

Kinship Matters.

Tribals, Cousins, and Citizens in Southwest Asia and Beyond

Affaire de parenté. gens de tribus, cousins et citoyens en Asie du Sud-Est et au-delà

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Édition électronique

URL : <http://journals.openedition.org/etudesrurales/10578>

DOI : 10.4000/etudesrurales.10578

ISSN : 1777-537X

Éditeur

Éditions de l'EHESS

Édition imprimée

Date de publication : 7 avril 2009

Pagination : 217-250

Référence électronique

Édouard Conte et Saskia Walentowitz, « Kinship Matters. », *Études rurales* [En ligne], 184 | 2009, mis en ligne le 01 janvier 2011, consulté le 11 février 2020. URL : <http://journals.openedition.org/etudesrurales/10578> ; DOI : 10.4000/etudesrurales.10578

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KINSHIP MATTERS. TRIBALS, COUSINS, AND CITIZENS IN SOUTHWEST ASIA AND BEYOND

Édouard Conte and Saskia Walentowitz

IN ANTHROPOLOGICAL USAGE, the term 'tribe' may refer to a presumptively unilineal descent group or to a politically or territorially specific entity¹. The segmentary lineage theory through which the notion of tribe was problematized by structural functionalist anthropology supposed basic dichotomies between state and stateless societies as well as egalitarian and hierarchical modes of social organisation. The persistence in anthropological literature of such polar oppositions impedes in our view arriving at any adequate sociological or political comprehension of the variegated phenomena historically and currently subsumed under the labels of 'tribe' or 'tribalism'.² Indeed, these dichotomies hinder identifying the gendered processes of kinship and human reproduction *in transgenerational perspective*. Segmentary lineage theory, however reframed by alliance theory,³ is simply not adequate for understanding social dynamics at large in 'tribal', societal, or transsocietal settings. The renewed focus on 'tribalism', patent in both journalism and strategic planning, as well as in the social sciences, may appear

warranted to some. Yet, it continues to imply distinguishing 'Muslims with genealogies' from those without while discarding kinship altogether. How thus, to take but one example, can emerging gendered configurations of citizenship in Southwest Asia and beyond⁴ be understood? How, further, can the theory of kinship be replaced simply by claiming that the notion of universal male dominance enables one to understand the logical and substantive articulations between the fields of kinship, reproduction, and politics at the interface of 'family' and 'state' [see Joseph ed. 2000]?

Addressing these issues is a matter of political urgency and not solely of academic concern. Departing from the ideology of a 'clash of civilizations' between Muslims and non-Muslims, academic, military, and political actors in the United States and Northern Europe have, ever since the 1992 US intervention in Somalia, taken up the notion of tribe, purportedly founded on the principles of endogamy and descent, to legitimate a politically potent if self-deluding ideological amalgamation of close-kin marriage, Islam, and terror. We

1. We would like to thank the evaluators of this text for their insightful comments. Further, we express our gratitude to the Swiss National Science Foundation and the Wenner-Gren Foundation for Anthropological Research for their generous support.

2. L. Abu-Lughod addressed this issue as of 1989. W. Krauss [2004] presents a synthesis of English- and French-language publications on 'Islamic tribal societies'.

3. Such approaches are developed in the special issue of *L'Homme* 2000, 154/155 entitled 'Question de parenté'.

4. We thus designate the vast and so extraordinarily diverse expanse of territory from Sahel and Maghreb to Central Asia and North India.

consider it essential for anthropologists to react to this ethical and substantive challenge to the legitimacy of their discipline [see González 2009].

In the first part of this text, we will draw attention to the inherent ambivalence of the term ‘tribe’ understood as a simultaneously emic and etic notion⁵ and, on this basis, analyse its pivotal function in rendering credible the amalgamation just described. In the second section, we will question the division of societies in which Islam is widely recognized into tribal and non-tribal sectors. This contention will be borne out by testing hypotheses meant to show how an alternative theory of kinship and reproduction may contribute to providing non-discriminatory and non-teleological explanations of processes related to the construction of social proximity. In so doing, we will refer to the key Arabic concept of *nasab*, and some of its Berber, Persian, or other analogues, designating the diachronic continuity of patronymics and equivalents that structures and validates fluctuating social identities and networks, with all the rights, expectations, and duties thus conveyed. *Nasab* is understood as the constantly recreated articulation of structural and historical processes that *retrospectively* guarantee the validity of claims of origin by the transgenerational articulation of sibling sets through marriage permutations as well as the recognition of individual and collective affiliations, including paternity and citizenship.

Indeed, the social, economic, symbolic, and political processes that establish the ongoing recognition of transgenerational continuity are encompassed by and account for the dynamics of human reproduction, a factor often overseen by political anthropologists. Annette

Weiner analyses reproduction ‘not as a biological construct, but as a cultural concept in which the basic processes for reproducing human beings, social relations, cosmological phenomena, and material resources are culturally defined and structurally interconnected’ [1978: 183]. In this perspective, human procreation is shaped and entailed by diverse ways of ‘being human’ in society, with all this implies for the cultural interpretation of its material and immaterial components. A.F. Robertson [1991] takes this approach further by placing the social dynamics of human reproduction at the centre of the anthropological analysis of contemporary societies and states. He aptly stresses that the political-economic sphere is part of the social organisation of reproduction. To work towards this problematic in contemporary Muslim contexts, we suggest focusing here on the gendered dynamics of kinship as the prism and crucible of reproductive relations beyond flawed distinctions such as private vs. public, tribe vs. state, urban vs. rural, and indeed male vs. female.

5. ‘An emic model is one which explains the ideology of behaviour of members of a culture according to indigenous definitions. An etic model is one which is based on criteria from outside a particular culture. Etic models are held to be universal; emic models are culture-specific [...] A commonplace assumption about emic models is that they are “discovered” rather than “invented” by the analyst. However, emic models, like phonemic ones, are ultimately exogenous constructions, formalized by the analyst on the basis of distinctive features present in indigenous usage. They are not in themselves “the native model” [Barnard 1996: 181-182]. This highly useful distinction raises a host of questions addressed in particular in T. Headland, K. Pike and M. Harris eds. [1990].

Tribes and States after Kinship

Stopping for a moment to consider the recent semantic genealogy of the operative concept of ‘tribe’, we find that it well predates that, today taken for granted in everyday speech, of ‘ethnicity’.⁶ This notion is a belated derivative of émigré Russian ethnographer Shirokogorov’s [1923] ‘*ètnos*’, a term that unwittingly structured Stalinist and post-Stalinist Soviet nationality theory [Stalin 1954; Bromley 1974], Nazi *Rassenkunde* and *Volkstumsforschung* [Mühlmann 1941 and 1944] and, not least, the intellectual construction of apartheid [Sharp 1980a; Skalník 1988]. These ‘deviations’ of social theory were widely hush-hushed in the ever nation-focused history of science after 1945 and 1989, respectively [Stocking 1968]. Yet, taken together, they did not contribute little to the emergence of ‘ethnicity’ and its derivatives as politically correct buzzwords – i.e. ones that can be used without requiring definition – in debating the painfully slow process of transcending ‘racial’ discrimination in the USA, South Africa, Latin America, etc. [Sharp 1980b; Amselle 2005; Conte forthcoming c]. Space lacks here to delve into the foundational classificatory bonds diachronically linking the terms ‘*ètnos*’, ‘tribe’, and ‘race’. Suffice it to note that beyond the Middle East ‘ethnicity’ overtook ‘tribe’ in anthropological usage as of the 1970s, a semantic shift that paralleled the convergence of decolonization and the civil rights movement [Cohen 1978: 379; Banks 1996]. Although ‘ethnicity’ now appears on the wane in anthropological usage, reflection is still required to assess how it continues to interrelate with ‘tribe’ through the apparently inextricable mediation of the third element,

‘race’, and the (un)avowed biological essentialism it connotes [see Gumilev 1978]. These serious reservations apply both to external readings of indigenous usages of terms construed as equivalents of the English ‘tribe’ as well as to academic acceptations of this shorthand term behind which many analysts have been tempted to take refuge. Its use, if not analysed in its full semantic field, may easily induce a lack of vigilance, indeed an epistemological capitulation.

