

# T H E N E W E A S T

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## SUMMARY OF THE MAIN ARTICLES

The second part of HAGGAI ERLICH's article, *The Tribes in Yemen and Their Role in the War, 1962-68* traces the political role of the Yemeni tribes in the war, particularly in light of the Egyptian presence in Yemen, both in civilian and military capacities. The strength and continuity of the tribe as the basic social unit emerges as the determining factor in the course and outcome of the war. Opposing the traditional, tribal society and dedicated to its transformation was a group of officers led by 'Abdallah Sallāl who headed the Republican camp. Their strong and constant efforts to radically alter Yemeni society led to the presence of Egyptian troops to aid them in the struggle against the *Imām* and his supporters. As the rulers became increasingly dependent on the Egyptians and dedicated to the implementation of radical programs of "Arab Socialism," tribes which had not backed the *Imām* and essentially viewed the establishment of the Republic favorably turned against it. In addition to the alienation of tribes, there was opposition on the part of moderates and liberals in the government, even some who had initiated reforms under the *Imām* Ahmad among others, Abd ar-Rahmān al-'Iriāni, Ahmad Muhammad Nu'mān of the Shāfi'i tribes and Muhammad az-Zubayri of Zaydi tribes. The latter neither wished to undermine the social-political framework of the country nor abolish the Imāmate, but advocated more freedom, education, a free press, and an elected legislature.

The latter group had the support of many tribes and the Egyptians who realized the necessity of tribal backing for the regime allowed this element to operate within the Republic despite its opposition to the foreign army in their midst. However, Nasser's programs ignored the basic unit of Yemeni society and therefore they met with difficulties. Tribes persisted in their loyalty to the republic for several reasons, including a long-standing blood feud with the *Imām*, such as Al-Ahmar of the Hāshid tribal confederation; a desire for moderate reform and the abolition of the *Sāda* aristocracy; consideration of real-politik, and anti-Zaydi feelings on the part of Shāfi'is, Others like the Hadā', were well-paid by the Egyptians. Sallāl's verbal support of the struggle of the Yafā'i and 'Awāliq tribes against the British many years beforehand played a part in their backing of the Republic. Some Shaykhs living in San'a far from their tribes announced support for Sallāl in return for various favors. Others, like some of the Murād, lent Sallāl a hand because of conflict within their tribe. Egypt required that the few tribes whose lands they occupied declare loyalty to the Republic, supply troops and weapons to the army, and deliver several hostages (a practice of the *Imām*).

Egypt and the Sallāl government attempted to win over the tribes by bestowing honors on the various Shaykhs and convening conferences of the tribes. While Sallāl was in Cairo in 1963 the moderate leaders 'Iriāni, Zubayri, and al-Ahmar assembled 500 Shaykhs who agreed to the following resolution: the creation of an army of

28,000 tribesmen, limitation of Sallāl's power, and most important, the withdrawal of Egyptian tribes. In light of this massive display, the Egyptians made several concessions to the tribes — an end to land reform and the inclusion of moderates and tribal elements in the government and an investigation of the murder of Shaykhs by army officers of the Republic.

In October 1962 the first Egyptian bombing of areas populated by tribes occurred and the news of the killing of Shaykhs resulted in a poorly attended conference of heads of tribes. On January 1, 1963 a supra-tribal council headed by Zubayri was formed which met with little response. The tribes' indifference to the Republic was evident in the lukewarm greeting of Egyptian Field Marshall 'Āmir in February 1963. Sallāl announced the creation of an executive council of five heads of tribes under his aegis, and formed an advisory council in which the tribes had no role. The Republic and its Egyptian patrons had reached the nadir of their popularity among the tribes with the rebellion of the Arhab tribe and the transfer of the allegiance of several tribes to the Royalists.

