

## Civil Action Under Uncivil Conditions in Yemen

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For six of the 10 years since the Yemeni uprising, the country has been consumed by a punishing war. It is a war that has been marked by [extensive conflict fragmentation](#), and one that appears more intractable with each round of failed negotiations. As the United Nations reckons with the resignation of a third Special Envoy, it is clear that the peace-brokering process is in critical need of a reset. For both practical and political reasons, this should involve centering the role of Yemen's civil actors.

### Civil Action and Diverse Projects of Belonging

Civil action is a particularly useful concept for thinking about a range of work undertaken by people living in, surviving, and [seeking to shape the future](#) of communities experiencing ongoing conflict. It describes a kind of non-violent activism that can include legal and non-legal activities and institutional and extra-institutional forms of engagement that challenge the premises and political projects of diverse others, including conflict actors, even while working within or alongside their logics of governance.<sup>i</sup> Civil action relies on personal relationships and pre-existing social connections to maintain civil space during conflict; this is especially important in light of the practical challenge of organizing under conditions of violence.<sup>ii</sup>

While all civil action is non-violent, not all non-violence is civil action. The concept is distinguished by its “mere civility,” or non-exclusionary rhetoric and practice. The demands of mere civility are minimal and civil action “does not require agreement or consensus and does not entail avoiding conversation about issues on which people vehemently disagree.”<sup>iii</sup> It is thus fundamentally additive. The projects of civil actors do not aim at the elimination of rivals but are oriented toward the transformation of systems that have excluded or marginalized sectors of society; in this sense, civil action can help address the antecedents of armed conflict.

Civil action can help to bridge conflict and post-conflict conditions across both time and space. It does not require waiting for peace - instead, it can and often does co-occur alongside violent contention. Nor do civil actors require national coordination to issue claims to national belonging. Their work may look highly local and fragmentary but can contribute to conflict de-escalation and conditions that support social reconciliation at the national scale.

As they pursue negotiated settlements, however, peace-brokers primarily focus on the preferences and needs of armed conflict actors. This means that they can overlook the critical importance of civil action under uncivil conditions of war. Without attending to the agency of civil actors and taking seriously their political projects, current peace-brokering practices fail to address the vexed question of whose priorities matter for peacebuilding.<sup>iv</sup> The following sections review some of the ways in which civil actors are currently shaping the prospects for peace in Yemen. Overcoming structural barriers to recognizing such actors and their projects will be important to the success of international peace-brokering and Yemeni peacebuilding initiatives alike.

## Civil Action as Spatial Bridge

Policy analysis of the conflict in Yemen often describes “the tribes” as conflict actors without adequately interrogating their practices of civil action. As Nadwa al-Dawsari has detailed, there is an important distinction in tribal law between individual freedoms and collective responsibility. By enabling individuals to choose their own political alignments, tribes create the possibility of [politically non-aligned spaces](#) in which mediators are able to structure negotiations and broker agreements. Scholarship on Yemen’s Northern tribes documents a moral economy that places particular value on conflict mediation, meaning that it is mediators, “not warriors, who are invariably the heroes of war stories.”<sup>v</sup> Similar dynamics are at play in other parts of Yemen, where tribes rely on what Ahmed Nagi has described as a “[code of conduct](#)” that plays a significant role in de-escalation and conflict-avoidance. While tribes do participate in violence under some conditions and thus cannot be considered civil actors to the fullest extent, they should not be considered conflict actors in an unproblematized way. It is possible to both identify and amplify their role in mediating conflict and promoting civil space.

## Civil Action as Temporal Bridge

Perhaps because the war has been so costly for Yemeni women, their civil action is often interpreted through the narrow lens of survival. This elides the diverse political projects to which women commit themselves. While some women [contribute directly to conflict](#), many more are engaged in substantial civil action that [advances peacebuilding](#) and makes claims on specific post-conflict futures. This highlights the temporal bridging that civil action offers insofar as women’s activism concurrently reflects past structural dynamics, responds to the exigencies of war, and seeks to shape future opportunities for action.