With hindsight, it is clear that the perception of ‘tribes’, as once viewed from horse-or camelback in the Khyber pass, Transjordan, the Sudan, or the ‘outback’ in general, came to bear indelibly on the shaping and conceptualisation not only of contemporary terminology subsumed under ‘race’, ‘ethnogenesis’ or ‘ethnicity’, but equally of ‘modern’ nation-states. State-based polities were long set in opposition to ‘stateless’ or ‘tribal’ societies which, with ‘noble’ Pashtun or Tuareg exceptions [see Ahmed 1993; Henry 1996], were

6. In current English usage, ‘tribe’ designates ‘a group of (especially primitive) families or communities, linked by social, economic, religious, or blood ties, and usually having a common culture and dialect and a recognized leader’ (*The Concise Oxford Dictionary*, 1995, p. 1489). ‘Ethnic’, in contrast has no substantive form analogous to the French ‘*ethnie*’; it denotes ‘origin by birth or descent rather than culture (*ethnic Turks*)’ but also phenomena ‘relating to race or culture (*ethnic group; ethnic origins*)’ (*ibid.*, p. 463). Both terms hence semantically overlap through explicit or implicit reference to biology and descent, indeed ‘race’. This cannot be said a priori of analogous non-European terms such as the Arabic ‘*qabila*’, the root of which refers to precedence and anteriority without explicitly connoting ‘blood’, a very European notion indeed.

mostly ascribed to the lower tiers of the scale of racial hierarchy (e.g. the 1901 Census of India and subsequent versions thereof). The semantic and highly political process of domination through ethno-racial classification that culminated with the outbreak of World War II refers back, in practical terms, to the failed implementation of Wilson's one-state, one-nation doctrine, itself a distant spin-off of Herder's one-people, one-language idea. The terms 'Volk', 'narod', 'ètnos', and 'tribe'⁷ are, as concepts, all patrilateral parallel cousins in the universal dialectic of identity ascription and self-ascription that paralleled modernity. Their semantic paradox – and potent ideological sway – consists in associating, albeit implicitly, biologism with Enlightenment universalism as well as, where appropriate, Marxism. All of these politically dissonant component strains remain, to diverse degrees, tributary to unilineal evolutionist teleology.

As recognized experts in tribal and ethnic affairs (classes were abandoned to sociologists), we anthropologists have long had difficulties in accepting the dissolution of the segmentary order characteristic, we theorized, of stateless societies once subsumed under the dominion of empires upon which the sun never set. No sooner had we come to terms with decolonization than we were hit by globalization. We were not amused. Modernity had not delivered the promised historical goods, thus forcing the discipline, engulfed in a conceptual void, to transcend purely local foci and question some long-enrooted We/They dichotomies. In despair, the state-bound, ersatz theory known as transnationalism was rushed to the front line to hold the fort while social scientists tried to negotiate an honourable ceasefire

with globalization theory. Many then proclaimed *urbi et orbi* the 'modernity' of the tribe. This allows the external analyst to remain under the (agnatic) illusion that the secret of power in large parts of the world is to be discovered in a dialectic antagonism between tribe and state. This tension is the motor of hierarchy between 'us' and 'them', the West and the Rest. Yet, all this proves difficult to achieve solely by substituting deterritorialized ethnoscapes [see Appadurai 1996] for defunct empires and their very real imprint. Nor does the Eurocentric vision of Foucault prove of great avail to tribe theorists sometimes at pains to distinguish emic and etic levels of 'tribal discourse'. Maybe the line is too fine to draw.

The underlying economic and geostrategic processes subsumed under the notion of globalization in many regards led to a disempowering of the state structures modernity had borne. Inversely, this process reinvigorated 'tribe' as an artefact, just as post-Schneiderian 'new kinship' had definitively proclaimed the irrelevance of the genealogical method and lineage theory [see Schneider 1984 and Carsten ed. 2000]. The agnatically predicated 'segmentary tribe' was disarticulated, indeed, emasculated. When it abruptly 'resurged' into the conceptual field after September 11th, it appeared,

7. As opposed, at least in principle, to the contractual Enlightenment notion of *people*, or 'people', the German *Volk* and Slavic *narod* (the latter derived from the root for 'birth') postulate the unity of biology and culture, as does the current acceptance of the English 'tribe'. In this spirit, the preamble to Weimar constitution referred to the will of '*das deutsche Volk, einig in seinen Stämmen*', 'the German *Volk*, united in its tribes'.

however, as the only tangible unit of reference. Analysts, not least political scientists, seized it in their attempt to explain the perceived articulation of 'Islam' and 'terror'. The tribe was thus resurrected, at least in certain media, brandishing a Koran and an AK-47. It operated as a placebo category, while scholars and journalists sought to come to terms with the urgent 'reset' of the concepts of state and war. As 'tribe' became accredited in public and political discourse, it was endowed with a new, transdisciplinary function. The issue at hand was no longer the 'state vs. stateless' dichotomy at the base of colonial anthropology, rather how to equate the regional yet transnational conflicts at hand with identifiable collective actors, albeit personified by very identifiable sheikhs or imams, liable to be understood through the prism of rational choice or behaviourist theory. This became eminently clear as the fall of Şaddām's regime led to what were depicted as re-enactments of dormant tribal solidarities articulated with broader sectarian or communitarian divides such as Shiite vs. Sunnite.

The ensuing hijacking of the social sciences by the US military's Human Terrain System (HTS)⁸ was easy to achieve in an epistemological field in which the notion of tribe had already been so thoughtfully re-objectified by diligent scholars [see Geertz 1971]. The systematic recourse to the services of 'embedded anthropologists' in combat units is an eloquent avatar of the good old instrumentalization of 'expert knowledge' (intelligence?) regarding local social relations and hierarchies, here all subsumed under the label of 'tribal dynamics'. The November 2007 statement on HTS

issued by the American Anthropological Association (AAA)⁹ concludes:

(i) that the HTS program creates conditions which are likely to place anthropologists in positions in which their work will be in violation of the AAA Code of Ethics and (ii) that its use of anthropologists poses a danger to both other anthropologists and persons other anthropologists study.

What has happened to anthropology for the world's largest professional association to react on purely ethical grounds without even substantively questioning the scientific value of the work being done by 'HTS anthropologists'? To refuse HTS on ethical grounds alone further harms the status of the discipline as a social science.¹⁰

In this old-new configuration, the need is no longer felt to analyse tribal politics as an entailment of perceived kinship *structure* predicated on descent *constructs*, as originally

8. See <http://humanterrainssystem.army.mil/> (Accessed on 25 October 2009). The *Human Terrain Team Handbook* may be consulted at <http://88.80.16.63/leak/human-terrain-handbook-2008.pdf>. 'Tribal research questions' are listed on p. 115.

9. See http://www.aaanet.org/pdf/EB_Resolution_110807.pdf (Accessed on 25 October 2009).

10. This position is essentially maintained in the AAA's *Final Report on the Army's Human Terrain System Proof of Concept Program* of 14 October 2009. At once, the Association recognizes that 'there is a significant likelihood that HTS data will in some way be used as part of military intelligence' (p. 54). Further, the AAA questions the Department of Defence's implicit claim to define the nature of the discipline (p. 3). See http://www.aaanet.org/cmtes/commissions/CEAUSSIC/upload/CEAUSSIC-HTS_Final_Report.pdf. See too the valuable critical assessment by Roberto González [2009].

suggested by the work of Evans-Pritchard and other structural functionalists. Already, the utility of classical kinship theories had been questioned from within the anthropological discipline.¹¹ The rebuttal of kinship, and social theory at large, conferred a new meaning and relevance on the old tribe-state dyad. The partial demise of the state in concept and practice led, by default, to the ‘resurgence’ of the notion of tribe. As the term ‘tribe’ proliferated in the media, the term ‘state’ continued to be used as if nothing had changed on the ground. Unfortunately, academia has not yet convincingly redefined the two terms and less yet their dialectical interrelation. This disregard obscured analytically and practically highly relevant articulations such as that between the intermeshed, gendered processes of kinship, ongoing family law reform, and citizenship in Southwest Asia and beyond. The population of countries in which Islam is widely recognized was sub-divided into ‘tribals’ (with genealogies) and ‘non-tribals’ (without genealogies) (e.g. Pashtun vs. Punjabis and Sindhis in Pakistan). One here lost track of the urban-rural dichotomy once so central to the discourse of modernization underlying the development studies of preceding decades. At this stage, we are left with an empty conceptual toolbox that even Bourdieu’s [1972] ever so convenient strategies and practices cannot fill, with a practical (buzzword) theory rather than a theory of practice. Thus, our sociological understanding of political processes is notably impaired, in particular due to the common vernacular confusion between ‘family’ and ‘kinship’ already mentioned [see Joseph ed. 2000].

‘Tribalism’, ‘Incest’, and the ‘War on Terror’

This postmodern state of the art is not only regrettable for the political anthropology of kinship and the gendered dynamics of reproduction at large [Robertson 1991; Weiner 1995] in shifting Muslim contexts and political orders. It has profound political implications, since it leaves the stage free for war-on-terror ideologists such as Harvard-educated anthropologist Stanley Kurtz. This polemist is currently senior fellow at the Ethics and Public Policy Center as well as a member of several think tanks such as the Hoover Institution. He is the author of a 2007 paper entitled ‘Marriage and the Terror War’, in which he popularizes key classical anthropological concepts of kinship and marriage in order to point out the purported correlations between Islam in the singular, close-kin marriage, and an Oriental complex of violence:

Grasp the connection between Islam and Middle Eastern kinship [...] and you’ll have a far better chance of devising a long-term strategy for winning the war on terror [...] Parallel-cousin marriage has an effect precisely the opposite of the alliance-building interchange encouraged by cross-cousin marriage – and praised by Tylor and Lévi-Strauss. Instead of encouraging cultural exchange [...] [it] tends to wall off groups from one another and encourage conflict between and among them [2007, Part I].

11. See, for example, D.M. Schneider [1984], M. Strathern [1992], and, concerning Muslim societies, P. Bonte [1994, 2000a, 2000b], S.C. Caton [1987], D.P. Cole [1984].