Zubayri resigned from the government, forming a "third force" *Ḥizb Allah* (faction of God) comprised of moderates and tribal elements opposed to both the Egyptians and the *Imām*. The conference issued an ultimatum to Egypt to withdraw by April 21, 1965. On April 1, 1965 Zubayri was assassinated. One month later, with Egypt's permission, 'Iriāni called another, similar tribal conference in Khamir whose aim was to join the moderates of the Republicans and the Royalists and prepare a constitution. The conference acquired an anti-Egyptian tone and several Shaykhs had to escape Yemen. However, this "third force" met again in August 1965 while Nasser met with Fayṣal of Saudi Arabia at Jeddah in attempt to end the war and withdraw Egyptian troops. The tribal conference agreed to the retreat of Egypt, tribal independence and representation, and a guarantee that socialism would not be enforced in Yemen.

While Egypt did not react immediately, in early 1966 Nasser had Sallāl returned to power. (The latter had been in Cairo while Iriani headed the government.) The moderates 'Umari and 'Iriāni were flown to Cairo and placed under house arrest until November 1967.

Sallāl's return and Nasser's failure to keep his part of the Jeddah agreement stimulated the Royalists into action, with Saudi aid. The new radical government established a popular front (*the Ittibād al-Quwwāt ash-Sha'biyya*) emphasizing socialism and advocating a change in the composition of the government to include workers, intellectuals, students and the military. Sallāl conducted purges of his opponents. Many tribes which had lent their voices to the moderated Republic joined or sympathized with the Royalists. Leaders who supported neither the Royalists nor Sallāl joined al-Ahmar in the region of the Ḥāshid.

In order to mollify the tribes and fulfill their ideology the Egyptians embarked on a campaign of reforms and improvements, such as hospital and school construction. Although they meant well they displayed a lack of understanding and acted in an arrogant manner towards the Yemenis whom they considered primitive, frequently making negative judgments regarding the character of the tribesmen. This experience is described in detail by the Egyptian general Jamāl al-Mahfuz' *Memoirs of a Fighter in Yemen*. Thus, the presence of the foreigner in both civilian and military life became unbearable to the tribesmen whose way of life was viewed by Egyptians as inferior.

After the Khartoum agreement (summer 1967) between Nasser and Fayṣal Egyptian

withdrawal began and was completed in December 1967. To compensate for their retreat bombings were increased and in turn, the Royalist offensive intensified, particularly near Ṣan'a. Many thought that the Republic would fall because of the Egyptian departure but the struggle against the *Imām* substituted for the fight against the alien army. 'Abdallah al-Ahmar played a decisive role in winning tribes back into the Republican fold. Sallāl was deemed a puppet of Egypt, despite his formal title. On November 5, 1967, he left Yemen and in a bloodless revolution, 'Iriāni took over the government. Some army officers however were not fully integrated into the government which had to appoint Hasan al-'Umari (recently returned from Egypt) as commander-in-chief of the army. The pressure of the officers for centralization caused some tribes to return to the Royalist camp. The latter had surrounded Ṣan'a in the last months of 1967. In December 1967 the tide of battle turned favorably to the Republicans and the following tribes joined their forces in early 1968: the Bāni Matar, 'Ubayda, Dhu Husayn, Saḥāt, 'Iyāl Yazid, Banī Bahlul, Arhab, Jahm, the al-Jawf of the Khawlān confederation, Sanhan Hamdān, Banī al-Hārith and 'Amār. Many tribes from the northwest and the Tihāma region joined the Republic as its prestige grew and when *Imām* al-Badr was removed by Muḥamad b. Husayn in July, 1968. A conference of these tribes adopted the following resolutions: closing the northwest border to the Saudis, education and development of the tribes, and the conscription of tribe members in the Republican Army.

