

## A Comparative Overview of Academic Discourse on Indigenous Knowledge in the Middle East and Africa

Ståle Knudsen

### INTRODUCTION

In this paper I draw attention to the pronounced difference in academic discourse about IKS in and question the reasons for this dissimilarity in academic representation of two neighbouring regions. At one level, it is very easy to identify the difference: There exists almost no academic interest in and no catalogue of IKS in the Middle East. I will use this observation to address a more general issue: The geographical bias points to a more general problem with the concept IKS. A survey of the reasons IKS has achieved prominence in some socio-geographical locations but not in others can teach us something about the use of the concept of IKS and the challenges involved in applying it to specific situations. I discuss trends in academic discourse as well as endogenous developments within the regions, especially pertaining to developments in customary law. I argue that knowledge must not only be studied as independent 'systems'. Studies should include the framing of knowledges, such as science versus indigenous knowledge, within a historical perspective that is sensitive to social context and epistemological challenges. Within such a perspective, IKS may be seen as a simplifying tool that limits our ability

to describe and analyze different knowledge systems and relations between systems.

### SUSTAINABLE DEVELOPMENT AND IKS IN AFRICA

The use of the concept of IKS in studies of African societies is clearly strongly related to the emergence of the academic discourse on sustainable development (SD). In the academic discourse on Africa attention to IKS and SD started at the same time (1991) and the academic interest has been roughly parallel thereafter (see Fig. 1). Research on IKS and SD are thus connected and recent trends in academia. However, both build on older notions, a survey of which shows how the recent connection between SD and IKS emerged.

Studies of IKS have their intellectual roots in Malinowski's studies of 'native science' among the Trobriand (Malinowski, 1922) and are epistemologically grounded in anthropology. Out of these studies grew the ethnoscience tradition that particularly focused on classificatory systems. By way of a detour via structuralism (e.g. Levi Strauss, 1969) this tradition evolved into, among other things, studies of 'indigenous knowledge systems'. Generally, studies within

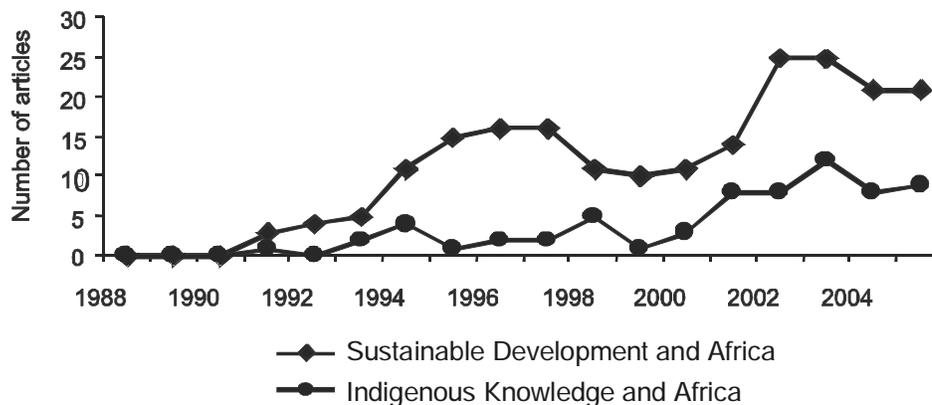


Fig. 1. Publication on 'Indigenous Knowledge' and 'Sustainable Development' in Africa.

this school have used models for classification and cognition derived from linguistics and have striven to document and analyze the cognitive or cultural 'content' of 'Their' knowledge: people with IK "...perpetuate legacies of cultural knowledge..." (Brush, 1996:1). From around 1980, this tradition has been partially appropriated by a new developmental discourse which holds that the success of developmental projects depends upon local participation and knowledge (empowerment, farmer-first and bottom-up etc.). Prominent scholars within this discourse, such as D. Brokensha, D. Warren and R. Chambers have all contributed to an incorporation of IK in the language of development (see Warren et al., 1995; Berkes, 1999:5 and Ellen and Harris, 2000:13). A good example of how IK is now incorporated and implicated in the discourse concerning development and aid is found in a recent work by Brokensha (2001). Increased attention, internationally, on democratisation, human rights, civil society, NGOs and the like has further kindled interest in IK and made it into a politically correct concept<sup>1</sup>. The use of IKS now stretches far beyond anthropology and has become a key concept in 'environmental management'.

Both IKS and SD research agendas were, and are, stimulated by UN initiatives. The World Commission on Environment and Development's publication of the report *Our Common Future* in 1987 set Sustainable Development on the international academic agenda. Various other initiatives, such as the Convention on Biological Diversity in 1992 and the International Year for the World's Indigenous People in 1993 spurred the interest in Indigenous Knowledge. The Rio Convention (1992) established the connection between IKS and SD. Recently also the World Bank has endorsed the importance of SD and the importance of IKS in achieving SD.