Consider shifting economic practices of women in different parts of the country. The [collapse of public sector salaries](#) in areas under Houthi control after 2016 led many formerly middle-class women in Sana’a whose work had been previously concentrated in that sector to shift to home-based economic production. Many have built women-only markets for their goods and services, advertising through social networks, and leveraging the support of community leaders for this spatially and socially segregated work. [Speaking about the future](#), women under such conditions often express a desire for the restoration of the status quo ante and the kinds of institutions that will enable them to return to previous roles. At the same time, women in both rural and urban communities in the South, previously excluded from many of these jobs because of capital-centric policies, are accessing new roles in the public sector, the Southern Transitional Council’s bureaucracy, or with international organizations that have relocated to Aden. While they navigate insecurity, they report shifting perceptions of the value of their work and express a desire to expand these gains in a post-conflict setting. A national women’s agenda seems unlikely given the social and political fragmentation of the war, but interviews and focus groups with women and men in both areas suggest that women’s work during the war is not understood as mere survival but as involving a complex reckoning with what came before and claims-making with regard to what may lay ahead.

## Barriers to Civil Action Among the Marginalized

Some forms of marginalization are also being more deeply entrenched by Yemen’s conflict dynamics, as civil actors find diminishing space for action. This is pronounced among *muhamasheen*, or black Yemenis of uncertain origin who experiences caste-like subordination.<sup>vi</sup> Constituting [up to 12 percent](#) of the

population, *muhamasheen* (also known more pejoratively as *akhdam*) have [suffered discrimination](#) in communities across the country for centuries.

*Muhamasheen* mobilized as a part of the revolutionary movement in 2011 and *muhamash*-led organizations proliferated on a national scale during the transitional period. Yet *muhamasheen* experienced continued discrimination and exclusion during this period. Public protest led to the appointment of a formal representative of the *muhamasheen* at the National Dialogue Conference, and the NDC produced several concrete recommendations to address structural inequalities that prevent *muhamasheen* from the full benefits of Yemeni citizenship. These recommendations, however, [were not adopted](#) in the draft constitution that immediately preceded the current war.

The social, political, and spatial fragmentation that has come to characterize the conflict in the years since then has [shaped the options](#) facing civil actors from the *muhamasheen* community. Coordination on a national level is impossible for most civil actors under current conditions. This is particularly acute for those communities territorially divided by warring factions. While *muhamasheen* live throughout Yemen, the particular concentration of black Yemenis in the Tihama region along the Red Sea coast and in the nearby foothills means that *muhamasheen* have been hard-hit by protracted military conflict in and around the port city of Hodeidah and down through al-Mokha in the governorate of Taiz, where [many are internally displaced](#) under volatile conditions.

Even at the local level, *muhamasheen* now face pressure to abandon important forms of civil action in their communities. Interviews with activists along Yemen's Red Sea coast make clear the frustrations that many have with being barred by rival conflict actors from work deemed "political." They also report pressure from international donor agencies to provide direct relief and abandon work meant to address broader issues of social cohesion. Critics of donor strategies [point out](#) that international organizations "often feature the *muhamasheen* in fundraising and publicity photographs documenting the Yemeni crisis," but allow them to be "systematically excluded from assistance."

Taken as a whole, this means that the existing patterns of marginalization that harm the *muhamasheen* may become more deeply entrenched by conflict dynamics. Despite the growth of dozens of formal organizations devoted to addressing the concerns of the *muhamasheen* and the development of a cadre of *muhamasheen* activists in the period between 2011 and 2014, conflict dynamics, territorial fragmentation, and donor practices alike have sapped local organizations of their operational capacity and political visibility. This further enables international peace-brokers to overlook this substantial population who lay claim to Yemeni belonging.

### **Civil Action as Representation and Reconciliation**

The creative and performing arts, meanwhile, have gained more recognition for their peacebuilding potential. Oral and performing arts, especially music and poetry, have an established place in Yemeni society as a means of articulating the terms of conflict, mediating conflict actors, and offering disparate local communities "ways to imagine the nation..."<sup>vii</sup> [Visual and performing arts](#) became especially notable during and after the 2011 uprising. [Theater performances](#) in Change Square helped to articulate forward-looking visions for social change; new media and filmmaking collectives [issued rebukes](#) of the externally-brokered transitional process; street art functioned as a form of accountability, [documenting disappearances](#) and calling on the transitional government to take a reparative approach to the abuses of the old regime.

Since the beginning of the current conflict in 2014, however, public space has been marked by increased physical insecurity, making public art a risky but powerful form of civil action. Some of this occurs in the context of [small arts collectives](#), but much of it unfolds in the streets and along the walls. Helping to articulate diverse visions of what it means to "be Yemeni," street artists critique state and society alike. Murad Subay, one of Yemen's most widely recognized muralists, [contends](#) that the work of

Yemeni street artists articulates “clear criticism of the political process of all parties and warnings from young people who are not affiliated with any party or political or ideological group.” This kind of confrontational but non-exclusionary approach highlights the additive logic of “mere civility” intrinsic to civil action. It challenges and reworks “who counts” (and who should count, looking forward) in Yemeni politics.

