the kind of information missing in the Ma‘yan case is provided by the actual acknowledgment of debt (B.Z.G. 232). In this deed, dating from early summer of 1933,⁵ a certain ‘Alī b. Muḥammad al-‘Abbādī states before a group of witnesses and the document’s scribe, Muqbil ‘Abd Allāh al-Munīfī, that he owes Ḥayyim Mīshā fifteen *riyāls*, and that he pawns one-half of a plot named Maqlid—again a field associated with Jaḥfal village—pending return of the debt. To authenticate (*tawthīqan*) the debt, as Muqbil ‘Abd Allāh wrote on the document’s *verso*, ‘Alī Muḥammad supplied Ḥayyim Mīshā with two documents (*baṣīratayn*) pertaining to the land. The technical terminology used to describe the function of the deposit is *ilā dhahr*, or, “in exchange for:” payment of the debt would effectuate the return of the land being pawned.

*

Non-payment of debts constituted a problem that could become particularly serious in the absence of security deposits, and this was the case with regard to debts which were acknowledged in writing. But according to Yaḥyā Ḥayyim, Ḥājj Muḥammad was a borrower who dismissed entirely the regularities of debt management and refused to acknowledge the very existence of a debt. Yūsuf Sayyānī transcribes:

Yaḥyā Ḥayyim Misha Dwayd of al-Maqhāya village (of Bilād al-Shu‘aybī al-Sufā, Nāḥiyat al-Sabra, Qaḍā’ Dhī al-Sufāl, Liwā’ Ibb) says that he was a trusty grainstorer (*daffān ta‘ām amīnun*) on behalf of *mashāyikh* and farmers (*ra‘yya*) from Bilād al-Shu‘aybī (al-Sufā and al-‘Ulyā) and from Bilād al-‘Adhārib (Ba‘dān) and from Bilād al-Ḥayqī al-‘Ulyā, Nāḥiyat al-Ḥishā’ [where the following events occurred]. And that he

⁵ Ṣafar 1352*h* (May 26–June 23, 1933) (B.Z.G. 232).

stored grain uninterruptedly from the moment he knew how to store until the month of Sha‘bān of the Arabic year 1362,⁶ [when] the [grain] rate rose to six *anfār baladī* per *riyāl*; and every grainstorer calculated [his] accounts and collected what was owed him. Now one of those who stored by him [= by Yahyā] [was] Ḥājj Muḥammad Mus‘id Ḥusayn, who was [Hebrew:] a hater of faith and an unbeliever in the Lord of Hosts.⁷ [Arabic:] He owned large properties over an extensive area and lived in al-Ma‘āzib village (Wādī Shadhān, Bilād al-Ḥayqī al-‘Ulyā, Nāhiyat al-Ḥishā’, Qaḍā’ al-Qamā‘ira, Liwā’ Ta‘izz). [Yahyā] asked him to come and calculate his outgoing and incoming storage activity, but he would not oblige himself to come for this calculation; rather, he wanted to draw grain with no written record.⁸

The situation was clearly different from that with which the Dwayds were faced with Ḥasan Muḥammad Ṣāliḥ ‘Ays: it does not seem that Ḥājj Muḥammad was contemplating any meeting during which he might calculate and return his debt. Unlike Ḥasan ‘Ays, who was a resident of Bilād al-Shu‘aybī al-Suflā, Ḥājj Muḥammad was a resident of Bilād al-Ḥayqī and therefore answerable to the Ta‘izz-based administration: he had reason to consider himself beyond the reach of Shaykh Muḥammad ‘Abd al-Qawī. Further, Shaykh Muḥammad’s authority was now at a low point, as depicted in Chapter Seven. An appeal to Shaykh Muḥammad must have seemed useless to Yahyā. Instead, he set out to prepare the groundwork for a formal appeal to an authority who could deal with the uncooperative Ḥājj Muḥammad. In his narrative Yahyā states that he enlisted the al-Maqhāya *raṭīb* to assess the debt and to produce the document upon which such a formal appeal could be based. This document exists in the Dwayd cache:

In the name of Allāh, the Merciful, the Compassionate
On Wednesday, ten days into the month of Sha‘bān, year 1362,⁹
the trusty grainstorsers, *dhimmī* Ḥayyim Mīshā and his son, *dhimmī*
Yahyā Ḥayyim, inhabitants of the village of al-Maqhāya, approached
us on account of all the storage activity [that occurred] between
them and Ḥājj Muḥammad Mus‘id [of] al-Ma‘āzib village, Bilād

⁶ August 3–August 31, 1943. This statement introduces events which happened during this month and does not imply that Yahyā ceased to store at this date, as shown in Chapter Seven.

⁷ ... *sōne’ dath kōfer be-elōhey ha-seva’ōth*.

⁸ Yahyā Ḥayyim Dwayd, /N.S. 25.

⁹ Because Wednesday itself was the ninth of Sha‘bān, it would seem that the document was written on Wednesday night, or, August 11, 1943.

al-Ḥayqī.¹⁰ We then came to the ḥājī's home and each of them displayed his evidence. A calculation regarding the claim took place, [specifically,] of the grain which Ḥājī Muḥammad stored with the aforementioned *dhimmīs* up to this date; as well as [of] those items placed by the two *dhimmīs* in the hands of the aforementioned ḥājī up to this date. [Specifically,] that which the aforementioned owes the two aforementioned *dhimmīs* in borrowed cash (*darāhim salaf*); and bullet cartridges (*ma'ābir sāq*) owed the two aforementioned *dhimmīs* by the aforementioned ḥājī. Following the thorough examination (*muqārara*) conducted in our presence, when the calculation between the aforementioned persons was complete, [the following debt] owed the two aforementioned *dhimmīs* by the ḥājī was determined: three and a half *aqdāḥ* less an eighth *naḥar* of grain; thirty-one *riyāls*; and twenty-five bullet cartridges. This [result] followed the account clarification [which occurred] between them in our presence concerning all the storage activity [that occurred] between the aforementioned *dhimmīs* and the aforementioned ḥājī up to this date. The aforementioned *dhimmīs* requested the [formal] writing[-up] of this [document] in case of necessity and so it [could] be presented before he who possesses general executive authority.¹¹ [This document was] written on its date: the month of Sha'bān, year 1362, in the presence of the witnesses, who[se names] are: Muṣ'īd Ḥasan al-Sharaḥī; Nājī Ṭāhir Muthannā al-Munīfī [of] al-Ḥudayda village; Nājī Ḥusayn [I]smā'īl [of] Ajrad village;¹² and myself, the writer of this, the ignominious to Allāh—may he be praised and exalted—Qāsim 'Abd Allāh Sa'īd al-Qaḥṭānī.¹³

Neither Yaḥyā's narrative nor the actual document reveal the final status of the debt. Was it in fact necessary to appeal to the government authority? It is arguable that such an appeal never occurred: such a costly and time-consuming endeavor over the *liwā'* border almost certainly would have produced events significant enough for Yaḥyā to have referred to them in his narrative; and the ḥājī does not seem to have interfered with al-Qaḥṭānī's commission. What Ḥājī Muḥammad nevertheless did achieve by his intransigence is perhaps suggested by the penultimate clause of Yaḥyā's narrative

¹⁰ Note that Ḥayyim Mīshā and Yaḥyā Ḥayyim were managing a single operation at this date.

¹¹ . . . *'alā man ilayhī al-amr al-nāfiḥ 'alā al-'umūm*.

¹² Only the Dwayds and Qāsim 'Abd Allāh went up to the home of the ḥājī. The document was written up later, perhaps on the way back to al-Maḥḥāya in the home of one of the witnesses.

¹³ B.Z.G. 110.

translated above: going down to al-Maqhāya upon a summons from the *dhimmīs* to summarize his debt might have been too much for Ḥājj Muḥammad's sense of pride. The smooth operation of grain storage and debt management activities seems to have demanded a modicum of good will; especially on the part of inhabitants from without Bilād al-Shu'aybī, where, as evidenced by the events of late 1933 which led to Ḥayyim Mīshā's appointment as *'āqil*, Shu'aybī's support could not be guaranteed even at the best of times. But lack of good will was mutual: Yaḥyā Ḥayyim had not granted Ḥājj Muḥammad the same degree of consideration he had that same summer granted Muqbil 'Abd Allāh al-Munīfī, whose debt he had refrained from collecting prior to the autumn harvest.¹⁴ Clearly, already by the summer of 1943 the Dwayd-Munīfī relationship and the Dwayd-Ḥājj Muḥammad relationship were each predicated on distinct premises.

*

There is yet a further problem relating to the security deposit convention. As demonstrated by Muqbil 'Abd Allāh's pawning of a defined portion within Ma'yan or by 'Alī Muḥammad al-'Abbādī's pawning of half of Maqlid, security deposits often did not consist of entire tracts of land. Naturally, only an exceedingly hard-pressed individual might choose to part with the ownership deeds to his most valued tracts. At the same time, the deposit of tract fragments might cast the creditor into arenas of contestation where he would be thoroughly unwelcome. Maqlid provides a case in point, as is clear from the subsequent segment of Yaḥyā's narrative:

Subsequently (*thumma*) the aforementioned *ḥājj* gained right of possession over (*thabat 'alā*) half of the terrace (*hawl*) named Maqlid along with half of its upstream and downstream fringes. . . .¹⁵ Now, I possess [a deed of] security in exchange for this land [pending return of] sixteen *riyāls* owed by 'Alī Muḥammad Ṣālīḥ al-'Abbādī, together with the confirmatory source-documents (*uṣūl*) possessed by him which

¹⁴ See Chapter Nine, Narrative "f" (Yaḥyā Ḥayyim Dwayd, /N.S. 6).

¹⁵ Here Yaḥyā describes in detail the location of this terrace in relation to its immediate surroundings.

establish half of this land for the individual for whom the security is provided.¹⁶

As was the case with Ḥājj Muḥammad's debt, here too no further legal proceedings are mentioned in Yahyā's matter-of-fact report, leading to the tentative conclusion that the Dwayds and Ḥājj Muḥammad each harbored claims to a separate half of Maqlid. Yet as in the Dwayd relationship with the Munīfīs, the (possible) absence of legal action should not imply an absence of sentiment between the parties. After all, we have just read Yahyā's opinion of Ḥājj Muḥammad as "a hater of faith and an unbeliever in the Lord of Hosts." What though of Ḥājj Muḥammad's state of mind? A closer look at the documents deposited with the Dwayds by 'Alī Muḥammad al-'Abbādī in the way of debt security, introduced above and referred to by Yahyā Ḥayyim in his narrative, reveals information which helps address this question.

The contents of 'Alī Muḥammad al-'Abbādī's deposited documents should not be expected to mention the *dhimmī* grainstorers. They deal rather with the persons appearing in the stream of names appearing along the left-bottom flank of the following diagram. One immediately visible fact: the daughter of 'Alī b. Muḥammad's brother was married to Ḥājj Muḥammad.

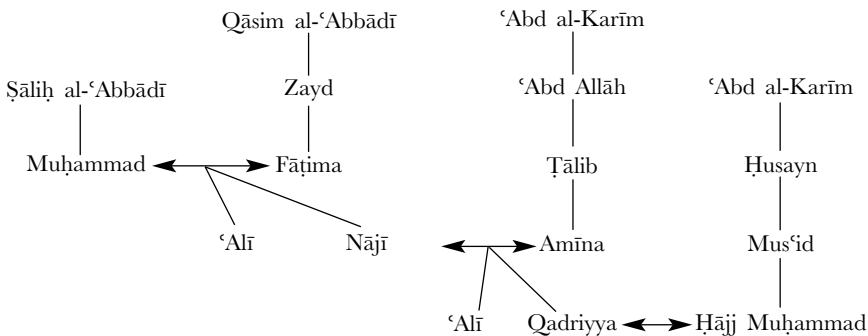


Figure 8: Ḥājj Muḥammad and the 'Abbādīs

¹⁶ I.e., "me," Yahyā Ḥayyim Dwayd (/N.S. 25).

The document used to produce this sketch, B.Z.G. 315, is a notarized settlement drawn up between ‘Alī Muḥammad and the children of his brother Nājī in the summer of 1929.¹⁷ The dispute that preceded the settlement is not explicitly described in the document, but it is possible to surmise its nature through the terms of the agreement. The settlement prescribes that a series of objects which ‘Alī Muḥammad had purchased or inherited should be divided between himself and his brother’s children in two equal parts. A look at the contested items allows for more specification.

The first item consists of the portions within Maqlid to which Nājī Muḥammad’s children had an inherited right, following the death of the mother of Nājī and ‘Alī Muḥammad, Fāṭima daughter of Zayd Qāsim al-‘Abbādī. This portion of the contest seems to suggest the retaining by ‘Alī Muḥammad of his deceased brother’s share in their mother’s estate. The second contested item consists of an unidentified property or object jointly purchased by the two brothers’ two guardians (*muḥīṭāhum*) from a certain Nāṣir Zayd al-Sālīmī and his co-owners, of whom we know nothing more. This seems to suggest a past condition in which shared funds belonging to two orphans were used by their guardians to make a purchase; again, ‘Alī Muḥammad had managed to retain possession of his brother’s portion. A third contested element consists again of an undisclosed property or object, which ‘Alī Muḥammad purchased from Amīna, daughter of Tālib ‘Abd Allāh ‘Abd al-Karīm who was acting as legal guardian of her two minor children, ‘Alī Nājī and Qadriyya, following the death of their father Nājī Muḥammad. Here, ‘Alī Muḥammad is taking advantage of an opportunity, which might not exist at a later date, to lay his hands on portions of his brother’s estate. In so doing he may have been re-combining portions of his father’s or mother’s estate. A fourth contested category consisted of inheritance shares purchased by ‘Alī Muḥammad from the offspring of his two sisters, ‘Alyā and Salima, daughters of Muḥammad Šālīḥ (not shown on the diagram).¹⁸ This clause implies that Muḥammad, father of ‘Alī and Nājī, married besides Fāṭima another woman,

¹⁷ Šafar 1348*h* (July 9–August 6, 1929).

¹⁸ Salima’s son was named ‘Alī Ways Muthannā al-Nahhām. In an inverted clause appended to the top of the document, the functionary adds that the sale made by ‘Alyā’s son, Qā’id Ismā’īl, was in fact made by him in his sister’s name as well (Qadriyya, wife of Aḥmad Šālīḥ al-Mashriqī).

whose name we do not know. That ‘Alī made this purchase from the children of his father’s daughters may again reflect an effort to re-combine under his ownership shares of a splintered property.

The children’s right to items one and two, as Nājī Muḥammad’s heirs, is self evident; their claim to such seemingly private purchases as those in categories three and four must be qualified. The functionary specifies in general terms, that ‘Alī Muḥammad now conceded to Nājī’s children the right of purchase-intercession (*ashfa‘a*) with regard to his purchases and agreed that he would now split these purchases with them.¹⁹ This suggests that the land that ‘Alī Muḥammad had purchased was either land in which Nājī owned a share, or land adjacent to land owned by Nājī, and that he was now retroactively acknowledging Nājī’s equal right to have made the same purchase as he himself had made. However, challenging their uncle’s purchases by appealing to their father’s equal right of intercession does not explain why ‘Alī Nājī and Qadriyya are now being granted half of the purchase as if Nājī Muḥammad had actually used the right. Nor is it a sufficient explanation for case three, where the children themselves had sold property to ‘Alī Muḥammad (albeit through their mother’s legal representation), an action which could be interpreted as a waiving of *shuf‘a* claims. Rather, the explanation seems to be that ‘Alī Muḥammad was now being obliged to admit that in his various acquisitions (as in the joint purchase mentioned in case two), he had made use of *funds* which should actually have been divided equally with his brother. Before us therefore is an example of a Yemeni senior brother (senior here if only because he is alive while his brother is not), retaining under his control his sibling’s inherited property shares, purchasing for himself portions of splintered properties by applying rights of purchase-intercession, and using withheld inherited moneys to fund this activity.

Let us proceed with the document. Thus far, the settlement divides the purchased items—items two, three and four—into two equal parts. The shares of Maqlid inherited from Fāṭima daughter of Zayd Qāsim al-‘Abbādī are removed from this group for a specific reason. The document now discloses that there existed an additional disputed portion of Maqlid that was not part of the ‘Abbādī inher-

¹⁹ On *shuf‘a* see Chapter Three, n. 102.

itance but which was purchased jointly by ‘Alī Muḥammad and his nephew ‘Alī Nājī and niece Qadriyya, the two siblings providing half of the funds for the purchase. (The seller was none other than Ḥājī Muḥammad, to whom two brothers had sold inherited shares.²⁰) Because of the joint nature of the purchase, the agreement contains a separate clause concerning Maqlid: “the aforementioned terrace named Maqlid and its up[stream] and down[stream] fringes is hereby confirmed to be an undivided item (*shā’ ghayr maqsūm*), [consisting of] two halves: half for ‘Alī Muḥammad, comprising [both] purchased and inherited [portions]; and half for ‘Alī Nājī and his sister, comprising [both] purchased and inherited [portions].” Ownership of Maqlid—all of it—was thus to be shared.²¹

B.Z.G. 315 is therefore the outcome of a successful challenge to ‘Alī Muḥammad’s hegemony within the ‘Abbādī family; but who was the prime challenger? The document relating to the joint purchase from Ḥājī Muḥammad described in the previous paragraph was also deposited as security by ‘Alī Muḥammad (B.Z.G. 302), and it contains the answer to this question. It describes ‘Alī Muḥammad’s purchase of the middle third of Maqlid for himself and for ‘Alī Nājī al-‘Abbādī, in the summer of 1928.²² Interestingly, in contrast to the 1929 functionary’s impression of the purchase, Qadriyya here is not mentioned at all. So ‘Alī Nājī himself was involved in keeping his sister out of the Maqlid picture. Therefore, when he crossed the line, so to speak, to challenge ‘Alī Muḥammad, the resulting agreement granted him not one half of the portion of Maqlid owned by ‘Alī Muḥammad but a portion of that half. ‘Alī Nājī’s 1929 gain was therefore a qualified one.²³ It was Qadriyya who seems to have gained unequivocally from the confrontation with ‘Alī Muḥammad; and contrary to the situation in 1928, she is now a fully visible part-

²⁰ These were Qāsim Šālīḥ and ‘Alī Šālīḥ, who had received shares from the estate of a certain Mānī‘ Muthannā ‘Awwād. The sale of Ḥājī Muḥammad was made by means of the brothers’ agent (*wakīl*): Muqbil ‘Abd Allāh al-Munīff.

²¹ A summarizing clause was added to the document asserting again that ‘Alī Muḥammad should be in possession of one-half of the part of Maqlid appearing in the inheritance documents (B.Z.G. 315, *verso*). It is probable that ‘Alī Nājī and Qadriyya were accorded a document in which an equivalent clause mentioned their own rights to one-half of Maqlid.

²² Muḥarram 1347*h* (June 20–July 19, 1928).

²³ The impression of a youth being appended to initiatives serving other person’s interests is not moderated by his mother’s sale to ‘Alī Muḥammad of an item of property belonging to him.

ner. But was the gain indeed her own? In an appendix updating the 1928 purchase deed added to its *verso* by the functionary of the 1929 dispute resolution agreement, all doubts are removed: “what they purchased [which is mentioned] in the body of this document, is hereby confirmed as [consisting of] two halves: half for ‘Alī Muḥammad and half [for] ‘Alī Nājī and the son of his sister, Šālīḥ, [son of] Ḥājī Muḥammad.” In practice then, it was not Qadriyya at all who was established as the new owner, but her son—Ḥājī Muḥammad’s son.

We know nothing of a family connection between the ‘Abbādīs and the two brothers from whom Ḥājī Muḥammad purchased the middle third of Maqlid.²⁴ Yet we can assume that the land was at least of some sentimental value to the ‘Abbādī family, as they held portions of it by right of inheritance and we have observed ‘Alī Muḥammad’s habit of collecting portions of family property. In his marriage to Qadriyya, Ḥājī Muḥammad was bringing, or had brought, one-third of the plot up to the ‘Abbādī doorstep. In fact, Ḥājī Muḥammad was on equal footing, insofar as Maqlid was concerned, with his wife’s uncle, the senior ‘Abbādī.²⁵ It is unlikely that Ḥājī Muḥammad would have relinquished this status solely by goodwill. More probable is that ‘Alī Muḥammad induced Ḥājī Muḥammad to sell by making a purchase-intercession (*shuf‘a*) claim on the land, using the fact that he already owned part of it by way of inheritance. This might also explain why Qadriyya, Ḥājī Muḥammad’s wife, was left out of the joint purchase: it may have been unreasonable for her to join her uncle and brother in undermining her husband.²⁶ Ḥājī Muḥammad wasted little time in initiating a countermove, however, putting into motion his wife’s claims of *shuf‘a* and estate reapportionment, regaining for his own household at least some foothold within Maqlid.

The above exegetical reconstruction would only need to be partly accurate for it nonetheless to be safe to consider Maqlid as both a catalyst and a bone of contention in a cold relationship between

²⁴ These were Qāsim Šālīḥ and ‘Alī Šālīḥ, sons of Šālīḥ ‘Awwād, who received this third by way of inheritance following the death of Mānī‘ Muthannā Aḥmad Ismā‘īl ‘Awwād (B.Z.G. 302).

²⁵ ‘Alī Muḥammad and Nājī Muḥammad would each be entitled to a maximum of one-third.

²⁶ Previously the conjecture was made that ‘Alī added ‘Alī Nājī to the purchase because the monies were jointly held.

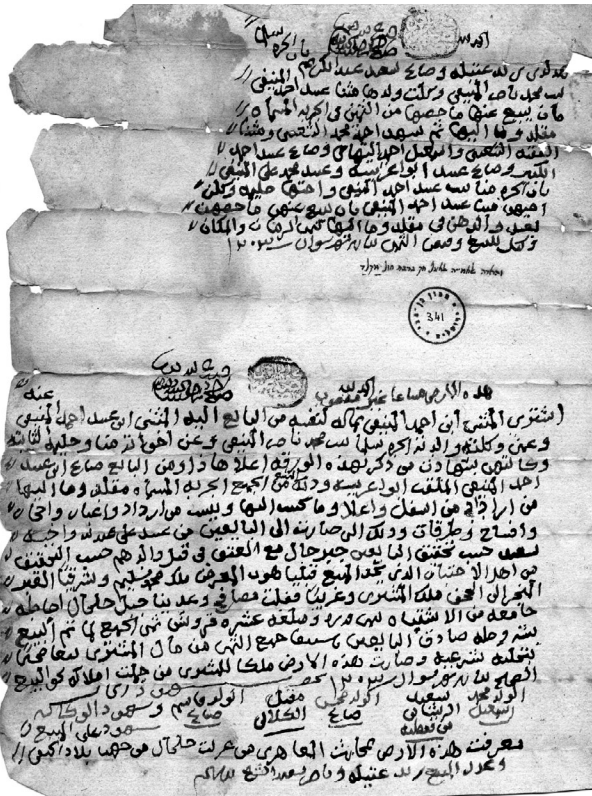
Ḥājj Muḥammad and ‘Alī Muḥammad.²⁷ Ḥājj Muḥammad’s involvement with the land commenced prior to the summer of 1928; in 1929 he had invested additional time and effort to see some of it removed from ‘Alī Muḥammad’s possession and into the hands of his son. He plausibly would have derived satisfaction from seeing a larger proportion of the tract in his or his son’s possession, and may have been awaiting the opportunity to purchase it from his rival, his wife’s uncle: should ‘Alī Muḥammad need to sell his part in Maqlid, Ḥājj Muḥammad’s son was now positioned to make a *shuf‘a* bid of his own, taking precedence over any outside buyer. Indeed, judging from Yaḥyā’s narrative, in which Ḥājj Muḥammad held rights to one-half of Maqlid, the father or son seem at some point to have actually succeeded in purchasing ‘Alī Nājī’s share. Now it so happened that ‘Alī Muḥammad did become short of funds, and in fact made use of Maqlid to help bail himself out of his financial troubles; but instead of selling his share in the ownership to his *ahl al-shaf‘a* rivals, he allowed the land to slip through their fingers—indeinitely, into the hands of Ḥayyim Mīshā, the *dhimmī*.

An additional irritant for Ḥājj Muḥammad can be envisioned: what may have been the only extant clause attesting to his son’s entitlement was actually located on one of the two *uṣūl* deposited with Ḥayyim (B.Z.G. 302). Nor was this all: the Dwayd cache contains not two Maqlid background documents as stated by Muqbil ‘Abd Allāh al-Munīfī in ‘Alī Muḥammad al-‘Abbādī’s acknowledgment of debt from 1933 (B.Z.G. 232). There is a third document—B.Z.G. 341—telling of a purchase of Maqlid made in 1789.²⁸ Now this is the *ummiyya al-aṣl*,²⁹ the “mother source-document” pertaining to Maqlid prior to its parceling; the one important deed necessary for anyone ever wishing to prove ownership of the entire plot. With a small dose of imagination it is possible to picture the *ḥājj* when he learned that this deed, as well as the document attesting to his son’s shared ownership, had been transferred by his rival by marriage to *dhimmī* Ḥayyim.

²⁷ It could be that portions two, three and four within the agreement actually refer to portions of Maqlid; but this would not change the outcome of the settlement, according to which all of Maqlid was shared.

²⁸ The purchase was made by Muthannā b. Aḥmad al-Munīfī during Shawwāl 1203^h (June 25–July 23, 1789). This represents the earliest mention of the Munīfī name in the Dwayd material.

²⁹ B.Z.G. 341, oral information transcribed by Yūsuf Musallan (*wa-hādhih al-ummiyya al-aṣl ḥaqq jirbat ḥawl Maqlid*).



Facsimile 17: The “mother source-document” of the field named “Maqlid” (B.Z.G. 341)

*

Let us link these estimations of Ḥājī Muḥammad’s state of mind with his intransigence regarding his 1943 debt to Ḥayyim Mīshā and Yahyā Ḥayyim. While in Yahyā’s narrative Ḥājī Muḥammad’s appearance at Maqlid followed the 1943 debt calculation at al-Ma‘āzib village,³⁰ the documents reveal that the reverse was in fact the case.³¹ The shared entitlement of the ḥājī’s son to half of the plot occurred

³⁰ This is appreciable also from the statement transcribed by Yūsuf Musallam onto the verso of B.Z.G. 302: *jirbat Maqlid alladhī rahanahā al-‘Abbādī . . . wa-sār bā’a lī l-ḥājī . . .*

³¹ Yahyā’s conception of the order of events may be explained if he first heard Ḥājī Muḥammad express himself on the matter or first saw him begin to use the land following the summer of 1943.

some fourteen years prior to the events of 1943; and four years before ‘Alī Muḥammad deposited the Maqlid documents in Ḥayyim Mīshā’s hands. If one circumstance is to serve as a backdrop for the other, it must have been the buildup of frustration over Maqlid experienced by Ḥājj Muḥammad over the years; this would largely explain his disposition towards the Dwayd grainstorers. If Ḥājj Muḥammad indeed possessed the type of personality prompting Yaḥyā Ḥayyim to consider him “a hater of faith and an unbeliever in the Lord of Hosts,” then we have yet a further stroke of misfortune in an already tense situation.

Ḥājj Muḥammad and Ḥayyim Mīshā were not harboring claims to separate halves of the plot, as I tentatively hypothesized based on Yaḥyā’s narrative. Instead, as equal shareholders in an undivided Maqlid, Ḥayyim Mīshā Dwayd and his son Yaḥyā, and Ḥājj Muḥammad Mus‘id Ḥusayn and his son Šālīḥ, were bitterly entwined in a partnership which—barring the unlikely prospect that Ḥājj Muḥammad’s son would sell his share—only ‘Alī Muḥammad was in a position to dissolve. Because the documents remain in the Dwayd cache, obviously he did not do so. It may therefore be assumed that the pawned property named Maqlid continued to provide a breeding ground for bad blood from the summer of 1933 through to the Dwayds’ emigration in 1949.

III. *A Field Named “Ḥijfār”*

Bilād al-Ḥayqī became the natural place for the Dwayds to invest liquid funds in productive agricultural land. Ḥayyim Mīshā had already been discouraged from further involvement in Bilād al-Shu‘aybī al-‘Ulyā.³² And in contrast to Bilād al-Shu‘aybī al-Suflā, where as a rule land could not be procured by those who did not belong to the Shu‘aybī house, in Bilād al-Ḥayqī individuals were able to acquire land of their own. Compared to Bilād al-‘Adhārib, where private ownership was possible, Bilād al-Ḥayqī was more thinly populated,³³ perhaps reducing the likelihood of conflicts over land

³² See Chapter Three, section III.

³³ On the 1:50,000 map, reflecting the mid-1970s, not a single village is marked on the twenty-five square kilometer area representing northern Nāḥiyat al-Ḥishā’—the area containing Bilād al-Ḥayqī al-‘Ulyā (Series YAR 50 [Arabic], sheet 1344 A1 [lbb], edition 1 [1981]). Also providing some indication of the area’s thinly

ownership. And since the northwest corner of Bilād al-Ḥayqī was so close to al-Maqhāya, land could be easily supervised. According to Ibrāhīm Ḥayyim, most of the Dwayd lands were in fact located in the northwest corner of Bilād al-Ḥayqī.³⁴

The available documentation does not readily lend itself to an inquiry into this dimension of Dwayd land tenure. As generously illustrated by the narrative attached to Ḥayyim's "purchase" of Shāqat al-ʿAwdī from Ḥasan ʿAys, the standardized format of transaction deeds not only tends to ignore the preliminary activities of contracting parties but may actually result in a false image of the nature of the transaction. Such sources are anyhow scarce, because of the demand made by the Shuʿaybī shaykh prior to emigration to hand over any documents representing Dwayd ownership rights.³⁵ Accordingly, the *uṣūl* which remained in the Dwayds' possession typically represent lands pawned to insure loans, and not lands purposefully identified and purchased by the Dwayds. An exceptional venture onto this rough ground shall nevertheless be attempted with regard to a large tract of land named Shuʿb al-Ḥijfār.³⁶ Unsurprisingly, none of the cache documents relating to the tract is an actual document of sale: on the eve of his departure, late in the summer of 1949, Yaḥyā Ḥayyim was imprisoned by the Shuʿaybī shaykh and released only upon delivery of that key document.³⁷ But the purchase of Ḥijfār by Yaḥyā Ḥayyim entailed some legal acrobatics, which left their mark in three peripheral documents; these Yaḥyā retained, along with the tract's venerable *aṣl*. The following paragraphs make use of this material.

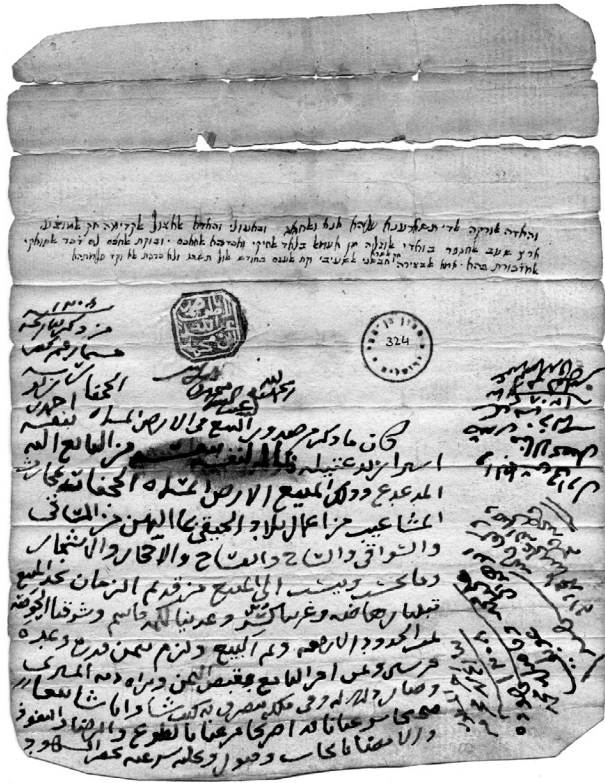
spread population is the 1981 census, which marks for Bilād al-Ḥayqī al-ʿUlyā a total of 3,409 inhabitants in twenty-six villages and hamlets (al-Jumhūriyya al-ʿArabiyya al-Yamaniyya 1981c: 705–706). This can be compared to ʿUzlat al-ʿAdhārib's 4,166 inhabitants in only eighteen villages and hamlets (al-Jumhūriyya al-ʿArabiyya al-Yamaniyya 1981a: 14), Bilād al-Shuʿaybī al-ʿUlyā's 3,264 inhabitants in fifteen villages and hamlets (al-Jumhūriyya al-ʿArabiyya al-Yamaniyya 1981b: 336), and Bilād al-Shuʿaybī al-Sufā's 3,190 inhabitants in eighteen villages and hamlets (al-Jumhūriyya al-ʿArabiyya al-Yamaniyya 1981b: 337).

³⁴ This estimate is based on a sketch of the surroundings of al-Maqhāya, on which I asked Ibrāhīm Ḥayyim to identify the locations of the tracts which had been owned by the Dwayds.

³⁵ See Epilogue (Appendix A).

³⁶ Yaḥyā Ḥayyim estimated the size of this tract at about six hundred *shakla* (narrative transcribed by Yūsuf Sayyānī onto the *verso* of B.Z.G. 68).

³⁷ Elūl 5709 (August 26–September 23, 1949) (Yaḥyā Ḥayyim, transcribed by Yūsuf Sayyānī onto B.Z.G. 324). This Shuʿaybī was presumably Shaykh Muḥsin ʿAbd al-Qawī or his son Shaykh Yaḥyā.



Facsimile 18: The source-document of the field named “Hijfār” (B.Z.G. 324)

The *asl* of al-Hijfār was drawn up upon the purchase of the tract in the summer of 1793.³⁸ A clause on its *verso* spirits the document to the turn of the twentieth century, when the fourth generation male descendant of the purchaser sold the tract to a certain Shaykh Ḥasan b. Muḥammad al-Sharafī. At that time the tract was still a single parcel.³⁹ Parceling occurred at some point during the subsequent four decades, since in the spring of 1940, Muḥsin Ḥasan al-Sharafī, the aforementioned buyer’s son, vouched before Yahyā Ḥayyim for the validity of his sale to him of one-half of the plot.⁴⁰

³⁸ Muḥarram 1208*h* (August 8–September 7, 1793). Some information provided in this document will become relevant later in the chapter: al-Hijfār was associated with a locality named al-Mashāʿib, in Bilād al-Ḥayqī (B.Z.G. 324).

³⁹ Shaʿbān 1317*h* (December 5, 1899–January 2, 1900) (B.Z.G. 324, *verso*).

⁴⁰ Rabīʿ [I] 1359*h* (April 9–May 8, 1940) (B.Z.G. 68). One of the two witnesses to this document was Najrʿ Abd Allāh Muqbil al-Munifi.

The voucher specifies no tangible, redeemable guarantee: rather, this document represents a personal promise made to Yaḥyā that he should receive compensation from al-Sharaḥī should someone challenge his right to have made the sale.⁴¹ This was no idle prospect, for two specific individuals loom large in this capacity: Muḥsin Ḥasan al-Sharaḥī's own two brothers, Muḥammad Ḥasan and Mus'īd Ḥasan. Yaḥyā did not leave this matter to chance but retained a separate form on which the two brothers each acknowledged individually, first, that they recognized Muḥsin's right, ingrained in a *farz*, to one-half of Ḥijfār; and second, that they recognized the current ownership of that half by the buyer, Yaḥyā Ḥayyim.⁴²

The situation that Yaḥyā may have been contemplating while receiving these acknowledgments is as follows. In a *shar'ī* estate appropriation, which grants male offspring equal portions in a parent's estate, one of three sons would not have been granted one half of the pie, leaving the other two brothers (and any other legal heirs), with the remaining half. Muḥsin's portion was a particularly potent potential irritant for Muḥammad and Mus'īd, because, as we shall soon see, the remaining half was not part of the estate. Now Yaḥyā Ḥayyim knew of the reason for this disparate treatment. Each of the three Sharaḥī boys had been born of a different mother, and Muḥsin was willed a disproportionate portion of the tract in consideration for his having sold domestic beasts belonging exclusively to his own mother for his father's support.⁴³ But this knowledge provided no grounds for comfort: Yaḥyā was well aware of the behavior patterns such situations spewed and of the resulting challenge to the legality of his own ownership which would result from any retroactive annulment of Muḥsin's right of ownership. It will be recalled from Chapter Eight (section IV) that Yaḥyā Sālim al-Maddār, like Muḥsin Ḥasan al-Sharaḥī, had been a favored son. In 1903, a debate had taken place between the offspring of the two wives of Sālim Yehūda, Yaḥyā Sālim's father. Yaḥyā Sālim, the son favored in the estate apportionment, was challenged by his half-siblings; and the justification he provided for the favoritism was his support of his father. Though the original challenge did not succeed, twice again the issue of

⁴¹ I thank Prof. F. Stewart for this hypothesis. It is corroborated by B.Z.F. 361.11 (see following note), which at the time of our discussion I had not yet identified as belonging to the Dwayd cache.

⁴² Rabr' [I] 1359h (April 9–May 8, 1940) (B.Z.F. 361.11).

⁴³ Narrative transcribed by Yūsuf Sayyānī onto the *verso* of B.Z.F. 361.11.

favoritism was challenged until in 1925 a Mutawakkilite *ḥākim* finally overturned the original estate apportionment and replaced it with a new one. The Maddār struggle must have featured as a topic of discussion in the Dwayd home for as long as Yaḥyā Ḥayyim could remember. His father's two sisters, Qamar and Kādhiya, had married into the Maddār family; Ḥayyim Mīshā's mother, Miryam, was the sister of Sālim Yehūda Maddār, whose estate was he object of the Maddār family debate. The documents handed over by the Sharafī brothers minimized the risk that a Maddār-type situation should develop over al-Ḥijfār; and they provided some kind of personal commitment by the seller that should such a situation nevertheless arise, Muḥsin would be responsible for any effect it might have on Yaḥyā's purchase.