As Fig. 1 indicated, there are strong parallels in academic interest in IKS and SD. This is further

brought out in Table 1. The World Bank database of IKS mostly contains cases from Africa and South Asia. Out of 286 case studies only five are in the Middle East. The United Nations High Commission for Human Rights lists approximately 540 indigenous people organizations. A large share of these is located in Africa, while only five are in the Middle East, four of these in Mahgreb (<http://www.unhchr.ch/indigenous/indigenous-list.doc>). As is evident in Table 1, the association of IKS with SD is extended to an association with natural resource management and similar topics (environmental management etc.). A further demonstration of this is the close parallels in interest in IK and Common Pool Resources (CPR) (Fig. 2).

In one respect these developments are very positive. The motives behind academic and political elaboration of and defence for IK are virtuous: alternative knowledge systems are accorded authority; and the daily practices and livelihoods of marginal peoples are given a better chance of survival. Different ethics can be acknowledged, and attention on IKS can contribute to empower marginal populations. Models and theories associated with IKS and the like are unquestionably valuable tools in identity politics. Thus, while I may critically discuss the role of IK, I want to stress that I do not make here any assessment of the appropriateness of the political struggles of 'indigenous peoples'.

#### COMPARING IKS IN AFRICA AND THE MIDDLE EAST

In the Middle East, resources such as water and pasture have often been managed by clans, segmentary descent groups, or villages in accordance with customary law, frequently outside of Sharia and State law (Attia, 1985; Barth, 1964; Bates, 1974; Gilles et al., 1992). On the whole, as the documentation of customary management

**Table 1: Results from search on the article database ISI Web of Knowledge, September 2005**

(all databases: science, social sciences, arts and humanities, <http://isi3.isiknowledge.com/portal.cgi?DestApp=WOS&Func=Frame>).

	<i>Sustainable Development</i>	<i>Indigenous Knowledge</i>	<i>Natural Resource Management</i>	<i>Religion+ State</i>	<i>Relative number of publications in database</i>
Africa	208	63	67	25	10
Indonesia	30	12	14	4	1.1
India	116	31	23	46	7
America	136	10	32	32	> 10
Canada	108	13	7	9	8
Middle East	5	0	0	10	1

of natural resources in the Middle East is limited it is difficult to make broader assessments concerning local forms of resource management in the Middle East. Most studies were undertaken during the 1950s to 1970s. This was a period when kinship, social organization, economic processes, household dynamics, and resource management were central topics in social science, especially anthropological, studies in the region. A majority of the studies focused on pastoralism, the prevalent way of living among tribal groups, which were the primary object of study in this period.

Many nomadic pastoralists - with their own unique way of living, identity and use of specific natural resources - embody characteristics and knowledge that could easily suit analysis as IK. The academic tradition focusing on pastoralism, kinship, local social organization and so forth had, however, seen its age of glory *before* it became common to conceptualize local knowledge in resource management as IK or traditional ecological knowledge, even before local knowledge itself became a topic for academic literature and a focus in development policy. The early research agenda for the Middle East lost momentum and has not articulated much with more recent concerns related to sustainability, the environment and development. The Middle East is, for

example, conspicuously absent from the scholarly debate on CPR (see Fig. 2).

Natural resource management, participatory development strategies as well as IK are among the foci in the applied science investigations sponsored by aid and donor organizations as well as among some native scholars in the Middle East. These issues are to a certain extent represented in reports, conventions and in policy papers. Overall, however, the Middle East does not figure strongly in the international academic discourse about development aid and participatory development strategies. And as noted, IK is conspicuously absent from academic publications on the Middle East. Although the Middle Eastern states, by necessity of participation in international political processes, partake in ‘development speak’, Middle Eastern authorities themselves generally do not employ labels such as IK in their approach to natural resource management. As case in point, in a list of national Indigenous Knowledge Resource Centres only one (Iran) out of 28 is in the Middle East. There are also very few indigenous people’s organizations in the Middle East<sup>ii</sup>.

There is a consistent difference in attention to IKS in the Middle East and Africa respectively. This is summarized in Table 2 which compares

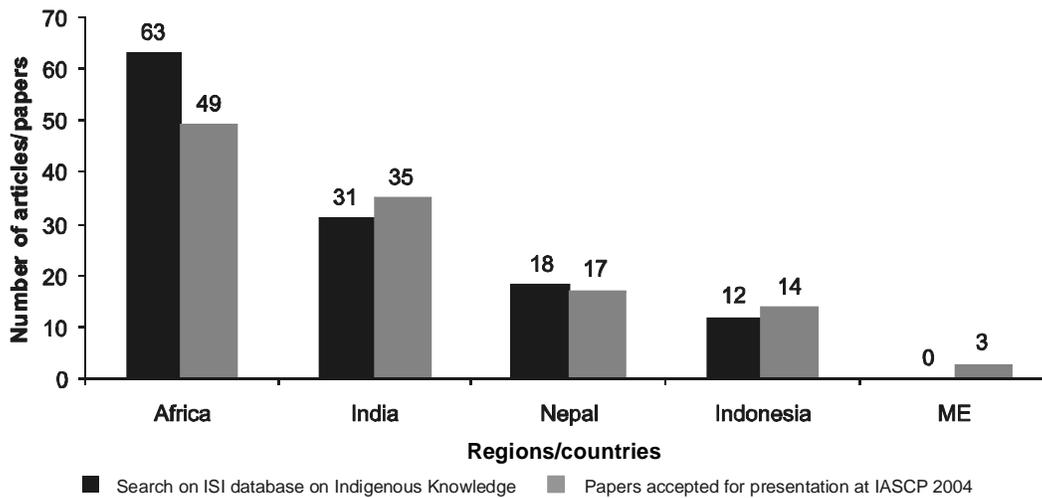


Fig. 2. Convergence of research interests in CPR and IK.