The supporters of the Republic were divided into two factions, that of 'Iriāni and al-Ahmad, and a second group called the Popular Resistance with a revolutionary ideology and antagonism towards the tribes; the first supported FLOSY in Southern Yemen while the latter supported the NLF. In April 1968 the supporters of NLF clashed with the supporters FLOSY in the port city Hudayda and the Popular Resistance was crushed. The Arab press correctly called the confrontation a struggle between the Zaydi and Shafi'i officers in the government. The Zaydi did not want to compromise their higher social and political status and the Shafi'i were subdued. The summer of 1968 saw the rise of a Royalist offensive. Under Muḥammad b. Husayn, the Royalists had gained the following tribes among their adherents: Kḥadā, at-Tayyāl, Arhb, Nahm. 'Iyāl Yazid, Banī 'Abd, 'Iyāl Sarih, Banī Hārith, Banī Hushaysh, Banī Bahlul, Bilād Ru'us, Sanhan, Banī Matar, the Hadā', etc. However, when the Saudis began to promote al-Badr and Ibn Husayn resigned in January 1969 many tribes rejoined the Republican forces.

Erlich presents the following conclusions. First, while the war in Yemen was aggravated by foreign presence, it grew out of elements in the changing Yemeni society. Once ruled by the *Sāda* class and the *Imām*, Yemen acquired new social classes such as the army officers. The Shāfi'i had become painfully aware of domination by a Zaydi Sunnite minority. In 1960 the following groupings could be discerned: independent tribes, the *Sāda* (wary of the former), and the officers, intellectuals, and Shafi'is desirous of modernization. Foreign influences strengthened the officer class and the tribe. The latter emerged from the war richer, stronger, and of greater political importance. The tribal structure, however, is being eroded by the feeling of super-tribal solidarity engendered by the Egyptian presence.

Erlich feels that the war could end if a class could bridge the gap between the tribes and the rest of society, perhaps 'Iriāni, al-Ahmar and the Royalist *Imām* al-Badr and the al-Wazīr family. Radical leaders with strong personalities such as al-'Umari (Republic) and the Royalist Ibn Husayn may serve as consolidating forces, if moderated. The possibility of the Shāfi'is joining their brethren in South Arabia is not to be dismissed. Finally, Yemeni leaders may succeed in mollifying

the radicals in both camps and in uniting Yemen and South Arabia. The much-needed development of the country will occur only when some peace will come to Yemen. The author has included a detailed chart of the tribes, listing their names, confederations, religious-tribal affiliations, and economic situations.

The pilot study of *The Student Community in an African University* by T. S. NORDENSTAM and D.J. SHAW, both former faculty members at the University of Khartoum, Sudan, is a compilation and an analysis of statistics on 2,372 out of 2,437 candidates for the March 1966 examinations at the aforesaid university. The results of the study of various aspects of the Khartoum student body represent a pioneer step in a field where little research exists. The authors hope that their project facilitates the utilization of human resources in the Sudan and aids the adjustment the university to the long-range needs of the country. (The student body in September 1965 was 2,596). The report also presents guidelines for improvement of the structure and curriculum of the university. It was coded and analyzed manually by the students themselves under the direction of the aforesaid professors.

New students enter four core faculties: Arts, Economics, Law, and Science (mathematical or biological trends). After their first year they begin to specialize; science students who constitute 55.4% of the student body, may choose agriculture, medicine pharmacy, veterinary science, architecture. (After two years, students in the mathematics division may enter engineering). The length of courses varies from four to six years, honor students in all fields except Law take a fifth year. Tables show the distribution of the 2,372 students as to faculty and stage of career (i.e., year in the university).

The age, sex, and geographical, educational, economic and family backgrounds of students as a factor in their choice of subject of study appear in several tables showing the following results: 78% of the first-year students were 20 years old. 83% came from boys' schools and 7% from girls' schools in the Sudan, nine Sudanese schools accounting for 68% of the student body. 98% of the students at Khartoum are Sudanese nationals; 75% from the riverain Sudan area and 21% from the Three Towns (Khartoum, Khartoum North, and Omdurman). A high proportion of students from Khartoum province study engineering and very few choose law.