If in his purchase of al-Sharafī's half of Ḥijfār Yaḥyā equipped himself to face an envisaged eventuality, a document from early summer of 1945 informs us that the purchase of additional portions of the tract required the settling of an actual dispute.⁴⁴ The form is a witnessed acknowledgment that a certain 'Abd Allah Ṭāhir Isma'īl al-Tihāmī received from Yaḥyā Ḥayyim full payment for one-quarter of al-Ḥijfār, which he owned by way of inheritance and purchase (*mīrāth wa-shirā'*).⁴⁵ An additional clause in the document acknowledges the receipt from Yaḥyā of one *riyāl* from the share of his brother, Aḥmad Ṭāhir, spent by 'Abd Allāh during "the dispute" between the pair and Yaḥyā Ḥayyim over the plot. The phrase "from the share of his brother" (*min sihm akhih*) suggests that Yaḥyā paid 'Abd Allāh money that he otherwise would have paid Aḥmad, insinuating in turn that Aḥmad Ṭāhir also sold his share in the land to Yaḥyā. This possibility is corroborated by a document presently to be scrutinized (B.Z.F. 361.19), which specifies that Yaḥyā Ḥayyim purchased the land from Muḥsin Ḥasan al-Sharafī and from Aḥmad Ṭāhir al-Tihāmī and his brother, 'Abd Allah Ṭāhir al-Tihāmī.⁴⁶

⁴⁴ 13 Jumāda II, 1364*h* (may 26, 1945) (B.Z.G. 276). This document was written by Muqbil 'Abd Allāh al-Munīfī, who less than three years earlier had stolen and butchered the sheep of one of this document's witnesses, Aḥmad 'Ubayd Luqayf (see Chapter Nine, Narrative "f").

⁴⁵ This terminology evokes the pattern followed by 'Alī Muḥammad al-'Abbādī with regard to Maqlīd, whereby portions of a tract are bought up following an estate apportionment. This may indicate a family relationship between the Tihāmīs and the Sharafīs.

⁴⁶ Aḥmad Ṭāhir's portion would account for the remaining quarter of al-Ḥijfār,

These three documents provide only crude insights into intriguing succession stories within the Sharafī and Tihāmī families;⁴⁷ but they allow an appreciation of the efforts invested by Yaḥyā in order to acquire this particular tract. They testify to Yaḥyā's awareness of the need to investigate, or at least take account of, the family history of a seller before making a purchase and to his ability to recognize situations which were prone to culminate in dispute. At the same time the documents underline that the complications encountered, such as the need to demand guaranties and the possibility of being drawn into a legal dispute, did not deter Yaḥyā from taking the necessary steps in order to acquire the lion's share, if not all, of this particular piece of land. The stimulus for his enthusiasm is unearthed in the next segment of his narrative: Yaḥyā had identified great, hitherto unrealized potential in a fallow, overgrown tract.

Then he [= Yaḥyā] purchased the site of land [named] Shu'b al-Ḥijfār in Wādī al-Wizla ([within the] farming environment [maḥārith] of al-Mashā'ib village, administrative zone of [*min a'māl*] Qaḍā' al-Qamā'ira); along with the irrigation canals and open spaces pertaining to it.⁴⁸ Now this was fallow, unused, hard, desolate and neglected land.⁴⁹ He ameliorated part of it at great expense; he reclaimed some of its open spaces which the irrigation canals (*sawāqī*) are intended to serve, unclogging them of rubble (*naqd*) and planting potatoes and radishes. He [also] cleared out the water sources,⁵⁰ causing some of the water conduits originally destined to this land to flow. The rest of his property to which the water conduits were destined [remained] hard or [over-spread with] reeds (*slab wa-khazja*).⁵¹

if the principle whereby brothers receive similar portions in a parent's estate was applied.

⁴⁷ When and how portions of al-Ḥijfār reached the Tihāmī family is unclear. A shaky lead may be provided by the appearance of 'Abd Allah Isma'īl al-Tihāmī (who may have been the uncle of 'Abd Allah Ṭāhir Isma'īl al-Tihāmī and Aḥmad Ṭāhir Isma'īl al-Tihāmī) as a witness to the turn of the century purchase of al-Ḥijfār by Shaykh Muḥsin Muḥammad al-Sharafī (B.Z.G. 324, *verso*). But this points at best to some kind of continuing association between the Sharafī and Tihāmī families; an additional piece of information would have been invaluable here to further illuminate this grey area.

⁴⁸ Yaḥyā uses the cliché commonly found in documents: *al-masāqī wa'l-sawāqī wa'l-sāḥ wa'l-fisāḥ*.

⁴⁹ . . . *arḍ dāmira, mawāt, ṣāliba, khārība, hāmila*.

⁵⁰ *'uyūn al-mā'*. This does not necessarily indicate a spring. It could also mean pond, water reservoir or streamlet (Pimenta 1991: 350).

⁵¹ Yaḥyā Ḥayyim Dwayd, /N.S. 25.



The activity surrounding Yaḥyā's acquisition and partial reclamation of al-Ḥijfār had not escaped the attention of Ḥājj Muḥammad. In a resourceful attempt to try and wrest the newly verdant tract away from Yaḥyā Ḥayyim, he claimed that the lands being tilled by Yaḥyā were actually part of *waqf* Abū al-Ghayth, an endowment dating from somewhere near the end of the sixteenth century.⁵² And he presented this testimony to the *waqf* overseer—a descendant of Sayyid Abū al-Ghayth and a figure requiring little introduction. This was none other than the government-sanctioned pinnacle of legal authority within Bilād al-ʿAdhārib focused on in Chapter Eight, Sayyid Aḥmad b. Aḥmad al-Sufyānī of the al-ʿAdhārib *hijra*.⁵³ Some locals (*ahl al-jīha*) prevented al-Sufyānī from striking Yaḥyā when their paths crossed in the al-ʿAdhārib marketplace; and when he noticed some deficiencies in the additions to the *ḥājj*'s testimony,⁵⁴ the *sayyid* abrogated his intent to appeal to the *nāʾib* in Ibb, Qāḍī Aḥmad al-Sayāghī.⁵⁵ Instead, he turned to Yaḥyā Ḥayyim's first cousin, Yaḥyā Ḥasan Maḥfūd al-Maddār⁵⁶ and to a second al-ʿAdhārib *dhimmī*, Musallam Yaḥyā Yehūda al-Maddār, who wrote to Yaḥyā requesting him to come to al-ʿAdhārib and address the problem.⁵⁷ Written in Hebrew letters—its writer as well as its recipient were Jewish—the following seems to be that note:

⁵² In a contest documented on Rabīʿ II, 1022*h* (May 21–June 18, 1613), Sayyid Aḥmad b. Abī al-Ghayth b. ʿAbd al-Raḥmān Sufyān demanded from his mother's brother his share of the income (*al-awqāf wa'l-nudhūr wa'l-'ushūr*) pertaining to the sanctuary (*qubba*) of Sayyid ʿAbd al-Raḥmān Sufyān (B.Z.G. 297). From Sayyid Aḥmad's name (b. Abī al-Ghayth) it seems plausible that *waqf* Abū al-Ghayth had been dedicated sometime in the preceding decades.

⁵³ The following constitutes a summary of Yaḥyā's narrative in N.S. 25; any additions to this narrative are annotated.

⁵⁴ That Yaḥyā could narrate the Sayyid's intentions is not surprising: the forthcoming analysis makes it clear that there was ample opportunity for the Sayyid to relate his intention directly to Yaḥyā.

⁵⁵ As will be seen below, the event occurred in late 1946 or early 1947, well into the period when Ibb served as the administrative headquarters also for al-Maḥāya.

⁵⁶ This was the son of Yaḥyā's aunt Qamar, daughter of Miṣhā Sālim Dwayd.

⁵⁷ Yaḥyā does not say why he thought the Sayyid did not write to him directly: was it out of pride, or simply because he believed Yaḥyā would be less suspicious of his own family members and co-religionist friends?

(Not contravening the [continued need for] caution:⁵⁸)
 [Hebrew acronyms:] I aspire for Thy salvation, my Lord
 Aspire to *tōra* and [good] deeds for fortune and prosperity, upright
 and esteemed Yaḥyā Ḥayyim, may God lengthen his days and
 preserve him. [Arabic:] You know, my brother, that there are no
 advantages in a [formal] contest accompanied by losses. In brief
 my brother: come immediately with your [support] documenta-
 tion (*manāḥḥ*); and we shall secure what is rightful without financial
 loss; for the *sayyid* has already displayed before us that justice is
 done, without [the involvement of] another [party]. The required
 [principle to be followed here:] when a man acquires his suste-
 nance on a lower level, he should not (*laʿā*) proceed to the upper
 level. [Hebrew:] Peace; [Hebrew acronyms:] the wise [man requires]
 only [a hint].

Seeking your peace and well-being,

Yaḥyā Ḥasan

and Musallam Yaḥyā.⁵⁹

Yaḥyā was well advised not to present himself before al-Sayāghī in opposition to al-Sufyānī who, as we know and as Yaḥyā would certainly have known, was himself part of the Ibb-centered sphere of government. Evidently reassured by the logic of the Maddār argument, Yaḥyā returned to al-ʿAdhārib; there the *sayyid* opened the *waqf* register (*musawwada*) for Yaḥyā to examine. Displaying a remarkable degree of confidence in Yaḥyā's knowledge of the local geography and in his honesty and judgement, al-Sufyānī instructed him that he would have to pay rent on the land should he identify in the register the plot he was working on; a moderate demand indeed when compared with his previous disposition. The *musawwada* before him, Yaḥyā would have proceeded to look for the appropriate administrative subdivision, identified the portions dealing with al-Mashāʿib and neighboring villages, and read through the entries, looking for familiar details "on tenants and tenancy, area measurements, property names and boundaries."⁶⁰ Yaḥyā in fact found a property in the vicinity, but this entry represented a separate plot, located below his own, at the head of a stream named Sāʿilat al-Shaykh. An affidavit (*nādhira*) was subsequently written by Shaykh ʿAbd Allah ʿAbd al-

⁵⁸ The clause *bi-dūn mukhālafat al-khadhar* is an overriding call for caution; these words are inscribed on the *verso* of the document (B.Z.G. 80).

⁵⁹ B.Z.G. 80, not dated.

⁶⁰ Messick 1993: 239. For a discussion and facsimile of "an old-style endowments register" consult Messick (1993: 238–241).

Qawī,⁶¹ in which both this shaykh and the *sayyid* acknowledged that the land occupied by Yaḥyā was indeed his property.

The above description is based for the most part on Yaḥyā Ḥayyim's narrative. The image whereby the relationship between Yaḥyā Ḥayyim and al-Sufyānī transformed from one of antagonism to one of amicability certainly gains support from the note forwarded from al-ʿAdhārib, which I embedded in its apparent place within the narrative. Yet it is not fully coherent with the actual affidavit, which appears in the Dwayd document cache (B.Z.F. 361.19). This document resembles a formal arbitration conducted by a third party rather than a straightforward acknowledgment of the right of a party to an item of property (such as provided by the Sharafī brothers). The document begins with the selection of the functionary by two parties; then, following a description of the disputed land, the *sayyid* articulates his claim. His assuaging is only achieved following the functionary's tour of the site and his juxtaposition of the land actually occupied by Yaḥyā with the information listed on Yaḥyā's deeds; and following the functionary's observation on the ground that the land listed in the *sayyid's musawwada* was separate from and below that belonging to Yaḥyā. The document ends with the functionary establishing the rights of each party over their separate property.

In the name of Allāh, the Merciful, the Compassionate
The humble [functionary] was selected by my *sayyid*, "the pure"
Aḥmad b. Aḥmad al-Sufyānī of the town of al-ʿAdhārib and by
dhimmī Yaḥyā Ḥayyim Mīshā of al-Maqhāya village, Bilād al-
Shuʿaybī al-Sufīā, in the matter of (*fi ikhsūs* [!]) the land at the
top of the narrow section (*al-hawṣa*) of the fallow part of the al-
Ḥijfār tract belonging to (*milḥ*) *dhimmī* Yaḥyā Ḥayyim—[the sec-
tion] the water conduits [leading] thereto are neglected. This tract
is [widely] recognized [in its location] in the lower portion of
Wādī al-Wizla, [and] pertains to the farmlands of al-Mashāʿib vil-
lage, Bilād al-Ḥayqī al-ʿUlyā, [which] now belongs to Wādī Shadhān,
Nāḥiyat al-Ḥishāʿ. The aforementioned *dhimmī* is the purchaser of
this tract from Muḥsin Ḥasan al-Sharafī and from Aḥmad Ṭāhir
al-Tihāmī and his brother ʿAbd Allāh Ṭāhir al-Tihāmī. He gained
right of possession to it (*thābata ilayhā*), as relate the deeds of pur-
chase (*baʿāʿir al-shirāʿ*) possessed by him [and] on the strength of
the confirmation of [the status of] this land and of the water con-
duits by the venerable source-documents (*al-uṣūl al-qadīma*). The

⁶¹ This is the fourth son of ʿAbd al-Qawī al-Shuʿaybī encountered thus far in our material. The others were Muḥammad, Muḥsin, and Musʿid (recall the context of the shooting of Aḥmad ʿAlī ʿUwayḍān).

aforementioned *sayyid* claimed that this land is [one] of his properties, part of the endowments (*min waqf*) of his ancestor, the saint (*walī*), Sayyid Abū al-Ghayth. [This claim was provoked] by the incitements of Ḥājī Muḥammad Mus‘id [of] al-Ma‘āzib [village]—[incitements made] out of [an] enmity and hatred of the *dhimmī* [the reality of] which was established before us by the locals (*ahālī al-jihā*) who know of his notorious enmity towards the *dhimmī*—[which were expressed] in his false testimony (*shahādat al-zūr*), [designed to] include the *dhimmī*’s property within the *waqf*, [which he formulated] after the aforementioned *dhimmī* began ameliorating his property and activating the water flow—for it was originally irrigated. When we appeared there and viewed this land, we identified the boundaries of the al-Ḥijfār land and its supporting [walls]. On the north side: defining this [tract of] land and the water sources passing beneath [it, is] the track leading from the terrace [named] Lower al-Malḥ towards Bīr al-Wizla, alongside Sīḥī Hill, up until the supporting [wall] defining the terrace [named] al-Miqshāb which belongs to Ḥājī Muḥammad Mus‘id [and which is part] of the al-Ḥaṭṭāṭī lands. On the west side: [the boundary] borders Sīḥī Hill. This is the [part of the] land which is at the top of the narrow section of the Ḥijfār tract. On the east side: [this is the portion] to which the water conduits are destined as related in the venerable source-documents (*al-ḥujaj al-qadīma*) confirming the [flowing of] the water conduits [to] the al-Ḥijfār land. [We identified the land] as the *dhimmī*’s property. The aforementioned *sayyid*, and others besides him, became assuaged with regard to this land and the water conduits; and the *dhimmī* is [hereby] established over his property. As for the properties of the aforementioned *sayyid*: they are lower and removed, below the property of the aforementioned *dhimmī*, as we saw in the legal records (*ḥābil shar‘ī*) between them, and as relates the register (*musawwada*) possessed by the aforementioned *sayyid*. Each of them is [hereby] established over his property in accordance with the deeds he possesses. Every onlooker shall be cognizant of this. [This is being written] in the presence of the witnesses, namely: Muthannā Muḥsin al-‘Abbādī and Qā‘id [I]smā‘īl Muthannā [from] al-Maqhāya; and ‘Alī Ḥasan al-Hijām from the town of al-‘Adhārib; and ‘Alī b. ‘Alī the soldier; and Aḥmad Muḥammad Qāsim Qādirī and Sayyid Muḥammad Aḥmad Muḥammad [from] al-‘Adhārib; Allāh is the superior witness. [This] was written on it’s date: the month of Ṣafar, year 1366 [= December 25, 1946–January 22, 1947].

[Signature:] ‘Abd Allāh b. ‘Abd al-Qawī al-Shu‘aybī

Albeit similar to formal arbitration documents, the procedure here in fact differs from standard arbitration procedure on two counts. First, following the choice of arbitrator, formal arbitration documents open with a claim, followed by a counterclaim; here, al-Sufyānī’s

claim is preceded by an unequivocal declaration that the disputed land had been purchased by Yaḥyā. Second, no denial at all is made by Yaḥyā to counter al-Sufyānī's claim. Instead, the claim made by the *sayyid* leads into a description of the unmasking of a false testimony made by Ḥājj Muḥammad, as if the claim is being undermined even as it is made. We may fairly assume that these deviations were intentional and that they were acceptable to al-Sufyānī, whose carefully configured document work in general—arbitration work included—we have had occasion to analyze in some depth. How then should the relationship between document, shaykh, *sayyid* and *dhimmī* be understood?

Fortunately, there exists an additional record that assists in establishing this relationship (B.Z.G. 256). This folio is folded in the middle, producing four page faces; the bottom right quarter (when looking at the *recto*) is torn off.⁶² Each of the four pages contains portions of text written in Yaḥyā Ḥayyim's hand.⁶³ On the *verso*'s right side is a copy of a receipt dating from autumn 1948 which is of no relevance to the issue at hand. But the other three page faces relate to the debate over al-Ḥijfār, with the pages on the left side of both the *verso* and the *recto* containing clauses resembling those in the arbitration document; it is these two pages that are currently of interest. These are not copies of the formal document just translated. The texts differ from that document on several important points and these differences cannot be explained away by suggesting that Yaḥyā wrote them from memory, since Yaḥyā was obviously in possession of the formal copy, translated above. There are also differences between the two texts themselves; these texts therefore seem to have served as preliminary drafts. A juxtaposition of Yaḥyā's two draft editions against 'Abd Allāh 'Abd al-Qawī's formal edition will lend perspective to the brand of arbitration occurring here.

The draft on the *verso* was presumably the first of the two drafts: it contains only a first few lines of text, breaking off as the *sayyid* begins his claim; and its content is further removed from the formal edition than that of the draft on the *recto*. The first substantial

⁶² I refer here to *recto* as the side adorned by the library seal.

⁶³ This is specifically written by Yūsuf Sayyānī on the right half of the *verso*: "This is a copy (*sura*) in the script of Yaḥyā Ḥayyim Moshe, the narrator and the provider of all the documents." Though the statement about the copy concerns only the writing on that page, the script itself is uniform over the entire folio.

difference between the two drafts is a replacement of the first person by the third person in referral to the claimant: from “*lammā kāna al-ṭalab minnā . . . wa-kunnā naqūl*” to “*lammā kāna al-ṭalab min al-sayyid . . . wa-kāna yadī al-sayyid*.” The first version discloses the possibility that the *sayyid* was preparing the drafts together with Yaḥyā; and this fits the perception disclosed by Yaḥyā in his narrative of the significance of the document as an affidavit. Clauses absent in the first draft include (a) the statement, inserted before the description of the plot’s location, specifying that the land “belongs” to Yaḥyā Ḥayyim; and (b) a clause specifying that Yaḥyā purchased the tract from al-Sharafī and from the Tihāmī brothers when it was fallow and uncultivated and that he was in possession of the relevant legal documentation. A description of the borders of al-Ḥijfār is left substantially intact. The second draft seems therefore to be advancing in two opposite directions. Externally, the document is given a more neutral, formal judicial attire; but it is tailored to stress as a presumption what should have been the *result* of such formal proceedings: that Yaḥyā is the buyer and owner of the land.

In the final edition—turning now to the input of the “arbitrator” with regard to these opening lines—al-Shu‘aybī downgrades the court-case style opening (*lammā kāna al-ṭalab min al-sayyid*) to the typical opening clauses of arbitration events reflecting the selection of the functionary by the parties. He adds specifics regarding the identification and placement of the land. He replaces the statement stressing Yaḥyā’s own work on the land (the statement that the land was purchased when fallow), irrelevant in the context of ownership, with the relevant information appearing in the *uṣūl* specifying that the land was served by water conduits. He adds honorifics to the *sayyid*’s name. He also removes the specific boundaries mentioned (to insert them later in their appropriate place farther down in the document, following his tour of the land). Al-Shu‘aybī, then, refines and streamlines a text prepared jointly by al-Sufyānī and Yaḥyā Ḥayyim.

Proceeding beyond the point where the first draft is discontinued, we are left with the longer, second draft and with the formal version. Immediately after the *sayyid*’s claim there appears the section relating to Ḥājj Muḥammad’s incitement. Appearing already on the draft version, this section seems to reflect the *sayyid*’s need (not that of the arbitrator) to explain the now elapsed basis for his original claim. Here al-Shu‘aybī adds a clause further explicating the *ḥājj*’s “false testimony;” this addition imparts an awkwardness to the language structure of the entire portion. Al-Shu‘aybī does, however,

delete some specifics appearing on the draft, again relating to Yahyā's work on the land. These details are expressed in word sequences identical to Yahyā's oral version relating to his activities on the land (see above, text at n. 50), further corroborating the hypothesis that Yahyā was directly involved in the wording of the draft.

The next section of the formal document refers to the boundaries. Having been removed from the beginning of the drafts, it is here inserted by the shaykh to explain the results of his visit to the land.⁶⁴ While the shaykh omits the southern boundary specified in the draft, he adds a reference to the northern boundary which, like the added portion relating to Ḥājī Muḥammad's incitement, replicates the awkwardness encountered there. Unlike the draft, the final version of course ends with the date and the names of the witnesses and of the functionary.⁶⁵ Again, the shaykh seems to be refining and editing. While the final outcome was a visually attractive document, the work left something to be desired: the seam work on abridged clauses is poorly rounded; and the most important boundary of al-Ḥijfār in relation to the Abū al-Ghayth *waqf* land is omitted. According to the narrative, the *waqf* land was located at the top of Sā'ilat al-Shaykh,⁶⁶ and the two drafts state that Sā'ilat al-Shaykh constituted the southern borderline of al-Ḥijfār. This further reflects the condition that by the time Yahyā and the *sayyid* approached the "arbitrator," their problem had already been solved.

The final version is indeed an ambiguous document, meaning different things for each of the three men who participated in its preparation. For the *sayyid*, it was a glorified affidavit, explaining away his publicly witnessed loss of self-control by stressing the inflammatory role played by Ḥājī Muḥammad. For Yahyā, it represents a monument of denial and an impressive addition to his arsenal of evidential documentation. For the commissioned "arbitrator," this must have been a welcome opportunity to market his technical

⁶⁴ It is unclear whether or not the functionary actually toured the area as he says he did nor whether he based himself here, too, on the agreement reached by Yahyā and the Sayyid.

⁶⁵ This further corroborates the hypothesis that the versions on B.Z.G. 256 are drafts. The date, and especially the names of identifiable witnesses and of the document functionary are essential parts of a copy. Cf. the copy on B.Z.G. 256, *verso*, right side.

⁶⁶ See above, text at n. 60.

prowess. And his soliciting by the pinnacle of local religious and legal authority may not have been an everyday occurrence.

A display of collaboration thus presents itself between men from across the area's social spectrum, all involved in defusing the tension surrounding Yaḥyā Ḥayyim. To the group directly involved in preparing the document a small crowd may be added. The local bystanders (presumably from al-ʿAdhārib) who prevented the *sayyid* from striking Yaḥyā in the marketplace; the *dhimmī* relatives and friends of Yaḥyā Ḥayyim used by their powerful neighbor to approach Yaḥyā in a non-intimidating manner and to gain his trust; and the residents of the locality (presumably Bilād al-Ḥayqī), who testified as to their perception of the *ḥājj*'s motives in his "incitement" of al-Sufyānī and described the ownership situation on the ground. To these may be added the supporting witnesses: the two from al-Maqhāya, the three from al-ʿAdhārib and the soldier.

The crisis had, so it might appear, been contained locally and resolved benevolently, without recourse to the voracious government institutions.⁶⁷ But at the end of the day this was no more than localized troubleshooting, insofar as Yaḥyā's achievement was limited to the appeasement of the *sayyid*. No injunction was imposed on Ḥājj Muḥammad. The exposure and backfiring of his plan may have cost the *ḥājj* a loss of dignity in the public eye, specifically on the part of two prominent figures in the region, namely a Shuʿaybī shaykh and al-Sufyānī. Yet while this situation was unfortunate, presumably embarrassing and perhaps exasperating for Ḥājj Muḥammad, these persons were connected, respectively, to Bilād al-Shuʿaybī and to Bilād al-ʿAdhārib and had no direct authority over Bilād al-Ḥayqī, where he himself resided and where the land was situated.

Failing to displace Yaḥyā Ḥayyim by means of guile, Ḥājj Muḥammad adopted a more direct approach. Yaḥyā declares in the next segment of narrative that "Ḥājj Muḥammad came and plundered the crop at night, and infringed upon the land watered by the irrigation canals."⁶⁸ Ḥājj Muḥammad's bodily presence on the land represented a new, physical challenge for Yaḥyā Ḥayyim. In this atmosphere of heightened tension, the pursuit of amicable

⁶⁷ This, Yaḥyā suggested in his narrative, would have occurred in Ibb, even though the contested land was in Liwāʾ Taʿizz: the antagonists resided in separate *nawāḥī* belonging to the Ibb *liwāʾ*.

⁶⁸ Yaḥyā Ḥayyim Dwayd, /N.S. 25.

settlement or of arbitration by an agreed-upon third party must have seemed senseless to him; this dispute would now have to be resolved formally in a government court. Because the matter involved Bilād al-Ḥayqī land and a resident of Bilād al-Ḥayqī, Yaḥyā directed his appeal for the restoration of his rights southwards, over the *lūwā* border, to Ḍūrān al-Ḥishā', the administrative center of Nāḥiyat al-Ḥishā'. He was to lose his case, as Yaḥyā proceeded to relate to Yūsuf Sayyānī:

The Jew then went to appeal before the *ʿāmil* of [Nāḥiyat] al-Ḥishā, Shaykh Muḥammad 'Alī 'Uthmān, based on the submission of a guaranty on my behalf that should the Jew make a mistaken accusation of the *ḥājī* he shall be responsible for payment of his losses upon the culmination of the dispute. The Jew's guarantor (*kaḥīl*) was Shaykh Yahyā b. Muḥsin 'Abd al-Qawī al-Shu'aybī.

Then the *ʿāmil* dispatched to the *ḥājī* [a certain] Qāḍī Hasan Husayn Ḥanash, with an accompanying soldier (*muḥāhid*) to fetch the *ḥājī*, and he instructed him to conduct an investigation. When the *qāḍī* arrived at the disputed site there appeared Muḥammad Mus'īd al-Ja'dī of al-Jawārif village (Bilād al-Shu'aybī al-Suflā), who was the administrator (*mutawallī*) of the *waqf* of saint (*walī*) Ḥājī 'Imrān al-Rā'ī, [the properties of which were composed of] irrigated and unirrigated [lands] in Bilād al-Shu'aybī al-Suflā and al-'Ulyā, and [of lands] in Bilād al-'Adhārib and Bilād al-Ḥayqī. [This is a] blossoming *waqf* (*waqf mughaḥḥar*), the yearly revenue of which is two thousand *qadaḥs*. [Al-Ja'dī] claimed with regard to this land that it was part of the *waqf* of the *walī* Ḥājī 'Imrān al-Rā'ī. [This occurred after] the *qāḍī* had already drawn a plan [of the disputed land]. Then, by excessive bribes, they encouraged him [to mark on the plan] some of the Jew's property as theirs. Then they set out for the government office (*ḥukūma*) [as summoned]. The *ʿāmil* referred them [= the rivals] to the *ḥākim* of the *nāḥiya*, Sayyid Ḥamīd b. Nājī 'Bā 'Alawī (from Jibla) for litigation.

[The *ḥākim*] heard from us claim and response, [then] took hold of the [written] evidence. He read out my evidence to them—my rivals—but did not read out their evidence to me. [This was] by way of conning against the Jew (*al-mu'āmala 'alā al-Yahūdī*); to create a situation whereby they might listen and know [in advance] what their response should be in negation of [the evidence] held by the Jew. [Also,] after taking hold of the Jew's evidence, the *ḥākim* instructed him to pay the fee of the *qāḍī* and of the soldier who were dispatched to the *ḥājī*, along with what the *ḥājī* cost them in terms of sustenance. The Jew complained about this and the *ḥākim* informed [him] that he shall [indeed] pay, but [if] upon the termination of the dispute, it should be confirmed that the *ḥājī* was forceful[ly infringing] (*mu'tadī*) on the Jew's property, they shall compel him to pay all of the [court] expenses. So the Jew paid twenty *riyāls*. The next day the *ḥākim* dispatched a

soldier (*ʿaskarī*) upon the Jew to [make him] pay [an additional] ten *riyāls* as court fees, one *riyāl* as fee for the scribe of the claim (*kātib al-daʿwā*) and half a *riyāl* as fee for the soldier who was dispatched upon him in the town [of Ḍūrān al-Ḥishāʾ].⁶⁹ The day after that the *ḥākim* along with the *mashāyikh* of the *nāḥiya* and its headmen (*ʿuqqāl*) set out to view the disputed site, in other words, to gain firsthand acquaintance. Ultimately the expenses of the Jew upon the tour of the *ḥākim* attained one hundred *riyāls* as venturing-out fees (*ujrat quḍūm*) and sustenance costs. The rivals too (the *ḥājj* and al-Jaʿdī), paid a similar sum for sustenance and [other] expenses.

In the month [Dhū] al-Qāʿda, year thirteen hundred and sixty-six [= September 16–October 15 1947], we [= the rivals] removed the judgement-documents (*aḥkām*) from the *ḥukūma*; and [I discovered that] the *ḥākim* made a faulty ruling in my regard. First, the *ḥākim* omitted (*alghā*; *ḍayyaʿ*) the name of the irrigated land (*sawāqī*) and of [the canals] flowing to it; and fixed other names for that irrigated land of my property into which water flows from the water conduits (*sawāqī*), so as to support (*mustanidan*) his decision in favor of my rival and so as to establish [the placement of all] expenses upon me in keeping with the voluntary condition [agreed upon] at the start of the dispute, according to Shuʿaybī’s [document of] guaranty of me kept by the *ʿāmil*, [acknowledging] that upon the dispute’s termination the expenses of the justified party shall be paid by the unjustified party. Second, when the *ḥākim* made his verdict he accorded my rival [land named] Maqāshīb, while what the aforementioned *ḥājj* owned was Miqshāb—a single terrace of a fringe (*liḥf*) detached from the land of Shuʿb al-Ḥaṭṭātī ([Hebrew:] the name of a place); [Arabic:] not irrigated, far removed from the Jew’s property, and not [meant to be] irrigated by the water-courses.

I left the *ḥukūma* for home. But the aforementioned *ḥājj* remained in the *ḥukūma*, and took from the al-Ḥishāʾ *ʿāmil* a letter directed to Shaykh Yahyā b. Muḥsin al-Shuʿaybī, my guarantor, regarding my coercion to pay the expenses of the *ḥājj*; for it had been confirmed that the Jew’s claim of the *ḥājj* was unjustified. The *ḥājj* sent the letter to al-Shuʿaybī by means of the al-ʿAdhārib shaykh, Shaykh ʿAbd al-Qādir b. Muḥammad al-Tām, who resides in the fortress of Ubāla village. Al-Shuʿaybī requested of me to pay the expenses, in accordance with the guaranty. I replied that they connived against me (*taʿāmalū ʿalayya*) and made a faulty judgement against me; and I carried the matter [from there] to our master, the regent of the Islamic Caliphate (*mawlanā*, *walī ʿahd al-khilāfa al-Islāmiyya*), Aḥmad b. Yahyā Ḥamīd al-Dīn. Al-Shuʿaybī, the Jew’s guarantor, responded to the al-Ḥishāʾ *ʿāmil* with this [information].

⁶⁹ This may have occurred when the party including Ḥājj Muḥammad arrived at the Ḍūrān al-Ḥishāʾ *ḥukūma*.

I then left for Taʿizz and appealed (*rajāʿtū*) to the regent, who referred me to the local *ḥākim*, Sayyid Hāshim b. ʿAlī al-Murtaḍā, who took from me the judgement-document together with the letter of appeal (*murājaʿa*). We had mentioned in the letter of appeal that the ʿāmil scraped [part of] the judgement-document [with an erasing-knife] (*qashaṭa al-ḥukm*) and re-touched it (*ʿamalahu*) in his own, well-known handwriting. This was recognized by Ḥājj Muḥammad al-Baḥrānī who lives in the city of Taʿizz, and he notified the regent as to the alteration. [The regent] told Sayyid Hāshim b. ʿAlī al-Murtaḍā to look at and expose [the matter]. My appeal took place on the first day of the month of [Dhū] al-Ḥajja, year [13]66 [= October 16–November 13, 1947]. The *ḥākim* of the court gave me a summons (*sabīl*) for the rivals—the *ḥājj* and al-Jaʿdī—for them to present themselves along with the judgement-documents “in compliance with a noble injunction.”⁷⁰ My losses during the period of the dispute attained two hundred *riyāls*; but fearing my rivals I went to Taʿizz no longer, for they said they would kill me. The judgement-document along with the appeal has remained in Taʿizz until this very day.

The transition to government-administered adjudication precipitated a real fall for Yaḥyā. Nothing had been achieved; there ensued no legal consequences that altered the current situation on the ground. As Yaḥyā’s claim was found to be unjustified, Ḥājj Muḥammad’s presence on the plot seems to have been allowed to continue.

In terms of procedure, the bureaucratic formalities of the adjudication stand in sharp contrast to the amicable settlement worked out cooperatively with al-Sufyānī some months previously. Application was first made to the *nāḥiya* governor (*ʿāmil*), who dictated the preliminary preparations for the showdown, ensuring the claimant had a guarantor, dispatching the *habeas corpus* order to the rival and arranging the preparation by an envoy of a chart of the disputed site. When all was ready he referred the parties to the *nāḥiya*’s *sharʿa* judge (*ḥākim*), before whom the actual litigation was to take place. Following the claim, response and presentation of evidence, the *ḥākim* dismissed the parties and presided over the ceremonious tour of the area. Basing himself on the chart supplied by the ʿāmil, the evidence provided by the parties and his own tour, the *ḥākim* arrived at a verdict and drew up, in the absence of the litigants (or at least of Yaḥyā), the documents to be handed over to the litigants. With the

⁷⁰ *ḥasb al-amr al-sharʿī*. This is another instance where Yaḥyā Ḥayyim words his narrative to reflect a cliché commonly found in formal documents.

ḥākim's work terminated, the litigants apparently received the rulings from the *ʿāmil*, who followed through with the implementation of the financial consequences, maintaining contact with the guarantor of the defeated party. All this was paid for by the litigants themselves; first and foremost by Yaḥyā.

Above and beyond the consumption of resources and the loss of his case—and apparently of what he considered to be his land—these formal proceedings left Yaḥyā with a feeling of having been betrayed. He perceived treachery by every *nāḥiya*-level official involved: the bribery of the *qāḍī* and his alteration of the map; the *ḥākim*'s partiality in reading out the documents of evidence; the payment at the outset of the trial of the *ḥājj*'s dues to the *qāḍī* and soldier, which Yaḥyā felt convention demanded he pay only in the event he lost the case; the *ḥākim*'s misreading of the evidence; the *ʿāmil*'s tampering with the document. Yet there were some islands of potential support.

There was first Yaḥyā's guarantor, Shaykh Yaḥyā Muḥsin al-Shuʿaybī. His guaranty enabled Yaḥyā Ḥayyim to access the *ḥākim* and perhaps resulted in some uneasiness for Ḥājj Muḥammad, who refrained from meeting Shaykh Yaḥyā face to face but chose to use the intermediary services of Shaykh al-Tām.⁷¹ In addition, following the proceedings in Ḍūrān al-Ḥishāʾ, while Shaykh Yaḥyā impressed upon Yaḥyā Ḥayyim that he could not ignore the financial consequences of the encounter, he did not prevent Yaḥyā from appealing the case. On the other hand, Shaykh Yaḥyā takes no steps vis-à-vis the possibly warped proceedings in the neighboring *nāḥiya* and does not help in the appeal to Taʿizz. More meaningfully, he provides no feeling of security for Yaḥyā in the face of death threats from the *ḥājj* and the overseer of Ḥājj ʿImrān al-Rāʿī's *waqf*—the latter a resident, like Yaḥyā Ḥayyim, of Bilād al-Shuʿaybī al-Suflā. Essentially, Yaḥyā Ḥayyim is left to fend for himself against a local coalition composed of some of the region's formidable figures. It is possible to understand why, as guarantor, Shaykh Yaḥyā was obliging and unobtrusive while in the role of protector he was passive

⁷¹ Alternatively, al-Tām may simply have been Ḥājj Muḥammad's guarantor, the way al-Shuʿaybī was guarantor for Yaḥyā Ḥayyim. Also, the use of intermediaries does not always indicate an attempt to approach an individual of higher status: recall the use made by al-Sufyānī of the Maddārs to approach Yaḥyā Ḥayyim.

and did not take action to support Yaḥyā Ḥayyim. The litigation occurred in the autumn of 1947, following the death of Shaykh Muḥammad ‘Abd al-Qawī and the subsequent marginalization of Shaykh Muḥsin ‘Abd al-Qawī—Shaykh Yaḥyā’s father—by Shaykh ‘Abd al-Wāḥid b. Mus‘id al-Shu‘aybī, who enjoyed the support of al-Sayāghī, Sayf al-Islām al-Ḥasan’s deputy in Ibb. To be turned to as a guarantor reflected on one’s status and it stands to reason that Shaykh Yaḥyā should have welcomed the opportunity to enhance his. Active support, on the other hand, would have been surprising to see in the context of the cold relationship between the two Yaḥyās, portrayed in Chapter Seven.

A potentially fruitful recourse for Yaḥyā was the possibility of appeal to the imām’s son Aḥmad, who governed Liwā’ Ta‘izz. Indeed, for a short while it seemed that by so appealing Yaḥyā had succeeded in circumventing the wall-to-wall conspiracy he perceived in Nāḥiyat al-Ḥishā’. Yet the attention granted the issue by the higher echelons of government and justice in Ta‘izz, while appreciated by Yaḥyā, did not find expression on the ground. Rather than dispatching a soldier to deliver the summons, as had the *‘āmil* of al-Ḥishā’, the Ta‘izz administration sent Yaḥyā himself, redirecting him into an increasingly unenviable corner.⁷² Nor did the administration act when the parties failed to appear as summoned. Perhaps there were more pressing duties for the available soldiers: ascertaining payment of that year’s taxes; and, soon afterwards, re-establishing control after Imām Yaḥyā’s assassination.