Islam [...] functions more like a gigantic in-marrying lineage, whose solidarity is threatened by any individual member's dishonorable exit [...] The 'self-sealing' character of Islam is part and parcel of a broader and more deeply rooted social pattern. And parallel-cousin marriage is more than just an interesting but minor illustration of that broader theme. If there's a 'self-sealing' tendency in Muslim social life, cousin marriage is the velcro. In contemporary Europe, perhaps even more than in the Middle East, cousin marriage is at the core of a complex of factors blocking assimilation and driving the war on terror [2007, Part II].¹²

Kurtz's wild incest cum terror fantasies have, of course, nothing to do with an anthropological theory of kinship relevant to the 'Middle East'. However, in the absence of a theoretically grounded alternative to Lévi-Strauss' [1949] exchange and alliance theory as well as to functionalist lineage theory in societies that favour close-kin marriage in conjunction with broader local processes of elective kinship, who is able to contradict him with adequate arguments? In times of major conflicts focused on the 'Muslim World', where kinship and marriage is a core issue among geneticists, doctors of Islamic Law, feminists, and politicians, we can but agree with Robert Parkin's words of warning:

Anthropologists must be in the conference hall too if they are not to find other disciplines making the running for them in areas they have traditionally considered their own – like the kinship of human societies [...] They will have only themselves to blame if they permit the

distortions that may result to enter the public domain unchallenged and uncorrected [2009: 169].

'Patrilateral parallel cousin marriage', or *mariage arabe*, was long treated as an artefact by anthropologists and analysed in analogy and contrast to Lévi-Straussian marriage preference for cross-cousins and quantified according to its rate of occurrence in relation to other forms of (close-kin) marriage. Yet the legitimacy of marriage in *all* its forms remains a keystone of social organization and representation in the societies of Southwest Asia and beyond [see Clarke 2009]. Hence the baby of kinship and alliance theory must not be thrown out with the bath water of studies in politics and new kinship. Indeed, Kurtz's argument, according to which the threatening 'Oriental propensity' for cousin marriage and self-encapsulation reflect the joint Muslim refusal of exchange and reciprocity, has become a point of accumulation for expressions of intolerance. This applies not only on the battlefields and 'human terrains' of the Middle East, but also in the noble parliaments of Europe. The Dutch 'liberal' VVD party (*Volkspartij voor Vrijheid en Democratie* or People's Party for Freedom and Democracy) demands a renewed ban of cousin marriage, lifted in 1971, a measure openly

12. See too S. Sailer, 'Cousin Marriage Conundrum. The Ancient Practice Discourages Democratic Nation-Building' *The American Conservative*, Jan. 13, 2003, pp. 20-22. http://www.isteve.com/cousin_marriage_conundrum.htm (Accessed on 28 October 2009). In contrast to: T. Swedenberg and an anonymous MES scholar, 'On the Use and Misuse of Anthropology (on Stanley Kurtz & MES)', www.campus-watch.org/article/id/3058 (Accessed on 10 July 2009).

aimed at resident Turkish and Moroccan citizens, yet deemed unacceptable if applied to all Netherlanders.¹³ Meanwhile, the recent strengthening of restrictions on immigration and family reunification has notably reduced the rate of so-called import marriages, mostly concluded between cousins. In Denmark, the Ministry for Immigration recently attempted, against court resistance, to fuse the notions of kin marriage and forced marriage, hoping thus to criminalize the former.¹⁴ So too is residence on grounds of marriage or cohabitation granted to aliens only as of age 24.¹⁵ Such initiatives are, we thus see, not solely attributable to the extreme right. Indeed, in November 2005, Labour MP Ann Cryer stated on BBC Two:

As we address problems of smoking, drinking, obesity, we say it's a public health issue. The same should be applied to [cousin marriage] in the Asian community. They must adopt a different life-style [...] We have to stop this tradition of first cousin marriages.¹⁶

In other countries, the 'Islamic headscarf', or the prohibition of minarets, serves as a symbolic rallying point, a lightning rod able to deflect the diffuse threat of difference [see Abu-Lughod 2002].

At the same time, in the Arab world, a complex, indeed somewhat more enlightened debate on consanguineous marriage has developed. It was sparked off firstly by biomedical considerations and then discussions on the religious acceptability of new reproductive technologies [Jam'iyya 1995; Clarke 2009]. Beginning in the 1980s, broad-based statistical studies were undertaken to assess the genetic

implications of kin marriage, and counselling centres were opened. Kuwait, however, introduced family support programmes that favour marriage among locals and, thus, cousins [see Dresch 2005]. In the Gulf, one cannot lightly raise in public the theme of consanguinity, linked to those of autochtony and citizenship. Still, scientists such as geneticist Hanan Hamamy of Amman [2003] have widened the scope of debate by publicly articulating the social and genetic aspects of the kin marriage debate, without enflaming religious sensitivities. One question, hence, that of the status and implications of cousin marriage, is posed from divergently connoted perspectives within and between distinct cultural and political contexts. The hiatus itself must first be explicated before the problematic can be delimited in reflexive sociological terms.

13. See: Islam in Europe: Netherlands: Proposal to ban cousin marriages: <http://islameurope.blogspot.com/2007/11/netherlands-proposal-to-ban-cousin.html> (Accessed on 10 July 2009); Hulanda tuhadhiru zawāj al-aqārib <http://www.rnw.nl/ar/print/26173>, or: <http://gatesofvienna.blogspot.com/2009/09/cousin-marriage-debate-in-netherlands.html> (Accessed on 27 September 2009).

14. Can cousin marriages be banned? <http://politiken.dk/newsinenglish/article794315.ece>. (Accessed on 27 September 2009).

15. See <http://www.familiestyrelsen.dk/other-languages/english/declaration-pursuant-to-section-11-b-of-the-danish-marriage-act-of-awareness-of-the-rules-of-the-danish-aliens-act-on-reunification-of-spouses/> (Accessed on 26 October 2009); Denmark: Handling of cousin marriages to be changed. <http://islamineurope.blogspot.com/2008/08/denmark-handling-of-cousin-marriages-to.html> (Accessed on 27 October 2009).

16. Quoted in <http://news.bbc.co.uk/2/hi/programmes/newsnight/4442010.stm>.

The field is laden with an impressive set of negative pre-determinations. In addition to doctrinal rigidities in all the societies concerned, it encompasses the political history of imperialism, the abortive theoretical debate on politics, kinship, and reproduction, the failure of social science adequately to listen to and read in good epistemological faith actors, academic or otherwise, addressing shared questions in the societies analysed in different terms, and the ensuing kidnapping of the social sciences that serves the reinforcement of stereotypes and prejudice. Annette Weiner, however, offers us an analysis that facilitates objectifying this field. In her historical-epistemological critique of the notions of exchange and reciprocity, as developed in *Inalienable Possessions. The Paradox of Keeping-While-Giving* [1992], she shows that reciprocity (gift and counter-gift) responds *in fine* to the need for an external, indeed metaphysical principle to justify the ‘rise of a free-market economy without state intervention’ [*ibid.*: 28]. Durkheim’s distinction between mechanical and organic solidarity enabled maintaining analogous oppositions between primitive and civilized humanity [see Roberts 2002], and, in the last analysis, between state and stateless societies, i.e. those based on the principle of segmentarity (tribes) and those exercising wider dominion (empires). Kurtz’s clever assertions suggest a causal link between the refusal of reciprocity on the part of Muslims, as epitomized by the denial of marriage exchange with non-Muslims, and that of commerce with non-Muslims in general [2007]. In short, Muslim ‘tribal solidarity’ outweighs the obvious benefits of ‘cooperation’ with the first-world, or possibly ‘emerging’

states that furnish the impetus of globalization. The axiom of ‘keeping-without-giving’ imputed to Muslim societies can inhibit both reflexivity in the social sciences and the degree of intercultural communication that would be required to define the field in non-conflictual terms.

What’s Wrong with Cousin Marriage? Towards a Theory of Kinship in Muslim Contexts

We will argue here that this considerable challenge for the social sciences cannot be overcome without renewing and applying a non-essentialist, politically informed theory of structural interrelations between kinship categories and processes, as these inform and transform personal status and citizenship. Only thus may we understand beyond the scope of discourse analysis the logics of partially kinship-based or legitimated political networks and their interactions with other state actors as well as international forces and influences. How else can we understand the vibrant debates underway in many Muslim contexts concerning the gendered dynamics of reproduction in the broadest sense? Social science has to address these issues in their differential complexity, beginning with a systematic striving to comprehend how they are conceptualized, expressed, and debated *in the societies concerned*. We will here attempt a first step in this direction by deliberately focusing on the *legitimacy* of marriage as a cultural point of accumulation relevant to understanding all sectors of society, whether ‘urban’ or ‘rural’, ‘tribal’ or ‘modern’, ‘Islamic’ or ‘secular’, ‘stateless’ or ‘in power of state’. The legitimacy of marriage founds

nasab in its different categorical, jural, and behavioural dimensions [Barnard and Good 1984: 9] through time and space.¹⁷

It has long been apparent that neither functionalist descent nor structuralist alliance theory is in a position to explain kinship in societies of Southwest Asia and beyond, which have long valued the conjunction of patrilineal focus in the tracing of descent, the *ḥarām* status of women – both sacred and forbidden –, and close-kin marriage, to the extent of constituting a *fait social total*. This theoretical void may be overcome by considering the key importance of *nasab* and its analogues, in other words the transgenerational continuity of patronymics and equivalents that structures and validates fluctuating social identities and networks, with all the rights, expectations, and duties thus conveyed. Such an approach requires adopting consistently a relational, Maussian methodology so as to overcome Eurocentric, bio-logical readings of kinship, gender, and procreation. Kinship will here be defined as culturally and historically specific, structurally interconnected sets of categories and processes shaping *the transgenerational recreation of shared origins* through recognized gendered procedures of ascription and affiliation of persons and collectives, such as relationally-defined kinship and descent constructs designated in Arabic, Berber, Persian, and Turkish as *qabīla*, *ashīra*, *ḥamūla*, *afus*, *tawshīt*, *tabār*, *kabile*, etc., and dubbed ‘tribes’, ‘clans’, or ‘lineages’ by anthropologists. Just as ‘modernity’, mainly in the guise of rapid urbanization, was supposed to entail the disappearance of the tribe *et al.* in the face of the state, so too was cousin marriage, itself

the backbone of the tribe, said to be on the ebb. Yet, lo and behold, two generations into postcolonialism, Arabs, Berbers, Persians, and many others still marry their cousins, whereas actors who designate themselves as tribesmen continue to contest the state. Might there be some uncanny, still unnoticed relationship between cousins and citizens, be they tribespeople or townspeople, that might explain how they, mutually supporting each other, sustained and transcended the tidal wave of ‘globalization’?