Research in the field of transitional justice and peacebuilding recognizes the role of the arts in advancing social reconciliation and emphasizes that this work does not necessarily begin only after conflict has ended. Documenting or representing harms that are not widely recognized by peace-brokers or promoting accountability through symbolic reparation can contribute to peacebuilding and social cohesion in meaningful ways.<sup>viii</sup>

That said, the reconciling function of art is not inevitable. Yemeni artistic production today occurs [in the context of the war’s fragmentation](#), and “political, social and geographic divisions exacerbated by the war are reflected in artworks, revealing divisions among artists and in the Yemeni arts scene...” In some cases, art itself has also moved out of the realm of civil action as it has been [appropriated by conflict actors](#), working to “promote violence and sow further division.”

Art gives voice to the intersecting concerns of a range of civil actors; it has played a role in representations of harms experienced and post-conflict futures imagined by women, *muhamasheen*, and other groups who lack formal access to peace-brokering processes or institutions. As documentation, the arts reach beyond the narrow scope of legal accountability - which is itself widely understood to be necessary but insufficient to post-conflict justice - and toward the broader social reconciliation that is a requisite of genuine peace.<sup>ix</sup>

## Embracing a New Politics of Peace

Integrating the diverse projects of Yemen’s civil actors into the peace-brokering process would not be an uncomplicated or apolitical exercise. It would bring those political projects into sharper relief and more deeply politicize the process of brokering an end to the conflict, pushing negotiators beyond the narrow parameters of UN Security Council Resolution 2216. But politicization is not intrinsically bad. Acknowledging the political projects of civil actors is an amplification of their power. Conversely, sidelining them is also political and amplifies the power of other actors, primarily armed conflict actors and those who already have access to power through recognized institutional channels.

It is not clear what kind of - or how many - territorial configurations may ultimately be produced by a negotiated settlement to the war in Yemen. What is clear, however, is that the current system privileges one outcome - a unified Yemen - and simultaneously sidelines work that could actually support that outcome. Yemen’s primary antagonists currently have little incentive to work with civil actors except insofar as they can appropriate their work. International peace-brokers can advance peace in Yemen by recognizing and giving a binding stake to those Yemenis whose work is non-exclusionary and recognizes the basic dignity of others, even those with whom they deeply disagree.

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<sup>i</sup> Deborah Avant, Marie E. Berry, Erica Chenoweth, Rachel Epstein, Cullen Hendrix, Oliver Kaplan, and Timothy Sisk, “Introduction: Civil Action and the Dynamics of Violence in Conflicts,” in *Civil Action and the Dynamics of Violence in Conflicts*, edited by Deborah Avant, Marie E. Berry, Erica Chenoweth, Rachel Epstein, Cullen Hendrix, Oliver Kaplan, and Timothy Sisk, Oxford University Press (2019), 3.

<sup>ii</sup> Avant et. al (2019), 20.

<sup>iii</sup> Avant et. al (2019), 4.

<sup>iv</sup> Lia Kent, “Transitional Justice and Peacebuilding,” in *Introduction to Transitional Justice*, edited by Olivera Simic. London: Routledge (2017), 216.

<sup>v</sup> Shelagh Weir, *A Tribal Order: Politics and Law in the Mountains of Yemen*. University of Texas Press (2007), 215. See also: Steven C. Caton, *Yemen Chronicle: An Anthropology of War and Mediation*. Hill and Wang (2006). Marieke

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Brandt offers a more up-to-date account that specifically addresses the current conflict and its antecedents but shares this interpretation of the space for individual decision-making in the context of the tribal order. Marieke Brandt, *Tribes and Politics in Yemen: A History of the Houthi Conflict*, Hurst (2017), 20.

<sup>vi</sup> Gokh Amin al-Shaif, "Black and Yemeni: Origin Myths, Imagined Genealogies, and Resistance," Crown Center for Middle East Studies webinar, Brandeis University, March 23, 2021.

<sup>vii</sup> Lisa Wedeen, *Peripheral Visions: Publics, Power, and Performance in Yemen*. University of Chicago Press (2008), 45.

<sup>viii</sup> Olivera Simic, "Arts and Transitional Justice," in *An Introduction to Transitional Justice*, edited by Olivera Simic, London: Routledge (2017): 224.

<sup>ix</sup> Simic (2017), 224.