Some support for Yaḥyā appears to have been provided by witnesses. Consider the following suspended passage, written in the hand of Yaḥyā Ḥayyim, which appears on the right side of the *recto* of B.Z.G. 256 (the folio containing the drafts discussed above).

that al-Miqshāb is a single denominated terrace (*ṭaraf wāḥid mulaqqab*) [composed] of fringes detached from the al-Ḥaṭṭaṭī farmlands (*mazārī‘*) ([which] are part of the Bilād al-Ḥayqī administrative unit [*min a‘māl* Bilād al-Ḥayqī, and] which are known to lie alongside the detached [portion]); not irrigated (*dāḥiyyan*), hard (*ṣalab*), removed from the land to which the water conduits are

⁷² Yaḥyā specifies in his narrative neither when it was that he received the death threat, nor whether he, or an envoy on his behalf, actually presented the summons to his adversaries.

destined [which lie] below Bīr al-Wizla.⁷³ [This terrace is located] upstream from this [irrigated land], on the east side. On the west [of al-Miqshāb are located] the great boulder (*al-jaws al-aʿzam*) and the separating supporting [wall] west of al-Miqshāb which separates the al-Ḥaṭṭāṭī lands from the lands of Wādī al-Wizla; and water does not flow [to it] from the conduits. As for the two terraces about which Ḥājj Muḥammad Musʿid spoke below Bīr al-Wizla: these are part of the lands of the farmlands of Wādī al-Wizla (of the fields of al-Mashāʿib village, [which] is part of the Bilād al-Ḥayqī administrative unit) to which water conduits are destined and to which water flows; [but] these have lain hard for as long as they have known them. They know neither who owns them nor what they are named. As for the terrace about which *dhimmī* Yaḥyā Ḥayyīm spoke: this [too] pertains to the lands to which the water conduits are destined. As for the land of Shuʿb al-Ḥijfār, [which] is part of the farmlands of Wādī al-Wizla (of the fields of al-Mashāʿib village, [which] belongs to the Bilād al-Ḥayqī administrative unit): *dhimmī* Yaḥyā Ḥayyīm purchased this land when it was in a fallow state; [and it is composed of] several terraces as relate its source documents [which are] in the possession of the aforementioned *dhimmī*. They also testified that water has not [actually] flowed from the water conduits

That this text was meant to represent part of a testimony by witnesses is established by the final clause (“They also testified . . .”). But the testimony does not appear related to Yaḥyā’s encounter with al-Sufyānī, in contrast to two other texts appearing on the same folio: as Ḥājj Muḥammad was not a direct party to that dispute, the dwelling by the witnesses on details of Ḥājj Muḥammad’s plot in al-Ḥaṭṭāṭī would be inconsequential. Rather, the wording of this testimony corresponds closely to Yaḥyā’s own words while recollecting what he viewed to be the two mistaken premises upon which the *ḥākim* of al-Ḥishāʾ rested his ruling: that the land he had regarded as al-Ḥijfār was not al-Ḥijfār at all; and that the *ḥāj* owned more than one plot in the area—Maqāshīb (a plural form), instead of al-Miqshāb (a singular form). Could this segment of text exhibit the drafting by Yaḥyā of a testimonial which he would present in Taʿizz as part of his appeal of the *ḥākim*’s verdict? If so, the absence from the Dwayd cache of the final version of this text is understandable: it remained in Taʿizz.

⁷³ Between the lines, above the words “below Bīr” al-Wizla, are three other words which can be used in their place: “within the land of Wādī” al-Wizla.



Yahyā's efforts to acquire, develop and retain possession of al-Ḥijfār reveal a diligent purposefulness, knowledge of legal procedure in conflict resolution and an awareness of the human dimension behind official facades. These attributes and this purposefulness were matched by Ḥājj Muḥammad in his own efforts to wrest al-Ḥijfār from Yahyā. But what accounted for his interest in the land? According to the order of events subscribed to by Shaykh 'Abd Allāh 'Abd al-Qawī, Sayyid Aḥmad b. Aḥmad al-Sufyānī and Yahyā Ḥayyim, Ḥājj Muḥammad approached al-Sufyānī after Yahyā returned part of al-Ḥijfār to its state of irrigation;⁷⁴ and topographical details provided in the suspended text translated above help explain why such irrigation activity would have concerned Ḥājj Muḥammad. The source named Bīr al-Wizla had once provided water for plots situated downstream from it, in the streambed named Wādī al-Wizla. Al-Ḥijfār was located here, together with at least three other land units which, like al-Ḥijfār prior to Yahyā Ḥayyim's input, lay fallow. East of Bīr al-Wizla however, a terrace wall separated the lower-lying Wādī al-Wizla from unirrigated farmland named Shu'b al-Ḥaṭṭātī; and the westernmost fringes of al-Ḥaṭṭātī belonged to Ḥājj Muḥammad. In other words: *of those farmlands which, due to the law of gravity, were unable to make use of Bīr al-Wizla's water, the closest plot to that water source belonged to Ḥājj Muḥammad.* This may have been accorded little thought as long as the plots downstream from the water source had themselves rested untended: after all, Ḥājj Muḥammad owned many other properties. But now that the water conduits had been unclogged there was cause for envy: the grass would always be greener on the other side of Bīr al-Wizla.

Ḥājj Muḥammad's original objective was not to gain legal title to the land: when he approached al-Sufyānī, he did so not upon the pretext that the plot was his own but that it belonged to *waqf* Abū al-Ghayth. Likewise, his actions following the amicable settlement contracted in al-ʿAdhārib were not designed to prove legal ownership but to physically displace Yahyā. The claim to ownership was

⁷⁴ B.Z.F. 361.19.

⁷⁵ This indicates, in passing, also that the Ḥājj had not been claiming share-cropping rights when he first approached al-Sufyānī.

first made only in reaction to Yaḥyā's appeal to the al-Ḥishā' *ʿamil*.⁷⁵ It is hard therefore to deny the truth of the observation made by local observers, that Ḥājj Muḥammad's reaction to Yaḥyā's investment and development activities in al-Ḥijfār seems to have reflected his notorious "enmity and hatred of the *dhimmī*."⁷⁶ The means employed by the *ḥājj* during this contest—and the death threat which reportedly brought it to a close—testify as to the intensity of these emotions in November 1947.

IV. *A Hamlet Named "Mashā'ib"*

In his record of the testimonies of two eyewitnesses which I employed to introduce Chapter Eight, Muqbil 'Abd Allāh al-Munīf described how, on the eighteenth of Shawwāl 1367*h* (August 24, 1948), Ḥājj Muḥammad came to the village of al-Mashā'ib with his two sons and his camel-driver and how the four men battered and humiliated Yaḥyā Ḥayyim.⁷⁷ After recounting his loss of al-Ḥijfār, it was to this emotive incident that Yaḥyā directed his narrative:

In the month of Sha'bān, year [thirteen] sixty-seven [= June 9–July 7, 1948], Ḥājj Muḥammad assaulted me in al-Mashā'ib village, Bilād al-Ḥayqī. He tugged my sidelocks until he had thrown me to the ground then held one of my sidelocks while he, his sons Muṣliḥ⁷⁸ and Yaḥyā and his camel-driver beat me with rifle butts. [This occurred] in the presence of Qāsim Aḥmad Mihrās, Ṣāliḥ 'Abbādī Qāsim 'Awwād, 'Abbās Mḥammad Ṣāliḥ, Ḥasan 'Alī Mḥammad, and Muthannā Muḥsin al-'Abbādī and his brother 'Alī Muḥsin al-'Abbādī—all these are from the village of al-Maqhāya, Bilād al-Shu'aybī, Nāḥiyat al-Sabra. And in the presence of 'Alī Sa'īd al-Aswad of Khirābat al-Sawdān, Wādī Shadhāb, Bilād al-Ḥayqī.⁷⁹

The two sources clearly depict the same event; but did it occur during Sha'bān, as in Yaḥyā's oral retrospection, or two months later in Shawwāl, as in Muqbil 'Abd Allāh's record written closer to the event? A second documentary source, written by a certain

⁷⁶ B.Z.F. 361.19.

⁷⁷ See Chapter Eight, section I.

⁷⁸ This is perhaps another name for Ṣāliḥ, whom we have encountered, with regard to the ownership of Maqlid, in section II of this chapter.

⁷⁹ Yaḥyā Ḥayyim Dwayd, /N.S. 25.

Aḥmad Muḥammad Ṣāliḥ ‘Umar and containing the testimony of the eyewitness from Bilād al-Ḥayqī, ‘Alī Sa‘īd al-Aswad, suggests an answer.⁸⁰ The wording of this document is almost identical to that of Muqbil ‘Abd Allāh’s handiwork, suggesting again that testimonials do not necessarily reproduce the words of the individuals appearing, or ostensibly appearing, before the scribe and attendant witnesses. Most interesting, however, is the one significant difference between the accounts: Aḥmad Muḥammad’s product places the assault on the eighteenth of Sha‘bān, not of Shawwāl. I suggest that one of the two scribes copied his text from the other and did so with insufficient care. I further believe that this individual was Muqbil ‘Abd Allāh—not because Aḥmad Muḥammad’s version is corroborated by Yaḥyā Ḥayyim’s narrative, but simply because the word “Sha‘bān” as written by Aḥmad Muḥammad is readily mistakable for the word “Shawwāl.” It is possible therefore to conclude the date of the attack: June 26, 1948; but neither the testimonials nor Yaḥyā Ḥayyim’s narrative depict it as the result of a sequence of events. This section seeks to consider both the background of the incident as well as what the incident itself precipitated, and thus to reconstruct the final leg of Yaḥyā Ḥayyim’s relationship with Ḥājī Muḥammad.

To suggest what sparked the incident I turn to another event which took place the same day: the writing-up—also by Muqbil ‘Abd Allāh al-Munifī—of the following joint statement:

In the name of Allāh

We truthfully bear witness and know for certain that for as long as we know ourselves, al-Mashā‘ib village—which belongs to the village cluster (*mamsā*) of Shadhān, Bilād al-Ḥayqī al-Suflā—was vacant and in ruins; till building in it was initiated by Muḥammad Ṣāliḥ ‘Ays,⁸¹ the Banī al-‘Abbādī, and some [other] Bilād al-Shu‘aybī emigres. For a long time they have dwelled [unperturbed] (*sakanū la-hum*), and the [current] domicile of each of them remains where he resided originally. In this aforementioned village, private property (*milk*) is not known to belong to anyone—

⁸⁰ B.Z.F. 361.2.

⁸¹ Evidently the father of Ḥasan Muḥammad Ṣāliḥ ‘Ays, who in 1936 sold Huwab al-Difī to Ḥayyim Mīshā.

⁸² Private ownership did exist, as documents in the Dwayd cache testify. What Muqbil appears to be referring to is a situation such as that in Bilād al-Shu‘aybī al-Suflā: the automatic and exclusive ownership claimed by an individual or a descent group on land for which no one can prove proprietorship. See below, n. 99.

not to Ḥājj Muḥammad and not to anybody else: we absolutely do not recognize any person's private ownership.⁸² This is what we bear witness to—and [true] testimony is Allāh's [alone]. *Dhimmī* Yaḥyā Ḥayyim Mīshā requested the writing of this for display before he who holds high office. Written [on] the eighteenth of Sha'bān, year [13]67 [= June 26, 1948].

Muqbil 'Abd Allāh al-Munīfī; Muḥammad 'Abd Allāh Muqbil; Aḥmad Muḥammad Ṣālīḥ 'Umar;⁸³ Aḥmad Muḥammad Wāṣil.⁸⁴

It is possible to infer from this statement on ownership something about the issue it was created to address: by asserting a claim of proprietorship Ḥājj Muḥammad was interfering with the apparent intention of Yaḥyā Ḥayyim to establish a residence in the village of al-Mashā'ib, by the side of other Bilād al-Shu'aybī emigres. But some direct information is also at hand. Yaḥyā's own comments, inscribed by Yūsuf Sayyānī on the upper margin of the document, make it clear that Yaḥyā Ḥayyim was not merely planning to reside in al-Mashā'ib: he had been engaging in construction activity there.

This is a testimonial (*mashhad*) concerning the village of al-Mashā'ib, Bilād al-Ḥayqī, in which I had begun to build because the village is above my properties (*amlākī*). For he who purchases land (*māl*) in Bilād al-Ḥayqī, the [adjacent part of the bordering] village [too] is [understood to be] his property. It [= the village] is [therefore] my property and the property of al-'Abbādī and the property of the *ḥājj*—who came and threatened[⁸⁵] me with court action (*jā' yushārī'nī*) and demolished the houses I had built in the village. For he had told me that I must pay him rent on the houses which I built. And I had told him that I would indeed oppose him in court (*anā bādil la-hu al-shar'ā*), as the houses are at the fringe (*bi-liff*) of my properties. I had purchased land [parcels], the names of which are "Huwab al-Ḍiffēh"—a fringe of Shāghat al-'Awdī—and "Hawbat Qaryat al-Mashā'ib."

Enough information is now at hand to allow comment on the circumstances leading up to Ḥājj Muḥammad's sally. Ibrāhīm Ḥayyim suggested to me that by residing in al-Mashā'ib his brother Yaḥyā would avoid government troop contingents moving between Ibb and Qa'ṭaba, who "searched for the Jews and lived off them."⁸⁶ A fuller

⁸³ This was the individual from whom Muqbil 'Abd Allāh appears to have copied the assault testimonial.

⁸⁴ B.Z.F. 361.16.

⁸⁵ Cf. below, n. 91 and n. 92.

⁸⁶ Ibrāhīm Ḥayyim Dwayd, recorded interview, Elyakhīn, May 21, 1997, commenting on B.Z.F. 361.8. Ibrāhīm exemplifies this problem on another occasion, when in explaining the differences between the Jew and other *ra'iyya* he relates the

explanation of the “Push” factor would include the survey, concluding Chapter Seven of this study, of Yaḥyā Ḥayyim’s situation in al-Maqhāya early in the summer of 1948. His grainstorage relationship with Shaykh Muḥsin ‘Abd al-Qawī had terminated, his financial independence from his father’s household had been confirmed, and he was not hindered by the need to sell his home: Yaḥyā was free to leave the village. Shaykh Muḥsin’s son, Yaḥyā Muḥsin ‘Abd al-Qawī, with whom Yaḥyā Ḥayyim had known a problematic relationship, had recently established control over Bilād al-Shu‘aybī al-Suflā. Tensions existed between Yaḥyā Ḥayyim and the younger Yaḥyā Yūsuf Musallam Maddār, now the wealthiest Jew in al-Maqhāya, who maintained a more favorable relationship with Shaykh Yaḥyā Muḥsin and who assumed the initiative in representing, or in directing, the village Jews. Seeking to confront Yaḥyā Yūsuf in court, Yaḥyā Ḥayyim instead found himself chained up in Shaykh Yaḥya’s jail. Yaḥyā Ḥayyim depicted a state of lawlessness that had overcome the *‘uzla* as a whole following the assassination of the old imām; now, just after the Pentecost feast or June 14, 1948, it appeared to have touched him personally. It was against this cheerless background that relocation beckoned.

What did Yaḥyā Ḥayyim find in al-Mashā‘ib? Ibrāhīm Ḥayyim’s explanation of the move is here of value: this was a quieter place. Besides its removal from the Ibb-Qa‘ṭaba track, the hamlet bordered a thinly inhabited wasteland and was itself sparsely inhabited: people would typically come for short periods and leave; at times the place seemed deserted.⁸⁷ Ibrāhīm Ḥayyim remembers a total of about a dozen houses, some of which stood empty.⁸⁸ Yet for all the relative isolation of this hamlet, Yaḥyā’s would not have been its only Jewish family: Dāwud al-Khammār and his son Ḥasan had moved there from al-Maqhāya in 1363*h* (1943–44).⁸⁹ Judging from Muqbil’s

case of a company of soldiers passing through al-Maqhāya, who came across Ibrāhīm’s brother (not Yaḥyā) returning with the flock of sheep from pasture. One soldier singled out a particularly fat sheep and without warning jumped on it, drew his dagger and slaughtered it, later paying a price he himself decided on (Ibrāhīm Ḥayyim Dwayd, recorded interview, Elyakhīn, April 8, 1997).

⁸⁷ Ibrāhīm Ḥayyim Dwayd, recorded interview, Elyakhīn, May 21, 1997, commenting on B.Z.F. 361.16.

⁸⁸ Ibrāhīm Ḥayyim Dwayd, recorded interview, Elyakhīn, May 21, 1997, commenting on B.Z.F. 361.16.

⁸⁹ Narrated information inscribed by Yūsuf Sayyānī on the margin of B.Z.G. 287 (al-Maqhāya’s *jizya* receipt for 1367*h*).

statement on ownership, the hamlet's Muslim inhabitants were emigres from Bilād al-Shu'aybī, like Yaḥyā himself and Dāwud al-Khammār. And, as reflected by its location near Wādī al-Wizla, al-Masha'ib was a short walk from al-Maqhāyā. In this small community of Muslims and Jews bonded by a common experience, free of rent-collecting landowners and socio-religious elites, adjacent to his fields yet not far from his silos in Ubāla and al-Maqhāyā, Yaḥyā Ḥayyim must have envisioned possibilities for opening a new, more untroubled chapter in his life.

These prospects would have been most attractive in June 1948 as suggested and it was then that Ḥājj Muḥammad stepped in to dismantle them. Yaḥyā had begun to build in al-Mashā'ib, invoking what he understood to be the convention in this part of Bilād al-Ḥayqī, namely, that ownership of farmland sanctioned the right to build in the adjacent segment of a village.⁹⁰ Propounding an understanding of ownership rights differing from that of Yaḥyā, Ḥājj Muḥammad demanded rent on Yaḥyā's edifices, tantamount to a claim that the village was his. Yaḥyā's comments inscribed onto Muqbil's statement on ownership suggest that Ḥājj Muḥammad's mention of adjudication was intended as a threat only: it would in fact have been a logical presumption on his part that Yaḥyā had learned a lesson from their contest over al-Ḥijfār a few months before at the Nāḥiyat al-Ḥishā' *hukūma* and from its aftermath.⁹¹ But Yaḥyā rejected Ḥājj Muḥammad's demand, and welcomed instead the challenge to go to court; Ḥājj Muḥammad responded by demolishing the structures. The time frame during which all this happened is not clear and it is possible that the events occurred over a period of several days or even weeks preceding the assault.

What did happen on the twenty-sixth of June were the two developments dated by documentation. I propose by way of conjecture that the first of these developments was Muqbil 'Abd Allāh al-Munifī's statement on ownership, designed to supply evidence Yaḥyā would need in a legal showdown; and the long-impending attack on Yaḥyā's person, which occurred on the same day, represented Ḥājj Muḥammad's rapid reaction to the discovery that Yaḥyā had actually taken

⁹⁰ See also B.Z.F. 361.16 and B.Z.G. 88.

⁹¹ This is how I interpreted Yaḥyā Ḥayyim's comment (text at n. 85, above).

steps to prepare for this adjudication.⁹² At the same time, had Ḥājj Muḥammad and his party intended to kill Yaḥyā Ḥayyim, they probably would not have committed their act before seven witnesses; it would seem, rather, that this was an extreme attempt at intimidation.

Formulated as they were for Yaḥyā Ḥayyim's benefit, it was not the purpose of the testimonials to describe the entire incident and these eyewitness reports focus on the violence of Ḥājj Muḥammad and his companions only, detached not only from what preceded it but also from what it itself precipitated. Additional details provided farther down in Yaḥyā's narrative reveal that the beatings were cut short and that the incident ended in a brusque exchange of gunfire.⁹³

On hand when he beat me were those friends of mine who guarded my land and escorted me on road journeys on account of the dispute between myself and the *ḥājj* and al-Ja'dī. My friends stood up for me and protected me. He [= Ḥājj Muḥammad] fired two bullets at them and missed them; and they fired three bullets at him. The rifles were mine—for protection [of my crops] against baboons, and for [equipping] my escort.⁹⁴

Ibrāhīm Ḥayyim was able to relate the names of two of the friends involved: Muthannā Muḥsin al-ʿAbbādī and ʿAlī Muḥsin al-ʿAbbādī,⁹⁵ who are in fact among the witnesses mentioned by Yaḥyā Ḥayyim in his narrative.⁹⁶

The attack, like the threat of adjudication and the demolition of his edifices, failed to cause Yaḥyā Ḥayyim to back down; instead, he resumed his preparations for litigation, chartering now the two

⁹² It is conceivable that if the statement on ownership had been drafted *following* the attack it would not have been prepared on that same day, when Yaḥyā Ḥayyim would presumably have been sore and shaken. Further, Yaḥyā Ḥayyim's background comments transcribed on the form by Yūsuf Sayyānī (translated above) do not mention the attack (see also below, n. 99). If the *ḥājj*'s action indeed represented a reaction to Yaḥyā's preparation for adjudication, this would provide additional support for my reading of Yaḥyā's comments that Ḥājj Muḥammad's mention of adjudication was intended as a threat only.

⁹³ This segment of narrative does not immediately follow the segment translated at the beginning of this section of the chapter. See below, n. 105.

⁹⁴ Yaḥyā Ḥayyim Dwayd, /N.S. 25.

⁹⁵ Ibrāhīm Ḥayyim Dwayd, recorded interview, Elyakhīn, May 21, 1997, commenting on B.Z.F. 361.8.

⁹⁶ Muthannā Muḥsin al-ʿAbbādī was one of the witnesses to the Šafar 1366/h (December 25, 1946–January 22, 1947) affidavit/arbitration document between Yaḥyā Ḥayyim and Sayyid Aḥmad b. Aḥmad al-Sufyānī analyzed in the previous section (B.Z.F. 361.19).

testimonials describing the attack.⁹⁷ Yaḥyā also obtained a fourth supporting document, a letter expressly directed to the *‘āmil* of al-Ḥishā’. A clarification on this document’s *verso* written down by Yūsuf Sayyānī reveals that its author, Ṣāliḥ Aḥmad Muḥammad Idrīs, was the *amīn* of Wādī Shadhān; or, a local official who possibly oversaw the smooth and fair allotment of irrigation water in the streambed lands of the group of hamlets to which al-Mashā’īb belonged:

In the name of Allāh

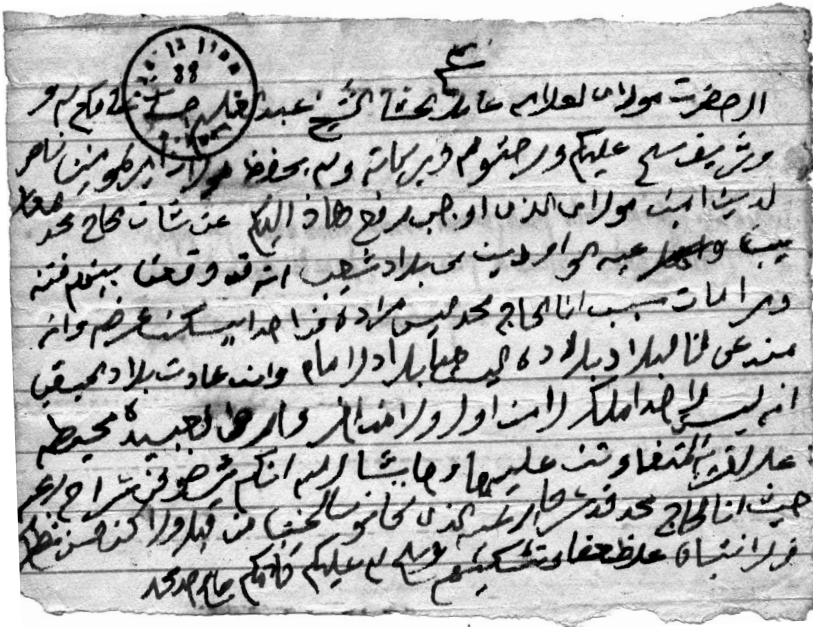
To my honorable learned master, *‘āmil* of al-Ḥishā’, Shaykh ‘Abd al-‘Alīm Ḥassān—may Allāh grant you health and may the honorable peace be with you and also Allāh’s compassion and blessings. And may Allāh preserve our master—Prince of the Believers, He who Supports the Religion [of Allāh],⁹⁸ Amen. My master: the affair concerning Ḥājj Muḥammad [of] al-Ma‘āzīb and farmers (*ra‘iyya*) coming from Bilād Shu‘aybī has made necessary the proffering to you of this [letter]. A quarrel (*fitna*) and exchange of gunfire (*marāmāt*) occurred between them because Ḥājj Muḥammad is averse to anyone dwelling beside him. He claims that the territory (*al-bilād*) is his territory not the territory of the imām.⁹⁹ But it is the tradition of (*‘ādat*) Bilād al-Ḥayqī that private property (*milk*) is possessed [exclusively] by no one—neither in former times nor in recent times—and [moreover,] vacant land surrounds the [specific] village under contention. And it is far from you that you should consent, God forbid, to the tragic driving away of farmers; for Ḥājj Muḥammad has driven away farmers who had formerly been living [in the area]. Rather: benevolence towards the wronged, vigilance on behalf of the weak—and [allowing] their habitation. May Allāh’s peace be with you. Your servant, Ṣāliḥ Aḥmad Muḥammad.¹⁰⁰

⁹⁷ While a date of writing appears on neither testimonial, it is arguable that the documents were not obtained directly after the incident. The need for two similarly worded testimonies from different witnesses suggests that some time had passed between the attack and their preparation, during which the witnesses had returned to their respective homes. Also unclear is the identity of the individual responsible for formulating the language of these testimonials: was it one of the eyewitnesses, or was it Aḥmad Muḥammad Ṣāliḥ ‘Umar, whose production appears to have served as the template for that of Muqbil ‘Abd Allāh al-Munīfī? Or was it, perhaps (again?), Yaḥyā Ḥayyim himself?

⁹⁸ *nāṣir al-dīn*. This was the title assumed by Ahmad b. Yaḥyā when he became imām.

⁹⁹ This clause sheds light on what was possibly intended by Muqbil ‘Abd Allāh in his statement on ownership when he mentioned that no one’s private ownership was recognized in the locality: no single individual maintained exclusivity (see above, n. 82).

¹⁰⁰ B.Z.G. 88. Ṣāliḥ Aḥmad Muḥammad’s attribution of the violence to Ḥājj Muḥammad’s preliminary activities provides further support for my understanding of the sequence of events on June 26 (see above, n. 91).



Facsimile 19: Letter from the *amīn* of Wādī Shadhān to the *‘āmil* of al-Hishā’ (B.Z.G. 88)

The coalition of support crossing social and territorial divides had now reached impressive proportions: the four documents along with Yahyā’s narrative name a total of fifteen people who came forth and committed themselves to assisting Yahyā. The testimonies describing the attack reflect, presumably, an aversion towards Ḥājj Muḥammad’s treatment of Yahyā Ḥayyim. Perhaps it was thought also that a description of the attack might have some effect on the outcome of charges that might be levelled against the ‘Abbādī brothers, who actually brought to bear the weapons they carried on Yahyā’s behalf. But in the underlying problem at hand—Ḥājj Muḥammad’s claim to ownership—additional, personal, interests were at stake. Consider, first, that rather than positively supporting Yahyā’s claim of rights Muqbil ‘Abd Allāh’s statement on ownership counters the claim of Ḥājj Muḥammad. It is significant that Muqbil ‘Abd Allāh al-Munifī (who wrote both the statement [B.Z.F. 361.16] and one testimonial [B.Z.G. 331]), Shaykh ‘Abd Allāh Aḥmad al-Tām (who witnessed the testimonial written by Muqbil) and Aḥmad Muḥammad Wāṣil (who co-signed Muqbil’s statement on ownership) themselves owned

land in this part of Bilād al-Ḥayqī.¹⁰¹ It would have been important to these Bilād al-ʿAdhārib *mashāyikh* that Ḥājj Muḥammad's claims to exclusive landowner status in the area be defeated.

Consider also the letter composed by the *amīn* of Wādī Shadhān. Here any mention of a Jew is carefully avoided, even when the *amīn* describes the reason for the exchange of fire which, as seen above, was the 'Abbādīs' defense of Yaḥyā Ḥayyim. In the wider picture drawn by the *amīn*, Ḥājj Muḥammad was claiming exclusive landowner status not only to this or the other plot within a particular village but to an entire "territory" within Bilād al-Ḥayqī.¹⁰² Yaḥyā's quarrel with Ḥājj Muḥammad therefore symbolized the experiences of a whole group of former Bilād al-Shu'aybī residents living or farming in Bilād al-Ḥayqī, whose interest in Yaḥyā's success was unmistakable. Were Ḥājj Muḥammad to succeed in asserting himself as primary landowner in the area, the Bilād al-Shu'aybī-type tenant status from which they had freed themselves might be replicated. According to the *amīn*, Ḥājj Muḥammad had already driven away longtime Bilād al-Ḥayqī residents. For those who remained, the *ḥājj*'s disregard for Yaḥyā Ḥayyim's property rights together with his public roughing-up of Yaḥyā would have been a threatening reminder of the peril.

Yaḥyā's possession of Muqbil's statement on ownership and of the letter composed by the *amīn* of Wādī Shadhān suggests that he fully appreciated these personal interests. A few months earlier, upon his loss of Ḥijfār, Yaḥyā felt isolated and helplessly out of his depth in the face of the perceived conspiracy in the al-Ḥisha' *ḥukūma*. This time, he sets himself in the background and prepares to present the dispute as one between a Ḥājj Muḥammad now branded as defiant of Imām Aḥmad's rule and the entire locality. He would appear, before a new 'āmil in Ḍūrān al-Ḥishā', not as a wealthy *dhimmī* from outside the *nāḥiya* contesting a local *ḥājj*, but as the representative of a group of poor Muslim farmers and of Muslim *mashāyikh* who

¹⁰¹ This is indicated in the ownership document of a terrace handed over by Muqbil 'Abd Allāh, probably to Yaḥyā Ḥayyim (Muqbil's acquisition took place in 1944), which describes the properties bordering that terrace (B.Z.G. 31).

¹⁰² It is hard to believe that Ḥājj Muḥammad was claiming exclusivity of ownership in *all* of Bilād al-Ḥayqī, as this would have involved a grave conflict with the Banī al-Ḥayqī themselves.

owned land in the *nāḥiya*.¹⁰³ But this did not happen, as might well be suggested by the very fact that the *amīn*'s letter to Shaykh 'Abd al-'Alīm Ḥassān the *'āmil* came to rest in the Dwayd cache.

Yaḥyā's mistake appears to have been that he first appealed in the matter of Ḥājj Muḥammad's aggression. What the *amīn* of Wādī Shadhān had carefully avoided in his letter—Yaḥyā's connection to the exchange of gunfire—was now deliberately exploited by Ḥājj Muḥammad in a single, overturning motion. Yaḥyā recounts in the final portion of his five-page narrative:

I appealed before the subsequent *'āmil* of al-Ḥishā', Shaykh 'Abd al-'Alīm b. Muḥammad Ḥassān, who dispatched a soldier upon the *ḥājj*. When the *ḥājj* arrived [in Ḍūrān al-Ḥishā'] he bestowed on the *'āmil* butter and honey [prior to the litigation]. And in the *ḥukūma* he contrived hateful tales about me, [for example] that I possessed a hoard of weapons and ammunition. And [he said]: "The Jews of Palestine were fighting with the Muslims of Palestine and this one wants to fight with the Muslims of Yemen." The *'āmil* detained me in jail; they shackled me with two pairs of cuffs.¹⁰⁴ The *'āmil* sent the sergeant of the prison, Shaykh Muḥammad al-Ḥaydarī, out to my house with five soldiers to conduct a search. He came and searched the house but found nothing.¹⁰⁵

[Then] they went and took the rifles away from the *qabā'il* and brought them [= the rifles] into the *ḥukūma*.¹⁰⁶ I responded that these rifles are for [guarding against] baboons and do not belong to me but are security deposits. They took away the rifles and did not return them. The *'āmil* took from me a fine of one hundred *riyāls* and [another] hundred as soldiers' expenses and for the sergeant. I even paid four *riyāls* as pay for the soldier who was dispatched unto the *ḥājj* when I came to appeal before the *'āmil* about my beating. I was imprisoned for eight days in the jail of the Ḍūrān al-Ḥishā' *ḥukūma*. The *nāḥiya* scribe, Sayyid 'Alī b. Ḥamīd al-Shāmī, reported the reprehensible event (*iḥtasaba*) before Imām Aḥmad, who replaced and deposed the *'āmil* on my account.

Yaḥyā Ḥayyim was preparing to present the al-Mashā'ib ownership dispute as an issue that concerned both local residents and government. Ḥājj Muḥammad precluded Yaḥyā's action using the same

¹⁰³ Essentially, he was playing the part of *'āqil* for the hamlet of al-Mashā'ib.

¹⁰⁴ Presumably, one pair for his hands and the other for his feet.

¹⁰⁵ At this point appears the section of narrative describing the use by Yaḥyā's friends of weapons in his defence (above, n. 93).

¹⁰⁶ It would seem that the *qabā'il* referred to are the two 'Abbādī brothers.

tactic, but the problem he had highlighted was overridingly wider and the contemporary interest evidently impossible to ignore.

Again Ḥājj Muḥammad had prevailed: Yaḥyā Ḥayyim never fulfilled his goal of moving to al-Mashāʿib hamlet. That he continued to live under Shuʿaybī jurisdiction after his June 1948 encounter with Ḥājj Muḥammad is suggested by a note addressed to Shaykh Yaḥyā Muḥsin ʿAbd al-Qawī al-Shuʿaybī, dated Shaʿbān 1367*h* (which ended on July 6, 1948), requesting that the shaykh extract from Yaḥyā Ḥayyim the expenses of an individual named Muḥammad Ghānim al-Jumāʿi.¹⁰⁷ In another letter a request of the *ʿāmil* of al-Ḥishāʿ is transmitted to Shaykh Yaḥyā Muḥsin that he provide Muḥammad Ghānim with a note (*waraqā*) “regarding the turning in of the weapons of the people of al-Maqhāya” and that he send in thirty *riyāls* incumbent on “the *dhimmī*.”¹⁰⁸ That Yaḥyā Ḥayyim remained in al-Maqhāya is suggested also by his early August involvement in its villagers’ *jizya* affairs.¹⁰⁹ Further evidence is provided by a note Yaḥyā received from Shaykh Yaḥyā Muḥsin upon the autumn 1948 harvest, allowing him the use of three grain silos.¹¹⁰ Yaḥyā Ḥayyim’s departure from Bilād al-Shuʿaybī al-Suflā was to occur only as the Dwayds joined the 1949 exodus of Yemen’s Jews to the nascent State of Israel.

V. Conclusion

The Dwayd-Ḥājj Muḥammad relationship history as reconstructed in this chapter was linked to issues of Dwayd land possession within Bilād al-Ḥayqī; Ḥājj Muḥammad appears on stage whenever the

¹⁰⁷ B.Z.G. 47. Al-Jumāʿi and the note’s author, a certain ʿAbd Allāh Nājī Ṣāliḥ, served as Yaḥyā’s agents (*wukalāʾ*, s. *wakīl*) during the Ḍurān al-Ḥishāʿ episode. Their capacity is unclear: Yaḥyā Ḥayyim may have engaged them to present his case before the *ʿāmil*, but it is equally possible that they were appointed by the *ʿāmil* himself to fulfil demands made of Yaḥyā Ḥayyim while he was in jail. This possibility is raised by the following letter, also written by ʿAbd Allāh Nājī Ṣāliḥ al-Ḥudhayfī (B.Z.F. 361.13).

¹⁰⁸ B.Z.F. 361.13 and B.Z.F. 361.13 *verso*, narrated addition. Besides reflecting Yaḥyā Ḥayyim’s continued residence in al-Maqhāya, these letters also suggest that Shaykh Yaḥyā Muḥsin ʿAbd al-Qawī’s authority on the ground was by now recognized by a government center.

¹⁰⁹ See Chapter Six, text at n. 40.

¹¹⁰ B.Z.G. 72, a note dated Muḥarram 1368*h* (November 3–December 2, 1948).

Dwayds upgraded their activity within the territory. More than chance encounters were involved and personal sentiment in particular figures significantly as a factor explaining Ḥājj Muḥammad's actions. But this pattern must to some extent be the result of the nature of the source material which revolves around the Dwayds. Let us enhance this viewpoint by reviewing the scene but with the *ḥājj* now occupying center-stage.

Just as Yaḥyā Ḥayyim identified in this corner of Nāḥiyat al-Ḥishā' a locale for self-expression, so did Ḥājj Muḥammad. The status of much of the land in this part of Bilād al-Ḥayqī was uncertain. Some of the agricultural land was ownerless or, at least, no one knew who the owners were; and many of the inhabitants were no more than transients. This apparently flexible situation seemed to offer a window of opportunity in which ownership could be appropriated; or at least debated, challenged, fought for. The section focusing on al-Mashā'ib suggests that Ḥājj Muḥammad was attempting to repeat what had been successfully accomplished by the Shu'aybīs decades earlier in an adjacent territory, namely, to carve out a unit of territory in which he and his sons would be lords.

This broad concern may be read into the sections and allowed to mix with the more immediate foreshadowings of those attitudes and actions of Ḥājj Muḥammad of which we are aware. If he actually intended to display shaykhly demeanor, Ḥājj Muḥammad's compliance in August 1943 with the Dwayd debt-acknowledgment summons would scarcely have been appropriate. His pursuit of Maqlid would reflect more than a challenge to 'Alī Muḥammad 'Abbādī's hegemony within the 'Abbādī family; and his frustration over having to share the plot with the Dwayds can be the better appreciated. His reaction to Yaḥyā's revitalization of al-Ḥijfār; the death-threat; his demolition activity and his attack: all these would have been more than expressions of personal jealousies, and of a hateful aversion towards any overly successful *dhimmi*. For some fifteen years Ḥājj Muḥammad had been observing a gradually intensifying activity on the part of the Dwayds within Bilād al-Ḥayqī; he had come to consider that household, and Yaḥyā Ḥayyim in particular, as a menace to his own claim of seignory.

Since Ḥājj Muḥammad was claiming seignory, his actions provide another opportunity to observe the mechanics which a local aspirant might employ in the hope of attaining shaykhhood. Alongside the appropriate shaykhly demeanor, he fielded a diversified array of

tactics: the introduction of property to the household through matrimony; the engagement of *waqf* administrators to displace competitors; the forging of false testimonies and the bribery of governors and of their envoys; and more direct physical action, ranging from such harassments as plunder and ill-boding presence, through death threats and demolition of buildings, culminating in the infliction of bodily harm. Taken together, these activities can be summarized using Yahyā Ḥayyim's crisp encapsulation of the manner in which the Shu'aybīs established their own overlordship many decades earlier: "... by means of stratagems (*hiyāl*) and coercion (*ṣamīl*): coercion [close to] home and stratagems in the courts."¹¹¹

Yahyā's personal experience—his chastisements in the *ḥukūma* of Nāḥiyat al-Ḥishā'³—does not imply that Ḥājj Muḥammad's claim to hegemony was sustained by Shaykh 'Abd al-'Alīm Ḥassān (or by his replacement in the role of imamic representative, the third 'āmil to govern Nāḥiyat al-Ḥishā' that year). Certainly the local *mashāyikh* and farmers were not prepared to succumb to Ḥājj Muḥammad's wishes and allow him to succeed in his endeavor. The *ḥājj*'s chances might have been better one hundred years previously, during the *ayyām al-fasād*. After thirty years of Imām Yahyā's centralizing rule however, Ḥājj Muḥammad's aspirations were one thing; his chances of success another.