Before pursuing these issues, let us for a moment change stage and follow the lead given to us by demographers. Many ill-informed ideas, indeed stereotypes circulate in Europe about issues related to marriage practices and kinship in broader Southwest Asia. Yet, recent demographic research [Fargues 2000, Courbage and Todd 2007] offers a nuanced and dynamic picture. In the course of the 20th century, rates of polygamy have decreased notably throughout the wider region. Polygyny today rarely involves more than 3% of men, whereas individual instances often concern the remarriage of widows in the leviratic tradition. In Tunisia, polygyny is forbidden, and many countries have now accepted it as a valid ground for newly recognized female-initiated divorce. Throughout the region, marriages are much more stable than in Europe; for example, the divorce rate per 100 marriages

17. In Muslim contexts, one observes no large-scale disaffection toward marriage (*démariage*) as occurs in Europe, where the legal notion of descent is no longer founded through marriage, but more and more ‘biologically’ grounded [Théry 1998].

decreased in Egypt from 26 to 18 from 1940 to 1995, from 40 to 13 in Algeria between 1890 and 1960 [*ibid.*: 299]. The striking decrease in fertility is conditioned by a number of key factors: in many contexts, the age of women at first marriage has increased by 10 years in a single generation, whereas the number of ultimately unmarried females has climbed significantly [Ouadah-Bedidi and Vallin 2000]. Thus, fertility rates have rapidly been halved in many countries (6.4 to 3.6 in the Sudan between 1980 and 2000, 7.2 to 2.9 in Libya), whereas Tunisia and Iran have fallen below the threshold of generational replacement.¹⁸ These transitions, which correlate with the emergence of a significant unmarried population, have often been explained as a direct reflection of female access to education, the generalization of contraception, and the notable increase in marriage payments [Rashad, Osman and Roudi-Fahimi 2005]. Henceforth, the status of orphans and illegitimate children, as well as the legalization of adoption and of the conferral of citizenship through women, are privately and publicly debated [Bargach 2002].

Yet, although many local variations obtain, two key singularities, as clearly confirmed by recent medical studies, appear unaltered, if not reinforced.¹⁹ Firstly, from 20% (Lebanon, Turkey) to 60% (Arabian Peninsula, Sudan) of unions are concluded between close kin [Hamamy 2003]. Secondly, notwithstanding established and newly introduced forms of temporary or restricted unions (Iran, UAE) [Haeri 1989], legitimate marriage continues to be a generally accepted social and legal requirement for establishing the social legitimacy of parents and children. Neither civil

marriage, with the exceptions of Tunisia and Turkey, nor free unions are tolerated. How may one attempt to explain these two factors? We here reject invoking 'Islam' in the singular or referring to any 'inherent tribalism' or 'segmentary logic' as construed in colonial and postcolonial ethnography and literature [see Abu-Lughod 1989]. Nor shall we adopt behaviourist or rational choice theory. We shall refer, rather, to our postulate concerning the centrality of *nasab*, defined as the trans-generational continuity established through descent constructs and categories enacted by marriage and other elective kinning processes [Conte 2003 and forthcoming a; Walentowitz forthcoming a].

The emblematic concept of *nasab* is, we argue, central for understanding kinship in Muslim contexts. Together with *muṣāhara* (affinity) and *riḍā'a* (kinship through co-lactation), *nasab* is one of the three legally recognized 'bonds of kinship', or *qarāba*, a term which literally means 'closeness' or 'proximity' in Arabic. The polysemic concept of *nasab* can only be defined in context, since it refers both to individual kinship affiliation, not least in the male line, and to 'descent' conceived of as a set of most often agnatically-focused network-structures in constant transformation. It also encompasses, however,

18. See <http://globalis.gvu.unu.edu/> presents a full range of up-to-date demographic data by country.

19. S.K. Basu [1978], A.H. Bittles [1995], B. Bonné [1963], M.A.F. El-Hazmi *et al.* [1995], D.D. Farhud *et al.* [1991], E. Goldschmidt, A. Ronen and I. Ronen [1960], H. Hamamy [2003], R. Hussain [1999], Z. Radovanovic *et al.* [1998], A. Rajab and M. Patton [2000], M. Salem and N. Rawashdeh [1993].

ties of affinity, and is transmitted through patronymics (or, depending on the ethnographic context, through the name of a house, *alhurma*, i.e. the sacred honour of origins, etc.), and not (or not primarily) bodily substances such as blood, as non-Arabian authors sometimes presume [see Tarmānīnī 1989; Conte 1991 and 1994; Sa'īd 2006]. Placed in this perspective, our first hypothesis may be put as follows: *past and current debates, transformations, and reforms regarding kinship and reproduction in numerous societies of Afro-Asia focus on the structural tensions that obtain between the intergenerational transmission of agnatic descent affiliation and the transgenerational continuity of nasab.*

In some Saharan Berber societies, comparable tensions obtain with regard to the intergenerational transmission of uterine descent and the transgenerational continuity of kinship network-structures analogous to *nasab*. In either gendered configuration, the careful combination of marriages among close kin, distant kin, or non-kin, as well as the establishment of a wide variety of elective kinship bonds, are constitutive of *nasab* and enable its regeneration over time [Walentowitz 2003 and forthcoming a]. In diachronic perspective, descent constructs and categories referred to as *nasab*, or its equivalents, have little in common with classical anthropological unilineal or cognatic 'descent' or 'corporate groups' based on common ancestry or origin. The transgenerational continuity of *nasab* is an ongoing process of creation that is represented with simulated diachrony in the form of genealogical *nasab* or 'tribal' chronicles, often ossified under colonial rule [see Oxby 1996].

These considerations lead to a second hypothesis: *rather than vertical parent-child filiation, it is, we maintain, same-sex or opposite-sex siblingship which acts as the core feature of kinship systems in Southwest Asia and beyond.* The constructs that have long been studied by anthropologists as expressions of unilineal segmentary kinship, indeed of an agnatic (or uterine) harmony 'disturbed' only by the 'cognatizing' effects of repeated close-kin marriage, appear in a very different light as soon as one places siblingship at the centre of analysis [Walentowitz 2003; Conte and Walentowitz 2006]. Siblingship is and remains a blind spot in anthropological kinship theory, probably due to the strength of the sibling incest taboo, as well as to Eurocentric and historically specific bio-logics of reproduction bound to the narrow realm of conjugal sexuality [Jamous 1991; Weiner 1995]. In the perspective of siblingship, posed as a primal bond and structural principle of kinship, *nasab* constitutes culturally and historically variable forms of genealogical network-structures that link a maximal number of sibling sets at each generation [Conte and Walentowitz 2006; Conte forthcoming a; Walentowitz forthcoming a; see also Shamy 1981 and Fogel 2006]. In accord with the local gendered dynamics of kinship, these sibling sets associate either brothers, or brothers and sisters. This second hypothesis is closely linked to our first hypothesis in that the transgenerational continuity of *nasab* is determined by the ways in which marriage and other elective kinship bonds combine over time with unilineal and/or cognatic kinship constructs. This stresses the centrality of legally and socially recognized legitimate marriage.

Any marriage or sexual relationship not legitimized in terms of Islamic family laws would break such continuity in a manner affecting not only the partners, but equally their kindred and progeny for generations to come as well, one might argue, as their ascendants. We further contend that illegitimate unions and births, subsumed under the notion of *zinā* ('fornication'), stand in analogy to 'incest' – for which classical Arabic, moreover, offers no specific designation [van Gelder 2005: 4] – in contrast to the abundant literature referring to *nasab*, genealogy, and origins [Balādhurī 1997; Sa'īd 2006]. The pre-eminence of *nasab* in collective and diachronic perspective is neither negotiable nor reformable without fundamentally altering the corresponding socio-cosmic order through the introduction of 'modern' individualism as defined by Louis Dumont [1991]. Here both state and tribe are impaired.