The average per capita income in Sudan is estimated at 30 pounds per year. One-third of the students stated that their fathers earned less than 10 pounds a month; 15%, between 11 and 25 pounds, and 10%, more than 50 pounds. 27% did not answer. The wealthier students apparently are not attracted by agriculture. Statistics on family situations show a relatively high proportion (16.8%) of deceased fathers; 18.6% stated that they had guardians. Only one percent of the students pay the full tuition fees for Sudanese nationals and one percent for non-Sudanese nationals. 55% pay no fees and 20% pay from 6 to 12 pounds annually. 30% show no entry on this matter. Other tables present figures on the educational level and aspirations of the students. 89% hold the Sudan school Certificate, 3%, the General Certificate of Education from the United Kingdom. 39% of the forms did not supply any information on grades and statistics. The better students (cited in the article as Grade I) study medicine and engineering. The faculty of Arts has the highest proportion of Grade III (lower quality) students. The most popular first and second choices of faculty are (overwhelmingly) science and then, economics.

The problems and general conclusions emerging from the study to date are as follows. There is need for more accurate and regular recording of data on students, with the aid of the use of computers. A time series should emerge from these data,

designating trends and revealing deficiencies in the structure of the university. In this study trends were discerned by grouping the students by year and show that the characteristics of the student body at Khartoum have been stable in recent years. Student wastage, i.e., failures, repetition of courses, dismissals, etc., has not been examined sufficiently at Khartoum. The statistics of this study show the following rates of repetition, based on a comparison of year of entry and year in the university); 5% in the first year, 15% in the second, 20% in the third, and 18% in the fourth. The concentration of lower quality students in the arts holds an ominous prophecy for the level of future teaching in secondary schools, and hence, produces a vicious circle. The lack of statistical information on the employment of university graduates makes it difficult to assess the use and/or waste of skilled manpower crucial to a developing country. The relationship between political and economic developments in the Sudan and the geographical origin of the university student is briefly analyzed, stressing the lack of long-range planning. There is a need for a complete review of the educational policy of the Sudan and its policy of manpower training. Coordination between the government, institutions of higher education in Sudan, and manpower training abroad is necessary. This study is an important contribution to the new and complex field of education in developing countries.

*The Purposes of Jordanian Legislation in the West Bank* by 'AZIZ SHIHADAH is a survey of the legal structure and administrative rule exercised by the Kingdom of Jordan in the West Bank for the last two decades. The authority of the Jordanian military government in the West Bank was derived from the Jordan Defense Law of 1935, amended in 1948, which allowed the Jordanian government to act wherever the Jordanian army (the Arab Legion) was in control (the rest of the West Bank being under the Arab Legion at that time). Proclamation No. 2 issued on May 24, 1948 provided that the Palestinian laws effective and valid under the British Mandate be retained, provided that they do not contradict the Jordan Defense Laws and Regulations. Hence, they intended to regard the continuity of the Mandatory administration and its officials, affirming that Palestine was really not under new control.

On March 14, 1949 the independent status of the West Bank ended. Military rule officially terminated and officials in the West Bank were joined to their respective ministries in 'Ammān (as a result of the Jericho Conference of November 1948). The Conference accepted King Abdallah as ruler over Palestine (N.B. Palestine was not "unified" with Jordan), but the king refused to accept such a resolution. He began to enact laws with the express purpose of strengthening the bond between the Palestinian West Bank and Jordan. In 1949 the Public Administration law of Palestine was passed, granting the powers allotted to the king of England under the Mandate to be vested in the king of Jordan. Mandatory laws remained enforced but their administration was linked with 'Ammān. Displaying his beduinn upbringing, Abdallah centralized much of the power and authority in legal matters, placing himself ultimately in charge of the granting of licenses, appointing officials, etc. This type of government was alien to West Bank residents who did not know how to relate to the Hashemite monarchy and dealt with 'Ammān only regarding essential daily matters. While a judiciary and court of appeals were located in Jerusalem, real legislative power remained in 'Ammān.