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It was late in the day for Yahyā Ḥayyim as well. A change had occurred over thirty years of national and religious agitation centered in Mandate Palestine, and as Muḥammad Mus'īd Ḥusayn had returned from his *ḥājj* by 1929, the Dwayd-Ḥājj Muḥammad relationship may have accommodated traces of twentieth-century nationalism from day one. Epitomizing this change is the reaction to Yahyā's rifles wielded by his escort. Possession of weapons was never a secret: bullet cartridges were part of the 1943 debt Ḥājj Muḥammad himself was required to hand over to the Dwayds.¹¹² Recall also Yūsuf Musallam Maddār who, possibly up until his illness in 1931, outfitted

¹¹¹ Yahyā Ḥayyim Dwayd, /N.S. 25.

¹¹² B.Z.G. 110.

an armed escort. Yet it appears that it was only at this late hour, after the Nāḥiyat al-Ḥishā' government court procedures he depended on were brought out of reach, that Yaḥyā Ḥayyim adequately appreciated the extent of this change. It is illuminating that as late as the summer of 1948 Yaḥyā should have been engaged in the construction of a new compound for his household.

Lured by windows of opportunity they perceived within Bilād al-Ḥayqī and motivated by personal histories, inevitably collision-bound, both Yaḥyā Ḥayyim and Ḥājj Muḥammad forwarded their individual objectives much as their forefathers might have done: the *dhimmī* his interior migration, the *ḥājj* his shaykhhood. Winds of change that had overridden the two Yemeni households boded success for neither.

CONCLUSIONS

My purpose in this study has been to shed new light on Jewish-Muslim relations in rural Yemen. I began by proposing that imaginative use of a hitherto uncharted mass of source material—the Yemeni archive of the late Prof. S.D. Goitein—would permit an exceptional degree of detail and contextual background to be brought to bear on a question of social history: specifically, how subordinated yet successful *dhimmīs*, such as the Dwayds of al-Maqhāya, handled the dilemma of pursuing their interests and aspirations without forgoing the protection and restraint of the surrounding Muslim society and polity. To help pursue this problem, I formulated two working hypotheses, one relating to the format of the study and the other to its framework. The first working hypothesis was that the best way to view the negotiation of equilibria of *dhimma* and the challenging of thresholds of *dhimma* would be to reconstruct, on a microscopic scale, extended relationship histories between *specific* Jews and *specific* Muslims. The second was that proper appreciation of a relationship history, and hence of the negotiations it involved, require close attention to the peculiar atmosphere and traditions of the local political unit in which that relationship played itself out: in our case, the Lower Yemen *‘uzla*. I maintained moreover that understanding the political circumstances within such units might facilitate the analysis not only of relationship histories, but also of village headmanship, often considered in the scholarly literature on the Jews of Yemen as a sub-topic of the wider theme of Jewish Community.

Chapters Three to Ten have validated this methodological procedure. My reading of the documentary and narrative source material has produced a detailed matrix imparting credible context to otherwise disjointed units of evidence relevant to the Dwayds’ dilemma. This matrix has confirmed the serviceability of our working hypotheses as solutions to the study’s central query. In summary: to pursue their interests and aspirations as headmen, grainstorers and landowners in their part of Lower Yemen during the final years of the Judeo-Muslim concourse in that land, the Dwayds engaged in a series of extended interpersonal relationships. In each such relationship the Dwayds needed to maintain a peculiar balance or equilibrium of

dhimma, a *modus vivendi* defined through an ongoing process of negotiation in which they were full participants.¹

The study has demonstrated the precarious nature of documentary and oral evidence when treated thematically before being treated contextually. This can be instanced by briefly returning to the theme of Tolerance, eschewed at the outset of this study on conceptual grounds. Specifically: the document depicting Ḥājj Muḥammad's battering of Yaḥyā Ḥayyim contains all the vivid imagery and pathos expected of the kind of source material which has fed arguments reproaching Muslim intolerance. The counter-argument—that commending Muslim tolerance—might just as easily be furthered by exploiting the document indicating Ḥayyim Mīshā's headmanship appointment over Muslims. To adequately comprehend these and other units of evidence, however, we have argued for positioning evidence in the context of developing relationship histories, responding to changing local political conditions. When an appreciation of real-life context is thus achieved, classic "wider questions" such as "Tolerance" are displayed as academic at best. It is worthwhile to recall at this point the observation by Ginzburg and Poni, that:

[i]n no case can microhistory limit itself to verifying, on its own scale, the macrohistorical (or macroanthropological) rules that have been elaborated elsewhere. One of the first discoveries of the student of microhistory is the rare and sometimes nonexistent relevance of the analyses . . . elaborated on the macrohistorical scale.²

In what follows I survey some of the novel perspectives afforded on what have hitherto been treated as backwaters of Yemeni social history and on the *dhimma* experience in Lower Yemen.

One of the ramifications of this study has been the underscoring of the overriding importance, in the daily lives of the rural Lower Yemeni population, of the small-scale political histories of rural politics, and of the fluctuating relationships between these politics and central authority. In contrast to those in Upper Yemen, rural politics in Lower Yemen have been addressed only cursorily in the scholarly literature. The comparison with Upper Yemen is a useful one. According to Dresch, in the tribal north:

¹ In the light of this validation, much of the *Introduction and Plan of Work* and of Chapters One and Two may now be addressed as conclusion-type material.

² Ginzburg and Poni 1991: 9.

[a] section that has some claim refused or ignored by its fellow sections may change tribes. No one physically moves. The territory and location of the section remain as is and where they were, but the line between tribes A and B, which ran along one side of the section's borders, now runs along the other. . . . At no point since at least the tenth century do we have named units on the plateau displacing each other by conquest.³

In non-tribal Lower Yemen the situation was very different. Displacing by conquest took place as recently as the 19th century and borderline adjustments occurred even after. And while in tribal northern Yemen, "the domains of shaykhs . . . do not in fact coincide neatly with tribal divisions,"⁴ in the areas we have studied "shaykh" is often synonymous with territory—the territory, that is, of his own household rather than of a stationary tribe.

As Qāsimī rule over Lower Yemen weakened in the early 19th century, households deriving their authority from that administration were challenged by both existing and emerging strongmen. Political opportunity, combined with well-planned marriages, a foothold of well-situated land, adequate martial demeanor and competency and sufficient stamina, allowed upstarts to claim for themselves and their households a slice of the pie—a village, a cluster of hamlets, an entire territory—and to become shaykhs. Contending households established their zones of authority in relation to other politically and martially active houses. Land was physically occupied, potential competitors extinguished and new peasants brought in as sharecropping farmers. Legal title could be acquired at a later date, if necessary, through efficient manipulation of the courts or through the continued application of more direct pressure. Within the households themselves, predominance was contested amongst siblings, uncles, nephews and cousins. The question of who would be *the* shaykh remained as crucial an issue in the middle of the 20th century (when our source material leaves off) as it was a century earlier. This in brief summarizes the picture emerging from the local lore in our region: the manner in which the Shu'aybīs took over from the Jumā'īs and established their primacy; the armed clashes between the Shu'aybīs and the Munīfīs over control of the col; the stamping out by the Munīfīs and the Ḥayqīs of the shaykhly pretender

³ Dresch 1990: 272.

⁴ Dresch 1984: 31.

who wedged himself on Jabal Ḥilhāl between their two houses; the establishment in al-ʿAdhārib of the Tāms of Khawlān partly at the expense of such *mashāyikh* as al-Ghurāb of al-Ḥamak hamlet. In this manner, powerful houses of *mashāyikh* defined and fought over what Ottoman and later Mutawakkilite rule would eventually acknowledge as territorial borders.

The Dwayds' move during *ayyām al-fasād* from al-Ḥudayda, where they had come from Ṣurm al-ʿAwd, was motivated by the border strife between the Munīfīs and the Shuʿaybīs. Some Dwayds opted for al-Khiyāriyya, in Bilād al-Ḥayqī; others for Ḍūrān al-Ḥishā'; while those who made the short move to al-Maqhāya, along with other refugees from the Munīfi domain, did so because of the relative safety provided by the Shuʿaybīs. I say relative safety, because property could not be acquired in and around their new village within the territory claimed by the Shuʿaybīs. But life under these *mashāyikh* was more secure than it had been in al-Ḥudayda, where rights of ownership were little respected.

By governing, or collecting taxes, through the medium of selected or elected shaykhs, the Ottomans institutionalized shaykhly rule. This is exemplified by the insistence of the Ottomans on a Tām occupying the position of shaykh of al-ʿAdhārib, and in the identification by government of zones around shaykhs, such as in the division of the Shuʿaybī holdings into a "lower" and an "upper" territory. Shaykhs were able to reinforce their hold on their territories, indeed, to have their holdings officially defined as territories, further heightening differentiation between adjacent zones. Of course, the endorsement by government of some shaykhly households meant the weakening of others. The group of large-scale contenders thinned out, leaving by the wayside such previously significant players as the Munīfīs of Ubāla who eventually gave way to the Tāms on our col, or al-Ḥijrī of al-Samana, who was flushed out of al-ʿAdhārib. Perhaps it was vestiges of this facet of the picture which Mundy observed in 1973 in the villages southeast of Ibb, and which brought her to hypothesize that "... in parts of Lower Yemen [Ottoman] rule permitted the peasantry to weaken the hold of landlords of northern origin."⁵ In any event, some of the more powerful houses, such as the Sumayrīs, Tāms, and Shuʿaybīs, appear not only not to have been weakened

⁵ Mundy 1995: 12, 208 n. 60.

but rather, to the contrary, to have prospered. It was under such conditions of shaykhly semi-independence that a Jewish headman could, however briefly, be appointed over Muslims in al-Khiyāriyya, as reported by Yavne'eli. It was only shaykhly misbehavior on a scale threatening the general stability of an area or the safety of a group that was attended to by the Ottomans. (Bin Nāṣir's expedition against 'Abd al-Qawī al-Shu'aybī in 1906 or 1907 provides an instance, and the ensuing escape of the villagers of al-Maqhāya to Bilād al-'Adhārib is another example of the continuing importance of the differences between the local polities.⁶) Otherwise, shaykhly rapaciousness either went uncontested or was challenged by the disadvantaged party through an appeal to the honor of another shaykh. Smaller-scale landowners kept their caches of ownership documents beyond territorial borders. Protection money still needed to be paid for rights of safe passage through various territories on the way to and from markets to conduct business. Both the move of Ḥayyim Mīshā Dwayd and Musallam Maḥfūḍ al-Maddār from al-Maqhāya to al-'Adhārib, and their return three years later, were in response to rapacious demands of the respective local shaykhs in the late Ottoman period.

While Mundy hypothesizes that Ottoman rule weakened the hold of *mashāyikh*, other commentators assert that it was Mutawakkilite rule that broke the privileges of the shaykhly class. This assertion too is accurate only in general terms. In principle, the positioning by the Mutawakkilite government of Islamic government courts and soldiers within reach of the population made both shaykh and peasant equally answerable to a higher authority. The taxation prerogative was removed from the local shaykhs and transferred to government-appointed assessors and collectors. An example of this procedure is provided by Bilād al-Shu'aybī al-'Ulyā, where during the early 1920s its landed *mashāyikh* experienced significant inroads of both government in Najd al-Jumā'ī and of investors with money to spare. But these changes instituted from the center appear to have been intended less for the benefit of the peasants than for control of the shaykhs. Thus, in practice, the tax assessors and collectors themselves were often shaykhs from other zones of Lower Yemen. Furthermore, Mutawakkilite rule introduced new, government-supported, northern

⁶ See Chapter Three, section I.

“Highlanders” on the local scene, who competed with the local *mashāyikh* for land and local authority. The ʿJils of al-ʿAdhārib and al-Ḥāshidī of nearby al-Nmaṣ, also of Bilād al-ʿAdhārib, who acquired their own footholds and set out to widen them, actually added to the local pool of *mashāyikh* already in place: the Tāms, Munīfīs, Mālikīs and Wāṣils.

Furthermore, by the time of the Mutawakkilite takeover, many of the holdings of the powerful landowners were undisputedly under their control and local traditions of etiquette firmly in place. Not only did Mutawakkilite rule fail to rid the area of its landowning shaykhs: by dividing its *nāhiyas* into *ʿuzlas* the Mutawakkilite administration sealed and sanctioned territorial fortunes made during *ayyām al-fasād* and fortified under Ottoman rule. In contrast to the condition in Bilād al-ʿAdhārib and in Bilād al-Shuʿaybī al-ʿUlyā, a shaykhly household like the Shuʿaybīs of Bilād al-Shuʿaybī al-Suflā managed not only to retain control of their land but also to expand their authority by working with the new government, and emerged from Mutawakkilite rule in firm control of their territory. In contrast to these three *ʿuzlas*, the more thinly-populated Bilād al-Ḥayqī apparently provided even in the mid-1900s opportunities for an ambitious and aggressive father and his sons. Yaḥyā Ḥayyim’s attempted move away from al-Maqhāya in 1948 was partly explained by his deteriorated relationship with the *ʿuzla* shaykh, and his particular choice of Mashāʿīb village was motivated by what he considered to be the traditional rules of landownership specific to that part of Bilād al-Ḥayqī.

It is clear from this summation that throughout the period covered by our source material, the daily lives of rural Lower Yemeni villagers were continuously affected by numerous highly differentiated, small-scale political conditions. These circumstances contributed to the villagers’ incentives for developing and expanding their settlements, the percentage of arable fields actually tended, the selection of crops, and the quality and architecture of dwellings. They are also a major factor in explaining who lived where in these rural areas. The Dwayd family history has indicated that these micro-polities were crucial in defining the patterns of settlement also for Jews; indeed, more so perhaps for them than for other groups, since their physical protection, as *dhimmīs*, was in principle and practice not in their own hands. Not only security was involved: a short move to the next village could involve a new pattern of housing, and create

new financial opportunities; and it generated new frameworks for contacts with groups of Muslim villagers of different socio-economic statuses, religious sentiments and martial cultures. Because the local political climate was a determinant of the language of etiquette which predicated social interaction, the fact that their horizons encompassed numerous shaykhly territories provided a number of generations in the Dwayd family with a constantly changing range of opportunities for regenerating relationships. These points are well illustrated by the Dwayds' involvement in commercial grainstoring, which went hand in hand with the kind of security afforded by stable shaykhly rule. Storing grain on a commercial scale involved accurate listing of all incoming and outgoing grain, and the clear recording of all lending activity and debt repayment. This required an adequate degree of security and deterrence against theft, and a condition whereby return of debts was the rule rather than the exception. These conditions were provided in his *ʿuzla* by Shaykh Muḥammad, for whom it was beneficial that the literate grainstorer, already his agent, should double as local headman. In the best years, when Shaykh Muḥammad was in power, the Dwayds enjoyed a high degree of physical security within their village and their territory, and the borderline between them and the neighboring territories was a tangible, albeit not inviolable, threshold.

The *ʿuzla* perspective calls for a reassessment of the meaning of "periphery" and "center." Over the half century prior to their emigration, to deal with central government for the Dwayds would mean dealing with its transient exponents in the centers of Dhī al-Sufāl and Sabrat Banī ʿĀṭif; Māwiya, Najd al-Jumāʿī and Ibb; Dūrān al-Ḥishāʾ and Taʿizz; Ṣanʿāʾ; and, as to be seen in the Epilogue, al-Nādira. From the Dwayds' point of view, however, this constituted the peripheral sphere for most of this period: their foremost center was Ḥiṣn Munīf, the castle of the dominant shaykh.

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Early on in the study (Chapter Two, section I), I questioned the ability of the existing discourse on rural Yemeni Jewish community structure to serve as the primary context for discussion of the Dwayd headmanship experience. I turned instead to the linked realms of geography and Yemeni social and political history, and contended that study of Jewish history in rural Yemen would depend on an

innovative exposition of the past history of other groups occupying the domains in question. It would be a fitting conclusion to this circular venture to ask what the Dwayd experience, and the contextual prism that was assembled to examine it, can tell us about the concept of Jewish community.

Dwayd resettlement between *ʿuzlas* took place well within a circumscribed area that may be regarded as their regional community. The physical outline of this region can be defined as extending a distance equivalent to a walk of roughly four hours in any direction. Such an area encompassed locations that could be reached in a single day with time left over for a meal, social intercourse or business, and return home. Within this region, amongst dozens of villages with no Jewish residents at all, are situated a handful of villages with a Jewish constituency. These were the villages in which a spouse would be sought on behalf of a Jewish villager (in those cases in which spouses were not available amongst cousins), and in which a number of markets could be found operating on alternate days of the week. (The Dwayds frequented the Sunday market in nearby al-ʿAdhārib, the Tuesday market in Sūq Ḥusayn al-Ḥayqī, located a one-hour walk east of al-Khiyāriyya,⁷ and the Wednesday market in Nādīb.) Thus, while the households joined by the village synagogue formed what may be termed the Dwayds' "congregation," it was the Jewish villagers of the wider region who constituted their "community." The concept of a regional community meant that individual Jews and Jewish households could and often did choose to live alone or almost alone amongst Muslims in villages with no congregations, since they remained connected by family and social anchors to their community. This was the case with Morī Yaḥyā Sālim al-Maddār, whose involvement in the Maddār succession story we have traced at length (in Chapter Eight, section IV), and who moved his household to such a Muslim village—al-Muṭāya—for a period of time before returning to al-ʿAdhārib.⁸ This would have been Yaḥyā Ḥayyim's situation too, had he completed his move and joined Dāwud al-Khammār in al-Mashāʿīb. There was a Jewish household in ʿAdan Banī Maṣṣūr, while Ḥayyim Mīshā's sister and brother-in-law lived in al-Samana. The precise horizons of the Dwayds' community would

⁷ Ḥayyim Yehūda Triff, N.S. 19:6.

⁸ Musallam Sālim al-Maddār, /N.S. 10.

have differed not only from those of Jews from other villages in their community, but also from those of other Jews in their own village, depending on specific family ties, social circle or business and usage of markets. However, an equalizing role was played by topography. On the northern horizon, the villages of Dhī Nāṣir and Radā'ī, both containing Jewish congregations, were located at the start of a significant climb to Jabal Manār, north of Ba'dān. This climb was mirrored on the southern horizon by the ascent to Ḍūrān al-Ḥishā'. On the western horizon is the climb to al-Gades—a six-hour trek, to which would be added in rainy seasons the need to ford the dangerous floodwaters of Shanāsī and Tuban. And to the east are the dry, sparsely inhabited, open areas before Qa'taba, a full day's travel away. All these Jewish congregations on the peripheries of the Dwayds' community, and *their* communities, were too distant to engage reasonably in daily interaction with the Jewish villagers of al-Maqhāya, although inter-regional interaction and exchange of information between regions surely occurred in the markets at least on a weekly basis.

When the congregations of the community to which the Jews of al-Maqhāya and al-ʿAdhārib belonged are looked at through the *ʿuzla* prism, a remarkable phenomenon emerges: in no case was there more than a single congregation per *ʿuzla*. From southeast to northwest, on a single axis, one congregation (al-Khiyāriyya, with some forty major males⁹) was in Bilād al-Ḥayqī. Three hours from here, the next congregation (al-Maqhāya, with some twenty-one *jizya*-payers, as seen in Chapter Six) was in adjacent Bilād al-Shuʿaybī al-Suffā. One hour away, the next congregation (al-ʿAdhārib) was in adjacent Bilād al-ʿAdhārib. A further two hours brought one to the next congregation (Akamat Banī Maṣṣūr, with some 130 *jizya*-payers¹⁰), in adjacent *uzlat* Banī Maṣṣūr. And another hour from here was the last congregation of the Dwayds' community (al-Nādib, containing some sixty *jizya*-payers¹¹), in adjacent ʿUzlat Dalāl. I do know whether this pattern reflected conscious initiative on the part of the original villagers. However, the fact that the five congregations of this cir-

⁹ Sālim Saʿīd Yūsuf Muthannā Qatar, /N.S. 97.

¹⁰ This was the number during the late 1930s. Twenty or thirty households subsequently left for Palestine so that by the mid-1940s the number of *jizya*-payers had gone down to seventy (Sālim Abrāham Ḥasan Jiblī, N.S. 22:97).

¹¹ Shimʿon Ḥasan Sulaymān Jubb, /N.S. 25.

cumscribed community were situated within five distinct *‘uzla* polities, implies that when an individual felt the need to relocate in order to improve his individual or his household’s personal security and business prospects, or to establish independence from a parent’s household, he could leave his village and congregation, yet remain within his community of a few hundred souls.¹² This condition underlines again, of course, the importance of micro-polities in any satisfactory understanding of the pursuit by specific Jews of their interests and aspirations; but it also underlines their importance as a necessary component in any plausible perception of the character of Jewish life in Lower Yemen in more general terms.

The Dwayds’ regional community is reflected also in the pattern of Jewish religious authority. Yūsuf Sayyānī transcribed the following information recounted by Morī Sālim Sulaymān Maklabānī of al-Maqhāya:

In the distant past, the marriage and divorce functionary, ritual slaughterer and circumcisor by us in Mlāḥ village was Morī ‘Awwāḍ al-Qā’imī. Then rose Morī Yōsef Dwayd, who was a paternal cousin of Ḥayyim Moshe Dwayd . . . After him, Morī Ya‘qūb [Yehūda] Maddār [of al-‘Adhārib] was the marriage and divorce functionary, circumcisor and ritual slaughterer. Court [sessions] would be held by us [in al-Maqhāya]; and [litigants] would come from Akama (Akamat Banī Maṣṣūr) and from Nādīb to litigate before him. . . . Then I [myself] rose, along with Yūsuf Musallam [Maḥfūḍ al-Maddār]. Yūsuf Musallam was the marriage and divorce functionary, circumcisor and ritual slaughterer, and I [too] would slaughter. Then he died. And his son—Sālim here—and I conducted marriages and divorces.¹³ Yūsuf Musallam and I learned to read before Morī Ya‘qūb Maddār, and [learned from him also] the ritual slaughtering laws, etc. Morī Yūsuf [Musallam] was ordained (*nismakh*) to conduct marriages and divorces by Morī Ya‘qūb. Morī Ya‘qūb studied and was ordained “by the mouth” of Morī Harūn Maddār of al-‘Adhārib.¹⁴

¹² Women, whether married or not yet married, did not move out alone. For them, apostasy was an option which guaranteed a break with the current situation and opened up new opportunities. If they were still unhappy it was possible to try to escape to Aden and overhaul the situation once again.

¹³ We have seen Sālim Sulaymān Maklabānī and Sālim Yūsuf Maddār as the two ritual slaughterers of al-Maqhāya, in the events surrounding the slaughter of Ḥasan al-Ḥaddād’s cow (see Chapter Seven, section V [Yahyā Ḥayyim Dwayd, /N.S. 6]).

¹⁴ Sālim Sulaymān Ḥasan Yehūda Maklabānī, /N.S. 9:24–25. Cf. Musallam Sālim al-Maddār, /N.S. 10.

Thus, while al-Maqhāya was no rabbinical center, it had its own functionaries, educated and ordained within the regional community by the central rabbinical figure in al-ʿAdhārib. This was the same Morī Yaʿqūb Yehūda Maddār encountered in Chapter Eight (section IV) and Chapter Four (section III). Now Maklabānī recounts that individuals came from Nādīb and Akamat Banī Maṣṣūr at the northern extent of our regional community to litigate before Morī Yaʿqūb in al-ʿAdhārib. Yet we have also seen the reverse: cases involving litigants from al-ʿAdhārib that were adjudicated by Morī Hārūn Yaʿqūb al-Maṣrafi of Akamat Banī Maṣṣūr. Another perspective on this relationship between villages is provided by Morī Sālim Abrāham Ḥasan Jiblī of Akamat Banī Maṣṣūr:

When Morī Hārūn al-Maṣrafi went down to Aden—for he was ill and he went down to be cured, staying in Aden some six or seven years—Morī Saʿīd al-Sharʿabī presided in court. In the event these [two] were [both] absent, Morī Yaʿqūb Yehūda Maddār would come from al-ʿAdhārib. Between us and al-ʿAdhārib was [but] one and a half hours.¹⁵

A similar relationship to the one between al-Maqhāya and al-ʿAdhārib existed between Nādīb and Akamat Banī Maṣṣūr: ritual slaughter, circumcisions and marriages were performed by a local in Nādīb, while divorces took place in Akamat Banī Maṣṣūr.¹⁶

It may be said, therefore, that the Dwayds' regional community was also a rabbinically self-sufficient unit, providing its own framework for appeals (independent, it is worth noting, of any center in Ṣanʿā'). Furthermore, *ʿuzla* politics and differentiation had a significant effect even on the efficiency and destiny of this pattern of Jewish religious autonomy. Thus, in 1936, the independent-minded Shaykh Muḥammad ʿAbd al-Qawī encouraged his Jews in al-Maqhāya to adjudicate beyond the *ʿuzla* border—indeed, beyond the *lūwāʾ* border—before the *morī* of al-ʿAdhārib, at a time when Jews in al-ʿAdhārib itself, paradoxically, could not. For these latter had already been caught up, like their Muslim co-villagers, in a government-supported process of Islamization which had overtaken their *ʿuzla*, and from which it was impossible to withdraw.

¹⁵ Sālim Abrāham Ḥasan Jiblī, N.S. 22:103. According to Musallam Sālim al-Maddār of al-ʿAdhārib (/N.S. 10), the villages are at a distance of 2 1/2 hours.

¹⁶ Shimʿon Ḥasan Sulaymān Jubb, /N.S. 25.

This leads us to the phenomenon of Jewish use of Muslim courts. That Jews in twentieth-century Yemen, as in other Islamic lands in previous centuries, applied to the Muslim judiciary is well recognized in the literature. Contracts were concluded in Muslim government courts to safeguard the legality of proceedings, thereby assuring their recognition as accepted evidence should litigation at a government court ensue. Litigants would apply to a Muslim court when opponents refused to appear in the Jewish court or when unsuccessful there. Indeed, individuals by-passed Jewish courts altogether and initiated proceedings in Muslim courts when the law applied there was advantageous to them. The most cited example here is that of succession, where in Jewish law females never share in an inheritance with a male and where the firstborn male is granted twice the share of any of his brothers. Daughters (or their representatives) and junior sons were tempted by the relatively beneficial provisions of Islamic law, in which daughters receive half a son's share and which does not apply principles of primogeniture.¹⁷ The incentive was so powerful that Jewish courts are known to have amended their own judgments to approximate Islamic law in order to preserve their authority, and the instrument of bequest was widely employed by ageing fathers to prevent filial squabbling.¹⁸ Application to the Muslim judiciary was considered by the Jewish community a breaching of the moral fence protecting it (*prīṣat gader*); they occurred nonetheless and despite the theory that Jews under Islam are accorded autonomy in jurisdictional matters, a theory recognized by Imām Yaḥyā.¹⁹

Interestingly, these situations are similar to those explaining the application by rural Muslims to the official government or *sharī'a* courts of law in the twentieth-century Middle East. In Libya, for example, heirs who felt wronged and others whose position in tribal society was weak preferred government courts over the traditional methods of arbitration.²⁰ In that same society the *sharī'a* court was applied to for reasons of legal security: when divorce occurred out of court, the parties applied to the court to acquire declaratory judge-

¹⁷ Goitein 1971: 398–399; cf. Hirschberg 1974: 231–246, especially p. 244. See Hollander (1995a: 6–9) for additional incentives.

¹⁸ Goitein 1971: 399; Tobi 1976: 114–115.

¹⁹ Tobi 1976: 106, 109–110.

²⁰ Davis 1987: 223.

ments to preempt future claims.²¹ But our microscopic perspective allows more specific comparisons than these. The reconstruction in Chapter Eight (section IV) of the Maddār estate apportionment history, and its close juxtaposition over the Munīfī estate apportionment experience, indicate that Jewish usage of Muslim courts may most realistically be considered against a background which is localized as well as inter-confessional. Likewise, the 1925 application to a Muslim government court by Miryam, Yaḥyā Sālim Maddār's half-sister, may be seen in the light of Mundy's observation in Wādī Ḍahr that "[w]here women challenge men, the cases . . . are fought primarily before Islamic legal authority."²² Miryam's actions also recall Mundy's observation that rarely is the share of a daughter in her father's estate transferred to her at an early stage of her marital career, but rather during her middle life, when she would fight to move her property from under her brother's management.²³

The actions of the Maddār testators are consistent with behavior patterns in rural Muslim societies of the twentieth century. For example, Judean desert Bedouin would evade *sharʿī* inheritance laws by the division of property between the sons, with their agreement, during the father's lifetime,²⁴ and such behavior is observable amongst Yemeni Muslims as well.²⁵ This was precisely what Sālim Yehūda attempted to do in 1903. As for the *hiba* (gift *inter vivos*), *waṣīyya* (bequest), and *waqf* (religious endowment)—the more sophisticated methods employed by Yaḥyā Sālim to the same end following the constraint of customary freedom of movement—these are the time-proven techniques by which *sharʿī* laws of inheritance were avoided by Muslims.²⁶ Other customary practices shared by Jews and Muslims in Lower Yemen have been identified in the field of marriage and divorce.²⁷

The microscopic perspective indicates the danger of routinely explaining Jewish application to Muslim courts as being the result of clear-cut contrasts between Islamic and Jewish law. When, for

²¹ Layish 1991: 182–183.

²² Mundy 1995: 53.

²³ Mundy 1979: 165–170.

²⁴ Layish and Shmueli 1979: 39.

²⁵ Hollander 1995b: 537 n. 90.

²⁶ Layish 1997: 354–357; Messick 1978: 378–384.

²⁷ Hollander 1995a: 9.

example, the majority society itself does not regularly offer daughters their rightful *sharʿī* share in fathers' estates, "push" and "pull" factors explaining applications to the majority judiciary tend to be neutralized. In order to explain any specific case of Jewish application to a Muslim court, therefore, care must be taken to identify the "level of normativity" offered by that specific court or functionary in practice at that particular point in time before appeal can be made to the common presumption that Jews would apply to Muslim courts to take advantage of relatively favorable *sharʿī* principles. Thus our reconstruction of the Maddār estate apportionment history does not dispute that Jews applied to Muslim courts to avail themselves of *sharʿī* norms. It does show, however, the danger of presupposing that application to a Muslim functionary was accompanied by strict application of Islamic law, and of assuming that as far as the matter was dependent on the Yemeni Jewish courts, Jewish law was adhered to. For a tendency of judges to sanction agreements between disputants, even when these ran counter to normative law, existed in both the Jewish and Muslim courts.

Our reconstruction also does not dispute that Jewish courts provided women with their *sharʿī* shares in an estate so as to preempt application to Muslim courts. It does, however, reveal an irony: only by conducting his affairs in *Muslim* courts could a Jewish praepositus like Yahyā Sālim Maddār hope to salvage something of the basic *halakhic* axiom that females do not inherit in the presence of males. The pressure on Jewish legal autonomy indeed increased with the new accessibility of the government courts, to the point that in the final years the Jewish community judiciary was no longer adequately competitive: application to Muslim functionaries became *necessary*. In the final count, therefore, neither the *sharʿī* theory that Jews are accorded legal autonomy nor the intra-community moralistic charge of *prīṣat gader* accurately depict matters for the Dwayds of al-Maqhāya and the Maddārs of al-ʿAdhārib.

In sum, to better understand it, the phenomenon of Jewish application to Muslim "courts" needs to be viewed not only as a Jewish intracommunity phenomenon but also—perhaps primarily—inter-confessionally, in the context of very localized social, economic and political frameworks.²⁸ Finally, in this sophisticated world of inter-

²⁸ It is worthwhile noting the apparent compatibility of this result with Mundy's

acting and conflicting principles and practices an important point demands recognition: such villagers as the Dwayds and Maddārs needed to be sufficiently appreciative of the peculiar subtleties and dynamics of this localized interplay of *sharīʿa*, *halakha* and custom in order to be able to make the most of a given situation at any point in time.

I turn now from the religious to the temporal administration of the community. Yūsuf Musallam Maḥfūḍ al-Maddār was village *morī* (as revealed in the penultimate indented quotation) and this was in addition to his function as village *ʿāqil*. From a macro perspective this duplication might appear to substantiate the view that the village-level Jewish community in Yemen was characterized by the parallel functions of religious community leader (the *morī*), and temporal community leader (the *ʿāqil*). Our results, however, support our hypothesis from Chapter Two (section I) that temporal headmanship, unlike religious leadership, was not a product of Jewish community structure at all: it was not parallel to the supra-*ʿuzla* pattern described above. As we observed, to understand the headmanships of both Yūsuf Musallam and Ḥayyim Mīshā, they had to be linked to a specific *ʿuzla* polity at a specific point in time, rather than to the local Jewish community. The microscopic approach has revealed that it was not the villagers—Muslim or Jewish—who stood behind the postings of Yūsuf Musallam and Ḥayyim Mīshā as headmen over Muslims as well as Jews, but the *ʿuzla* shaykh: it was he who represented the ultimate source of authority for these *ʿuqqāl*. Ḥayyim Mīshā did not seek village headmanship: he was accorded the post by Shaykh Muḥammad ʿAbd al-Qawī as a complement to his capacity as official grainstorero—another post he received by default—following the death of Yūsuf Musallam. These results have lead me to contest Goitein’s contention that where headmen possessed official documents in Arabic certifying their position these are merely acknowledgments of a community’s own acceptance of the candidate.

Scholarly preoccupation with “Community” has hindered examination of the relationships of the village headman not only to local political authority but also to the exponents of central authority.

(1988: 56–65) illustration that patterns of transmission between generations of rights to work land in any area are related to the ecological, social, economic and political character of that area.

While the *ʿuzla* prism has allowed us to identify what it meant to be an *ʿāqil* on behalf of a powerful, quasi-autonomous shaykh, it has also clarified what it meant to be an *ʿāqil* for *jizya* assessment and collection, which was a dictate not of the local polity but of the imamic government. Our sources have demonstrated that *jizya* headmanship did not reflect community structure. Each of the five villages of the Dwayds' community was in a different *ʿuzla*, but these *ʿuzlas* belonged to three *nāḥiyas* and *qaḍāʿ*s, which in turn belonged to two *liwāʿ*s. By contrast, *jizya* activity involved interaction with the central government expressly along the lines of *liwāʿ*, *qaḍāʿ* and *nāḥiya* administrative divisions.

Yet it is precisely from within the framework of "Community" that the issue of *jizya* in Yemen has conventionally been addressed. Indeed, some of the salient features of *jizya* management have been presumed to reflect concern of the ruling imām with Jewish community structure. Goitein attributed a series of changes under Mutawakkilite rule to the imām's alleged wish to eliminate the services of local *ʿuqqāl*.²⁹ And Tobi ascribed the fact, that the Ṣanʿāʾ *ʿāqil* had no authority whatsoever with regard to other communities, to the supposed circumstance that as part of its overall divide and rule scheme, the imamic state was not interested in the existence of Jewish organization on a national level.³⁰ By tracing *jizya* collection in the relevant areas around al-Maqhāya under Mutawakkilite rule from year to year and with reference to actual players, I not only analyzed the Dwayds' relationship with government, but also explained Goitein's image of headmanship in al-Gades. When we reread the narratives from al-Gades in regional context, the changes described by Goitein as well as the nature of Jewish district *jizya*-collecting fall into place as part of the politics of overall authority in Lower Yemen. The exercise undermines the image of a local Jewish community significant enough for the imām to need to address the prerogatives of its village headmen or to need to forestall regional pyramids of Jewish temporal authority from combining into a nation-wide structure.

²⁹ Goitein 1955: 19.

³⁰ Tobi 1984: 206–207. Cf. Tobi (1996: 236): "The Imam thus abolished the function of *Hakham Bāshī* of Yemen as a whole, perhaps because he did not desire an official who might act on behalf of the whole of Yemenite Jewry. As a result of this policy, the head of the Sanʿā community dealt with the collection of the poll-tax of his community only, and not with that of other communities."

It also reveals that the district headmen working out of the administrative towns were divorced not only from any kind of centralized lay Jewish leadership in Ṣanʿāʾ, but also from any local base representing the Jewish community.

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In the months leading up to the 1938–39 removal of the Wazīrs from the administration of Liwāʾ Taʿizz, the Ḥamīd al-Dīn government encroached significantly, though relatively belatedly, upon shaykhly prerogatives within Bilād al-Shuʿaybī al-Suflā. Over the ensuing decade, the Dwayds were challenged by developments affecting each of the three spheres of interaction that this study has highlighted: their involvement with the central authorities, with their *ʿuzla* shaykhs, and with private *mashāyikh* and farmers from beyond the *ʿuzla* borders. These challenges were faced by Ḥayyim Mīshā and Yaḥyā Ḥayyim, each in his own way.

A rapid symptom of the process of government encroachment was the change in the meaning of Dwayd headmanship, from headmanship on behalf of their shaykh to *jizya* headmanship. Prior to that date, the Jews of al-Maqhāya appear to have been shielded by their shaykh from the excesses and exploitation of tax assessors and collectors working on behalf of the government. While Ḥayyim Mīshā opted out of village representation at this point, Yaḥyā Ḥayyim ventured forth as *jizya* headman even though none was required of the village. Taking the village *jizya* payments under his care, he gained experience in the managing of contacts with government-level officials—tax assessors and collectors, soldiers, the telegraph office director at Ibb, judges and governors, the treasury director in Ibb, Sayf al-Islām Ḥasan, and Imām Yaḥyā himself. He took it upon himself to prevent the villagers' recurring payments, to correct inaccurate lists of names, to ascertain that payment occurred according to the lower of two conflicting rosters and to lower the villagers' rates of payment on the *jizya* assessments. Yaḥyā paid a price for his successes which included monetary loss, jailing and also humiliating physical abuse. However, his self-confidence resulted in a sense of accomplishment and pride: in his sphere of interaction with the government officials this *dhimmī* villager had pushed the threshold of *dhimma* to its limits, without at any point breaching it.

Interaction with the shaykh remained a crucial, if changing, component of the Dwayds' lives. Underlining the quality of their relationship, Ḥayyim Mīshā maintained his grainstorage relationship with Muḥammad 'Abd al-Qawī until the shaykh's retirement from management of 'uzla finances. However, the same level of trust was not replicated in the relationship between Yaḥyā Ḥayyim and Shaykh Muḥsin 'Abd al-Qawī. Shaykh Muḥsin was hard-pressed to preserve as far as possible the integrity of his family's territory and prerogatives. This, rather than concern for the smooth operation of the Dwayd grainstoring enterprise, was the primary issue on his agenda. After hesitation and deferment, Yaḥyā found it necessary to depart from *dhimma* etiquette at 'uzla level when he invoked the government system to dispatch its soldiers upon 'uzla villagers, including a Shu'aybī, and pressed forward with his demand to equalize conditions with Shaykh Muḥsin's other, Muslim, grainstorers. The price Yaḥyā Ḥayyim paid for these challenges of 'uzla etiquette was high: heavy financial losses, periods in the 'uzla prison, and a deteriorating relationship not only with Shaykh Muḥsin and his son Shaykh Yaḥyā Muḥsin but also with his Muslim neighbors in al-Maqhāya.