The Recognition of Paternity: Names, Proximity, Legitimacy

In contexts in which Islamic jurisprudential norms have force of law or custom, from London to Jokjakarta, but not least in Southwest Asia and adjacent regions, doctors of medicine and law, as noted above, are pressingly confronted with the task of deciphering and managing potential incompatibilities between contemporary interpretations of *shar'ā* and the kinship-related consequences of new reproductive technologies [Jam'iyya 1995; Clarke 2009]. All of these elements potentially affect the continuity of *nasab*. Physicians are concerned with the possible genetic effects of close-kin marriage between the

children of siblings, as defined in the Koran (4, 23) and still widely practised in town and country. Politicians and jurists are faced with demands for the rapid reform of laws excluding the transmission of citizenship through the mother, which notably affect fatherless children [Tadayyon and Yoosefi 2008]. Feminists, for their part, advocate gender equality as regards the initiation of divorce, while denouncing violence against women, including honour crimes [Sharabi 1988]. These fields of ethical and social contestation may appear confusingly intermeshed. All may be better understood, we will argue, by (re)considering the key importance of *nasab*, as above defined. In contexts where Islamic jurisprudence is a recognized source of law, debate regarding the issues here addressed is constrained by Revelation and scripture. Further, in contexts in which Islamic norms vie with Christian, Jewish, or secular laws, or all at once as in the case of Israel/Palestine, the shifting balance of authority obtaining between legal, medical, political, and other social actors, as well as conflicting scriptural interpretations and legitimacies, becomes even more complex; yet, the perceived centrality of patrilineal focus in the tracing of descent in association with the sacred-forbidden (*ḥarām*) status of women and close-kin marriage remains intact [Ricks 1986; Holy 1989; Copet-Rougier 1994; Barry 2008].

What does this centrality imply in sociological terms? How to assess the feminine share in the constitution and maintenance of relations of proximity in the face of widely proclaimed agnatic pre-eminence? How does this conjunction of factors affect the overall distribution of power from the domestic context to state institutions? We here choose to

address these questions through the conjoint examination of two largely invisible, inversely complementary institutions, one proscribed, namely full adoption through the conferral of the adoptive father's name and ensuing inheritance rights (*tabannī*), and one largely silenced, namely marriage through the permutation of related (often sibling pairs) or unrelated spouses (*badal*). *Tabannī*, as associated with pre-Islamic practice [Conte 2003: 21-27], entails the establishment of marriage prohibitions between the adopting and adopted parties in accordance with those that obtain in *fiqh* among consanguine relatives, allies, and milk kin. This mode of affiliation was banned by Revelation: 'Call them (adopted sons) by (the names of their fathers),' enjoins the Koran (33: 4). In practice, however, one finds diverse interpretations of the notions of marriage (*nikāḥ*) and recognition of paternity (*iqrār, istilḥāq*) manifest in an array of social practices one may subsume under the headings of 'secret adoption' [Bargach 2002] or 'collective incorporation into a *nasab*' [Salīm 1956-1957]. These enable those who wish to (or must) arrive at accommodations with legitimacy and naming to bring about effects for both individuals and groups exceeding the bounds of fosterage (*kafāla*). These vary in accordance with the locally prevailing balance between the principles and mode of application of *sharīʿa* and ever more extensive codified civil law.

In contrast, marriage by the contractual permutation of partners, whether kin or non-kin, is not directly subject to any specific jural stipulation except that two fathers are forbidden to marry each other's daughter [Mālik n.d.:

535]. As opposed to incorporation into a distinct pedigree or field of *nasab*, which generally implies a relationship of asymmetry, indeed hierarchy, between the parties, permutation is, to a high degree, symmetrical and egalitarian. *Badal* aims at creating proximity (*qarāba*) where consanguinity is not recognized or at 'tightening *nasab*' wherever it stands at risk due to the progressive slackening of agnatic ties initially established by the conclusion of marriages between kin, in particular agnates of some description, at different ascending generations [Peters 1990: 219]. *Badal* is not prestigious; it is rarely mentioned in public, though not denied, and frequently practised. It offers one of the most striking blind spots in the anthropology of 'Middle Eastern' kinship, although it is recorded from North Africa to the Indian subcontinent, and certainly beyond.²⁰ *Badal* or *tabadul* in Arabic, *bedel* in Turkish, or *gav o gav* (cow for cow) in Farsi, literally denotes 'exchange'. Yet, it must be stressed, not in the Lévi-Straussian sense. What relationship, then, obtains between *tabannī* and *badal* as they correlate with the transgenerational continuity of *nasab* through legitimate marriage? To elucidate this point, we must stress, successively, the full scope and variability of the two practices.

Tabannī, literally 'making a son (*ibn*) of (in name)', is seen in law as undermining legitimacy: legitimate children are the fruit of marriage only, if one excepts the offspring of

20. See H. Granqvist [1931-1935], E. Peters [1990], N. Tapper [1991], É. Conte [2000], G. Kressel and A. Abū Rabīʿa [2002]. See too the 2005 film by Ibtisam Salh Mara'na, *Badal* (Cinephil/B&K Productions, Israel).

concubines or slaves born of and recognized by a free Muslim father. Legitimacy and the associated prohibition of adoption have, however, little to do with a bio-genetic imperative. 'Irregular' modes of affiliation of non-progeny, both individual and collective, respond to massive social problems across the greater region: due to the effects of war, including bitter civil conflicts, extremely rapid urbanization, and internal as well as international migration, countries such as Algeria, Egypt, or Iran must deal with hundreds of thousands of children lacking either parents, *nasab*, or citizenship, or all three.²¹ The Koran (4: 2-4, 6-12) insistently exhorts believers to care for orphans, *aytām* (sing.: *yatīm*) and foundlings, *luqaṭā'* (sing.: *laqīṭ*). Yet, fosterage grants neither pedigree nor full social legitimacy. How, thus, is the dilemma of *nasab* addressed?

In Sunnite-majority countries in which civil marriage is not recognized (all other than Tunisia and Turkey), *tabannī* is forbidden by religious and codified law, but fosterage in the form of *kafāla* as well as secret adoption are practised, the frontier between the two being thin and contingent. De facto adoption is thus subsumed under the heading of *ḥurma* or individual genealogical fiction. Law appears fully coherent with Revelation, but stands in stark contradiction to social practice. Seen collectively, legitimacy can only be maintained through a dual fiction, *collectively* by denying this contradiction outright, while engaging in widespread *individual* genealogical *bricolage*. In *Orphans of Islam*, the only detailed ethnographic work on secret adoption, Jamila Bargach observes:

In Morocco the name is the nucleus of the crime [2002: 105].

At once, she documents how, in a 'fiction lived more intensely than the real' [*ibid.*: 95], women may be led to part with their (illegitimate) newborn, whom are granted name and *nasab* by others, not least thanks to the complicity of hospital and court personnel. As corroborated by Palestinian qadi Abū Snayna, the *word* of the 'father' in matters of recognition is not to be contested a priori, rather accepted unless contradictory evidence emerges [Conte and Shehada 2008: 139; see too Sujimon 2002: 372-374]:

Official eyes are closed, and silently cooperate, as there is one less child to be put in a shelter [Bargach 2002: 110].

What remains, however, is the fragility of the fiction: the adopted child lives under the constant threat of denunciation, not least in the context of 'sibling' rivalry regarding inheritance.

Viewed from the Bosphorus, things look very different [see Aydos 2000 and Gençcan 2002]. The Turkish civil code recognizes the legitimacy of full adoption in the wider European sense. Yet, Revelation must be fully

21. The International Observatory on Statelessness reports: 'A 2004 law provides that children born to Egyptian mothers can claim Egyptian citizenship. For children born after the law's enactment, citizenship is immediate, but those born beforehand had to apply to the Interior Ministry in accordance with President Hosni Mubarak's 2003 announcement to that effect. In 2005, Refugees International reported that 400,000 to more than a million stateless children of mixed parentage resided in the country' (<http://www.nationalityforall.org/egypt>, accessed on 28 October 2009). Concerning abandoned children, see too Barmak Akram's 2008 film *L'enfant de Kaboul*.

respected, and legitimacy guaranteed. The law distinguishes legitimate descent (*düzgün soybağı*) from illegitimate descent (*düzgün olmayan soybağı*), based on what was formerly termed ‘natural filiation’ (*tabii neseb*). The difference with regard to most other Sunni contexts is that ‘fabricated descent’ (*yapinti soybağı*) is today recognized as legitimate. Indeed, the revised Turkish civil code of 2002 abolishes the distinction between authentic (*sahih*) and non-authentic (*gayri sahih*) *neseb* [Kirkbeşoğlu 2006: 19]. Adoption, literally ‘taking a child’ (*evlat edinme*), may be granted by a civil court to married couples or singles over 30. Embryos cannot be adopted, but adults can, as long as a minimum age difference of 18 years obtains between parties [Aydos 2000: 118]. Formerly, the adopted child automatically received the name of the father. Today, an adult adoptee may opt to keep his/her patronymic. Adoption opens rights of inheritance. It does not affect nationality but enables its conferral if the adoptee’s father and mother are unknown while the adoptive parents are Turks [*ibid.*].