After the assassination of Abdallah in 1951 and the accession of his son Talāl, residents of the West Bank looked forward to reforms promised by the new Jordan Constitution (1952). According to Shihadah the constitution gave "a despotic rule

the guise of democracy." Its provision included equality before law, basic freedoms, such as press, assembly, etc., the formation of new political parties, respect of private rights (no censorship of correspondence and telephone calls), the right of the people to elect representatives to the legislature, and a separation of executive, legislative and judicial branches of the government. Its most important innovation was the establishment of a High Court of Justice. The basic fault of the Constitution was that all major issues required the king's consent. No law could be promulgated without his approval. He could dissolve Parliament at will and did so when its members did not meet with his approval (e.g. April, 1963 when the Rifā'i government was dismissed). Due to the existence of free elections, the king fixed the candidates in order that Parliament simply accede to his requests. Criminal law also was based ultimately on his decisions. The king could exercise absolute power by virtue of the constitution.

There was great frustration, particularly among the Palestinians in the West Bank. They became more aware of their identity and began to join the Palestine Liberation Organization of Ahmad Shuqayri. The government reacted by increasing the power of its commissioners in the West Bank [reg. no. 26/62 (admin. reg.) based on article 120 of the constitution]. Every government employee was answerable to these local officials, who were to maintain continuous contact with the people. Powers were shifted from officials based in 'Ammān to local officials in attempt to appease the Palestinians. An advisory council to be made up of local notables, officials, and prominent members of the community was supposed to be appointed in districts of the West Bank, also with the purpose of appeasing the Palestinians. Some councils were not established and the Palestinians continued to become increasingly nationalistic. Two laws designed to implement constitutional provisions failed, as all laws ultimately yielded to the supremacy of the king or his agents. Censorship of the press, mail and communications was tightened. Political parties were dissolved; defense laws and emergency regulations, applied. Hence the government was empowered to issue permits for the press and for travel, control prices and insurance, distribute import licenses, and approve meetings, etc. The king and his supporters were actively consolidating their power, interpreting the Constitution to mean his absolute rule.

In 1949 eight jurists under Ibrāhīm Hāshim, a jurist from the Ottoman times, were appointed to issue a code of law to be applied on both sides of the Jordan. Influenced by two legal schools, [the Ottoman-continental (French) and the Mandatory British], the code of 1951 emerged a mixture of laws of both types. It covered criminal, and civil law, court procedures, and laws of contracts and damages. There were many contradictions between this Jordanian code and the Mandatory laws applied in the West Bank.

There were two courts of appeal; one in 'Ammān, the other in Jerusalem (for the West Bank residents); the higher court located in 'Ammān. Most judges were from the East Bank and influenced by Franco-Ottoman law and therefore unsympathetic to English law hitherto enforced in Palestine. The High Court was influenced by the *Majlis ad-Dawlah* tribunal in Egypt. When the committee of eight was dissolved in 1952, government departments took over the drafting of the laws guided by the following principles:

1. A resolution adopted by the Arab league for the unification of all laws in Arab countries.
2. The trend of the majority of judges who continued the continental system.
3. The limited influence of Palestinians, i.e., English law. The continental system

eventually prevailed because of the continued use of the Civil Code of Egypt drafted by the jurist 'Abd ar-Razzāq as-Sanhūrī in 1875, based on French, Italian and Sharī'a (Muslim) law. The Code was revised in the 1940s and became law in Egypt on October 15, 1949, acting as the basis for law in most Arab countries, from Syria to Kuwait, including Jordan. Muslim religious groups in Jordan, however, objected to certain provisions and the 1951 law code of Jordan was deferred.

Some modern legislation based on American laws has been adopted, mainly regarding labor, commerce, and fiscal matters.

In conclusion, the author summarizes the purposes of legislative power in Jordan, as follows:

1. To preserve and solidify the authority of the King and his followers to such an extent whereby they will not be accountable or answerable to any one else.
2. To reduce the democratic parliamentary system to rubber stamp members.
3. To reverse the legal system in the West Bank so that it follows the continental system, and thus become more in line with laws prevailing in the Arab countries.
4. The intention and objective of the Legislature was to uproot the Palestinian identity and character in all its phases, so that it will cease to endanger the supreme position and powers of the King and the privileged classes in 'Ammān.

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