Mutawakkilite weakening of local bases of authority and its implications for the Dwayds' relationships with the central government and with the 'uzla shaykhs affected also the Dwayds' web of interpersonal relationships with private Muslims residing without Bilād al-Shu'aybī al-Suflā. In this sphere too there existed a difference between father and son with regard to the challenging of thresholds of *dhimma*, which is evident, first, in the field of landownership. Ḥayyim Mīshā began to acquire land in Bilād al-Shu'aybī al-'Ulyā following the Mutawakkilite takeover, but he then began to sell it off—despite the fact that his rights were being guaranteed by Shaykh Muḥammad 'Abd al-Qawī—when the local *mashāyikh* made it clear to him that he was not wanted as a landowner in their territory. This contrasts sharply with the pursuit by Yaḥyā Ḥayyim of his own interests in Bilād al-Ḥayqī in the face of extended conflict with Ḥājī Muḥammad. Yaḥyā identified the area he was interested in, then set out to acquire land there, and finally acted to move his household. Yaḥyā Ḥayyim was not daunted by purchases that demanded background work and excessive documentation. He pursued government court verdicts he considered unjust to Ta'izz and the crown prince himself, abstaining from further action only upon the receipt of specific death threats. It is possible that the Dwayds' relationship

with the Shu‘aybīs too reflected on Ḥājī Muḥammad’s activities: while Yaḥyā Ḥayyim completed his acquisition of al-Ḥijfār by May 1945, it was only in January 1947, the period of Shaykh Muḥammad’s death, that Ḥājī Muḥammad incited al-Sufyānī against him.

In the field of grain management, the paradox faced by Yaḥyā Ḥayyim inside his home *‘uzla*, whereby return of debt became increasingly difficult, had a counterpart beyond the *‘uzla*. Prior to 1938, Shaykh Muḥammad’s wider influence, such as with the shaykh of Ubāla, meant that the Dwayds were able to address cross-*qadā’* issues without recourse to the government in Ibb. As shaykhly influence waned, this option became increasingly narrow, and Ḥayyim Mīshā appears ultimately to have maintained a grainstorage account only with Shaykh Muḥammad himself and not with private individuals, with whom Yaḥyā Ḥayyim continued to deal. Of course, smooth grainstorage operation requires a modicum of good will on both sides: a certain flexibility on the part of the creditor, and a willingness to repay, on the part of the borrower. However, willingness to repay debts diminished together with the Dwayds’ ability to enforce repayment (as is further evidenced in the Epilogue [Appendix A]). The dilemma faced by Yaḥyā Ḥayyim was that by activating the government judicial and executive edifice he risked overturning such delicately balanced relationships as the one negotiated with the Munīfis. This was at a time when, with the weakening of local political authority, correct personal relationships became increasingly important. Thus, the attack by villagers from al-Maqhāya and area *mashāyikh* on a party of Jews passing through al-Maqhāya in 1944 clearly indicates both Shaykh Muḥammad’s weakening at the hands of the Ḥamīd al-Dīns, and the inadequacy of the latter’s own authority. But the fact that the attackers were individuals with whom the *local* Jews were closely tied underlines also the importance to these Jews of not squandering such personal relationships as had been forged with the surrounding population. The support granted Yaḥyā Ḥayyim by the Munīfis in his showdown with Ḥājī Muḥammad further demonstrates this point.

In sum, while the influence of the shaykh waned, application to government would tend to occur only when personal relationships did not possess a quality which stood to be damaged by such a move, on the one hand, or when personal harm was not deemed likely, on the other. Moreover, when such a move was made, its end value was questionable: at best, government would simply return

an appellant back to the village with an order. More often, the procedure resulted in exorbitant financial outlay. Because of the inadequacy of both systems in the final years—the shaykhly system and the instruments of imamic government—the Dwayds' position became precarious by the time of the imām's assassination, and deteriorated further thereafter. That a *dhimmī* needed to equip an escort with rifles, and—more significantly—that these rifles were actually used, is merely a symptom of the absence of security and of the increasing inadequacy of other mechanisms of protection. Paradoxically, by depreciating local sources of authority and the diversity between adjacent administrative units, and by upsetting sensitive interpersonal relationships, Mutawakkilite rule—which has often been commended for increasing personal security in Yemen—actually disturbed the grounds that had made life acceptable for the Dwayds in their rural domain.

*

Were subordinated *dhimmīs* able, then, to "... affect the elements in the balance which would determine ... the ease or the misery of their individual and communal existence"?³¹ Many Jews kept away from any threshold of *dhimma*. In the words of Ḥayyim Yehūda Triff of al-Khiyāriyya, "Never did something occur between me and another person which required my going to the government court."³² Triff had been a weaver, until the price of cloth dropped and he could not support himself. Then he peddled incense, sugar, raisins, needles and thread in the villages. He spent his Tuesdays at the nearby market, Sūq Ḥuṣayn al-Ḥayqī, hoping to sell one or two tin containers of fuel alongside his other wares.³³ To assure the safety of their households, individuals such as Triff maintained a low socioeconomic profile, shunned activity which might bring them into conflict with Muslims, refrained from appeals to government authorities and paid whatever was demanded of them by anyone in a position of power. Their attempts to affect "elements in the balance" would be limited to seeking to regenerate relationships by relocat-

³¹ Udovitch 1980: 683. This question was posed at the outset of our *Introduction and Plan of Work*.

³² Ḥayyim Yehūda Triff, N.S. 19:6.

³³ Ḥayyim Yehūda Triff, N.S. 19:6.

ing to another village, preferably in the territory of a powerful but honorable protector. In this their lot was similar to that of their neighbors, the Muslim tenant farmers.

In this study, however, I developed the idea that among the Jews were also aspiring and successful individuals who engaged in an ongoing challenge of existing thresholds of *dhimma*. Often, those who participated in this venture belonged to families who had been publicly active over the course of a number of generations, and they may be looked upon as a kind of shaykhly class among the Jews. Success depended on a well-grounded knowledge and assessment of the changing balance of temporal and religious power in a number of rural domains—in terms of the identities and personalities, agendas, fortunes and emotions of the locals and especially of the people locally in charge, as well as in terms of the reciprocity between the local political condition and that of the wider region and of the country as a whole. Literacy in Arabic and some appreciation of Islamic law were essential. Alongside knowledge and an aptitude for situation-analysis, success also required an enviable blend of personal qualities: courage alongside self-restraint, eloquence and audacity alongside humility. It also required wealth, which accorded the ability to persevere. These were the properties that allowed Yaḥyā Ḥayyim Dwayd to push *dhimma* etiquette to its limits.

It can safely be assumed that these properties were shared also by prudent village Muslims struggling for their livelihoods, households and honor (further substantiating the symbols of Muslim-Jewish affinity encountered in this study—economic, geographic and linguistic integration, the socio-economic role of the household, shared customary norms). However, our efforts to regard Yemenis as individuals with unique histories, motives and mindsets, rather than as generic Jews and Muslims, should not overshadow the fact that these people viewed themselves as a tiered society. An unequivocal differentiation existed in Yemen between Muslims and *dhimmīs* and since, as prefaced in the methodological introduction (Chapter One section IV), our sources spotlight the interaction between specific *dhimmīs* and the wider Muslim society and polity, our depiction constitutes a *dhimma* experience by its very nature.

The Dwayds' was a *dhimma* experience not only in form but also in substance. The idea of protection in return for subjection is observable throughout, though it is expressed in a different language for each of three distinct (though mutually entwined) spheres of interaction

detailed in this study. Thus the *sharʿī* theory that a Jew's safety, so long as he pays his *jizya* and remains diminutive, is the responsibility of his Muslim ruler (see the *Introduction and Plan of Work*), defined the parameters of Muslim-Jewish interaction mainly in the sphere involving the exponents of central imamic authority. In the more localized spheres of interaction, diminutiveness for tolerance appears considerably stripped of its formal garb. (It is revealing that while Ibrāhīm Ḥayyim Dwayd was able to itemize a significant number of the limiting regulations imposed by Imām Yaḥyā on Jews in Yemen, he recalls learning of their existence from Gamliel's book, *The Jews and the King in Yemen*.) Thus, in a second sphere highlighted in this study, the nuances of *dhimma* etiquette depended on the peculiar *ʿuzla* authority. In the case at hand, the *ʿuzla* shaykh's responsibility towards his Jews paralleled to a large degree his responsibility towards his Muslim proteges, and was based not on texts but on personal honor and interest. In the third sphere neither texts nor shaykhly honor were the focus of *dhimma* etiquette, which depended on the specific nature of each of a series of long-term negotiated relationships. In such relationships between private Jews and private Muslims the meaning of subjection and protection was most fluid. In sum, *dhimma* as the Dwayds knew it was not tantamount to the progressively hardening doctrines of *fuqahāʾ* or any laws promulgated by government;³⁴ yet neither can it be described as "... based rather on pre-Islamic *ʿurf* rules than on Islamic *dhimmah* conception."³⁵ Nor is it adequately done justice by Udovitch and Rosen's emphasis on flexible negotiated relationships as the dominant mode of Muslim attitudes towards Jews (see the *Introduction and Plan of Work*), which misses the pressures, fears and dangers inherent to the *dhimmī* side of these negotiations. Instead, this study reveals a circumstance whereby theory and practice are folded together into a single complex experience. The main characteristic of this experience was the individual *dhimmī*'s need to live his public life through several languages of an exclusive religion and ruling culture explicitly antagonistic to his own, languages which varied from center to periphery, from locale to locale within the periphery, and from person to person within the locale.³⁶

³⁴ Strauss 1950.

³⁵ Tobi 1999b: 156.

³⁶ We have, therefore, successfully answered the challenge by Zenner and Deshen

The concept of “thresholds” has likewise not been philosophical. Limits were demarcated for Yaḥyā Ḥayyim on numerous occasions and in different ways, which include the pilfering of grain, cash and clothing, heavy fines, jailings in both government and *‘uzla* prisons, beatings with shoes and rifles, and death threats. Yaḥyā Ḥayyim knew to take heed of these signals and backed down when he considered it necessary to do so. All was by no means under his control: his was a precarious existence, which was unable to suffer the disturbance of an external factor such as the successes of the Jewish side in the war over Palestine. Nevertheless, Yaḥyā’s brinkmanship should not be underrated, to judge from two other cases from his own region with the details of which he must have been fully acquainted.

The first case, related to Yūsuf Sayyānī by Dāwud Sālim Ṭāba of al-Khiyāriyya, Bilād al-Ḥayqī, occurred in that village in the late 1930s. It involved a wealthy Jew, named Sālim Sa‘īd al-Muwazzāf, whose relationship with the local *mashāyikh* was a sour one. At one point the sons of the local shaykh burgled al-Muwazzāf, who succeeded in exposing them in a manner which caused them considerable disgrace.³⁷ Dāwud Sālim Ṭāba continues to relate:

The sons of Muḥammad ‘Alī al-Ḥayqī, along with their father and their wives, fled to English[-controlled] territory, to Akamat al-Dūkī, al-Ḍālī‘ governorate. After the Ḥayqīs (*al-Ahyūq*) fled, [Sālim Sa‘īd al-Muwazzāf] went up to the *‘amīl* [in Ḍūrān al-Ḥishā’, requesting of him] to allow him to arm himself with a rifle for self-protection. They fled on Monday, but on Friday they came [back] to take their cattle from the *wādī*. [Meanwhile, al-Muwazzāf began to] carry the rifle, and Arabs told him: “Stop carrying the rifle, you are but a *dhimmī*,” [to which] he replied: “Their back[s] are [of] flesh, [just as] my back is [of] flesh.” He went forth to the watercourse to plough.³⁸

Saturday night, while consuming meat and *‘araq*, his daughter cradled in his arm, al-Muwazzāf was shot dead from the roof of his home, by way of the chimney.³⁹

that “[a] balanced view of the treatment of the *dhimmi* in Islamic societies must take into account the formal official status with its implied inequality, the interpersonal ties developed in everyday life, and the ambiguities of patron-client relations” (Zenner and Deshen 1982: 20). The focus of our own attention, of course, has been on *dhimmī* enterprising rather than on their “treatment.”

³⁷ Dāwud Sālim Ṭāba, N.S. 24:8–9.

³⁸ Dāwud Sālim Ṭāba, N.S. 24:9.

³⁹ Dāwud Sālim Ṭāba, N.S. 24:10.

The second case occurred three to four days prior to Imām Yaḥyā's assassination,⁴⁰ in al-Radā'ī, an hour's walk from al-Nādib⁴¹ and at the northern extreme of the Dwayds' community. As Ḥayyim Sālim Yūsuf Burayh of Nādib related to Yūsuf Sayyānī:

In al-Radā'ī village, al-Amlūk *'uzla*, al-Nādira governorate, there lived the sons of Sharaf al-Dīn and his paternal cousins, the forefather of whom was of the Banī 'An. They were rapacious. They came to Sālim al-Daws and told him they wanted five bolts of black cloth to clothe their wives.

"If there is money, [fine]," he answered them, "but if not, go away." They replied to him that they would surely kill him at night.

"Should you come I shall not fear," he answered them again. "I will kill three or four of you before you kill me."

They departed. They raided him on Sunday night. They fired five rounds and he fired about fifteen, making them flee from the street, and [the same occurred] on Monday night, Tuesday night and Wednesday night.

"Whose rifle is this," they asked.

"Yaḥyā Dāwud's," they were answered.

They went to Yaḥyā Dāwud and told him: "Take [back] your rifle or we will kill you." And Yaḥyā Dāwud went and retrieved his rifle.

Saturday night, they came and attacked him. They entered into his home, breaking the door. He got up, crying out that he had no rifle. (For Yaḥyā Dāwud had taken it but did not tell him, "I took the rifle so watch out for yourself, do not allow yourself to become trapped as they are conniving[?] against you." Instead he kept quiet.) They all entered [Sālim al-Daws' home] and smote him with hatchets until his soul departed.⁴²

These contemporary cases indicate that trying *dhimma* etiquette was a serious venture that actually involved the ultimate risk, thereby reflecting again, by way of contrast, on the sage brinkmanship of Yaḥyā Ḥayyim.

Besides acknowledging the importance of Yaḥyā Ḥayyim's array of skills, it may be noted that the cases from al-Khiyāriyya and al-Radā'ī both involved deteriorated relationships between defiant Jews and local *mashāyikh*. It would appear, therefore, that Yaḥyā Ḥayyim's survival also attests to the trustworthiness of the Shu'aybīs' patronage of his extended household even upon the nadir of that rela-

⁴⁰ Ḥayyim Sālim Yūsuf Burayh, N.S. 22:67.

⁴¹ Ḥayyim Sālim Yūsuf Burayh, N.S. 22:69.

⁴² Ḥayyim Sālim Yūsuf Burayh, N.S. 22:67.

tionship at the end of the 1940s. Had it not been for this continuing patronage, the wiser approach for Yaḥyā Ḥayyim, as it should have been for al-Muwazzaf and al-Daws, may well have been the one advocating safety within the bounds of standard *dhimma* etiquette: not to acquire too much land or display one's attainments in any other way, and to accept an attitude of subjection as an unavoidable condition of life in a diaspora which, tradition promised, would sooner or later come to an end.⁴³

⁴³ I have designed an Epilogue (Appendix A) for those curious as to how in fact—for Yaḥyā Ḥayyim Mīshā—the era came to an end.

APPENDICES

APPENDIX A

EPILOGUE

Late in April, 1949, Imām Aḥmad voiced his consent for Jews to leave Yemen.¹ The step brought an end to a longtime Mutawakkilite prohibition against the emigration of Jews, which became more easily enforceable when travel documents were introduced in 1925.² It was another question altogether whether or not such Jews as now chose to leave would be allowed to pass through the British Protectorate to reach Aden, where arrangements for their rapid transit to Israel were considered inadequate by the Colonial Government.³ In the villages around al-Maqhāya, some reacted immediately to the news: a letter, dated May 16, 1949, reports that Jews from al-Khiyāriyya, al-Ṣurm and Ḍūrān al-Ḥishā' were stranded in al-Ḍālī', penniless and begging,⁴ beyond Mutawakkilite territory yet less than a day's walk from their former homes.

In such bottlenecks as al-Ḍālī', Ta'izz and al-Rāhida, where back-ups occurred, wealthier transients lent out funds to the less fortunate and many of these loans were never repaid, as evidenced by dated debt acknowledgment deeds retained by such individuals. One batch of debt acknowledgments still today in private hands mentions debtors, creditors, scribes and witnesses from Dhī Nāṣir, Nādib, al-Akama, al-ʿAdhārib, and al-Maqhāya—the string of Jewish

¹ Parfitt 1996a: 205.

² Parfitt 1996a: 76ff., 137ff. Implementation of the policy prohibiting emigration had weakened during the period of famine which followed the drought of 1942–43 (Parfitt 1996a: 141ff.). Recall Yaḥyā Ḥayyim's account of the party of emigres passing through al-Maqhāya "during the period of the first exodus" (Chapter Seven, section II).

³ Parfitt 1996a: 192–196.

⁴ "In the excitement and confusion and suffering, the Jews from al-Hasa and Churan and al-Hadof and from ash-Shaib and from al-Kiaria and as-Siram are now dwelling with us in the town of as-Sala, naked and lacking everything, hungering and thirsting, naked, men, women, sucklings and infants, those who learn *alef bet*, the aged, they are all reduced to begging" (S. to Yehiel Shlomo Kassar, 16.5.1949 [Robert Gilbert Archive], in Parfitt [1996a: 205]). The original should probably be read as follows: al-Ḥishā', Ḍūrān, al-Aḥdhūf, al-Shu'ayb, al-Khiyāriyya, al-Ṣurm and al-Ḍālī'.

congregations centering on the lender's village of Akamat Banī Maṣṣūr (thus providing another glimpse at the scale of Jewish regionalism). Ibrāhīm Ḥayyim Dwayd appears as a witness in one of these deeds, dated October 27, 1949,⁵ suggesting that he was not among those who chose to emigrate immediately. The Maddār brothers of al-Maqhāya too were in less of a hurry and their delayed departure from Yemen is reflected in their unpaid debt acknowledgments dated between December 27, 1949 and February 23, 1950.⁶ They left al-Maqhāya for Ta'izz somewhat earlier however, to judge by a document from Muḥarram 1369h (October 24–November 22, 1949) in which Yaḥyā Yūsuf appoints Yaḥyā Ḥayyim as his agent for the collection of a debt.⁷ The document suggests that Yaḥyā Ḥayyim stayed behind in al-Maqhāya, and this is corroborated by a letter Ibrāhīm Ḥayyim sent to his father Ḥayyim Mīshā and brother Yaḥyā Ḥayyim. Describing the cramped conditions in al-Maghraba (the Jewish quarter of Ta'izz) and the conditions reported from other staging points between Ta'izz and Aden, Ibrāhīm encourages them to “wait until the harvest.”⁸ Yaḥyā Ḥayyim in fact remained in the village not only to reap the harvest and to recover Yaḥyā Yūsuf's debt, but to recover what he could of his own debts. Sale of his land had already been concluded by early September, and it is to that activity that we now turn.

Imām Yaḥyā had in 1927 enforced the bar on emigration by a law according to which real estate and movables belonging to Jews seen to be preparing to emigrate would revert to the treasury, as would such property of theirs as had been purchased by Muslims.⁹ Overturning this rule, Imām Aḥmad now required that Jews dispose of their property before being allowed to leave. In some places, potential Muslim buyers continued to refrain from purchasing land from Jews, testifying to the effectiveness of the previous injunction. Faced with such a situation it sometimes became necessary for groups

⁵ Private family archive of Zion Meshullam, Jerusalem (Undesignated [9] through Undesignated [16]). The unreturned debts listed in this archive total 247 *riyāls*.

⁶ Private family archive of Yaḥyā Yūsuf Musallam Maddār, Elyakhīn (Undesignated [17] through Undesignated [25]). I received copies of these deeds from Yaḥyā Yūsuf Musallam's daughter, Raḥel 'Ovadya. The unreturned debts amount to a total of 903 *riyāls*.

⁷ B.Z.G. 115.

⁸ Undesignated (26).

⁹ Parfitt 1996a: 76.

of Jews to appeal to the imām that he instruct the local ‘*āmīl* or *amīr liwā’* as to the new policy; and then, to appeal to the ‘*āmīl* or *amīr liwā’* that he provide a note to be shown to prospective buyers. Thus the Jews of the Bayḏā’ region, southeast of Radā’, were provided on June 13, 1949 with a copy of Imām Aḥmad’s cabled response. Transcribed onto their original appeal to the *amīr liwā’*, it reads:

Display this to Qāḏī Muḥammad al-Shāmī: “Sale of your property to Muslims is allowed, and your permit [to depart can be provided] following the sale.” 12 Sha‘bān [13]68 [= June 9, 1949]¹⁰

The villagers around Yarīm did not receive their ‘*āmīl*’s note until July 31, 1949. Inserted into the upper margin of their appeal to the ‘*āmīl*’, it reads as follows:

In the name of Allāh

Aḥmad Sa‘īd ‘Alī al-Ra‘īnī, ‘Abd Allāh ‘Alī al-Ra‘īnī, and all the notables (*a‘yān*) of Dhī Khawlān: [The imām] may Allāh grant him strength has notified us by noble order that there is no impediment for the *dhimmīs* to sell their property; and whomever would like to buy may buy and take hold of all the deeds of evidence (*manāfi‘*) [. . .]¹¹ possessed by the *dhimmī*. On its date: 5 of the month of Shawwāl, year 1368 [= July 31, 1949].¹²

Closer to home, in Ba‘dān, the formalities of the departure process are revealed in a series of eighteen property disposal acknowledgments dating from Shawwāl 1368*h* (July 27–August 24, 1949), located in file 362 of the Ben-Zvi Institute library.¹³ A typical document would be headed by a list of names of both male and female members of one or more households. This would be followed by a statement made in the name of the head of the household to the *ḥākim* of the *nāḥiya* that all property had been sold and by a request, basing itself on the imām’s directive, to be issued the departure permit (*rukḥṣa*). In six cases the appeal is supported by a clause, written by the *nāḥiya* treasury official and addressed to the *nā‘ib* in Ibb (al-Sayāghī), acknowledging the disposal of property.¹⁴ The upper left

¹⁰ B.Z.G. 344.

¹¹ Three[?] words damaged by moisture.

¹² B.Z.G. 83.

¹³ Undesignated (27) through Undesignated (44).

¹⁴ Undesignated (30), Undesignated (31), Undesignated (33), Undesignated (34), Undesignated (40) and Undesignated (42).

margin of each document is occupied by a referral of the applicants to the *nāʾib* for further processing, similar to this:

Praise is Allāh's [alone]
[Signature:] Muḥammad Aḥmad al-Ḥaddād, plenipotentiary of
the *ḥākim* of Baʿdān
If the aforementioned *dhimmīs* have no property and nothing
remains in their possession they are permitted to leave to the court
of our master the *nāʾib*, may Allāh preserve them[!], and [final]
consideration is theirs[!]. Written on its date, Shawwāl [13]68.¹⁵

That these eighteen property disposition statements were handed to Yūsuf Sayyānī in Israel indicates they were never handed in Ibb to al-Sayāghī in exchange for departure permits. A note added by Yūsuf Sayyānī on the *verso* of one of these documents too supports the likelihood that this particular group of 175 Baʿdānī emigrants sidestepped al-Sayāghī altogether:

Handed over by Saʿīd Yaḥyā Damtī. He says that these [documents] were prepared when they sold [their property] to Shaykh Khashāfa the treasury functionary (*wakīl bayt al-māl*) and to other people. They [= the sellers] said we should appeal immediately in Ibb before al-Sayāghī that they only paid them a quarter of the [actual] price. But we did not proceed to discuss this matter: we wanted to travel to the Land [of Israel].¹⁶

Beyond al-Maqhāya, Sālīm Saʿīd Yūsuf al-Qatar, the seventy year old son of the erstwhile Jewish shaykh visited by Yavneʿeli in 1911, departed the Bilād al-Ḥishāʾ village of al-Khiyāriyya. Though in less of a hurry than the aforementioned group from Baʿdān, he too eventually dealt with the treasury, as he would later narrate to Yūsuf Sayyānī:

When we wanted to enter the Land [of Israel] I left for Taʿizz. Imām Aḥmad said he would purchase the property, and after he and I settled upon a price he appointed an inventory-maker (*ḥaṣṣār*). We settled upon eight [*riyāls*] per irrigated *shakla* and four per unirrigated [*shakla*]. The *ḥaṣṣār*—Shaykh ʿAlī al-Jāʿifī—went forth upon an order from the imām, took the [completed] inventory in hand and we came [back] to the imām. The imām said he will not buy at the price he and I settled upon. But [by then] I had already moved to Taʿizz—myself

¹⁵ Undesignated (28).

¹⁶ Undesignated (27).

and my household and my children.¹⁷ The imām told me that I could go back home and sell to whomever I wanted. But I could no longer return home because of the “nations [of the world].” They were antagonistic towards me for going to sell to the imām and could not purchase any longer, the [imām’s] *ḥaṣṣār* having already come forth.

I made one appeal, then a second and a third and he replied in anger: “Sell your property!” In the end he said: “If you wish to sell at the rate listed in the deeds [of purchase] (*aṣḡāl*) that is fine.”¹⁸ He already had the deeds—in the hands of the *ḥaṣṣār*; I would go and request the deeds and he would say: “Tomorrow, later.” [This continued] on a daily basis for seven months, Nīsan to ʿEvet̤h (we left Taʿizz only on the tenth of ʿEvet̤h [= December 30, 1949]).

Finally, I said: “Give me [the price listed] in the deeds.” They took them out and transferred [the prices to a list] and we arrived at four thousand [*riyāls*]. The land was heavy [with fruitage] (*muḥammala*), and he sent forth [tax] assessors before we might take possession of a thing from that [crop] which was under our hands and that which was under the hands of [sharecropping] farmers. From here to there they paid me two thousand. Of this [sum] five hundred went on the document writers (*musajjilīn*) and the inventory-makers and the notables (*nuqabāʿ*) who had mediated. Then we left [Yemen]. [What remained from the sale of the land] was not the value of the expenses which I sat and spent in Taʿizz over the seven months. (At first the *ḥaṣṣār* had evaluated eight thousand and three *riyāls*, according to the [price] settlement between myself and the imām.) Moreover, the *ḥaṣṣār* took from us two fine swords [of] pure [silver], each of which is worth seventy (*riyāls*), and the outlay for sustaining the *ḥaṣṣār* amounted to one hundred and fifty. He assessed the houses at seven hundred and they did not pay me [for them].

While I was in Taʿizz three Jews from our village made me their agent [to sell their land]: Dāwud Yūsuf, [who] owned a small unirrigated terrace of thirty *shakla*, Lūluḥ daughter of Sālīm Avdhar, [who] owned a small terrace of fifteen *shakla*, and Šiyyōn Gharāma (Kohen) (originally from Shuʿayb). They gave me their deeds, and the *ḥaṣṣār* took them. Then they said, “Where are the Jews who appointed you?”

“They have already traveled,” I said. And they imprisoned me in Taʿizz for two days. They said I should find them, and if not they receive nothing [on their land].¹⁹

¹⁷ Sālīm Saʿīd married three wives, one of whom had died prior to emigration. She provided him with five children, only one of whom survived. A second wife gave birth to eight children, three of whom survived. A third wife gave birth to six children, all of whom survived. Aside from these twelve persons who must have been with him in Taʿizz, Sālīm Saʿīd had one surviving sister (Sālīm Saʿīd Yūsuf al-Qatar, /N.S. 97).

¹⁸ In other words, not at the current value of the property.

¹⁹ Sālīm Saʿīd Yūsuf al-Qatar, /N.S. 97.

A prospective emigrant might have drawn some lessons even from the handful of situations of which we are aware; and surely Yaḥyā Ḥayyim Dwayd was more knowledgeable still of what was occurring in al-Ḥishā', in Ba'dān and in Ta'izz. The abundance of land made available by the unexpected numbers of Jews who responded to the opportunity to depart was underscored by reduced demand. Some persons would not purchase land from Jews because of their worry that the treasury would later claim it from them. More significant, however, must have been the fact that the previous year's harvest was poor and the average villager would not have had cash or grain to spare.²⁰ Reacting to this situation, the imām's treasury itself, with which it may have been possible early on to negotiate a reasonable price, now appeared willing to buy land only at the outdated prices listed on the deeds of purchase. At the same time the imām and his network of *liwā'*, *qaḍā'* and *nāḥiya*-level representatives refused to allow the departure of Jews who had not disposed of their property and confiscated the property of those who disregarded this rule. The best course of action would be not to proceed to al-Maghraba (which was already overcrowded and where sojourn was expensive) before personally disposing of property and not to approach the treasury; but to wait until the harvest, when earnings could be made from the sale of produce, when interested local private buyers would be in a better position to make purchases, and when supply too was likely to have dropped.

The decision was not entirely in the hands of Yaḥyā Ḥayyim however. It is technically true that since their lands were located beyond the borders of Bilād al-Shu'aybī al-Suflā the Dwayds had no obligation to sell to the Shu'aybī shaykh; but a letter written by Yaḥyā Ḥayyim implies that Shaykh Muḥsin 'Abd al-Qawī was troubled by this very prospect. The letter suggests that Shaykh Muḥsin was using Qāsim 'Abd Allāh al-Qaḥṭānī, the al-Maqhāya *raṭīb* turned *'āqil*, to pressure the Dwayds to sell; it reveals the conflicting interests of the parties: Yaḥyā's desire not to dispose of his property yet, and Shaykh Muḥsin's desire to precipitate the purchase.

²⁰ In August 1949 the situation in al-'Awd, for example, was that the price of gain was one-eighth of a *qadaḥ per riyāl* and "the farmers were starving" (Yaḥyā Ḥayyim Dwayd, N.S. 24:11).

In the name of Allāh, the Merciful, the Compassionate
 Lord, master, sword, Shaykh Muḥsin ‘Abd al-Qawī
 may Allāh preserve him

About the land: we are not selling it now and we will not be departing until we thresh the harvest. And when we are about to depart we will come to you. You heard [my] father’s response when he caught up [with you] at al-Ghubayr[ā] watercourse and notified you that it is not up for sale at this time. Inform Qāsim ‘Abd Allāh to cease demanding [this] from us. When the intent to depart becomes strong by us we shall come to you to sell of our own [initiative]. You are the master. Peace.

The servile *dhimmī* Yaḥyā Ḥayyim²¹

Because the letter has the appearance of a final edition and not of a draft, and since its *verso* contains no response, its presence in the Dwayd cache indicates that it was never dispatched. It is conceivable that the reason for this was that this clearly urgent note became academic soon after it was written—overridden, perhaps, by the events related by Yaḥya Ḥayyim in the following account:

At the time of departure the aforementioned Yaḥyā Ḥayyim²² smuggled his documents (*aṣṣāl*) to the home of Nājī ‘Abbādī ‘Alī al-Ashwal of Ajrad village, ‘Uzlat al-‘Adhārib, Ba’dān, because Shaykh Muḥsin al-Shu‘aybī had set out to raid the Jews in their homes in order to take the property deeds (*baṣā’ir al-māl*).²³

The shaykh came and behind him were twenty men—headmen (*‘uqqāl*) and soldiers. [The shaykh] told his father and Yaḥyā Yūsuf Musallam to hand over the deeds, and that they would pay whatever was [listed] in the deeds. But the Jews’ purchases were from thirty years back and more, when property was still cheap and fallow. And they had improved the property so that each [plot] was worth ten times its [original] purchase [value].

“I want from you the property deeds,” demanded the shaykh from Yaḥyā Ḥayyim.

“If you want to purchase the property,” replied Yaḥyā Ḥayyim, “you appoint a trustworthy appraiser (*‘adl*) and I will appoint a trustworthy appraiser and they will then appraise [the property] according to its contemporary [value] (*āneh wa-zamāneh*).” For my father and I purchased the property situated in Bilād al-Shu‘aybī and Bilād

²¹ B.Z.G. 155.

²² In his transcription Yūsuf Sayyānī will alternate between the third and first person while referring to Yaḥyā Ḥayyim.

²³ It is possible that this sentence represents a kind of title for the entire episode, and what follows describes the context of this event.

al-Ḥayqī when it was fallow, hard, desolate, neglected and inappropriate for ploughing, and it brought forth a harvest only after an expenditure of five thousand *riyāls*.

"Tomorrow we shall tour the land," said the shaykh.

Next day he toured the land. [That] next day, after touring the land, he made the claim before the *ʿuzla* scribe, Sayyid ʿAbd al-Jabbār b. Muḥammad (who lives in al-ʿUdhmuqī village, Bilād al-Shuʿaybī al-Suflā) that his brother died and this Jew is [still] in possession of stored grain [of his], listed in the notebook.²⁴

[Yaḥyā Ḥayyim] replied that they had already settled their accounts prior to his death and terminated all accounts and that he possesses an [account] termination [document] in his script.²⁵

"Hand over the [account] termination document for us to see," said the *sayyid*. Their intention was to take the [account] termination document and then say "leave it [with us]," for us to place our hopes upon it and from day to day torment him and harass him.²⁶ But he understood their cunning (*ʿayb*) and did not give it to them. Next day they [= the shaykh's party] went [back] to their homes.

I was apprehensive and smuggled the deeds to Ajrad village and the town of al-ʿAdhārib.²⁷ Three days later he dispatched a soldier to have them come to him immediately. They, the *ʿāqil* and the soldier went to the shaykh unto Ḥiṣn Munīf.

"What is [your] demand?" they said to him.

"The deeds," he said, "and we will purchase from you."

"The deeds are not at hand," they said.

"You [go] to your homes, accompanied by the *sayyid* scribe, the *ʿāqil* and the soldier, hand over the deeds and receive their worth," he said. "Here [I place] one hundred *riyāls* in the hand of the *sayyid* [for him] to pay you [upon transfer of the deeds]; and [then] come back [here] for the remaining sum.

They arrived at the home of the Jew and he provided them with food and broth and *qāt*. He sent a messenger to bring the deeds; they

²⁴ A narrated addition transcribed by Yūsuf Sayyānī onto B.Z.G. 169 mentions that ʿAbd al-Jabbār was married to "al-Shuʿaybī's daughter." It is not clear from here whether he was Shaykh Muḥammad's son-in-law or that of Shaykh Muḥsin. It was he who prepared the account windup between Yaḥyā Ḥayyim and Ḥayyim Mīshā considered in Chapter Seven, section V.

²⁵ If Yaḥyā Ḥayyim was referring to the account windup from 1946 considered in Chapter Seven (section V), about which I hypothesized that Shaykh Muḥammad's statement catered to Shaykh Muḥsin's concerns, Yaḥyā's present usage of the document provides an ironic twist.

²⁶ In his rendering of Yaḥyā Ḥayyim's narrative Yūsuf Sayyānī has reverted from first person plural to third person singular.

²⁷ This sentence may imply that the first sentence of the narrative was a title sentence. Alternatively, it may be that the present reference to the smuggling out of documents constitutes a flashback.

took all the deeds and paid the hundred *riyāls*. They wrote [a note] that his father appointed him to sell [on his behalf] and told him to go up to the fortress and receive the remaining sum from the shaykh. But by the shaykh they only paid him two hundred and fifty,²⁸ while the original purchase [price listed] in the deeds was more than four hundred.²⁹

The negotiations with Shaykh Muḥsin were not quite over; Yaḥyā had smuggled his documents to two places in Bilād al-‘Adhārib, and it may be that he had instructed the messenger to bring only one of these document bundles. That the messenger did not bring “all the deeds” is suggested by Yaḥyā’s imprisonment at the hands of “al-Shu‘aybī” in late August or in September,³⁰ pending his surrender of the purchase deed for al-Ḥijfār.³¹ Even then Yaḥyā only handed over the absolute minimum: as seen in Chapter Ten, he retained the primary source-document (*aṣl*) for al-Ḥijfār along with other documents relating to this choice tract. No-one could promise that the future might not bring another reversal on the *‘uzla* political scene, or a suspension of the emigration from Yemen.

Shaykh Muḥsin ‘Abd al-Qawī was not prepared to endure the risk that the Dwayds or Maddārs might sell any of their property to anyone but him—to the treasury or to local *mashāyikh* with whom they maintained relations such as the Tāms, Munīfis, Mālikīs, and the Wāṣils. That this was his primary concern is further established by the fact that he did not deny the Dwayds one of their key objectives, the harvest:

In the name of Allāh

Shaykh Muḥsin ‘Abd al-Qawī al-Shu‘aybī acknowledged before me that his purchase of land from *dhimmī* Ḥayyim Mīshā relates to the ground and turf (*al-‘araṣa wa’l-waṭan*) only. As for the crop thereon, this remains in the possession of the seller. He has no right to these. On its account [this document] was written on its date, the holy month of al-Qa‘da, year [13]68 [August 25–September 23, 1949].

‘Abd al-Jabbār Muḥammad³²

²⁸ This made for a total of 350 *riyāls*.

²⁹ Yaḥyā Ḥayyim Dwayd, N.S. 55:3.

³⁰ Elūl 5709 (August 25–September 23, 1949).

³¹ Yaḥyā Ḥayyim’s commentary transcribed by Yūsuf Sayyānī onto B.Z.G. 324, the primary source-document (*aṣl*) for al-Ḥijfār.

³² B.Z.F. 361.18.

It is possible to conclude that the Dwayds disposed of their property as advantageously as possible under the circumstances. The conditions of sale dictated to them (and to the Maddārs) were similar to the imām's standing offer which was to be accepted by Sālim Saʿīd Yūsuf al-Qatar of al-Khiyāriyya after a delay of seven months: Shaykh Muḥsin ʿAbd al-Qawī must have seen no reason to pay more than what the Jews could hope to receive from the treasury. The Dwayds, therefore, could have expected to achieve nothing by making an appeal to government. At the same time, it remained important that they not cause Shaykh Muḥsin to abandon his benevolent attitude towards them, to which in fact they would continue to appeal over the next few weeks as illustrated in the two following episodes narrated by Yaḥyā Ḥayyim:

Episode "a"

In the month of Tishrī, 5710 [= September 24–October 23, 1949], [a boy] passed by way of my rooftop while [my] dog was sleeping there. The dog bit Qāʾid b. Aḥmad ʿUbayd Luqayf, who was about six years old. Qāsim ʿAbd Allāh looked at the bite and valued [it] for him (*arrash la-hu*); and sent a letter to Shaykh Muḥsin ʿAbd al-Qawī al-Shuʿaybī. The shaykh dispatched a soldier—Muḥammad Muḥsin al-Qumāl—and I went before the shaykh.