Turkish Muslims remain free to respect Koranic injunctions, effectively flouted by codified personal status law, and content themselves with fostering, literally nourishing (*besleme*) a child, or by offering it ‘spiritual fosterage’ (*mânevi evlatlık*). Yet these individual practices occur in a secular national context: in 1933, an amnesty law legitimized the unions of unmarried couples, thus ‘regularizing’ their offspring. In 1981, the Constitutional Court recognized the validity of fatherhood claims pertaining to children born out of wedlock. Today Turks, as citizens if

not as believers, are at full liberty to engage in genealogical *bricolage* since adoption is not punishable, rather sanctioned by civil law. Turks are thus led to make collectively validated individual choices in matters of *neseb*. The contradiction between *fiqh* and civil law this implies was apparent until 2002 in the tolerance granted to marriage between adopters and adoptees, an option justified by the fact that such parties were not related in the eyes of *sharī‘a*. Since 2002, such is forbidden, thus confirming the duality of the Turkish legal system by, as it were, cutting the umbilical cord between civil and Koranic law. The hiatus is bridged by individualising the respect of Revelation and generalizing freedom of choice in the name of citizenship. This *modus operandi* is inverse to that observed in most other predominantly Sunni states, in which individual arrangements contravene both codified law and the principle of *sharī‘a* on which it is constructed.²²

In predominantly Shiite Iran, a dual codification also obtains in that the 1353 (1974) law on children without parental custody (and whose grandparents are deceased or absent) has not been built into subsequent versions of the civil code (*Qānūn-e madanī* 2000). In contrast to Turkey, the non-secular state stresses strict conformity with Koranic precepts [Safai and Emami 2007: 277-285].²³ Thus, codified law at large is placed in an ambiguous field between doctrinal orthodoxy

22. We thank Ajsun Ali for identifying and translating the Turkish sources here referred to.

23. We thank Sharzad Khakpour for consulting this work.

and social necessity. Adoption, designated as *farzandkhāndegī*, literally ‘reading progeny’, entails a transferral of the adoptive father’s name, but does not confer on the adoptee rights of post mortem inheritance. One hence cannot speak of either *tabannī* or *evlat edinme* in the full sense. Yet, *farzandkhāndegī* distinctly transcends the scope of fosterage (*sarparastī*). Rather than substantively affiliating the adoptee to the adoptive father’s pedigree, the legal fiction of an ‘additional filiation’ is instituted [Yavari-d’Hellencourt 1996: 150]. The state requires of the necessarily married adoptive parents that they deposit a substantial surety to guarantee the future well-being of the adoptee. If effectively put down, this sum could be construed with an ante mortem bequest liable to subvert subsequent strife among heirs. Since this two-track legal construction is worded to stand in full conformity with Koranic precepts, one will not be surprised to learn that marriage between adopters and adoptees, as in Sunnite Turkey until 2002, is not prohibited, since no relation of consanguinity between parties is recognized. Adoption creates individual legitimacy for the adoptee in the public sphere, but does not, seen at the collective level, create a new tie of *nasab*. In contrast to the situation prevailing in many Sunnite countries, Iranian adoptees, who may not be older than 12, are, as in Turkey, granted full rights of citizenship. A currently debated bill envisages granting the right of adoption to single women. If passed, this would further put into question the exclusive role of marriage as a source of legitimacy in an Islamic context. Unfortunately, no ethnographic study yet is available regarding adoptive practices in Iran, yet one may read the

full cultural and emotional implications of processes of assimilation and rejection, and adoptive legitimation in the subtle 1984 film recounting the destiny of *Bashu, the Little Stranger*. This story of a Khuzestani Arabic-speaking war orphan who escapes, hiding on a lorry, to the Caspian ‘reads’ as an allegory of the everlasting struggle between Raḥim, the allegory of the uterine compassion that founds kinship and *nasab* [see Conte 1994: 152-155, 2000: 289-296], here exclusionary agnatic legitimacy. In this bout, Raḥim finally prevails, granting Bashu, the *ibn al-sabil* or ‘child of the road’, not only parents but no less siblings.

Marriage by Permutation and Siblingship: From Accounts of Origins to Power

In Islamic prophetic traditions, the legitimacy of Revelation is constructed on the transgenerational continuity of *nasab*, even beyond such potent symbolic ruptures as the murder of Abel or the Deluge [Conte forthcoming a]. Yet, *nasab* is not to be reduced to unilineal patrilineation or ‘patriarchy’. *Nasab* encompasses, rather, the processes, both structural and historical, that retrospectively enable the construction and reconstruction of genealogies through the transgenerational articulation of sibling sets. This ensues through the careful interweaving of marriages between cousins, on the one hand, and distant relatives and non-kin, on the other, notably through the medium of *badal*, i.e., we recall, the permutation of marriage partners, in particular of sibling sets, either related or not among themselves. The symbolic paradigm, or parable, of this procedure was related as follows in *The*

History of al-Ṭabarī (d. 923) [al-Ṭabarī 1879, 1985] and taken up again, in particular, by Abū Ishāq al-Thaʿlabī (d. 1036) in his *Lives of the Prophets* [al-Thaʿlabī n.d., 2002]: Cain and Abel were not born alone. Indeed, the senior Cain had a twin sister called Aqlīmā, whereas the junior Abel had a twin sister known as Labūdā [see too Aptowitz 1922 and Kister 1988]. Under the circumstances, father Adam was ‘unable to observe the desired “disparity and mutual strangeness” (of the partners)’ in pairing off his children [al-Masʿūdī quoted by van Gelder 2005: 122–123]. But God inspired Adam. To ensure the birth of legitimate progeny, he forbade the union of twins and ordered the permutation of siblings: Cain was to marry Labūdā, and Abel Iqlīmā. In other words, the first rule of alliance, and thereby the foundational principle of kinship, was brother-sister *badal*.

Yet, as we know, Cain rejected his father’s demand. He claimed that his twin sister was the more beautiful, and that it was his prerogative as elder brother to take her. Thereupon, Cain refused to acquiesce and, rebelling against his father and the Lord, slew his brother. Yet, Adam and Eve persevered, bearing forty pairs of opposite-sex twins! Thaʿlabī relates:

When [Adam’s] children grew older, he would marry off a boy of one birth to a girl of the other birth. At that time, a man might marry any of his sisters that he wished except for his own twin sister that was born with him, for she was not lawful to him. All this was necessary in those days because there were no women who were not men’s sisters and who did not have Eve as their common mother [n.d.: 37, 2002: 74].

Had Cain obeyed his father, his children and those of Abel would have been bilateral cross-cousins who could have intermarried while avoiding unions between siblings. But they would not have borne the patrilineal cross cousins that would have been required to ensure the direct patrilineal transmission of prophecy from Adam to Muḥammad. Still, there was no question of sibling incest becoming a norm. Ṭabarī was already keenly aware of the necessity of resolving this key impediment and proposed an anthropologically aware and very cogent solution:

It was forbidden for the woman to marry her twin brother. She would be married by another one of her brothers. And the sons of Adam did not cease to do that until four generations had passed. And one married the daughter of one’s paternal uncle and the marriage to sisters ceased [n.d.: 223].²⁴

Thus to avoid sexual relations between brothers and sisters while maintaining the patrilineal continuity of the Prophetic pedigree required the successive combination of a prohibition of marriage among twins and establishing as initially preferential that between patrilineal parallel cousins.

In her splendid monograph *Marriage Conditions in a Palestinian Village*, Hilma Granqvist [1931–1935] discovered that one quarter of the unions recorded in her exhaustive marriage census of the (today West Bank) village of Artas were concluded through *badal*.

24. We thank Anke von Kügelgen for drawing our attention to this passage.

She recorded diverse types of permutation: two brothers marry two sisters; a brother and his sister respectively marry a brother and his sister; a man offers his sister to another and marries this man's sister; a man gives his sister to another who offers his sister to a third man, who in turn marries his sister to the first man. All these combinations can proceed through simultaneous or deferred unions involving not only the actual spouses but equally their respective kin who organize and endorse the *badal* [*ibid.*: 109-119]. Happily, these observations were not influenced by the reductionist prism of functionalist segmentary lineage theory, still in gestation at the time. Nor were they stamped with the blanket axiom of male dominance. They offer a uniquely detailed and nuanced account of marriage practice, giving equal attention to marriage among kin, marriage among non-kin, and the overlapping mode of marriage by permutation. Much later fieldwork in Arab contexts simply overlooked the structural articulation between matrimonial proximity and distance thus demonstrated [see Conte 2000]. Some later analysts doubtless sensed that *badal* put into question the 'preferential' status of father's brother's daughter's marriage proclaimed by descent theorists, while shedding a new light on the centrality of sibling exchange in a manner that did not fit in well with the notions of direct and generalized exchange advanced by alliance theory. In focusing on the isolated fact that one often finds more patrilineal parallel cousin marriages than other types of consanguineous unions, many researchers simply turned a