That night a *qāḍī* was with the shaykh and he prescribed a heavy indemnity (*irsh*) of twenty-six *riyāls*. I insisted that they bring the boy before the shaykh; the father of the boy came and said that his son is about to die and cannot ride to come before the shaykh.

"[Spilling] Muslim blood is not permissible for Jews,"³³ retorted the shaykh, and imprisoned and shackled me on Friday afternoon.

I turned to the guard, that he approach [the shaykh] on my behalf to release me so I may return home to spend the Sabbath and feed my donkey who was about to die of hunger. The shaykh came to release me from the cuffs and gave me three *riyāls* to give to the boy's father on his behalf to spend on his son. I gave them to the *ʿāqil* and he gave them to [the father].

I undertook to pay Qāsim ʿAbd Allāh two *riyāls* for him to go up [to the shaykh] with me on Sunday and approach [him] on my behalf; and [on Sunday] he and I went up. Next day Luqayf and his son came before the shaykh. They told [me] to pay thirteen *riyāls* to the father of the boy as indemnity. The expenditure on soldiers' fees, [the payment to] Qāsim ʿAbd Allāh the *ʿāqil* and [the] prison fee came to a like sum.³⁴

³³ *mish dam al-Muslimīn mubāh liʾl-Yahūd.*

³⁴ Yaḥyā Ḥayyim Dwayd, N.S. 22:49.

Episode “b”

At the time of departure a certain Jewess sold a flour mill. The *‘āqil*, Qāsim ‘Abd Allāh Sa‘īd [who was] subject to Shaykh Muḥsin ‘Abd al-Qawī al-Shu‘aybī, dispatched upon her a soldier—Khālīd al-Fī³⁵ of al-Makāya[!] village—who went in and hit her for selling the mill. Yaḥyā Ḥayyim went to Shaykh Muḥsin while he was in Ibb, and notified him that the *‘āqil* had dispatched a soldier upon a Jewess for selling the mill. The shaykh said that the mills may be sold but the doors (*dhurūf*) shall be left behind; and he wrote to the *‘āqil* that he should obtain rent and doors from any departing Jew.³⁶

Such episodes could not have been predicted; not so the other major task demanding attention—debt recovery—for which the shaykh’s support was most definitely needed as we shall soon see.

Dealing with recalcitrant debtors was never easy. Now, when such debtors had every reason to assume he would soon disappear, and following a poor harvest, Yaḥyā Ḥayyim could not expect them to suddenly come forth of their own accord. Because of the Dwayds’ borderland location however, debt repayment would depend on Yaḥyā Ḥayyim’s success in engaging the juridical authority relevant to each of the regions converging at al-Maqhāya.

Yaḥyā Ḥayyim had learned that to retrieve debts from inhabitants of Bilād al-Shu‘aybī al-Suflā he needed to approach Shaykh Muḥsin ‘Abd al-Qawī rather than the *‘āmil* in Najd al-Jumā‘ī and he now adhered to *‘uzla* etiquette. This time however, Shaykh Muḥsin did not assign the task of debt retrieval to his son Shaykh Yaḥyā; instead he sent a note to the *‘āmil*, asking him to consider Yaḥyā’s request for assistance.³⁷ Yaḥyā followed up Shaykh Muḥsin’s measure with his own *shakwā* to the *‘āmil* of al-Sabra:

³⁵ This was the individual who years earlier served as Yūsuf Musallam Maḥfūd al-Maddār’s escort.

³⁶ Yaḥyā Ḥayyim Dwayd, N.S. 55:2, transcribed in the third person by Yūsuf Sayyānī. The cache contains the note referred to (B.Z.G. 67), presumably because on it was added a receipt for the departing person’s doors and rent.

³⁷ B.Z.G. 156. On the note’s *verso* is the following commentary, transcribed by Yūsuf Sayyānī: “Shaykh Muḥsin ‘Abd al-Qawī al-Shu‘aybī wrote to the *‘āmil* of al-Sabra in Najd al-Jumā‘ī for him to coerce on my behalf in the matter of the debt owed by the *qabā’il*.”

In the name of Allāh

My lord and master, *ʿāmil* of al-Sabra, may Allāh preserve him.
And may Allāh preserve our sovereign, Prince of the Believers,
Victor for the Religion of Allāh³⁸ Lord of the Worlds.

What you observe has issued from Shaykh Muḥsin ʿAbd al-Qawī al-Shuʿaybī.³⁹ Know my lord, that I am a weak *dhimmī* under the protection of Islām (*dhimmī ḍaʿīf bi-dhimmat al-Islām*). I studied Arabic script and became a trusty grainstorer for [the deceased] Shaykh Muḥammad ʿAbd al-Qawī, may Allāh have mercy on him, for other people of the territory, and for people of the *ʿuzlas* surrounding us, from the year [13]50 until the [present] date. To the point where the people of the [home] territory and some of the people of the *ʿuzlas* surrounding us, such as ʿUzlat Bilād al-Ḥayqī, Nāḥiyat al-Ḥishāʾ, and from ʿUzlat al-ʿAdhārib, Baʿdān, and from Mikhlāf al-ʿAwd, Nāḥiyat al-Nādīra, borrowed (*iqṭaraḍū*) from me grain and cash; and being preoccupied with comings and goings my dues have remained in the hands of [these] Muslims. Now, after the streaming of Jews to Palestine has become common knowledge, each and every Muslim is demanding from me his due while my dues remain in the hands of the Muslims. I am a weak *dhimmī*, we have nothing save your help. Your attention, my lord[, to this matter]. May Allāh's peace be with you and [also] Allāh's compassion and blessings.

Submitting this [appeal]: the slave beneath your feet, *dhimmī* Yaḥyā Ḥayyim, al-Maḥqāya village, Bilād al-Shuʿaybī al-Suflā.⁴⁰

The reply of the governor, Muḥammad b. Aḥmad al-Ṣabrī,⁴¹ is located at the head of the appeal: "May Allāh guide you [to the true path, i.e., Islām]. This is not the period of debt collection." To collect debts in Bilād al-Shuʿaybī al-Suflā and elsewhere in Nāḥiyat al-Sabra, Yaḥyā would be able to re-apply for government support only after the harvest.

The seat of government with jurisdiction over Yaḥyā's debtors from Mikhlāf al-ʿAwd was located much farther afield, in al-Nādīra, and would not have been very familiar to him. Yaḥyā chose therefore to direct his appeal first to the governor of Liwāʾ Ibb (of which al-Nādīra was part), Qāḍī Aḥmad al-Sayāghī, requesting that he instruct the *ʿāmil* of Nāḥiyat al-Nādīra to expedite the return of his

³⁸ This of course was the title taken by Aḥmad, son of Imām Yaḥyā, when he assumed the imamate.

³⁹ Yaḥyā would be referring to the aforementioned note sent by Shaykh Muḥsin.

⁴⁰ B.Z.F. 361.4.

⁴¹ The name is specified in Yūsuf Sayyānī's script on the document's *verso*.

debt. The explanation Yaḥyā provided al-Sayāghī for the non-payment of debts was more specific than that provided the *‘āmil* of al-Sabra: “They took debts from me and it became easy for them not to pay what they owe me, being able [to do so] because of my weakness; and at the present time, negligence has reached an extreme.”⁴² Al-Sayāghī replied on the upper margin of the appeal:

In the name of Allāh

To the *‘āmil* of al-Nādira, may Allāh protect him, for rapid coercion of the debtors. On its date: Shawwāl 1368 [= July 27–August 24, 1949].⁴³

Thus encouraged Yaḥyā Ḥayyim set off; not to the *‘āmil* of al-Nādira, however, but for al-‘Awd and the debtors themselves, as he would later recount to Yūsuf Sayyānī:

I set off for ‘Uzlat al-Waḥj in al-‘Awd with ‘Abd Allāh Aḥmad Wāṣil, whom I employed to come with me as a companion. The rate at that time was one-eighth [of a *qadaḥ*] (*thumna*) per *riyāl* and the farmers were starving, they had nothing with which to pay me. They asked to delay payment until the harvest and I returned [home] to the territory.

Later my eyes hurt me and I [had to] sit at home; [still] later I sent ‘Abd Allāh Aḥmad Wāṣil to the *‘āmil* of al-Nādira to charge my debtors: he was my agent [whom I appointed] to collect on my behalf what they owed. But one characteristic of the al-Nādira *‘āmil* was that he did not receive agents. Whoever came to submit an appeal would sign up [in person] with a servant, who would hand [the *‘āmil*] the list. Next day the *‘āmil* would come out to provide audience (*muwā-jaha*) and would summon [the applicants] one by one according to what was written the previous day.

My agent arrived in al-Nādira and wrote his name [on the list]. Next day the *‘āmil* summoned him and he displayed an order from the *nā’ib* for coercion of the debtors.⁴⁴ The *‘āmil* read it and discovered that it was in my name.

“This is in the name of a Jew!” he said to him.

“The Jew is ill at home and I am his agent,” replied my agent.

“[Even] if he be ill or unable [to come] it is required that he appoint you in the handwriting of the *ḥākim* of al-Nādira,” [said the *‘āmil*,] and ordered for him to be imprisoned. Then one of the Banī Faḍl came

⁴² B.Z.G. 43.

⁴³ B.Z.G. 43.

⁴⁴ See above, B.Z.G. 43.

and saw him in prison, appealed on his behalf and got him out of prison. The *‘amil* of al-Nādīra [was] ‘Abd Allāh b. Aḥmad al-Ḥijrī.⁴⁵

Though Yaḥyā Ḥayyim appears here to have delayed until the harvest, he apparently failed in his attempt to recover debts in al-‘Awd.

Other debtors were located in Bilād al-Ḥayqī, Nāḥiyat al-Ḥishā’; and Yaḥyā Ḥayyim mentions his attempt to recover his debts from these individuals in the segment of his Hebrew *shakwā* to Ḥayyim Ṣadōq which follows that introducing this study. Now for reasons explained in Chapter One this study has highlighted remarkable events and among these are disquieting occurrences emanating in the Gentile world: the “other” world, as far as the Dwayds are concerned. Ironically, the beginning of the Dwayd grainstorage franchise in al-Maqhāya was marked by what they believed was a calamity occurring within their own “shaykhly class”: the alleged poisoning of Yūsuf Musallam Maddār. Bestowing a curious symmetry to the Dwayd moment in al-Maqhāya, Yaḥyā Ḥayyim associated also his final days in al-Maqhāya with intra-communal treachery, as he proceeds to charge in the Hebrew *shakwā*:

During the month of Ḥeshwan, 5710 [= October 24–November 21, 1949], I went to the town of Ḍūran al-Ḥishā’, a six hour walk, to the judge, regarding the debts the Arabs owe me. In that town my eyes became ill so I returned home. One 21 year old Jew from our town worked for wealthy Jews from our town who transferred their money in the month of Elūl, 5709 [= August 26–September 23, 1949], to the town of Ta‘izz, a two day walk from our town. Some of them sojourned in the town [of Ta‘izz] and others remained at home. I was at home, having returned from Ḍūran, and one of those wealthy persons and their worker had [likewise] returned home from Ta‘izz. Six days following my return from Ḍūran al-Ḥishā’ [. . .]⁴⁶ that returned from Ta‘izz, who hated me, and there was an exchange of words between me and him. Next day the worker who worked for them turned to me and spoke to me of a cure for the eyes named *dūda*.⁴⁷ that [I should] grind it and place it as an undissolved powder [lit.: “dry”] on my eyes, for them to be rapidly cured. The Jew said he saw a certain Jew (with whose name and town I am acquainted) who had an eye sickness in Ta‘izz town. He took some *dūda* and

⁴⁵ Yaḥyā Ḥayyim Dwayd, N.S. 24:11.

⁴⁶ A tear in the paper makes the writing at this point illegible.

⁴⁷ Chochineal, or red koḥl (collyrium), both used for coloring wicker (Piamenta 1990: 159).

he saw him grind it in front of him and place some of it as a powder on his eyes in front of him. He asked him why he applies this to his eyes as an undissolved powder, and he replied so that his eyes will be cured rapidly. After I applied undissolved *dūda* to my [own] eyes my eyes began to water. Two days later I was completely blind, I could not see a thing. The watering ceased and my head hurt terribly. I abandoned what I had at home and what the Arabs owe me and I redeemed 45 needy souls from our brothers from the House of Israel⁴⁸ and we ascended to our Holy Land.⁴⁹

The one group of debtors not addressed in Yaḥya's appeals to government were those of Bilād al-ʿAdhārib, where resided the group of *mashāyikh* which assisted him during his showdown with Ḥājī Muḥammad the previous year. Defeated and sightless, it was on a donkey provided by one of these debtors, Shaykh ʿAbd al-Qādir b. Muḥammad b. Muḥammad Ghālib al-Tām of Ḥiṣn Ubāla,⁵⁰ that Yaḥyā Ḥayyim Mīshā finally departed al-Maqhāya.

⁴⁸ This may signify that he provided these individuals with funds for the journey to Aden.

⁴⁹ Undesignated (1).

⁵⁰ Yaḥyā Ḥayyim Dwayd, /N.S. 6.

APPENDIX B

NOTES ON THE GRAIN-STORAGE FUNCTION

This Appendix gives a brief account of the grain-storage service provided by the Dwayds.

In return for measuring, storing, guarding and dispensing grain the Dwayds received payment in kind. One Dwayd document puts the payment at one *naḥar* per *qadaḥ* (1/64th) of stored grain but fees varied from district to district and from harvest to harvest (reports from Ṣurm al-ʿAwd mention payments of four times that amount).⁵¹ The grainstorers' fees alone were enough to supply much, if not all, of the Dwayd household's yearly consumption needs.

The busiest time of year for the Dwayds as grainstorers were the weeks of the sorghum harvest at the end of the *ṣurāb* growing season extending from March–April to October–November. Clean grain brought to the Dwayds for storage was the product of a process involving the harvesting of the stalks; separation of the heads of grain from the stalks; drying the heads; threshing the heads; and winnowing the grain.⁵² Also prior to storage, farmers would ordinarily have made any applicable sharecropping payments (unless the grain being stored was itself a sharecropping payment); arranged for delivery to the government stores of applicable alms-tax dues (*ḥaḥ*); paid hired laborers; discharged the year's debts; and concluded any sales to itinerant merchants looking to buy up grain.

The bell-shaped, rock-hewn and plaster-lined underground silos maintained by the Dwayds would receive grain brought in from various sources, each deposit measured and recorded. A silo having been filled to the brim with a particular variety of grain, its opening would be covered first with a well-fitting stone, then hermetically sealed with plaster and finally covered with earth, rendering its opening invisible on the floor of the room that sheltered it.⁵³ Silos

⁵¹ Abdar 1994: 135.

⁵² For a detailed survey of the techniques and vocabulary of sorghum cultivation and processing in Yemen see Varisco 1985.

⁵³ For a report on Yemeni grain storage facilities at farm, community and central storage levels in 1969, including a cross-section diagram of a silo, see Greig 1970.

would be opened intermittently during the year upon a few days notice to allow persons wishing to draw grain to prepare for the occasion. These events provided an opportunity for owners of grain stored with the Dwayds to withdraw some of it for their own domestic use, to throw it on the market or to make loans.

One major source of grain stored by the Dwayds comprised the landowners shares deposited by sharecroppers of the *ʿuzla* shaykhs. Over much of the period covered by this study the Dwayds were the Shuʿaybīs' only long-term agents in the north-eastern part of Bilād al-Shuʿaybī al-Suflā. This arrangement benefitted the shaykhs since the Dwayds as Jews could be relied upon not to use their wealth and savvy to challenge their political domination. In addition, the grain was sheltered from the prying eyes of other members of the Shuʿaybīs' extended household. Finally, marketing the grain was facilitated by its location midway between the towns of Ibb and Qaṭaba on a thoroughfare. The sharecroppers benefitted from the arrangement since they did not have to travel very far to the shaykh's alternative agents to hand over the landowner's share. For the Dwayds, the fact that their silos contained grain belonging to the *ʿuzla* strongmen acted to deter pillaging (at least on the part of villagers from within Bilād al-Shuʿaybī al-Suflā). Though the Shuʿaybīs disapproved of Dwayd storage activity on behalf of persons beyond the boundaries of Bilād al-Shuʿaybī al-Suflā, grain was nonetheless brought in by sharecroppers from outside those boundaries upon the instructions of their landowners.

The produce of land cultivated by the Dwayds under sharecropping arrangements and the produce of the Dwayds' own land (tilled by hired labor or by sharecroppers) constituted further sources of supply. But in addition they catered to families who had paid off their various debts and whose remaining grain exceeded their own domestic storage capabilities whether because they did not maintain a domestic silo or because their grain pits were inadequate in quality, size or state of repair. Families would set grain aside for domestic consumption until the next harvest, to sell at a profit later in the year, to pay for labor and to mitigate against future shortages.⁵⁴ For

⁵⁴ For a discussion of traditional domestic economy in Yemen see Carapico and Tutwiler 1981: 9–30.

immediate access grain was stored in mudwalled bins within the house. (Because of its inferior storage characteristics, flour was home-ground daily in small amounts.) While the quality of grain stored in such bins would deteriorate rapidly, grain stored in well-positioned and well-maintained silos suffered negligible losses from mould and insect infestation.⁵⁵ For larger amounts of grain, dry, hermetically-sealed underground silos thus provided the best storage solution. The owners of grain deposited in the Dwayd silos benefitted not only from the Dwayds' widely acknowledged expertise, efficiency and trustworthiness, but also from the geographic advantages and the deterrence against pillage mentioned above.

As private stores begin to dwindle, typically some months following the autumn harvest, villagers frequently requested loans of the Dwayds in the form of grain. In one arrangement, grain would be sold in return for a future crop: the borrower would commit to returning the monetary value of the borrowed grain after the next harvest. Since on average grain prices were at their lowest immediately following the harvest, larger quantities would normally be returned than were borrowed. (Other arrangements would stipulate the exchange of other goods, such as ghee or skins, at a time most convenient to the borrower.) The terms of the borrowing arrangement, and the degree to which the lender would insist on repayment, would depend on the precise relationship between the Dwayds and the individual in need of grain. In any event, the Dwayds' stock of grain included the repayment of debts in kind.

What proportion of the area's total consumption needs might the Dwayds' seven silos have supplied? An approximation may be arrived at as follows. The volume of an average silo being between ten and twelve cubic meters,⁵⁶ seven such silos would have had a capacity of between seventy and eighty-four cubic meters. With white sorghum weighing in at 740 kg. per cubic meter,⁵⁷ the seven silos would be able to receive between 51,800 kg. and 62,160 kg. of that grain. The daily consumption of cereal products being as low as four hundred grams,⁵⁸ the Dwayds may have stored between 129,500 and 155,400

⁵⁵ Greig 1970: 6–7, 9.

⁵⁶ Gast and Fromont 1985: 197; cf. Greig 1970: 3.

⁵⁷ This approximation is based on Geist 1970: 22.

⁵⁸ Varisco 1985: 70.

daily rations, sufficient grain to feed between 354 and 426 people each year. Now since home reserves of grain typically lasted for several months recourse to the Dwayd silos began somewhere in the middle of the year. A more pertinent calculation therefore would be to consider the number of persons who might be fed over the course of five months (prior to the next harvest). Seven full silos would have provided enough grain to sustain between 863 and 1,036 people over such a period. This represents roughly between one-third and one-half of the population of Bilād al-Shu‘aybī al-Suflā in 1981⁵⁹ or between one-quarter and one-third of the population of ‘Uzlat al-‘Adhārib in that year.⁶⁰

In fact, however, it is not possible to determine the proportion of grain stored in the Dwayd silos that would have been consumed in the locality and not solely because all seven silos were not always in use. The example of medieval France shows that metropolitan purchases of stocks of peasant cultivators and of hoards at a high price in a short time during a dearth meant that little was available on the market for the locals.⁶¹ It is safe to assume that the Shu‘aybīs with their close involvement with the central administration and their ownership of significant proportion of local surpluses were closely tied to the urban market.⁶² Our material does not go far in illuminating this kind of link: how much of their stored grain did the Shu‘aybīs throw on the urban and country-wide markets, what was the nature of what they received in return, and what did they do to protect their cultivators from the horrors of a famine?

The Dwayds owned only a fraction of the grain in their silos. Much was owned by the Shu‘aybīs. Much of the remaining stock belonged to its various local owners who used it at a later date for domestic consumption and in exchange for goods, services and labor offered by other local households through non-market exchange or through the local system of weekly markets, as well as to lend or sell to those in the locality whose consumption needs surpassed their stored grain. It is this plurality of ownership (and potential compe-

⁵⁹ Based on the figures in al-Jumhūriyya al-‘Arabiyya al-Yamaniyya 1981b: 337.

⁶⁰ Based on the figures in al-Jumhūriyya al-‘Arabiyya al-Yamaniyya 1981a: 14.

⁶¹ Usher 1973: 5–8.

⁶² Cf. also Carapico and Tutwiler: “The surplus of the production-for-use economy never entered the rural marketing system, but was controlled by the government and the urban landlord elite” (Carapico and Tutwiler 1981: 99).

tition from local farmers) that would have prevented the Dwayds or any other single storer from acting aggressively to engross grain reserves in the countryside in order to raise prices artificially. At the same time, the Dwayds' vocation accorded them superior knowledge of supply and demand conditions at any point in time and of the actual surplus of the locality. It seems fair to suppose that they contributed—together with other local owners of stored grain—towards determining market price in the locality, the prudent release of grain ensuring that sustenance was available to the population until the coming in of the next crop, and beyond, in years of scarcity.

Even had the Dwayds been in a position to engross local supplies raising prices artificially they would have hesitated to do so because the considerations taken into account in releasing grain to the local market extended beyond short-term revenue maximization. Adam Smith writing in 18th-century Britain noted that “[i]n years of scarcity, the inferior ranks of people impute their distress to the avarice of the corn merchant, who becomes the object of their hatred and indignation. Instead of making profit upon such occasions, therefore, he is often in danger of being utterly ruined, and of having his magazines plundered and destroyed by their violence.”⁶³ That this sort of danger faced the Dwayds, members of an already subordinate social class, is seen in Chapter Nine of the present work.

The survey of grain storage in Yemen conducted in 1969 by the Food and Agriculture Organization of the United Nations, which focused on eleven areas south of Dhamār including Bilād al-Shu‘aybī al-Suffā’s own *nāḥiya*, al-Sabra, reports that grain pits were used either by farmers for their private stores, or by landowners for storing cereals paid in rent, or by government in the larger towns for storing *zakāt*, but it found no evidence of what it termed “co-operative storage.”⁶⁴ By contrast, the Dwayd silos, and the Jewish-managed silos elsewhere in the region, all entailed the commingled storage of several owners’ grain. As we have seen, these grainstorers served the local population in a number of ways: physically taking the grain off the hands of the farmer; keeping it clean and safe; making it available when needed during the year; selling and loaning surpluses; protecting owners from the prying eyes of members

⁶³ Smith 1937: 493–494.

⁶⁴ Greig 1970: 3–4.

of the extended household, of would-be borrowers and of government; and helping to protect the locality against the overly rapid depletion of local surpluses and even against starvation. Such grain-storers represented an important component of the agrarian system that was either invisible to the United Nations experts, or that ceased to exist during the two decades prior to their survey.

APPENDIX C

APPENDIX C
GREGORIAN/HIJRI YEARS AND TABLE OF EVENTS (1918–1949)

Gregorian/Hijrī Start of H. year	Administration	jizya	mashāyikh	Dwayds/al-Maqhāya
1918/1337 Oct. 7	Lower Yemen shaykhs confer at ‘Anāqī; delegation from Lower Yemen pledges allegiance to Imām Yahyā (Nov.)		Muhammad b. Muhammad al-Tām Shaykh in Ubala; death of Ahmad ‘Alī ‘Uwayḍān	
1919/1338 Sept. 26	‘Alī ‘Abd Allāh al-Wazīr campaigns in Lower Yemen (May–Sept.); Qadā’ Ibb passes from Liwā’ Ta’izz to Liwā’ Dhamār; Nāhiyat al-Sabra passes within Liwā’ Ta’izz from Qadā’ Qamā’ira to Qadā’ Dhī Sulāl			
1920/1339 Sept. 15				
1921/1340 Sept. 4				
1922/1341 Aug. 24	Death of Muhammad b. Nāṣir	Yūsuf al-Jamal assumes office of “Shaykh of the Jews” on behalf of ‘Alī ‘Abd Allāh al-Wazīr		Hayyim Mishā acquires land in Bilād al-Shu‘aybi al-‘Ulyā
1923/1342 Aug. 14				
1924/1343 Aug. 2				
1925/1344 July 22				
1926/1345 July 12				Hayyim Mishā begins to sell his land in Bilād al-Shu‘aybi al-‘Ulyā
1927/1346 July 1	Imām Yahyā accords Ismā‘īl Bā Salāma, <i>āmīl</i> of Qadā’ Ibb, some autonomy from Liwā’ Dhamār governor ‘Abd Allāh Ahmad al-Wazīr (autumn)			
1928/1347 June 20				
1929/1348 June 9	Sayf al-Islām Hasan arrives in Ibb (May; remains until June 1930); Qadā’ Ibb detached from Liwā’ Dhamār; Nāhiyat Hubaysh passes from Liwā’ Ta’izz to Qadā’ Ibb; <i>amīr al-jaysh</i> (Commander) Yahyā Muhammad ‘Abbās becomes <i>nā‘ib</i> (deputy) of Sayf al-Islām Hasan in Ibb		Munifī predominance in al-Hudayda ends by Jan.–Feb.	
1930/1349 May 29				Death of Yūsuf Musallam Maddār; Dwayd grainstorage franchise begins
1931/1350 May 19				
1932/1351 May 7				
1933/1352 Apr. 26	Death of Ibb <i>‘amīl</i> Ismā‘īl Bā Salāma (May)			Maqlid documents transferred to Dwayds, relationship with Hajj Muhammad under way
1934/1353 Apr. 16				Hayyim Mishā Dwayd appointed <i>‘aql</i>

1935/1354 Apr. 5		Increased formalization of grainstorage relationship with Muḥḥāl 'Abd Allāh al-Munīfī	
1936/1355 Mar. 24		Dwayd silo filched	
1937/1356 Mar. 14		End of Hayyim Mishā's function as village representative	
1938/1357 Mar. 3		Shaykh Muhammad removed from governorship of Nāhiyat al-Sābra	
		Death of Yūsuf al-Jamal Sālim b. Sālim Darāb's <i>jizya</i> roster and collection for 1357	
		'Alī 'Abd al-Rahmān al-Naw'a's <i>jizya</i> roster for 1357 and 1358	
1939/1358 Feb. 21		Darāb collects <i>jizya</i> for 1358 and attempts to collect for 1359	
1940/1359 Feb. 10		Muhammad al-Dīl's <i>jizya</i> roster for 1359 (Feb.-Mar.); demands issue from Najd al-Jum'a'i <i>hukama</i> to repay <i>jizya</i> of 1357 and 1358; collection of <i>jizya</i> for 1359	
1941/1360 Jan. 29			
1942/1361 Jan. 19			
1943/1362/1363 Jan. 8; Dec. 28			
1944/1364 Dec. 17			
1945/1365 Dec. 6			
1946/1366 Nov. 25		Death of Muhammad 'Abd al-Qawī (possibly occurred early 1947)	
1947/1367 Nov. 15		'Abd al-Wāhid b. Muḥ'īd al-Shu'aybi new <i>'uzla</i> Shaykh	
1948/1368 Nov. 3		Brief appearance of Muḥsin 'abd al-Qawī and Yahyā Muḥsin 'Abd al-Qawī assert authority in <i>'uzla</i>	
1949/1369 Oct. 24		Assassination of Imām Yahyā (Feb. 17); Imām Ahmad establishes capital in Ta'izz; al-Sayāghī Ibb <i>nā'ib</i> of Imām Ahmad Imām Ahmad permits departure of Jews (Apr.)	
		Yahyā Hayyim purchases half of al-Hijfār	
		Yahyā Hayyim emerges as <i>jizya</i> headman; Yahyā Hayyim assumes responsibility over Dwayd grainstorage enterprise; Dwayd silo filched; poor harvest	
		Grain rate exceptionally high; listing of Ḥājī Muhammad's debt to Dwayds (Aug.)	
		Third consecutive year of high grain rates; end of Hayyim Mishā's grainstorage relationship with Muhammad 'Abd al-Qawī (May-June)	
		Yahyā Hayyim completes purchase of al-Hijfār; deterioration in Yahyā Hayyim's relationship with Muḥsin 'Abd al-Qawī	
		End of Yahyā Hayyim's grainstorage relationship with Muḥsin 'Abd al-Qawī (Aug.-Sept.)	
		Yahyā Hayyim breaks away financially from father's household (Jan.-Feb.); Yahyā H.'s Shu'aybi grainstorage franchise renewed by Shaykh 'Abd al-Wāhid (May-June)	
		Representation initiatives of Yahyā Yūsuf Maddār; poor harvest	
		Yahyā H. departs al-Maḥḥāya (Nov.)	

APPENDIX D

BIBLIOGRAPHICAL APPENDIX

I. *The Documentary Sources*⁶⁵

The functional appendix appearing below exposes the network of documents and document genres underlying each chapter of this study. A few preliminary explanations are in order. Each entry represents a document's first appearance within a chapter. The first piece of information in an entry is the document's archival designation. As explained at the outset of Chapter One, Goitein deposited some Yemeni material at the Ben-Zvi Institute prior to his 1957 departure from Israel, and additional material was deposited following his passing in 1985. Each of the cardboard folders containing documents deposited by Goitein at the Ben-Zvi Institute in the 1950s is numbered and, in principle, each document contained therein is marked with this number alongside the unique number of that document within the folder. To denote such a document I use the letters B.Z.F. ("Ben-Zvi Folder"), followed by the folder number, a period, and the unique number of the document. As for the documents received by the Ben-Zvi Institute in the 1980s: these arrived at the library heaped in a large cardboard box, still rolled up like flattened cigars. Each was unfolded by Mr. Robert Attal, stamped with a serial number, and placed in a plastic sheath. These 356 documents fill two large binders. In my references to these sheathed and bound documents I use the prefix "B.Z.G." (for "Ben-Zvi, Goitein").

The documents of folder 361 ("B.Z.F. 361") were at first not numbered, and Mr. Attal encouraged me to number them when I explained that I would be referring to them extensively (as in Chapter Five). There remain, however, instances where I draw on documents which are undesignated by a library number. These are termed

⁶⁵ See Chapter One, section I.

“Undesignated”, followed by a parenthesized serial number denoting the document’s position among the undesignated documents included in this study. In the clause describing each of these documents I indicate where in the archive I found the folio (and returned it to): in a 1950s folder, between the pages of a notebook, or in one of the thirteen 1980s boxes. Also entering the pool of “Undesignated” documents are deeds from private archives on which I draw for the Epilogue.

All documents, aside from the Hebrew *shakwā* both inaugurating the study and closing its Epilogue, are Arabic-language. Some documents are in Hebrew (“Assyrian”) characters and clauses within such documents may also be in the Hebrew language. All Hebrew-script documents are identified, in the present appendix, by a dotted underline.

The designation of each document is followed by its genre (for the Arabic terminology see Chapter One, section I). The next piece of information denotes the document’s scribe (not other witnesses or individuals implicated in the substance of the document). In cases where a document was clearly written on behalf of an individual or group, and no scribe is mentioned, I designate the individual or the group. Following the name of the scribe is the year in which the document was written, if this was expressly noted by the scribe. (I do not indicate other dates which may appear in the body of the document, which may but do not necessarily reflect the date of writing.)

Some documents contain auxiliary clauses added by the original scribe or by other scribes or authorities, and such clauses are referred to at this point, followed by a mention of the presence of any information appearing on the *verso* of the document. The initials “Y.S.” indicate text added onto the folio by Yūsuf Sayyānī during the 1950s (see Chapter One, section II). At the end of each entry, in brackets, is my own assessment or assumption of the original cache to which a document belonged prior to the mixing of materials within Goitein’s archive.

Introduction and Plan of Work

Undesignated (1) letter, Yaḥyā Ḥayyim, n.d.; found in Goitein Archive box number 9 [Dwayd cache]

Chapter One

- B.Z.G. 123 *ṣulḥ*, Sālim ‘Uthmān, 1932, divorce agreement [cache uncertain]; translated in Ratzaby 1995: 103 and edited in Hollander 1995a
- B.Z.G. 321 *taḥkīm*, ‘Alī Aḥmad ‘Uwayḍān, 1933; clause by Muḥammad ‘Abd al-Qawī al-Shu‘aybī; *verso* (translated in Ratzaby 1993: 535, with no Ben Zvi Institute archive designation): summarizing statement by Muḥammad ‘Abd al-Qawī al-Shu‘aybī, 1933; Y.S. [Dwayd cache (al-Maqhāya)]

Chapter Three

- B.Z.G. 194 *aṣl shirā’*, signature unclear, 1842 [Dwayd cache]
- B.Z.G. 317 *taḥkīm*, Sa‘īd ‘Abd al-Khāliq al-Jumā‘ī, 1893; *verso*: clause by Muḥammad [. . .], 1895; Y.S. [Dwayd cache]
- B.Z.G. 299 *farz*, Muṣ‘id Muḥsin al-Shabbābī, 1922; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 306 *baṣīrat shirā’*, Nājī Muḥsin al-Shabbābī, 1924; *verso*: clause by Nājī Muḥsin al-Shabbābī, 1924 [Dwayd cache]
- B.Z.G. 310 *baṣīrat shirā’*, ‘Abd al-‘Azīz Nājī, 1924; Y.S. [Dwayd cache]
- B.Z.G. 283 *isqāṭ al-shuf’a* (waiver of legal right of purchase-intercession), signature unclear; clause by Muḥsin Yaḥyā al-Shu‘aybī, 1924; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 18 *ijāra*, Qāsim Yaḥyā al-Shu‘aybī, 1927; guaranty by Muḥammad ‘Abd al-Qawī al-Shu‘aybī, 1927; *verso*: Y.S. [Dwayd cache]

Chapter Four

- B.Z.G. 196 letter of appointment, Muḥammad ‘Abd al-Qawī al-Shu‘aybī, 1934 [Dwayd cache]
- B.Z.G. 144 letter of appointment, Muḥsin ‘Abd al-Qawī al-Shu‘aybī, n.d.; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 226 *waraqat dayn*, Sa‘īd Ḥusayn [. . .], 1924 [Dwayd cache]

- B.Z.F. 361.14 *mashhad* copy, ‘Abd Allāh Ismā‘īl al-Jalāl, 1932; clause by ‘Abd Allāh Sa‘īd al-Qaḥṭānī, 1932 [Dwayd cache]
- B.Z.G. 328 *mashhad*, ‘Abd Allāh Sa‘īd al-Qaḥṭānī, 1932; *verso*: clause by ‘Abd Allāh Ismā‘īl al-Jalāl, 1932 [Dwayd cache]
- B.Z.F. 361.15 *mashhad*, ‘Abd Allāh Ismā‘īl al-Jalāl, 1932; clause by ‘Abd al-Qādir al-Tām; *verso*: Y.S. [Dwayd cache]
- B.Z.F. 361.4 *shakwā*, Yaḥyā Ḥayyim Dwayd, n.d.; reply, n.d.; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 104 note, Muḥammad ‘Abd al-Qawī al-Shu‘aybī, n.d.; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 299 See above, *Chapter Three*
- Undesignated (2) *ḥaṣr tarika*, no signature, n.d.; *verso*: clause by Muḥammad ‘Abd al-Qawī al-Shu‘aybī; *verso*: Y.S.; document found in N.S. 24 [Dwayd cache]
- Undesignated (3) *farz*, Ya‘qūb Yehūda al-Maddār, 1936; *verso*: Y.S.; document found in N.S. 100 [Dwayd cache]
- B.Z.G. 321 See above, *Chapter One*
- Undesignated (4) *baṣīrat shirā’*, Muḥammad Muḥsin al-Shabbābī, 1936; *verso*: Y.S.; document found in B.Z.F. 363 [Dwayd cache]

Chapter Five

- B.Z.F. 361.57 *naẓīr*, Yūsuf Dā’ūd, 1923 [cache of ‘Imrān b. ‘Imrān (al-Mazbar)]
- B.Z.F. 361.55 *naẓīr*, ‘Abd al-‘Azīz b. Yaḥyā al-Mujāhid, 1918 [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.21 note, Yōsef al-Jamāl, n.d.; *verso*: Y.S. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.87 *waraqat dayn*, Ḥayyim Yaḥyā, 1927; clause by Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.85 note, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.89 note, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.68 note, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]

- B.Z.F. 361.69 note, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
B.Z.F. 361.77 note, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
B.Z.F. 361.79 *naẓīr* and note, Yōsef al-Jamāl, n.d.; *verso*: letter fragment, n.d. [cache of ‘Imrān b. ‘Imrān]
 B.Z.F. 361.30 *naẓīr*, Liwā’ Ta‘izz treasury officials, 1923 [cache of ‘Imrān b. ‘Imrān]
 B.Z.F. 361.28 *naẓīr*, Liwā’ Ta‘izz treasury officials, 1924 [cache of ‘Imrān b. ‘Imrān]
 B.Z.F. 361.36 *naẓīr*, Liwā’ Ta‘izz treasury officials, 1925 [cache of ‘Imrān b. ‘Imrān]
 B.Z.F. 361.31 *naẓīr*, Liwā’ Ta‘izz treasury officials, 1926 [cache of ‘Imrān b. ‘Imrān]
 B.Z.F. 361.32 *naẓīr*, Liwā’ Ta‘izz treasury officials, 1926 [cache of ‘Imrān b. ‘Imrān]
 B.Z.F. 361.33 *naẓīr*, Liwā’ Ta‘izz treasury officials, 1926 [cache of ‘Imrān b. ‘Imrān]
 B.Z.F. 361.34 *naẓīr*, Liwā’ Ta‘izz treasury officials, 1926 or 1927 [cache of ‘Imrān b. ‘Imrān]
 B.Z.F. 361.38 *naẓīr*, Liwā’ Ta‘izz treasury officials, 1927 [cache of ‘Imrān b. ‘Imrān]
 B.Z.F. 361.24 *naẓīr*, Liwā’ Ta‘izz treasury officials, 1929 [cache of ‘Imrān b. ‘Imrān]
 B.Z.F. 361.23 *naẓīr*, Liwā’ Ta‘izz treasury officials, 1926 [cache of ‘Imrān b. ‘Imrān]
 B.Z.F. 361.22 *naẓīr*, Liwā’ Ta‘izz treasury officials, 1930 [cache of ‘Imrān b. ‘Imrān]
B.Z.F. 361.94 *naẓīr*, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
B.Z.F. 361.82 *naẓīr*, Yōsef al-Jamāl, 1928 [cache of ‘Imrān b. ‘Imrān]
B.Z.F. 361.84 *naẓīr*, Yōsef al-Jamāl, 1929 [cache of ‘Imrān b. ‘Imrān]
B.Z.F. 361.43 acknowledgement of receipt, Yōsef al-Jamāl, 1929 [cache of ‘Imrān b. ‘Imrān]
B.Z.F. 361.81 note and *naẓīr*, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
B.Z.F. 361.71 *naẓīr*, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
B.Z.F. 361.92 *naẓīr*, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
B.Z.F. 361.93 *naẓīr*, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
B.Z.F. 361.78 *naẓīr*, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
B.Z.F. 361.70 *naẓīr*, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
B.Z.F. 361.86 *naẓīr*, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
B.Z.F. 361.95 *naẓīr*, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]

- B.Z.F. 361.91 *naẓīr* and note, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.90 *naẓīr*, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.72 *naẓīr*, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.73 *naẓīr*, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.74 *naẓīr*, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.75 *naẓīr*, Yōsef al-Jamāl, n.d. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.76 *naẓīr*, Sa‘īd ‘Awwāḍ, 1936 or 1937 [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.80 *naẓīr*, Sa‘īd ‘Awwāḍ, n.d. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.51 *naẓīr*, Sa‘īd ‘Awwāḍ, 1936 or 1937 [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.88 *naẓīr*, Ya‘īsh Dāwud, 1937; clause by Sa‘īd ‘Awwāḍ, n.d. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.62 *naẓīr*, Sharaf al-Dīn Ḥamīd, 1926 [cache of ‘Imrān b. ‘Imrān]
- Undesignated (5) *naẓīr*, Muḥammad Yaḥyā [. . .], 1921; document found in B.Z.F. 375 [cache of Shim‘ōn Ya‘qūb (Akamat Banī Manṣūr)]
- Undesignated (6) *naẓīr*, Aḥmad Muḥammad al-Shāmī, 1930; document found in B.Z.F. 375 [cache of Shim‘ōn Ya‘qūb]
- Undesignated (7) *naẓīr*, signature unclear, 1932; document found in B.Z.F. 375 [cache of Shim‘ōn Ya‘qūb]
- B.Z.F. 361.41 *naẓīr*, Sālīm b. Shalem, n.d. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.42 *naẓīr*, Sālīm b. Shalem, n.d. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.44 *naẓīr*, Sālīm b. Shalem, 1938 or 1939 [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.52 *naẓīr*, Sālīm b. Shalem, n.d. [cache of ‘Imrān b. ‘Imrān]
- B.Z.F. 361.54 *naẓīr*, Sālīm b. Shalem, n.d. [cache of ‘Imrān b. ‘Imrān]

B.Z.F. 361.50 *naẓīr*, Musallam Ḥayyim, n.d. [cache of ‘Imrān b. ‘Imrān]

B.Z.G. 144 See above, *Chapter Four*

Chapter Six

B.Z.G. 39 *naẓīr*, Qāsim Ḥasan al-Madā’inī, 1944 [Dwayd cache]

B.Z.G. 145 ‘*adad*, n.d.; Y.S. [Dwayd cache]

B.Z.G. 147 note, Ghālib Ḥamūd Ghālib, 1946; *verso*: Y.S. [Dwayd cache]

B.Z.F. 361.6 ‘*adad*, Ghālib Ḥamūd Ghālib, 1946 or 1947 [Dwayd cache]

B.Z.G. 16 *naẓīr*, Ghālib Ḥamūd Ghālib, 1947 [Dwayd cache]

B.Z.G. 148 note, Ghālib Ḥamūd Ghālib, 1947 [Dwayd cache]

B.Z.F. 361.9 ‘*adad*, Ghālib Ḥamūd Ghālib; *verso*: Y.S. [Dwayd cache]

B.Z.F. 361.1 *naẓīr*, ‘Abd Allāh [. . .]; 1948 [Dwayd cache]

B.Z.G. 116 list of *jizya* payers, n.d.; *verso*: same list but in Hebrew script, n.d. [Dwayd cache]

B.Z.G. 149 *naẓīr*, ‘Abd Allāh [. . .]; 1948 [Dwayd cache]

B.Z.G. 287 *naẓīr*, ‘Abd Allāh [. . .], n.d.; Y.S. [Dwayd cache]

Chapter Seven

B.Z.G. 48 *waraqat dayn*, Qāsim Yahyā al-Shu‘aybī, 1935; *verso*: Y.S. [Dwayd cache]

B.Z.G. 311 *baṣīrat shirā’*, Muḥammad ‘Abd al-Qawī al-Shu‘aybī, 1926; Y.S. [Dwayd cache]

B.Z.G. 299 See above, *Chapter Three*

B.Z.G. 28 note, Muḥammad ‘Abd al-Qawī al-Shu‘aybī, n.d.; *verso*: Y.S. [Dwayd cache]

B.Z.G. 16 See above, *Chapter Six*

B.Z.F. 361.7 *qāṭi’ ḥisāb* (account wind-up), Muḥammad ‘Abd al-Qawī al-Shu‘aybī and Muḥsin ‘Abd al-Qawī al-Shu‘aybī, 1946 [Dwayd cache]

B.Z.G. 66 *waraqat dayn*, ‘Abd al-Khāliq b. Muḥammad Abū al-Ghayth, 1933; *verso*: Y.S. [Dwayd cache]

B.Z.G. 232 *waraqat dayn*, Muqbil ‘Abd Allāh al-Munifī, 1933; *verso*: Y.S. [Dwayd cache]

B.Z.G. 13 *waraqat dayn*, ‘Alī Muḥammad, 1933; clause by ‘Abd Allāh al-Jalāl; *verso*: Y.S. [Dwayd cache]

- B.Z.G. 179 *warāqat dayn*, ‘Abd al-Qādir al-Tām, 1939; clause by Aḥmad Muḥammad Wāṣil; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 112 *warāqat dayn*, Muḥammad Ṣāliḥ ‘Alī al-Nahhām, 1940; Y.S. [Dwayd cache]
- B.Z.G. 92 *warāqat dayn*, ‘Alī Aḥmad [. . .], 1943 [Dwayd cache]
- B.Z.G. 195 *warāqat dayn*, Qāsim ‘Abd Allāh Sa‘īd, 1943 [Dwayd cache]
- B.Z.G. 175 *warāqat dayn*, ‘Abduḥ Muḥammad Fāḍil, 1942; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 279 *warāqat dayn*, Muqbil ‘Abd Allāh al-Munīfī, 1943; statement signed by Yaḥyā Ḥayyim, 1943; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 151 *warāqat dayn*, Muḥammad Mus‘īd al-Khawī[?], 1944 [Dwayd cache]
- B.Z.G. 178 *warāqat dayn*, ‘Alī Khālīd [. . .], 1945; *verso*: note in Hebrew script, Ibrahīm Sulaymān, n.d. [Dwayd cache]
- B.Z.G. 59 *warāqat dayn*, Muḥammad Muḥsin Ṣāliḥ, 1946; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 282 *warāqat dayn*, Ghālib Muḥammad [. . .], 1947; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 228 *warāqat dayn*, Muḥammad Muḥsin Ṣāliḥ, 1947 [Dwayd cache]
- B.Z.G. 225 *warāqat dayn*, Mus‘īd Muḥsin al-Shabbābī, 1948 (two acknowledgements on *recto* and one on *verso*) [Dwayd cache]
- B.Z.G. 100 *warāqat dayn*, Muqbil ‘Abd Allāh al-Munīfī, 1949 [Dwayd cache]
- B.Z.G. 103 note, Muḥsin ‘Abd al-Qawī al-Shu‘aybī, n.d. [Dwayd cache]
- B.Z.G. 102 note, Yaḥyā Ḥayyim Dwayd, n.d.; *verso*: note, Yaḥyā Ḥayyim Dwayd, n.d.; reply, Muḥsin ‘Abd al-Qawī al-Shu‘aybī, n.d. [Dwayd cache]
- B.Z.G. 160 note, farmers of al-Maqhāya, n.d.; *verso*: reply, Muḥsin ‘Abd al-Qawī al-Shu‘aybī, n.d. [Dwayd cache]
- B.Z.F. 361.17 *qāṭiḥ ḥisāb*, ‘Abd al-Jabbār Muḥammad, 1947 [Dwayd cache]
- B.Z.G. 95 draft, Yaḥyā Ḥayyim Dwayd, n.d. [Dwayd cache]
- B.Z.F. 361.10 note, ‘Abd al-Wāḥid Mus‘īd al-Shu‘aybī, 1947 [Dwayd cache]

Chapter Eight

- B.Z.G. 196 See above, *Chapter Four*
 B.Z.G. 331 *mashhad*, Muqbil ‘Abd Allāh al-Munīfī, 1948; *verso*: Y.S. [Dwayd cache]
 B.Z.F. 361.15 See above, *Chapter Four*
 B.Z.F. 361.20 *taḥkīm*, Aḥmad b. Aḥmad al-Sufyānī, 1938; clause by Ismā‘īl ‘Abd al-Raḥmān, 1938; *verso*: Y.S. [Dwayd cache]
 B.Z.G. 313 *faṣl*, Qāsim ‘Alī Isma‘īl, 1905 [Dwayd cache]
 B.Z.F. 361.12 *faṣl*, Muṣ‘id Muḥsin al-Shabbābī, 1936; clause by Ḥusayn b. Muḥammad al-Shabbābī, 1936; *verso*: clause by Muqbil ‘Abd Allāh al-Munīfī; Y.S. [Dwayd cache]
 B.Z.G. 312 *farz*, Aḥmad b. Aḥmad al-Sufyānī, 1941; *verso*: two clauses by Aḥmad b. Aḥmad al-Sufyānī, 1941; Y.S. [Dwayd cache]
 B.Z.G. 334 *baṣīrat shirā’*, Ḥusayn Isma‘īl [. . .], 1786; *verso*: Y.S. [Dwayd cache]
 B.Z.G. 329 *baṣīrat shirā’*, Muḥammad b. Muḥsin al-Shabbābī, 1892 [Dwayd cache]
 B.Z.F. 362.9 *ḥukm*, Hārūn Ya‘qūb al-Maṣrafi, 1903; *verso*: *tarāqī* (mutual agreement), Hārūn Ya‘qūb al-Maṣrafi, 1903 [Maddār cache (al-‘Adhārib)]
 B.Z.G. 184 *iqrār*, ‘Alī Muḥammad al-Jalāl, 1900 [Maddār cache (al-‘Adhārib)]
 B.Z.F. 362.15 *iqrār*, Muḥammad Ṣāliḥ al-‘Awdī, 1902 [Maddār cache]
 B.Z.F. 362.10 *ḥukm*, Hārūn Ya‘qūb al-Maṣrafi, 1903; *verso*: *iqrār*, Hārūn Ya‘qūb al-Maṣrafi, 1903 [Maddār cache]
 Undesignated (8) *farz*, Hārūn Ya‘qūb al-Maṣrafi, 1903; *verso*: clause in Arabic script by ‘Alī Aḥmad al-Shāmī, 1925; document found in Goitein Archive box number 9 [Maddār cache]
 B.Z.F. 362.11 *ḥukm*, Ya‘qūb Yūda, 1921; *verso*: clause in Arabic script by ‘Alī Aḥmad al-Shāmī, 1925 [Maddār cache]
 B.Z.G. 319 *ḥukm*, ‘Alī Aḥmad al-Shāmī, 1925 [Maddār cache]
 B.Z.G. 138 *farz*, ‘Alī Aḥmad al-Shāmī, 1925; clause in Hebrew

- script by Ya‘qūb Sālim Jadasī, n.d.; Y.S. [Maddār cache]
- B.Z.G. 172 *farz*, ‘Alī Aḥmad al-Shāmī, 1925 [Maddār cache]
- B.Z.G. 136 *hiba/waṣiyya* (donation/bequest), ‘Abd Allāh Muḥammad al-Manṣūb, 1927; clause by ‘Abd Allāh Isma‘īl al-Jalāl, 1927 [Maddār cache]; edited in Hollander 1997: 173–175
- B.Z.G. 301 *farz*, Aḥmad b. Aḥmad al-Sufyānī, 1940; *verso*: clause in Hebrew script by Ya‘qūb Sālim Jadasī, n.d. [Maddār cache]
- B.Z.G. 320 *farz*, Aḥmad b. Aḥmad al-Sufyānī, 1940; *verso*: clause in Hebrew script by Ya‘qūb Sālim Jadasī, n.d. [Maddār cache]
- B.Z.G. 304 *farz*, Aḥmad b. Aḥmad al-Sufyānī, 1940 [Maddār cache]

Chapter Nine

- B.Z.G. 232 See above, *Chapter Seven*
- B.Z.G. 312 See above, *Chapter Eight*
- Undesignated (4) See above, *Chapter Four*
- B.Z.G. 68 guaranty of sale, Muḥammad Ḥasan al-Sharafī, 1940; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 112 See above, *Chapter Seven*
- B.Z.G. 276 *naẓīr*, Muqbil ‘Abd Allāh al-Munīfī, 1945; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 100 See above, *Chapter Seven*
- B.Z.G. 177 note, Muqbil ‘Abd Allāh al-Munīfī, n.d.; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 331 See above, *Chapter Eight*
- B.Z.F. 361.16 *mashhad*, Muqbil ‘Abd Allāh al-Munīfī, 1948; Y.S. [Dwayd cache]

Chapter Ten

- Undesignated (4) See above, *Chapter Four*
- B.Z.G. 31 *baṣīrat shirā’*, Mus‘id Muḥsin al-Shabbābī, 1944; clause by Mus‘id Muḥsin al-Shabbābī, 1944; clause by ‘Abd al-Qādir al-Tām, 1944; *verso*: clause by ‘Abd al-Qādir al-Tām, 1944; Y.S. [Dwayd cache]

- B.Z.G. 232 See above, *Chapter Seven*
- B.Z.G. 110 *mashhad*, Qāsim ‘Abd Allāh Sa‘īd al-Qaḥṭānī, 1943 [Dwayd cache]
- B.Z.G. 315 *faṣl*, Ḥasan Muḥammad[?] al-Sharafī, 1929; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 302 *baṣīrat shirā’*, Muḥammad Ḥasan al-Sharafī, 1928; *verso*: clause by Ḥasan Muḥammad[?] al-Sharafī, 1929; Y.S. [Dwayd cache]
- B.Z.G. 341 *wikāla* and *aṣl shirā’*, Ṣāliḥ [. . .], 1789; Y.S. [Dwayd cache]
- B.Z.G. 68 See above, *Chapter Nine*
- B.Z.G. 324 *baṣīrat shirā’*, ‘Abd Allāh Muḥammad Aḥmad, 1793; Y.S.; *verso*: clause by Muḥammad Muḥsin al-Shabbābī[?], 1899 [Dwayd cache]
- B.Z.F. 361.11 *iqrār*, Muḥammad Ḥasan al-Sharafī, 1940; *iqrār*, Muṣ‘id Ḥasan al-Sharafī, 1940; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 276 See above, *Chapter Nine*
- B.Z.G. 297 *ḥujja*, Aḥmad b. Ya‘qūb [. . .], 1613 [Dwayd cache]
- B.Z.G. 80 note, Yaḥyā Ḥasan, n.d. [Dwayd cache]
- B.Z.F. 361.19 *taḥkīm*, ‘Abd Allāh ‘Abd al-Qawī al-Shu‘aybī, 1946 or 1947 [Dwayd cache]
- B.Z.G. 256 three drafts and one copy, Yaḥyā Ḥayyim Dwayd, n.d.; Y.S. [Dwayd cache]
- B.Z.F. 361.2 *mashhad*, Aḥmad Muḥammad Ṣāliḥ, n.d. [Dwayd cache]
- B.Z.F. 361.16 See above, *Chapter Nine*
- B.Z.G. 287 See above, *Chapter Six*
- B.Z.G. 88 note, Ṣāliḥ Aḥmad Muḥammad, n.d.; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 331 See above, *Chapter Eight*
- B.Z.G. 47 note, ‘Abd Allāh Nājī Ṣāliḥ; reply, Yaḥyā Muḥsin al-Shu‘aybī; *verso*: note, Aḥmad Muḥammad Qāsim al-Ḥayqī, 1948 [Dwayd cache]
- B.Z.F. 361.13 note, ‘Abd Allāh Nājī Ṣāliḥ al-Ḥudhayfī, n.d.; note, Muḥammad Ghānim al-Jumā‘ī, n.d.; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 72 note, Yaḥyā Muḥsin ‘Abd al-Qawī, 1948 [Dwayd cache]

Appendix A: Epilogue

- Undesignated (9) *waraqat dayn*, Hārūn Ya‘qūb al-Maṣrafi, 1949; document found in private archive of Zion Meshullam (Akamat Banī Maṣūr)
- Undesignated (10) *waraqat dayn*, Hārūn Ya‘qūb al-Maṣrafi, 1949; document found in private archive of Zion Meshullam
- Undesignated (11) *waraqat dayn*, Yaḥyā Sa‘īd Shar‘abī, 1949; document found in private archive of Zion Meshullam
- Undesignated (12) *waraqat dayn*, Hārūn Ya‘qūb al-Maṣrafi, 1949; document found in private archive of Zion Meshullam
- Undesignated (13) *waraqat dayn*, Yaḥyā Sa‘īd Shar‘abī, 1949; document found in private archive of Zion Meshullam
- Undesignated (14) *waraqat dayn*, Yaḥyā Sa‘īd Shar‘abī, 1949; document found in private archive of Zion Meshullam
- Undesignated (15) *waraqat dayn*, Zekharya Yōsef, 1949; document found in private archive of Zion Meshullam
- Undesignated (16) *waraqat dayn*, Hārūn Ya‘qūb al-Maṣrafi, 1950; document found in private archive of Zion Meshullam
- Undesignated (17) *waraqat dayn*, Sālim Sa‘īd, 1949; document found in private archive of Yaḥyā Yūsuf Musallam Maddār (al-Maqhāya)
- Undesignated (18) *waraqat dayn*, Musallam Sālim Yūda, 1949; document found in private archive of Yaḥyā Yūsuf Musallam Maddār
- Undesignated (19) *waraqat dayn*, Musallam Sālim Yūda, 1949; document found in private archive of Yaḥyā Yūsuf Musallam Maddār
- Undesignated (20) *waraqat dayn*, Musallam Sālim Yūda, 1949; document found in private archive of Yaḥyā Yūsuf Musallam Maddār
- Undesignated (21) *waraqat dayn*, Musallam Sālim Yūda, 1949; document found in private archive of Yaḥyā Yūsuf Musallam Maddār
- Undesignated (22) *waraqat dayn*, Musallam Sālim Yūda, 1949; docu-

- ment found in private archive of Yaḥyā Yūsuf Musallam Maddār
- Undesignated (23) *waraqat dayn*, Musallam Sālim Yūda, 1949; document found in private archive of Yaḥyā Yūsuf Musallam Maddār
- Undesignated (24) *waraqat dayn*, Musallam Sālim Yūda, 1949; document found in private archive of Yaḥyā Yūsuf Musallam Maddār
- Undesignated (25) *waraqat dayn*, Musallam Sālim Yūda, 1949; document found in private archive of Yaḥyā Yūsuf Musallam Maddār
- B.Z.G. 115 *wikāla*, Yaḥyā Yūsuf, 1949 [Dwayd cache]
- Undesignated (26) note, Ibrāhīm Ḥayyim Dwayd, n.d.; document found in N.S. 4 [Dwayd cache]
- B.Z.G. 344 *shakwā* in the name of the Jews of al-Bayḍā', n.d.; copy of telegraphed reply, Imām Aḥmad, 1949; clause by Aḥmad [...], 1949 [cache uncertain]
- B.Z.G. 83 *shakwā*, Dāwud Yahūda, n.d.; reply, 1949 [cache uncertain]
- Undesignated (27) application for departure permit, Ṣāfiyyat al-Ḥaddād village, 1949; reply, Muḥammad [...], 1949; *verso*: Y.S.; found in B.Z.F. 362 [cache of Sa'īd Yaḥyā Damtī ('Utmat Ba'dān)]
- Undesignated (28) application for departure permit, 'Utmat Ba'dān village, n.d.; reply, Muḥammad Aḥmad al-Ḥaddād, 1949; found in B.Z.F. 362 [cache of Sa'īd Yaḥyā Damtī]
- Undesignated (29) application for departure permit, 'Utmat Ba'dān village, n.d.; reply, Muḥammad Aḥmad al-Ḥaddād, 1949; found in B.Z.F. 362 [cache of Sa'īd Yaḥyā Damtī]
- Undesignated (30) application for departure permit, 'Utmat Ba'dān village, n.d.; clause by Muḥammad Muqbil Khashāfa, n.d.; reply, Muḥammad Aḥmad al-Ḥaddād, 1949; found in B.Z.F. 362 [cache of Sa'īd Yaḥyā Damtī]
- Undesignated (31) application for departure permit, 'Utmat Ba'dān village, 1949; clause by Muḥammad Muqbil Khashāfa, 1949; reply, Muḥammad [...], 1949;

- found in B.Z.F. 362 [cache of Saʿīd Yaḥyā Damtī]
- Undesignated (32) application for departure permit, ʿUtmat Baʿdān village, 1949; reply, Muḥammad [. . .], 1949; found in B.Z.F. 362 [cache of Saʿīd Yaḥyā Damtī]
- Undesignated (33) application for departure permit, ʿUtmat Baʿdān village, n.d.; clause by Muḥammad Muqbil Khashāfa, n.d.; reply, Muḥammad [. . .], n.d.; found in B.Z.F. 362 [cache of Saʿīd Yaḥyā Damtī]
- Undesignated (34) application for departure permit, ʿUtmat Baʿdān village, n.d.; clause by Muḥammad Muqbil Khashāfa, n.d.; reply, Muḥammad Aḥmad al-Ḥaddād, 1949; found in B.Z.F. 362 [cache of Saʿīd Yaḥyā Damtī]
- Undesignated (35) application for departure permit, ʿUtmat Baʿdān village, n.d.; reply, Muḥammad Aḥmad al-Ḥaddād, 1949; found in B.Z.F. 362 [cache of Saʿīd Yaḥyā Damtī]
- Undesignated (36) application for departure permit, ʿUtmat Baʿdān village, n.d.; reply, Muḥammad Aḥmad al-Ḥaddād, 1949; found in B.Z.F. 362 [cache of Saʿīd Yaḥyā Damtī]
- Undesignated (37) application for departure permit, ʿUtmat Baʿdān village, n.d.; reply, Muḥammad Aḥmad al-Ḥaddād, 1949; found in B.Z.F. 362 [cache of Saʿīd Yaḥyā Damtī]
- Undesignated (38) application for departure permit, ʿUtmat Baʿdān village, n.d.; reply, Muḥammad [. . .], 1949; found in B.Z.F. 362 [cache of Saʿīd Yaḥyā Damtī]
- Undesignated (39) application for departure permit, ʿUtmat Baʿdān village, n.d.; reply, Muḥammad Aḥmad al-Ḥaddād, 1949; found in B.Z.F. 362 [cache of Saʿīd Yaḥyā Damtī]
- Undesignated (40) application for departure permit, ʿUtmat Baʿdān village, n.d.; clause by Muḥammad Muqbil Khashāfa, 1949; reply, Muḥammad Aḥmad al-Ḥaddād, 1949; found in B.Z.F. 362 [cache of Saʿīd Yaḥyā Damtī]

- Undesignated (41) application for departure permit, ‘Utmat Ba‘dān village, n.d.; reply, Muḥammad Aḥmad al-Ḥaddād, 1949; found in B.Z.F. 362 [cache of Sa‘īd Yaḥyā Damtī]
- Undesignated (42) application for departure permit, Dhī al-Ḥajm village, 1949; clause by Muḥammad Muqbil Khas-hāfa, n.d.; reply, Muḥammad [. . .], 1949; found in B.Z.F. 362 [cache of Sa‘īd Yaḥyā Damtī]
- Undesignated (43) application for departure permit, Manzil Sabā’ village and Manzil Jabal village, n.d.; reply, Muḥammad Aḥmad al-Ḥaddād, 1949; found in B.Z.F. 362 [cache of Sa‘īd Yaḥyā Damtī]
- Undesignated (44) application for departure permit, Manzil Sabā’ village, n.d.; reply, Muḥammad Aḥmad al-Ḥaddād, 1949; found in B.Z.F. 362 [cache of Sa‘īd Yaḥyā Damtī]
- B.Z.G. 155 note, Yaḥyā Ḥayyim, n.d. [Dwayd cache]
- B.Z.G. 169 note, ‘Abd al-Jabbār Muḥammad, n.d.; Y.S. [Dwayd cache]
- B.Z.G. 324 See above, *Chapter Ten*
- B.Z.F. 361.18 *iqār*, ‘Abd al-Jabbār Muḥammad, 1949; *verso*: Y.S. [Dwayd cache]
- B.Z.G. 67 note, Muḥsin ‘Abd al-Qawī al-Shu‘aybī, n.d.; *naẓīr*, Muḥsin ‘Abd al-Qawī al-Shu‘aybī, n.d. [Dwayd cache]
- B.Z.G. 156 note, Muḥsin ‘Abd al-Qawī al-Shu‘aybī, n.d.; reply, n.d.; *verso*: Y.S. [Dwayd cache]
- B.Z.F. 361.4 see above, *Chapter Four*
- B.Z.G. 43 *shakwā*, Yaḥyā Ḥayyim Dwayd, n.d.; reply, n.d.; reply, 1949; *verso*: Y.S. [Dwayd cache]
- Undesignated (1) see above, *Introduction and Plan of Work*

II. *The Narrative Sources*⁶⁶

With two exceptions (N.S. 4 and N.S. 67), Yūsuf Sayyānī transcribed the narrative sessions upon which I draw in this study into 16 cm.

⁶⁶ See Chapter One, section II.

× 20 cm. notebooks containing varying numbers of pages.⁶⁷ These notebooks were transferred to the Ben-Zvi Institute following Goitein's passing and distributed among the thirteen "1980s" boxes in no apparent order. In only three instances do these notebooks contain Dwayd narrative exclusively (N.S. 6, N.S. 7 and N.S. 8). More often, notebooks include also the narratives of a number of informants which do not touch on the present study. Cataloguing the material by notebook was therefore irrelevant in the present case. At the same time, cataloguing by chapter as done above with the documentary material was impractical because, to a much greater extent than is the case with the documents, specific interview sessions are quoted in more than one chapter. I therefore sort the interviews by informant, in the References. What follows describes the information provided in the entries and the manner in which these details can assist the reader.

Goitein labeled some notebooks with the date of the interviews they contain, others with a serial number, others with a serial number prefixed by the letter Z, and still others with single letters. To facilitate my own references and those of any future researchers, Mr. Attal encouraged me to place a sticker with a new serial number on each notebook. The first unit of information in each entry denotes the new "Narrative Source" (N.S.) serial number of the notebook being cited. (Thus a reference to "N.S. 22:49" in the body of the study would signify a reference to page 49 of the "Narrative Source" numbered 22 on the white sticker.) Since it is conceivable that with time these stickers may become detached, the next unit of information in each entry, in parentheses, conveys the original title of the notebook. The third unit of information is the date, if available. Where the date is not provided but may be logically deduced from the position of a notebook between other notebooks of a series (such as Goitein's series "Z", or the lettered series), I include this presumption in brackets.

The fourth unit of information entered denotes the page or pages of the particular interview session. However, not in all notebooks are the pages numbered. Readers wishing to follow up on a citation in a notebook without numbered pages would have to open the

⁶⁷ This statement of course does not refer to those narratives transcribed by Yūsuf Sayyānī onto the documents themselves.

notebook in question, search for the relevant informant's name and skim over his narrative until arriving at the desired information. A complicating problem is that lengthy stretches of transcribed narrative emanating from a single informant may actually represent two or more interview sessions conducted with that informant. Though sessions often begin with a header listing the name of the interviewee, this information is not always provided in the notebooks where Dwayd narratives are abundant, and it is often difficult to define where one session ends and the next begins.⁶⁸ In such cases I note the number of pages occupied by the particular session. This information, together with the final (parenthesized) unit of information, which outlines the central theme of the session, accords a good idea of the specific whereabouts of a reference even in cases of unpaginated notebooks containing more than one interview session with a particular informant.

⁶⁸ Indications of where to position this point include a page break, a large space left open by Sayyānī or an inaugurating statement such as “Yaḥyā Ḥayyim says . . .” (*yaqūl Yaḥyā Ḥayyim . . .*). My assessment of the dividing line between sessions may be not be accurate in all cases.

REFERENCES

REFERENCES

I. *Archival Sources*

1. *Ben-Zvi Institute Library (Jerusalem)*

A. *The documentary sources (consult first Appendix D, section I):*

B.Z.G.

13, 16, 18, 28, 31, 39, 43, 47, 48, 59, 66, 67, 68, 72, 80, 83, 88, 92, 95, 100, 102, 103, 104, 110, 112, 115, 116, 123, 136, 138, 144, 145, 147, 148, 149, 151, 155, 156, 160, 169, 172, 175, 177, 178, 179, 184, 194, 195, 196, 225, 226, 228, 232, 256, 276, 279, 282, 283, 287, 297, 299, 301, 302, 304, 306, 310, 311, 312, 313, 315, 317, 319, 320, 321, 324, 328, 329, 331, 334, 341, 344

B.Z.F. 361

361.1, 361.2, 361.4, 361.6, 361.7, 361.9, 361.10, 361.11, 361.12, 361.13, 361.14, 361.15, 361.16, 361.17, 361.18, 361.19, 361.20, 361.21, 361.22, 361.23, 361.24, 361.28, 361.30, 361.31, 361.32, 361.33, 361.34, 361.36, 361.38, 361.41, 361.42, 361.43, 361.44, 361.50, 361.51, 361.52, 361.54, 361.55, 361.57, 361.62, 361.68, 361.69, 361.70, 361.71, 361.72, 361.73, 361.74, 361.75, 361.76, 361.77, 361.78, 361.79, 361.80, 361.81, 361.82, 361.84, 361.85, 361.86, 361.87, 361.88, 361.89, 361.90, 361.91, 361.92, 361.93, 361.94, 361.95

B.Z.F. 362

362.9, 362.10, 362.11, 362.15, Undesignated (27), Undesignated (28), Undesignated (29), Undesignated (30), Undesignated (31), Undesignated (32), Undesignated (33), Undesignated (34), Undesignated (35), Undesignated (36), Undesignated (37), Undesignated (38), Undesignated (39), Undesignated (40), Undesignated (41), Undesignated (42), Undesignated (43), Undesignated (44)

B.Z.F. 363

Undesignated (4)

B.Z.F. 375

Undesignated (5), Undesignated (6), Undesignated (7)

Also from the Ben-Zvi Institute library are the following documents: Undesignated (1), Undesignated (2), Undesignated (3), Undesignated (8), Undesignated (26)

B. *The narrative sources (consult first Appendix D, section II):*

Anonymous

al-Gades village, ‘Uzlat al-Arbīyyin, Nāḥiyat Dhī al-Sufāl

N.S. 67 (240), n.d., p. 7 (Shaykh Muḥammad ‘Abd al-Qawī al-Shu‘aybī).

‘Arabe, Ḥasan Sālīm

al-‘Amāhī village, ‘Uzlat al-Ḥarath, Nāḥiyat Ba‘dān

N.S. 95 (O), n.d., pp. 75–79 (*jūḡya* collection in Ba‘dān).

Burayh, Ḥayyim Sālim Yūsuf

Nādīb village, ‘Uzlat Dalāl, Nāḥiyat Ba’dān

N.S. 22 (E), n.d. [1953], pp. 67–69 (the death of Sālim al-Daws).

Dwayd, Ḥayyim Mīshā Sālim

approximately 70 years of age in 1952 (N.S. 25, N.S. 23:21)

al-Maqhāya village, Bilād al-Shu‘aybī al-Suflā, Nāḥiyat al-Sabra

/N.S. 7 (Z-2), n.d. [1953], 10 pages (Shu‘aybī infighting under the Ottomans; Ḥayyim’s abduction).

N.S. 23 (F), n.d. [1952], pp. 21–27 (Shaykh Muḥammad b. Muḥammad Ghālīb al-Tām of al-‘Adhārib).

N.S. 24 (G), n.d. [1952], pp. 23–26 (the move to al-Maqhāya and rise to riches of Musallam Maḥfūd al-Maddār).

N.S. 24 (G), n.d. [1952], pp. 27–28 (background of the Tāms of al-‘Adhārib).

N.S. 24 (G), n.d. [1952], pp. 29–36 (Yūsuf Musallam al-Maddār’s headmanship and death and the dispute over his estate).

/N.S. 25 (H), n.d. [1952], 4 pages (famine of 1904).

Dwayd, Ḥayyim Mīshā and Dwayd, Yaḥyā Ḥayyim (joint sessions)

al-Maqhāya village, Bilād al-Shu‘aybī al-Suflā, Nāḥiyat al-Sabra

N.S. 22 (E), n.d. [1952], pp. 35–45 (the apostate ‘*āqil*, his assassination and the apprehending of his killers).

N.S. 55 (228), 1952, p. 1 (general information on al-Maqhāya; relationship between Shaykh Muḥammad ‘Abd al-Qawī and ‘Abd Allāh ‘Alī al-Wazīr).

Dwayd, Yaḥyā Ḥayyim Mīshā

al-Maqhāya village, Bilād al-Shu‘aybī al-Suflā, Nāḥiyat al-Sabra

/N.S. 6 (Z-1), n.d. [1953], 3 pages (relations with Muqbil ‘Abd Allāh al-Munīfī).

/N.S. 6 (Z-1), n.d. [1953], 4 pages (Shu‘aybī power struggle following Shaykh Muḥammad ‘Abd al-Qawī’s death).

/N.S. 6 (Z-1), n.d. [1953], 4 pages (relations with Shaykh ‘Abd al-Qādir b. Muḥammad al-Tām).

/N.S. 7 (Z-2), n.d. [1953], 1 page (change in location of Nāḥiyat al-Sabra government center).

/N.S. 7 (Z-2), n.d. [1953], 8 pages (1938–42 activities of *jūzʿa* functionary Sālim al-Ḍarrāb).

/N.S. 8 (Z-3), n.d. [1953], 7 pages (on the peasantry of Bilād al-‘Adhārib; Yaḥyā’s relations with the Banī al-Munīfī, 1936–37).

Notebook in box 9 (no designation), n.d., 1 page (relations with Nājī Ṭāhir Muthannā al-Munīfī).

N.S. 17 (Z-12), 1956, pp. 2–3 (local fortune-tellers).

N.S. 22 (E), n.d. [1952], pp. 29–33 (Shaykh ‘Abd al-Wāḥid b. ‘Abd Allāh al-Shu‘aybī’s debt, 1943–44).

N.S. 22 (E), n.d. [1952], p. 49 (compensation for dogbite).

N.S. 22 (E), n.d. [1952], pp. 141–147 (conversions to Islām of Jewish women in al-‘Adhārib and al-Maqhāya).

N.S. 24 (G), n.d. [1952], p. 11 (appeal to al-Sayāghī to effectuate debt repayment).

N.S. 24 (G), n.d. [1952], p. 14 (apostacy and the sons of Sa‘īd al-Kōhen of Najd al-Jumā‘ī).

/N.S. 25 (H), n.d. [1952], 5 pages (Yaḥyā’s relationship with Ḥājī Muḥammad).

/N.S. 25 (H), n.d. [1952], 3 pages (Dwayd family background; Shu‘aybī family background).

/N.S. 25 (H), n.d. [1952], 3 pages (Shahbar’s fatal encounter with the Munīfīs; the Shu‘aybīs during *ayyām al-fasād* and under Ottoman rule).

- /N.S. 25 (H), n.d. [1952], 1 page (background of Hayyim Miṣhā's headmanship).
 /N.S. 25 (H), n.d. [1952], 2 pages (the Sufyānīs of al-ʿAdhārib; the alleged poisoning of Yūsuf Musallam Maḥfūd; survey of Yahyā's property).
 N.S. 55 (228), 1952, p. 2 (sale of household artifacts before departing Yemen).
 N.S. 55 (228), 1952, p. 2 (attack on emigrating party of Jews).
 N.S. 55 (228), 1952, p. 3 (sale of land before departing Yemen).
 N.S. 55 (228), 1952, p. 4 (*jizya* payment, 1942).
 N.S. 55 (228), 1952, pp. 5–6 (Shuʿaybī family background; Dwayd family background).

Jiblī, Sālim Ibrāhīm

Approximately 65 years of age in 1953[?] (N.S. 22:97)

Akamāt Banī Maṣṣūr village, ʿUzlat Banī Maṣṣūr, Nāḥiyat Baʿdān

N.S. 19 (Z-14), n.d. [1956], pp. 1–3 (details on village; *jizya* collection).

N.S. 22 (E), n.d. [1953], pp. 97–103 (details on village, villagers, and village functionaries).

Jubb, Shimʿon Ḥasan Sulayman Saʿīd Yūsuf

Approximately 50 years of age in 1953[?] (N.S. 25)

Nādīb village, ʿUzlat Dalāl, Nāḥiyat Baʿdān

N.S. 25 (H), n.d. [1953], 2 pages (family background; details about al-Nādīb and its inhabitants).

Lewī, Dāwud Yehūda Frāyim

Daḥiyya village, Nāḥiyat Dhī al-Sufāl

N.S. 31 (O), n.d., pp. 27–31 (*jizya* collection in Lower Yemen).

Maddār, Musallam Sālim

al-ʿAdhārib village, ʿUzlat al-ʿAdhārib, Nāḥiyat Baʿdān

N.S. 10 (Z-5), 1953, 2 pages (details on Maddār family of al-ʿAdhārib; Jewish religious functions in al-ʿAdhārib).

Maddār, Sālim Yehūda Sulaymān

Approximately 65 years of age in 1956 (N.S. 18:19)

al-ʿAdhārib village, ʿUzlat al-ʿAdhārib, Nāḥiyat Baʿdān

N.S. 18 (Z-13), n.d. [1956], pp. 19–20 (Shaykh Muḥammad b. Muḥammad Ghālib al-Tām of al-ʿAdhārib).

N.S. 18 (Z-13) 1956, pp. 36–40 (Shaykh Muḥammad b. Muḥammad Ghālib al-Tām of al-ʿAdhārib).