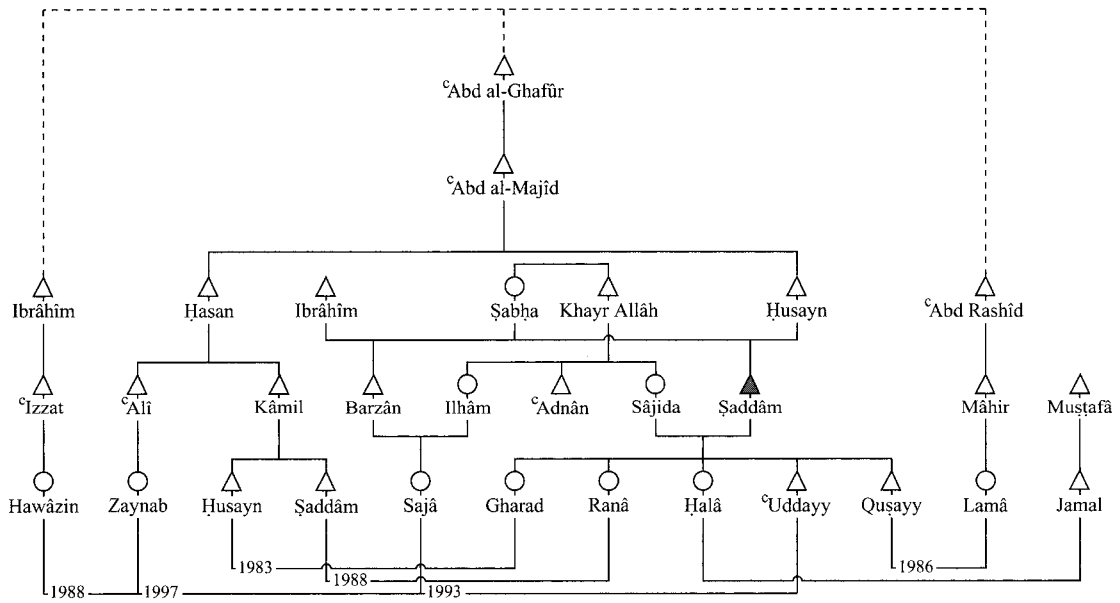
blind eye to vast majority of marriages and created a tenacious theoretical artefact.

Not so Emrys Peters [1990]. Drawing on the conceptual advances of W.R. Smith [1885], Wellhausen [1893], Granqvist [1931-1935], and others, he shows that Arab genealogies, while referring nominally to an apical ancestor, actually systematize retrospectively the reciprocal positioning of lines of descent seen as derived from foundational sibling sets.²⁵ If local groups try to maintain their cohesion by favouring unions between agnates, a contrary effect is rapidly induced on purely logical grounds. Indeed, the children of parallel first cousins are also cross cousins. If these intermarry in subsequent generations, agnatically defined proximity produces, rather, increasing genealogical distance. In contrast, the children of first cross-cousins remain first cross-cousins from generation to generation. As Peters shows, in such situations, the recourse to *badal* among distant agnates 'tightens' patrilineal ties [1990]. *Badal* is thus not but a 'cheap' marriage thanks to which brideprice (*mahr*) may be reduced or foregone, rather a structural necessity, if the illusion of agnatic continuity is to be maintained. Such strategies are observable, as we will now see, even in the 'best' of families.

The official genealogy of Ṣaddām Ḥusayn illustrates well the exclusively agnatic representation of political legitimacy characteristic of the Arab genealogical tradition (see figure 1).

25. See, for example, the diagrams presented in E. Peters [1990: 219 *sqq.*] and M. Sa'īd [2006: 610-615].

Figure 2. The ‘House of Şaddām’



Source: A. Baram [2000: 318].

Graphically, men appear to beget men, who beget men, who beget men... Where are the women? If one introduces these into the diagram, a fully different picture emerges. In the case in point, the central element in the genealogy is not Šaddām, rather his adulated mother, flanked by his mother's brother, i.e. an opposite-sex sibling pair without whose complicity Šaddām's political ascension would not have been possible (see figure 2).

Šaddām married his mother's brother's daughter. The 'weak agnatism' of his genealogy was later compensated, however, by the unions of two of his daughters with grandsons of his father's brother. Hence, the magic formula that crowned this strategy was none other than classical sibling *badal*: the two sisters married two brothers with whom they were agnatically related. Just as in the cases documented by Peters [1990], it was hoped by the actors that political kinship could best be consolidated through the rather confidential permutation of sibling pairs, thus maintaining the agnatic illusion connoted by Šaddām's official genealogy.

Retrospectively, Cain's fratricide compromised *nasab* in the line of Adam until the killer's misdeed was painstakingly atoned for twelve generations on, only after the Flood [Tha'labī 2002]. This divine warning draws attention to the imperative of constructing and maintaining *qarāba*, kinship (but literally closeness or proximity), by respecting the sacred nature of siblingship, posed as the *primal* relation, and thus of divinely sanctioned paternal or avuncular authority. Of this Šaddām, his mother, and mother's brother were well aware. But such an equation is only operational if the

principle of 'keeping-while-giving' [Weiner 1992] is implemented by preserving after marriage the 'reproductive' bond uniting a woman to her brother [see also Walentowitz 2002 and forthcoming b]. Indeed Cain's claim to his twin sister as wife – hence to 'incest' – prevailed over Adam's and God's injunction of *badal*, posing a fundamental dilemma of kinship: how to preserve 'sibling intimacy' [Weiner 1995]²⁶ beyond the threshold of marriage? In relational perspective, incest is thus an excess of proximity in that it negates diachrony and hence the retrospectively constructed continuity of *nasab*. In sum, marriage is a necessary transgression, which institutes woman as *ḥarām*. Therefore, women should not take a spouse of lower social status, i.e. accept a hypogamic union.

At stake here, rather than any axiom of 'male dominance' as such, is the vital balance between the shared honour of women and men (*sharaf* in Arabic, *asshak* in Tamasheq) and their shared continuity of *nasab* or its analogues. This foundational convergence is not rooted in any male-female dichotomy. It results, rather, from the gendered dynamics that institute all social relationships recognized as legitimate.

Where this equilibrium does not obtain, there can be no society and, by implication, neither kinship nor 'tribe', nor citizenship. Thus, according to the allegory of Koranic commentary [see Conte 1994, 2000], on the day of

26. A. Weiner defines 'sibling intimacy' '[...] as a broad range of culturally reproductive actions, from siblings' social and economic closeness and dependency to latent, disguised, or overt sexual relations' [1995: 411].

Creation, Raḥīm (literally Uterus) arose and entreated God, al-Raḥīm, the Compassionate, ‘seizing Him by the waist’, to ‘bind Himself to those who remain bound to her and to cut Himself from those who cut themselves’ from her [Ibn Ḥanbal 1948-1975, IV: 344, n° 2956]. At stake here is not any manner of primordial, autonomous uterine kinship, opposed to a dominant form of agnatic kinship or ‘patriarchy’, endorsed by a lone masculine divinity, rather the foundational character of faithfulness in an all-encompassing kinship, beyond any essentialised gender opposition.

In this regard, a gender-balanced Tuareg society offers an interesting example of the articulations of descent constructs, affiliation processes, and marriage dynamics. These articulations obtain notably through marriage by permutation among close-kin as well as among distant kin, which contributes to the creation and recreation of *temet* or ‘matricial kinship’ [Walentowitz 2004 and forthcoming a]. The core descent constructs designated as the ‘stomach’ (*tedist*) and the ‘back’ (*aruru*) have long been construed as the ‘matriline’, as opposed to the ‘patriline’, by anthropologists, who sometimes see them as an idiom of procreation [see Bernus *et al.* 1986; Bonte 2000a and 2000b]. More accurately, these constructs translate the ‘androgynic’ totality of the gendered body-person in its relational cosmos. The ‘stomach’ includes the multiple ‘cognatic’ ties of kinship born from an apical set of sisters and brothers, whose descendants retrospectively guarantee the transgenerational continuity of their father’s ‘back’. In other words, the stomach and the back are the two sides of the same coin: the back, patrilineal only in appearance,

is the ongoing result of combined transgenerational alliance histories, which create, maintain, and possibly extend the ‘stomach’ over time and, thus, in turn strengthen the ‘back’. The latter corresponds to pre-eminently gynocentric sibling intimacy and the former to androcentric solidarities of alliance, which the sibling continuum develops and expands.

In this system, there is no such thing as an endogamous, segmentary tribe or lineage, be it patrilineal or matrilineal. This system is driven by what one may term the autopoietic dynamics of kinship, which give rise to intertwined, rhysomatic ‘tribal’ networks (*tawshiten*, sing.: *tawshit*) owing to the constant interrelating – through marriage as well as other processes of kinning – of shifting *nuclei* of shared kin, indeed the descendants of sibling sets, which are themselves related through marriage by permutation at each founding generation [Walentowitz forthcoming a; see also Brock 1986]. These closely related kin are competing among themselves for optimal mutualisation, while trying to include multiple others through distant-kin or non-kin unions. The system operates thanks to a form of ‘reciprocity’ through which relative difference emerges from relative sameness, and vice versa. Such reciprocity does not imply that absolute difference is a precondition of ‘exchange’. What Stanley Kurtz does, by contrast, is to reify absolute difference, thus negating relationality and relationality [2007].