Maklabānī, Sālim Sulaymān Ḥasan Yehūda

Approximately 55 years of age in 1952 (N.S. 9:20)

al-Maḥḥāya village, Bilād al-Shuʿaybī al-Sufāl, Nāḥiyat al-Sabra

N.S. 9 (Z-4), 1952, pp. 20–21 (the apostate *ʿāqil*).

N.S. 9 (Z-4), 1952, pp. 22–23 (village life under Shaykh Muḥammad ʿAbd al-Qawī al-Shuʿaybī).

N.S. 9 (Z-4), 1952, pp. 24–25 (Jewish religious functions in al-Maḥḥāya).

Maʿūda, Yūsuf

al-Gades village, ʿUzlat al-Arbiyyin, Nāḥiyat Dhī al-Sufāl

N.S. 24 (G), 1953, pp. 38–52 (treasurers of the endowment fund of Shalom Shabazī and *jizya* collection).

N.S. 26 (J), n.d., p. 33 (Shuʿaybīs under Ottoman rule).

N.S. 28 (L), n.d., pp. 21–25 (Yūsuf Maʿūda's headmanship).

- Moshe, Hayyim Ḥasan Shlomo ‘Awwāḍ Sa‘īd
al-Gades village, ‘Uzlat al-Arbiyyin, Nāḥiyat Dhī al-Sufāl
 N.S. 26 (J), n.d., p. 181 (disparate tempers of Shu‘aybīs and Jumā‘īs).
- Qatar, Sālim Sa‘īd Yūsuf Muthannā
Born in 1878–79 (I.N.S. 97)
al-Khiyāriyya village, Bilād al-Hayqī, Nāḥiyat al-Hishā
 N.S. 97 (Khiyāriyya), n.d. [1956], 2 pages, (sale of land before departing Yemen).
- Radamī, Sālim Yahyā
Ibb town
 N.S. 90 (Ibb), n.d., pp. 5–7 (list of Jewish households in Ibb, with ownership histories of their homes).
- Ṣan‘ānī, Sulaymān ‘Awwāḍ Hārūn Yūsuf
Dhī al-Haql village, ‘Uzlat al-Sharaf, Muḥakkam al-Makhādīr
 N.S. 4 (2.4.1957), 1957, 3 pages (*jizya* collection).
- Tāba, Dāwud Sālim
Approximately 76 years of age in 1953[?] (N.S. 24:8)
al-Khiyāriyya village, Bilād al-Hayqī al-Suflā, Nāḥiyat al-Hishā
 N.S. 24 (G), n.d. [1953], pp. 8–10 (the death of Sālim Sa‘īd al-Muwazzaf).
- Triff, Hayyim Yehūda
al-Khiyāriyya village, Bilād al-Hayqī al-Suflā, Nāḥiyat al-Hishā
 N.S. 19 (Z-14), n.d. [1956], pp. 6–7 (*nāḥiya* governors, personal occupation, village synagogue).
- Yiṣḥāq, Sālim Yahyā Abraham ‘Awwāḍ Sulaymān
al-Radā’ī village, ‘Uzlat al-Amlūk, Muḥakkam al-Nādīra
 N.S. 9 (Z-4), 1953, p. 4 (*mashāyikh* and Jews of al-Amlūk).
2. *Central Zionist Archives (Jerusalem)*
 File A 237
3. *Yahyā Yūsuf Musallam Maddār, private collection (Elyakhīn)*
 Documents (consult Appendix D, section I [under “Appendix A: Epilogue”]):
 Undesignated (17), Undesignated (18), Undesignated (19), Undesignated (20),
 Undesignated (21), Undesignated (22), Undesignated (23), Undesignated (24),
 Undesignated (25)
4. *Ẓion Meshullam, private collection (Jerusalem)*
 Documents (consult Appendix D, section I [under “Appendix A: Epilogue”]):
 Undesignated (9), Undesignated (10), Undesignated (11), Undesignated (12),
 Undesignated (13), Undesignated (14), Undesignated (15), Undesignated (16)
- II. *Interviews on Audio Tape*
- Sham‘a Tāba (Elyakhīn)
 April 7, 1997
- Ibrāhīm Hayyim Dwayd (Elyakhīn)
 April 1, 1997

April 8, 1997

May 14, 1997

May 21, 1997

May 22, 1997

May 28, 1997

Ḥasan Harānī (Elyakhīn)

April 8, 1997

Shlomo Sālim Maklabānī (Elyakhīn)

April 8, 1997

Shaʿul Yūsuf Musallam al-Maddār (Elyakhīn)

April 7, 1997

Shūdhyā Saʿīd (Dwayd) (Elyakhīn)

April 1, 1997

May 21, 1997

Yahyā Tays (Elyakhīn)

May 21, 1997

Yaʿqūb Qatar (Elyakhīn)

May 14, 1997

III. *Maps*

Map 1: Yemen

Cartography by Isaac Hollander (2004). Includes data from:

- (1) Digital Chart of the World, Edition 5 (2000/09). Bethesda, MD: National Imagery and Mapping Agency (NIMA). Reference Number VMAP0EURNASIA.
- (2) The Geographic Names Data Base, maintained by the United States National Geospatial-Intelligence Agency (www.nga.mil).

Map 2: Lower Yemen

Cartography by Isaac Hollander (2004). Includes data from:

- (1) Digital Chart of the World, Edition 5 (2000/09). Bethesda, MD: National Imagery and Mapping Agency (NIMA), Reference Number VMAP0EURNASIA.
- (2) The Geographic Names Data Base, maintained by the United States National Geospatial-Intelligence Agency (www.nga.mil).

Map 3: Area of Study

Cartography by Isaac Hollander (2000–2004). Includes data from:

- (1) Series YAR 50 (Arabic), sheet 1344 A1 (Ibb), edition 1 (1981). Director General, Survey Department, Ministry of Public Works, Ṣanʿāʾ, Yemen Arab Republic.
- (2) Series YAR 50 (Arabic), sheet 1344 A2 (Najd al Jumāʿī), edition 1 (1983). Director General, Survey Department, Ministry of Public Works, Ṣanʿāʾ, Yemen Arab Republic.
- (3) Series YAR 100 (Arabic), sheet D-38–53 (Taʿizz), edition SA-1 (1986). Survey Authority, Ṣanʿāʾ.

Map 4: Liwā's of Lower Yemen, 1939

Cartography by Isaac Hollander (2004). Includes data from:

- (1) Digital Chart of the World, Edition 5 (2000/09). Bethesda, MD: National Imagery and Mapping Agency (NIMA), Reference Number VMAP0EURNA-SIA.
- (2) United Nations Statistics Division, Computer Software & Support for Pop. Activities, Project INT/96/P74/WWW.
- (3) The Geographic Names Data Base, maintained by the United States National Geospatial-Intelligence Agency (www.nga.mil).

Other Maps

Series YAR 500 (K 465), edition 1–DOS 1978, sheet Yemen Arab Republic (1978). Published for the Government of the Yemen Arab Republic by the British Government's Ministry of Overseas Development (Directorate of Overseas Surveys). Series The Yemen Arab Republic and Neighboring Areas 1:250,000, edition 1, sheet 7 (Ta'izz) (1974). Produced for the Yemen Arab Republic by the Director of Military Survey, Ministry of Defence, United Kingdom.

IV. Works Cited

- Abāza, Fārūq 'Uthmān. 1979. *al-Ḥukm al-'Uthmānī fī al-Yaman 1872–1918*. Beirut: Dār al-'Awdā.
- al-'Abdalī, Aḥmad b. 'Alī Muḥsin. 1997. *Hadiyyat al-zaman fī akhbār mulūk Lahj wa-'Adan*: Maktabat al-Thaqāfa al-Dīniyya.
- Abdar, Carmella. 1988. "Eṣleynū, be-Šārm al-'Āwd, ze hayya aḥeret . . .": miqṣō'ot we-tilbōshōt ke-bīṭuy le-ma'madō shel kfar Yehūdī be-drōm mizraḥ Teyman. M.A. thesis, The Hebrew University of Jerusalem.
- . 1994. "Agīrat tvū'a ba-kfar Šurm al-'Awd she-be-Teyman (Storing Crops in the Village of Šurm al-'Awd in Yemen)." *Tema*, 4: 127–138.
- Abū Ghānim, Faḍil Aḥmad. 1990. *al-Qabīla wa'l-dawlā fī al-Yaman*. al-Malāḥiq. Cairo: Dār al-Manār.
- Adra, Najwa. 1985. "The Concept of Tribe in Rural Yemen." In *Arab Society: Social Sciences Perspectives*, edited by S.E. Ibrahim and N.S. Hopkins. Cairo: The American University in Cairo, 275–285.
- al-Akwa', Muḥammad b. 'Alī b. al-Ḥusayn al-Ḥawālī. 1987. *Ḥayāt 'ālim wa-amīr*. Vol. 1. Ṣan'ā': al-Jīl al-Jadīd.
- . 1996. *Ḥayāt 'ālim wa-amīr*. Vol. 2. Ṣan'ā'.
- Allen, Barbara and Montell, William Lynwood. 1981. *From Memory to History: Using Oral Sources in Local Historical Research*. Nashville: The American Association for State and Local History.
- al-'Arshī, Ḥusayn b. Aḥmad. 1939. *Bulūgh al-marām fī sharḥ misk al-khitām*. Beirut: Dār Iḥyā' al-Turāth al-'Arabī.
- 'Arūsī, Raṣōn. [1993]. "Nīsū'ey qeṭīna be-Teyman." In *Bat-Teyman: 'ōlama shel ha-ishā ha-Yehūdīyya (Daughter of Yemen)*, edited by S. Seri. n.p.: E'le be-Tamar, 59–64.
- Ashtor, Eliyahu. 1965. "Qawwīm li-dmūta shel ha-qehīla ha-Yehūdīt bī-mey-ha-beynayyim." *Ṣion*, 30: 61–78, 128–157.
- Attal, Robert. 1975. *A Bibliography of the Writings of Prof. Shelomo Dov Goitein*. Jerusalem: Israel Oriental Society; Institute of Asian and African Studies.
- al-'Azm, Nazīh Mu'ayyad. 1986. *Riḥla fī bilād al-'Arabiyya al-sa'ida*. Beirut: Manshūrāt al-Madīna.
- Baer, Y. 1950. "Ha-yesōdōt we-ha-haṭḥalōt shel irgūn ha-qehīla ha-Yehūdīt bī-mey-ha-beynayyim." *Ṣion*, 15: 1–41.
- Baron, Salo Wittmayer. 1957. *A Social and Religious History of the Jews*². Vol. 5:

- Religious Controls and Dissentions. New York and Philadelphia: Columbia University Press and The Jewish Publication Society of America.
- Ben-Sasson, H. H. 1976. "Derekh hadasha el "ōlam ha-Genīza" (New Paths into the 'Genizah Land')." *Ẓion*, 41(1-2): 1-46.
- Boxberger, Linda. 1998. "Avoiding *Ribā*: Credit and Custodianship in Nineteenth- and Early-Twentieth Century Haḍramawt." *Islamic Law and Society*, 5(2): 196-213.
- Bradley, Chris. 1995. *Discovery Guide to Yemen*. London: Immel.
- Carapico, Sheila and Tutweiler, Richard. 1981. *Yemeni Agriculture and Economic Change: Case Studies of Two Highland Regions*. Yemen Development Series No. 1. Ṣan'ā': American Institute for Yemeni Studies.
- Caro, J. 1993. *Shulhan Arukh*. Edited by Z. Priesler and S. Havlin. Jerusalem: Ketuvim.
- Cohen, Mark R. 1980. *Jewish Self-Government in Medieval Egypt: The Origins of the Office of Head of the Jews, ca. 1065-1126*. Princeton: Princeton University Press.
- 1994. *Under Crescent and Cross: The Jews in the Middle Ages*. Princeton: Princeton University Press.
- Coulson, N.J. 1971. *Succession in the Muslim Family*. Cambridge: Cambridge University Press.
- Dallal, Ahmad. 1999. "On Muslim Curiosity and the Historiography of the Jews of Yemen." *Bulletin of the Royal Institute for Inter-Faith Studies*, 1(2): 77-112.
- Davis, John. 1987. *Libyan Politics: Tribe and Revolution*. London: I.B. Tauris.
- Douglas, J. Leigh. 1987. *The Free Yemeni Movement 1935-1962*. Edited by G. Chimienti. Beirut: The American University of Beirut.
- Dresch, Paul. 1984. "The Position of Shaykhs among the Northern Tribes of Yemen." *Man*, 19(1): 31-49.
- 1990. "Imāms and Tribes: The Writing and Acting of History in Upper Yemen." In *Tribes and State Formation in the Middle East*, edited by P.S. Khoury and J. Kostiner. Berkeley: University of California Press, 252-287.
- Eraqi-Klorman, Bat-Zion. 1995. "Yehūdey ha-kefarīm ba-ḥevra ū-va-kalkala shel Teyman." *Tehūda*, 15: 41-46.
- Fiedler, Milam. 1967. "Social and Political Development in the Contemporary Yemen." *Acta Universitatis Carolinae—Philologica*, 4: 103-135.
- Gamliel, Shalom b. Sa'adya. 1982. *Pequdey Teyman: mas he-hasūt be-Teyman (The Jizya—Poll Tax in Yemen)*. Edited by M.M. Caspi. Jerusalem: The Shalom Research Center.
- 1986. *ha-Yehūdīm we-ha-melekh be-Teyman (The Jews and the King in Yemen)*. Vol. 1. Jerusalem: The Shalom Research Center.
- 1987. *ha-Yehūdīm we-ha-melekh be-Teyman (The Jews and the King in Yemen)*. Vol. 2. Jerusalem: The Shalom Research Center.
- Gamlieli, Nissim Binyamin. 1966. *Teyman ū-maḥane Ge'ūla*. Tel Aviv.
- 1995. "Te'ūdōt le-toldōt ha-qehīla ha-Yehūdīt ba-'īr Damt." In *Le-Rosh Yōsef: Texts and Studies in Judaism*, edited by Y. Tobi. Jerusalem: Afikim, 503-514.
- Gast, M. and Fromont, M.C. 1985. "Silos souterrains et magasins à grains à Thula (R.A.Y.)." In *Les techniques de conservation des grains à long terme*, edited by M. Gast; C. Beutler and F. Sigaut. Éditions du CNRS 3, fasc. 1. Paris: Centre National de la Recherche Scientifique, 193-210.
- Ginzburg, Carlo. 1992. *The Cheese and the Worms: The Cosmos of a Sixteenth-Century Miller*. Translated by John and Anne Tedeschi. Baltimore: The John Hopkins University Press.
- 1993. "Microhistory: Two or Three Things That I Know about It." *Critical Inquiry*, 20(1): 10-35.
- Ginzburg, Carlo and Poni, Carlo. 1991. "The Name and the Game: Unequal Exchange and the Historiographic Marketplace." In *Microhistory and the Lost Peoples of Europe*, edited by E. Muir and G. Ruggiero. Baltimore: The John Hopkins University Press, 1-10.

- Goitein, S.D. 1955. "Portrait of a Yemenite Weavers' Village." *Jewish Social Studies*, 17: 3–26.
- 1959. "Maimonides as Chief Justice." *Jewish Quarterly Review*, 49: 191–204.
- 1960. "The Language of al-Gades." *Le Muséon*, 73: 351–394.
- 1961a. "The Local Jewish Community in the Light of the Cairo Geniza Records." *Journal of Jewish Studies*, 12(1–2): 133–158.
- 1961b. "Ḥayyey ha-šibbūr ha-Yehūdiyyim le-ʾōr kitvey ha-Genīza." *Ẓion*, 26: 170–179.
- 1966. "The Mentality of the Middle Class in Medieval Islam." In *Studies in Islamic History and Institutions*, edited by S.D. Goitein. Leiden: E.J. Brill, 242–254.
- 1970. "Minority Selfrule and Government Control in Islam." *Studia Islamica*, 31: 101–116.
- 1971. *A Mediterranean Society*. Vol. 2: The Community. Berkeley and Los Angeles: University of California Press.
- 1973. "Jewish Society and Institutions under Islam." In *Jewish Society through the Ages*, edited by H.H. Ben-Sasson and S. Ettinger. New York: Schocken Books, 170–184.
- 1974. *Jews and Arabs: Their Contacts Through the Ages*³. New York: Schocken Books.
- 1983a. "Yahadūt Teyman beyn geʾōnūt Mišrayim le-veyn raʾshūt ha-gōla shel Bavel." In *ha-Teymanīm: hīštorīya, sidrey ḥevra, ḥayyey ha-rūaḥ* (*The Yemenites: History, Communal Organization, Spiritual Life*), edited by M. Ben-Sasson. Jerusalem: Ben-Zvi Institute, 53–74.
- 1983b. "Al ha-ḥayyim ha-šibūriyyim shel ha-Yehūdīm be-ereš Teyman." In *ha-Teymanīm: hīštorīya, sidrey ḥevra, ḥayyey ha-rūaḥ* (*The Yemenites: History, Communal Organization, Spiritual Life*), edited by M. Ben-Sasson. Jerusalem: Ben-Zvi Institute, 199–215.
- 1983c. "ha-Ḥīnūkh ha-Yehūdī be-ereš Teyman ke-tīpūs shel ḥīnūkh Yehūdī meqōrī." In *ha-Teymanīm: hīštorīya, sidrey ḥevra, ḥayyey ha-rūaḥ* (*The Yemenites: History, Communal Organization, Spiritual Life*), edited by M. Ben-Sasson. Jerusalem: Ben-Zvi Institute, 241–268.
- 1983d. "ha-Yesōdōt ha-ʾIvriyyim bi-sefat ha-dībūr shel Yehūdey Teyman." In *ha-Teymanīm: hīštorīya, sidrey ḥevra, ḥayyey ha-rūaḥ* (*The Yemenites: History, Communal Organization, Spiritual Life*), edited by M. Ben-Sasson. Jerusalem: Ben-Zvi Institute, 269–287.
- Greig, D.J. 1970. *Informal Technical Report on Grain Storage*. Rome: Food and Agriculture Organization of the United Nations.
- Hanna, Nelly. 1998. *Making Big Money in 1600: The Life and Times of Ismaʿil Abu Taqiyya, Egyptian Merchant*. Syracuse: Syracuse University Press.
- Hāshim, ʿAbd al-ʿAzīz Saʿīd. 1990. *al-Tawfiqāt al-ʿaliyya fī muwāfaqat al-shuhūr al-ʿarabiyya biʾl-shuhūr al-milādīyya liʾl-qarnayn al-rābiʿ ʿashar waʾl-khāmis ʿashar al-hijrī*. Cairo: Maktabat Wahba.
- Haykel, Bernard. 1993. "Al-Shawkānī and the Jurisprudential Unity of Yemen." *Revue du Monde Musulman et de la Méditerranée*, 67(1): 53–65.
- 1997. Order and Righteousness: Muḥammad ʿAlī al-Shawkānī and the Nature of the Islamic State in Yemen. D.Phil. thesis, University of Oxford.
- 2003. *Revival and Reform in Islam: The Legacy of Muḥammad al-Shawkānī*. Cambridge: Cambridge University Press.
- al-Ḥibshī, ʿAbd Allāh Muḥammad (ed.). 1991. *Hawliyyāt Yamāniyya: al-Yaman fī al-qarn al-tāsiʿ ʿashar al-milādī*. Ṣanʿāʾ: Dār al-Ḥikma al-Yamāniyya.
- Ḥibshūsh, Sulaymān b. Yaḥyā (ed. S.D. Goitein). 1983. "Sefer Eshkolōt merōrōt." In *ha-Teymanīm: hīštorīya, sidrey ḥevra, ḥayyey ha-rūaḥ* (*The Yemenites: History, Communal Organization, Spiritual Life*), edited by M. Ben-Sasson. Jerusalem: Ben-Zvi Institute, 171–196.

- Hirschberg, H.Z. (J.W.). 1974. *A History of the Jews in North Africa*. Vol. 1: From Antiquity to the Sixteenth Century. Leiden: E.J. Brill.
- Hodgson, Marshall G.S. 1974. *The Venture of Islam*. Vol. 1: The Classical Age of Islam. Chicago: The University of Chicago Press.
- Hollander, Isaac. 1994. Halakha, shari'a ū-minhag: sīpūr mishpaṭī me-harey Teyman. Seminar paper, The Hebrew University of Jerusalem.
- 1995a. "Ibrā" in Highland Yemen: Two Jewish Divorce Settlements." *Islamic Law and Society*, 2(1): 1–23.
- 1995b. "Parashat 'araṣa' mi-Ḥajriyya." In *Le-Rosh Yosef: Texts and Studies in Judaism*, edited by Y. Tobi. Jerusalem: Afikim, 515–542.
- 1997. "Halakha, Shari'a and Custom: A Legal Saga from Highland Yemen, 1900–1940." In *Islamic Law: Theory and Practice*, edited by R. Gleave and E. Kermeli. London and New York: I.B.Tauris Publishers, 158–181.
- Ibn al-Murtaḍā, Aḥmad bin Yahyā. 1332(h). *Kitāb al-Azhār fī fiqh al-a'imma al-aṭḥār*. Cairo: Sharikat al-Tamaddun al-Šinā'iyya.
- 1949. *Kitāb al-Baḥr al-zakḥkhār al-jāmi' li-madhāhib 'ulamā' al-amṣār*. Vols. 4 and 5. n.p.: Maṭba'at Anṣār al-Sunna al-Muḥammadiyya.
- Jacob, Harold F. 1923. *Kings of Arabia: The Rise and Set of the Turkish Sovereignty in the Arabian Peninsula*. London: Mills & Boon.
- al-Jumhūriyya al-'Arabiyya al-Yamaniyya. 1981a. *al-Natā'ij al-nihā'iyya li'l-tiḍād al-sukkānī al-ta'āwunī li-muḥāfaẓat Ibb*. Vol. 1. Ṣan'a': al-Jihāz al-markazī li'l-taḥṭīṭ—al-idāra al-'amma li'l-iḥṣā'; al-Ittiḥād al-'amm li-hay'at al-ta'āwun al-aḥlī li'l-taṭawwūr.
- 1981b. *al-Natā'ij al-nihā'iyya li'l-tiḍād al-sukkānī al-ta'āwunī li-muḥāfaẓat Ibb*. Vol. 2. Ṣan'a': al-Jihāz al-markazī li'l-taḥṭīṭ—al-idāra al-'amma li'l-iḥṣā'; al-Ittiḥād al-'amm li-hay'at al-ta'āwun al-aḥlī li'l-taṭawwūr.
- 1981c. *al-Natā'ij al-nihā'iyya li'l-tiḍād al-sukkānī al-ta'āwunī li-muḥāfaẓat Ta'izz*. Vol. 2. Ṣan'a': al-Jihāz al-markazī li'l-taḥṭīṭ—al-idāra al-'amma li'l-iḥṣā'; al-Ittiḥād al-'amm li-hay'at al-ta'āwun al-aḥlī li'l-taṭawwūr.
- Kister, M. J. 1964. "'an Yadin' (Qur'an IX/29): An attempt at interpretation." *Arabica*, 11(3): 272–278.
- 1971. "Rajab is the Month of God . . . : A Study in the Persistence of an Early Tradition." *Israel Oriental Studies*, 1: 191–223.
- Lambardi, Nello. 1947. "Divisioni amministrative del Yemen. Con notizie economiche e demografiche." *Oriente Moderno*, 27(7–9): 143–162.
- Lane, Edward William. 1968. *An Arabic-English Lexicon*. 8 Parts. Beirut: Librairie du Liban.
- Layish, Aharon. 1991. *Divorce in the Libyan Family*. New York and Jerusalem: New York University Press and The Magnes Press.
- 1997. "The Family Waqf and the Shar'i Law of Succession in Modern Times." *Islamic Law and Society*, 4(3): 352–388.
- 1998. *Legal Documents on Libyan Tribal Society in Process of Sedentarization*. Wiesbaden: Harrassowitz Verlag.
- Layish, Aharon and Shmueli, Avshalom. 1979. "Custom and Shar'i in the Bedouin Family According to Legal Documents from the Judaean Desert." *Bulletin of the School of Oriental and African Studies*, 42: 29–45.
- Levitan, Dov. 1990. "The Uniqueness of the Yemenite Immigration to Israel". Paper presented at The International Congress for Research on Yemenite Jewry, Bar-Ilan University—Ramat Gan.
- Lewis, Bernard. 1984. *The Jews of Islam*. Princeton: Princeton University Press.
- Linant de Bellefonds, Y. 1973. *Traité de droit musulman comparé*. Vol. 3. Paris et La Haye: Mouton.
- Madelung, Wilfred. 1984. "Land Ownership and Land Tax in Northern Yemen and Najrān: 3rd–4th/9th–10th Century." In *Land Tenure and Social Transformation in the Middle East*, edited by T. Khalidi. Beirut: American University of Beirut, 189–207.

- Maimonides. 1949. *The Code of Maimonides, book thirteen: The Code of Civil Laws*. Translated by Jacob J. Rabinowitz. New Haven and London: Yale University Press.
- Messick, Brinkley. 1990. "Literacy and the Law: Documents and Document Specialists in Yemen." In *Law and Islam in the Middle East*, edited by Daisy Hilse Dwyer. New York: Bergin and Garvey, 61–76.
- . 1993. *The Calligraphic State: Textual Domination and History in a Muslim Society*. Berkeley and Los Angeles: University of California Press.
- . 1978. Transactions in Ibb: Economy and Society in a Yemeni Highland Town. Ph.D. thesis, Princeton University.
- Muir, Edward. 1991. "Introduction: Observing Trifles." In *Microhistory and the Lost Peoples of Europe*, edited by E. Muir and G. Ruggiero. Baltimore: The John Hopkins University Press, vii–xxviii.
- Mundy, Martha. 1979. "Women's Inheritance of Land in Highland Yemen." *Arabian Studies*, 5: 161–187.
- . 1988. "The Family, Inheritance and Islam: a Re-examination of the Sociology of Farā'id Law." In *Islamic Law: Social and Historical Contexts*, edited by A. al-Azmeh. London and New York: Routledge, 1–123.
- . 1995. *Domestic Government: Kinship, Community and Polity in North Yemen*. London and New York: I.B. Tauris Publishers.
- Nahshōn, Yeh'el. 1972. Dmūta shel ha-hanhaga ha-Yehūdīt be-Teyman (The Shape of the Jewish Leadership in Yemen). M.A. thesis, Bar-Ilan University.
- al-Nawawī, Abī Zakariyyā Yaḥyā b. Sharaf. n.d. *Minhāj al-ṭālibīn wa-'umdat al-muṭfīn*. Cairo: 'Abd al-Ḥamid Aḥmad Ḥanaḥī.
- . 1883. *Minhāj al-ṭālibīn*. Vol. 3. Edited by L.W.C. Van den Berg with French Translation. Batavia.
- Nini, Yehuda. 1980. "ha-Qehīla ha-Yehūdīt be-Teyman, nos'ey ha-tafqīdīm she-ba ū-mosdoteyha mi-teḥīlat ha-me'a ha-19 'ad teḥīlat ha-me'a ha-20." *Hebrew Union College Annual*, 51: 9–28.
- . 1982. *Teyman we-Siyyōn: ha-reqa' ha-medīnī, ha-hevratī we-ha-rūḥanī la-'aliyyōt ha-rīshōnōt mi-Teyman, 1800–1914 (Yemen and Zion: The Jews of Yemen, 1800–1914)*. Jerusalem: Hassifriya Haziyonit.
- Parfitt, Tudor. 1996a. *The Road to Redemption: The Jews of the Yemen 1900–1950*. Leiden: E.J. Brill.
- . 1996b. "Jewish Minority Experience in Twentieth-century Yemen." In *Nationalism, Minorities and Diasporas: Identities and Rights in the Middle East*, edited by K.E. Schulze, M. Stokes and C. Campbell. London and New York: I.B. Tauris Publishers, 117–143.
- Piamenta, Moshe. 1990. *Dictionary of Post-Classical Yemeni Arabic*. Vol. 1. Leiden: E.J. Brill.
- . 1991. *Dictionary of Post-Classical Yemeni Arabic*. Vol. 2. Leiden: E.J. Brill.
- Puin, Gerd-R. 1984. "The Yemeni *Hijrah* Concept of Tribal Protection." In *Land Tenure and Social Transformation in the Middle East*, edited by T. Khalidi. Beirut: American University of Beirut, 483–494.
- Raḍa, Yusef. 1995. *Teymana—mavō' le-ereṣ al-Ḥugariyya (Teymana: Introduction to the Land of Al-Ḥugariyya)*. Edited and annotated by E. Ya'akov. Nahariya, Jerusalem and Washington: Hadrei Teman.
- Ratzaby, Yehuda. 1978. "Yahadūt Teyman." In *mi-Mizrah ū-mi-yam: pirqey mōreshet we-tarbūt (From the East and from the West: Eastern Jewish Communities—Heritage and Culture)*, edited by J. Rappel. Tel-Aviv: Misrad ha-Biṭaḥōn, 203–281.
- . 1989. "Hayyey kfar Yehūdī be-merkaz Teyman le-'ōr te'ūdōt hīstōriyōt ḥadashōt." *Sefunōt [new series]*, 19: 123–164.
- . 1993. "'Inyeny Yehūdīm be-Teyman be-'arka'ōt shel Göyyim (Jewish Affairs in Non-Jewish Courts in Yemen)." In *Hiqrey 'ever ve-'arav mūgashīm le-Yehōshū'a Blāū*

- (*Hebrew and Arabic Studies in Honour of Joshua Blau*), edited by H. Ben-Shammai. Jerusalem: Tel Aviv University; The Hebrew University of Jerusalem, 515–535.
- 1995. “Yehūdīm be-Teyman be-’arka’ōt shel Goyyim: yod-alef shtarōt hadashīm (1864–1950) (Yemenite Jewry in Non-Jewish Courts: Eleven New Court Documents, 1864–1950).” In *mi-Mizrah u-mi-Ma’arav: qōveš mehqarīm be-toldōt ha-Yehūdīm ba-mizrah ū-ba-Maghreb (East and Maghreb: Researches in the History of the Jews in the Orient and North Africa)*, edited by S. Schwarzfuchs and E. Horowitz, Vol. 6. Jerusalem: Ahya Cooperative Press, 97–130.
- Rosen, Lawrence. 1972. “Muslim-Jewish Relations in a Moroccan City.” *International Journal of Middle East Studies*, 3(4): 435–449.
- Rossi, Ettore. 1948. “Il diritto consuetudinario delle tribù arabe del Yemen.” *Revista Degli Studi Islamici*, 23: 1–36.
- Sadan, J. 1998. “Beyn ha-gzeyrōt ‘al Yahadūt Teyman be-sōf ha-me’a ha-17 li-”gzeyrat ha-meqamšīm” ba-me’ot ha-18 ve-ha-19 (The Link between the Decrees Concerning the Yemenite Jews in the Seventeenth Century and the ‘Latrine Decree’ in the Nineteenth Century).” In *Mas’at Moshe: Studies in Jewish and Islamic Culture Presented to Moshe Gil*, edited by E. Fleischer, M.A. Friedman and J.A. Kramer. Jerusalem and Tel Aviv: The Bialik Institute and the Chaim Rosenberg School of Jewish Studies, 202–236.
- Šadōq, Ḥayyim. 1985. *Massa’ Teyman 1946–1951*. n.p.: Agūdāt E’le be-Tamar.
- 1989. *Min ha-Meqsar*. n.p.: Afikim.
- Sālīm, Sayyid Muṣṭafā. 1985. *Wathā’iq Yamaniyya: dirāsa wathā’iqiyya ta’rīkhiyya*. Cairo: al-Maṭba’a al-Fanniyya.
- al-Sayāghī, Ḥusayn b. Aḥmad al-Ḥusayn al-Ḥaymī. 1348[h]. *Kitāb al-Rawḍ al-naḍīr sharḥ majmū’ al-fiqh al-kabīr*. Vol. 3. Cairo.
- Schacht, Joseph. 1964. *An Introduction to Islamic Law*. Oxford: The Clarendon Press.
- Scott, Hugh. 1947. *In the High Yemen*. London: John Murray.
- Sergeant, R.B. 1983. “The Post Medieval and Modern History of Ṣan’ā’ and the Yemen, ca. 953–1382/1515–1962.” In *Ṣan’ā’: An Arabian Islamic city*, edited by R.B. Serjeant and R. Lewcock. London: World of Islam Festival Trust, 68–107.
- 1991. “The Interplay between Tribal Affinities and Religious (Zaydī) Authority in the Yemen.” In *Customary and Shar’ah Law in Arabian Society*, edited by R.B. Serjeant. Hampshire: Variorum, art. 3.
- al-Shamālī, ‘Abd Allāh b. ‘Abd al-Wahhāb. 1356[h]. *Širāt al-’arifīn ilā idrāk ikhtiyārāt amīr al-mu’minīn. Ṣan’ā’: Maṭba’at al-Ma’arif*.
- al-Sharjabī, Qā’id. 1986. *al-Sharā’ih al-ijtimā’iyya al-taqlīdiyya fī al-mujtama’ al-Yamanī*. Beirut: Dār al-Ḥadātha; Markaz al-Dirāsāt wa’l-Buḥūth al-Yamanī.
- 1990. *al-Qarya wa’l-dawla fī al-mujtama’ al-Yamanī*. Beirut: Dār al-Taḍāmūn.
- Smith, Adam. 1937 [1776]. *An Inquiry into the nature and causes of the Wealth of Nations*. New York: Modern Library.
- Spier, Arthur. 1952. *The Comprehensive Hebrew Calendar*. New York: Behrman House.
- Stillman, Norman A. 1979. *The Jews of Arab Lands: A History and Source Book*. Philadelphia: The Jewish Publication Society of America.
- Stookey, Robert W. 1978. *Yemen: The Politics of the Yemen Arab Republic*. Boulder: Westview Press.
- Strauss, Eli. 1950. “The Social Isolation of Ahl Adh-Dhimma.” In *Essais orientales: Livre d’hommage à la mémoire du P. Hirschler*, edited by O. Komlos. Budapest: n.p., 73–94.
- Tobi, Yosef. 1976. “ha-Qehilla ha-Yehūdīt be-Teyman.” In *Mōreshet Yehūdey Teyman: ‘īyyūnīm we-meqarīm (Legacy of the Jews of Yemen: Studies and Researches)*, edited by Y. Tobi. Jerusalem: Bo’i Teman, 65–117.
- 1979. “le-Mivne ha-hanhaga shel ha-qehila ha-Yehūdīt be-Ṣan’ā’.” *Pe’amim*, 1: 98–102.
- 1984. “ha-Mivne ha-ḥevratī we-ha-kalkalī shel Yehūdey Teyman ba-me’ot ha-

- 19 we-ha-20." In *Yehūdey Teyman ba-ʿet ha-ḥadasha*, edited by Y. Tobi. Jerusalem: The Zalman Shazar Center and The Historical Society of Israel, 196–215.
- 1990. "Hitaslemūt be-qerev Yehūdey Teyman taḥat ha-shilṭōn ha-Zaydī." *Peʿamim*, 42: 105–126.
- 1994. "Safrūt ha-halakha ha-Zaydīt ke-maqōr le-toledot Yehūdey Teyman (The Zaydi Religious-Legal Literature as a Source for the History of the Jews of Yemen)." *Tema*, 4: 93–118.
- 1996. "The Authority of the Community of Sanʿā in Yemenite Jewry." In *Jews among Muslims: Communities in the Precolonial Middle East*, edited by S. Deshen and W.P. Zenner. London: Macmillan Press, 232–243.
- 1999a. "The Countrywide Power of the Sanʿā Court in the Eyes of the Muslim Government." In *The Jews of Yemen: Studies in Their History and Culture*, edited by Yosef Tobi. Leiden: Brill, 128–141.
- 1999b. "Jewish-Muslim Relations in the Tribal Regions in North Yemen." In *The Jews of Yemen: Studies in Their History and Culture*, edited by Y. Tobi. Leiden: Brill, 142–156.
- Udovitch, A.L. 1980. "The Jews and Islam in the High Middle Ages: A Case of the Muslim View of Differences." *Gli Ebrei nell'Alto Medioevo*, 2: 654–711.
- Usher, Abbot Payson. 1973 [1913]. *The History of the Grain Trade in France, 1400–1710*. New York: Octagon Books.
- Van Arendonk, Cornelis. 1960. *Les debuts de l'imāmāt Zaidite au Yemen*. Translated by Jacques Ryckmans. Leyde: E.J. Brill.
- Varisco, Daniel Martin. 1985. "The Production of Sorghum (*Dhura*) in Highland Yemen." *Arabian Studies*, 7: 53–88.
- al-Wasīʿī, ʿAbd al-Wasīʿ b. Yahyā. 1990–1991. *Taʾrikh al-Yaman*². Ṣanʿāʿ: Dār al-Yaman al-Kubrā.
- al-Wazīr, ʿAbd Allāh b. ʿAlī. 1982. "Risālat ibn al-Wazīr liʾl-Ḥakīmī min al-Hind." In *Thawrat 1948: al-mīlād waʾl-masīra waʾl-muʾaththirāt*. Beirut: Markaz al-Dirāsāt waʾl-Buḥūth al-Yamaniyya, 468–488.
- al-Wazīr, Aḥmad b. Muḥammad b. ʿAbd Allāh. 1987. *Hayāt al-amīr ʿAlī b. ʿAbd Allāh al-Wazīr*. n.p.: Manshūrāt al-ʿAṣr al-Ḥadīth.
- Weir, Shelagh. 1986. "Tribe, Hijrah and Madinah in North-West Yemen." In *Middle Eastern Cities in Comparative Perspective*, edited by M. Jolé, K. Brown, P. Sluglett and S. Zubaida. London: Ithaca Press, 225–239.
- Wenner, Manfred W. 1991. *The Yemen Arab Republic: Development and Change in an Ancient Land*. Boulder and Oxford: Westview Press.
- Yavneʿeli, Shmūʿel. 1963. *Massaʿ le-Teyman*². Tel-Aviv: Am Oved.
- Zabāra, Muḥammad b. Muḥammad Yahyā. 1979. *Nuzhat al-naẓar fī rijāl al-qam al-rābʿ ʿashar*. Vol. 1. Ṣanʿāʿ: Markaz al-Dirāsāt waʾl-Abḥāth al-Yamaniyya.
- Zeʿevi, Dror. 1998. "The Use of Ottoman Shariʿa Court Records as a Source for Middle Eastern Social History: A Reappraisal." *Islamic Law and Society*, 5(1): 35–56.
- Zenner, W.P. and Deshen, S. 1982. "The Historical Ethnology of Middle Eastern Jewry." In *Jewish Societies in the Middle East: Community, Culture and Authority*, edited by S. Deshen and W.P. Zenner. Washington: University Press of America, 1–34.

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