In the overall perspective all too sketchily outlined in this text, cutting the tie of kinship or being cut from it destroys relational legitimacy. From the standpoint of jurisprudence, this process may take several forms, all linked

to the breach or absence of *nasab*: an act of fornication (*zinā*), whether or not it leads to birth, abandonment of a child and ensuing doubt as to its patronymic, the unfounded repudiation of a spouse, homosexuality in that it cannot found *nasab*, the betrayal of pacts of alliance concluded through terms invoking *sharaf*, *asshak*, etc. One cannot hence underestimate the centrality of the transgenerational continuity of *nasab*, as it relates to siblingship and the retrospective narrative of origins through marriage, and as opposed to the agnatic descent paradigm long dominant in anthropology. The deconstruction of this process of close ‘kinning’ [Howell 2006] is of essence to understand current debates and reform projects concerning personal status and citizenship in Muslim contexts. It clearly appears that any modification that might be construed as questioning the social and symbolic foundation (sibling intimacy and the continuity of patronymic or renown of the house, *alhurma*, etc.) and instruments (legitimate, close-kin marriage and *badal*) of *nasab* is not applicable. This excludes the introduction of full adoption as a category that would imply an obliteration of the patronymic (or matronymic) acquired at birth, an act forbidden in the Koran, the prophetic traditions, and Islamic jurisprudence. Indeed, notwithstanding the recognized social and ethical necessity of providing for the ‘illegitimate’ or parentless children of mass migration and the orphans of war, this would ‘cut the chain (*silsila*) of *nasab*’. Thus, fosterage (*kafāla*) is praised, but full adoption (*tabannī*) proscribed in *fiqh*. This perspective explains why the non-conferral of the mother’s citizenship to the legitimate lone children of

absentee Arab fathers of distinct nationality derives, in contrast, from a negative interpretation of the agnatic ascription of the patronymic, and hence of *nasab*, in conjunction with the principle of territoriality: thus hundreds of thousands of initially legitimate ‘orphans of name’, notably in Egypt, have become de facto stateless, for deprived of *nasab* through the repudiation or abandonment of their mothers. Present on a very large scale from Pakistan to Morocco, such phenomena present an enormous challenge to actors, analysts, and politicians. From individual genealogies and networks to large-scale pacts of brotherhood [Salīm 1956-1957; Conte 2003], however, the flexible, elective nature of kinship dynamics in Muslim contexts has always allowed, and shall continue to allow, the affiliation of children without names or indeed of ‘sleeping children’ who stagnate and dally in their mother’s womb well beyond the ‘natural’ gestation period [Colin 1998]. In other words, individual as well as collective adoptive or integrative processes take place every day, in various ways, and are tolerated to a greater or lesser extent as long as they do not put the foundational principles of *nasab* into question.

Who Is Afraid of Orientalists?

The structural functionalist tribal model tends to eliminate most of the complexities here alluded to. Why? The answer lies in good part in its naturalistic male bias, in the claim that it reflects emic perceptions. This is apparent in its long-dominant conceptual skeleton that revolves around the related notions of patriarchy, patrilineality, and endogamy. Correspondingly, in representing the genealogically

formulated charters of tribes, mostly promulgated by men, analysts tend to marginalize women and their structural role while preserving the notion of transgenerational continuity of gendered power structures [Abu-Lughod 1989]. Male anthropologists and male informants often concur in this regard. Updated versions of the model [see Krauss 2004] are largely a-chronical and impervious to structural time. They seek to counterbalance analytical gender asymmetry by stressing *individual* female agency or mediation, instead of addressing the overall structural role of women in 'Muslim' kinship configurations. Women emerge as daughters and as wives, rather than sisters and mothers. They are depicted as figures of alliance rather than of descent. Such accommodations to feminist theory could lead one to oversee that, behind the curtains of functionalism, structuralism, and post-structuralism, evolutionism neither died nor faded away. Its spectre lingers on, clad in different mantels. In certain regards, however, one might be inclined to mourn the impetus evolutionism once brought to social science [see also Roberts 2002]. That of W.R. Smith [1885], drawing upon Bachhofen and McLennan, or that, more circumspect, of J. Wellhausen [1893], situated *Mutterrecht* and *Vaterrecht* in chronological sequence. Yet, these authors weighted both equally. If, with hindsight, one blends out the linear, sequential postulate underlying this vision, one is left with what could arguably be described as a structurally gender-balanced perspective. Seen in ideological terms, structural functionalists annulled structural diachrony and gender balance at one go, possibly in the silent hope of better

depriving hostile Marxism of its politically powerful evolutionist teleology [Knight 2008: 69-70]. The residual paradigm was synchronic, presumptively perpetual patriarchy or, in more modern parlance, male dominance. It explains neither violence against women nor their pre-eminence in certain Muslim societies (i.e. Minangkabau, Tuareg).

In view of this biased background, could the conceptual legacy of the 19th-century philologists and their key disciples be fully appreciated? Its strength lies in its theoretical coherence and novelty. Rather than an empty toolbox, we have received an extensive conceptual apparatus not bound by a specific theory (including evolutionism) or monopolised by a single school. It stresses the logical centrality of siblingship [Wellhausen 1884: 124, 127-129], a notion that was marginalized by the long-accepted 'descent and alliance' pair; the relativity of the endogamy/exogamy opposition [Wellhausen 1893]; the structural role of elective kinship and 'affiliation' [Goldziher 1889, I: 40 and 1893] in maintaining and regenerating performative descent constructs; a definition of exchange that is not subordinated to the assumption of a rule of exogamy [Granqvist 1931-1935]; and last but not least an awareness of the complex intertwining of gender asymmetry and political hierarchy [see Conte forthcoming b]. This is not little.

Departing from this yet unclaimed legacy, formed before the emergence of structural functionalist and subsequently gender theory, new hypotheses can now be developed, as we have tried to suggest in this text. So too is it crucial, from the perspective of social science,

critically but seriously to take on board the insights of the philologists, just as one should (re)read in contemporary perspective [see Citton 2007] texts and oral sources, old and new, in all relevant languages, so as to develop an interculturably intelligible political anthropology of kinship and reproduction. Reflexivity [Bourdieu and Wacquant 1992] implies rather more than presenting an analytical discourse referring to the (Oriental) Other [see Lindholm 1995], often revolving, even today, around the term-cluster ‘patriarchy-endogamy-segmentarity-tribe’ [see Krauss 2004]. Neither Orientalists nor Orientals hold

this cluster to be binding. Rather, they situate the factor ‘tribe’ in a wide palette of relational configurations, ranging from individual relationships of love, hate, and honour [van Gelder 2005] to the destinies of dynasties and empires [Wellhausen 1902]. Were we fully to appreciate the scope of analysis thus suggested, we could hopefully place the foundations of a mode of reflexive analysis recognizing the differential symmetry of sources, while not adding either disciplinary or conceptual barriers to the conflicts and ‘security walls’ that today increasingly fragment social and political space in Southwest Asia and beyond.

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Abstract

Édouard Conte and Saskia Walentowitz, *Kinship Matters. Tribals, Cousins, and Citizens in Southwest Asia and Beyond*

The authors draw attention to the epistemological ambivalences inherent to the term 'tribe' and question the division of societies in which Islam is widely recognized into tribal and non-tribal sectors. They test hypotheses meant to show how an alternative theory of kinship and transgenerational reproduction can contribute to provide non-teleological and non-discriminatory explanations of processes related to the construction of social and political proximity beyond the family vs. state dichotomy. The key Arabic concept of *nasab*, and its analogues, is here understood as the constantly recreated articulation of convergent structural and historical processes that retrospectively guarantee the validity of claims of origin by the linkage over time of sibling sets through marriage by permutation (*badal*) as well as the recognition of individual and collective affiliations, including paternity and citizenship. Further, this article stresses the necessity of developing a comprehensive theory of kinship in order to counter the hijacking of the social sciences by neoevolutionist and neoconservative actors who represent 'Muslim societies' through an amalgamation of 'endogamy', 'incest', and 'terror'.

Keywords

citizenship, close kin marriage, *nasab*, kinship theory, tribalism, 'war on terror'

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Résumé

Édouard Conte et Saskia Walentowitz, *Affaire de parenté. Gens de tribus, cousins et citoyens en Asie du Sud-Est et au-delà*

Les auteurs attirent l'attention sur les ambivalences épistémologiques inhérentes au terme « tribu » et remettent en question la distinction entre secteurs tribaux et non tribaux appliquée aux sociétés dans lesquelles l'islam est largement reconnu. Ils explorent des hypothèses destinées à montrer comment une théorie alternative de la parenté et de la reproduction transgénérationnelle peut contribuer à fournir des explications non téléologiques et non discriminatoires de processus relevant de la construction de la proximité sociale et politique au-delà de toute dichotomie entre famille et État. Le concept clé de *nasab*, ainsi que ses analogues, est ici défini comme une constante réarticulation de processus simultanément structuraux et historiques qui garantissent rétrospectivement la validité des références aux origines. Celles-ci relèvent de l'articulation, au fil des générations, de fratries via des mariages par permutation (*badal*) et via la reconnaissance d'affiliations individuelles et collectives, de paternité et de citoyenneté y compris. Cet article souligne aussi la nécessité de développer une théorie adéquate de la parenté afin de contrer le détournement des sciences sociales par des acteurs néo-évolutionnistes et néo-conservateurs qui caricaturent les « sociétés musulmanes » en amalgamant « endogamie », « inceste » et « terreur ».

Mots clés

citoyenneté, mariage entre proches, *nasab*, théorie de la parenté, tribalisme, « war on terror »