Approximately 400 paper proposals were accepted for the IASCP (International Association for the Study of Common Property) 2004 meeting (<http://www.iascp2004.org.mx/indexeng.html>). General topic searches for ‘indigenous knowledge’ and individual countries and regions on ISI Web of Knowledge (September 2005) (<http://isi3.isiknowledge.com/portal.cgi?DestApp=WOS&Func=Frame>).

**Table 2: Comparing IKS in Africa and the Middle East**

	<i>Africa</i>	<i>Middle East</i>
Conferences	Yes	No
IKS Journal	Indilinga: African Journal of IKS	No
Academic publishing	Extensive and increasing	No
National IK Resource Centres <sup>ii</sup>	11 (all sub-Sahara)	1 (Iran)
International organizations working in the region focus on IKS	Yes	To some extent
States' approaches to resource management include focus on IK	Some, e.g. South Africa	None
Issues addressed by IKS research agenda	Agriculture and food security Health and Medicine Arts, Music and Dance	Forest and biodiversity Architecture and human settlements Water harvesting

academic and other activities that focus attention on IKS.

A wide range of reports has been produced within the framework of The Convention on Biological Diversity (<http://www.biodiv.org/default.shtml>). Both the convention text and the reports frequently use 'traditional knowledge' in a manner roughly synonymous with IK. The "Composite report on the status and trends regarding the knowledge, innovation and practice of indigenous and local communities in Australia, Asia and the Middle East" discusses constitutional and legislative recognition of traditional knowledge. All examples are drawn from Asia (Philippines, China, India, Malaysia, Indonesia, Korea and Bangladesh). Particularly, customary law (*adat*) in Indonesia is discussed in some detail (Langton and Rhea, 2003:109-112). No Middle Eastern countries are mentioned.

The First National Reports to The Convention on Biological Diversity were required to address the issue of traditional knowledge. Under the heading of 'Traditional Knowledge', all the First Turkish National Report (MARA and MOF, 1997) has to say about this issue is: "Strategic Action: Identify mechanisms to use traditional knowledge, innovations and practices with the involvement of the holders of such knowledge and practices, and encourage the equitable sharing of benefits". This is an exact rephrasing of the Convention text and the report provides no further detail. The First Egyptian National Report does not mention traditional knowledge at all. This stands in stark contrast to the First South African National Report which discusses this topic repeatedly and provides ample detail. The report writes:

*"Government recognises the irreplaceable and unique value of the traditional knowledge, practices and cultures of South Africa's peoples, and is*

*acutely concerned about the rapid loss of such systems. The need to formally recognize and protect traditional knowledge is considered to be an issue that needs urgent attention. The adoption of measures to enable equitable benefit sharing is a crucial part of the approach to conserving biological diversity"* (2001).

I believe that there is convincing evidence for a marked difference in how IKS is addressed in the context of Middle East and African studies respectively. I want to proceed beyond this documentation to question why this difference has emerged and what it can teach us about IKS studies in general. Above, I documented the close connection between IKS and SD in African studies. Here, I want to question reasons for the absence of IK in Middle Eastern studies. Why has the Middle East not been addressed with the same analytical tools as Africa? Why have sustainable development and resource management disappeared from the predominant academic debates about the Middle East? Why has IKS been excluded from discourses about the Middle East? Below I discuss and assess five possible reasons.

## **REASONS FOR THE ABSENCE OF IKS IN MIDDLE EAST STUDIES**

### **The Academic Emergence of Islam**

During the last decades of the 20th century, reconfiguration of political relations between the West and the Middle East, together with a perceived 'Islamic awakening' in the region itself, brought Islam to the forefront of public and scholarly attention. For social scientists and historians Islam has emerged as the main challenge for societies in the Middle East and for our understanding of the region. While Islam was

a marginal topic in social scientific studies of the Middle East during the 1960s (Gilsenan, 1990:237), political agendas, funding institutions, and the media have together stimulated the emergence of Islam in academic discussions during recent decades. Relations between religion and politics and the state are the 'hottest' topic at the academic frontier of Middle Eastern research (see Table 1). Underlying this is a widespread assumption that Islam, be it the Islamic movements' involvement in politics, or the states' often brutal response to or, alternatively, appropriation of the Islamic forces, is the most immediate challenge to development and modernization, including development of political institutions. Thus, in studies of the Middle East, Islam is often discussed in conjunction with agendas such as democratization, civil society, human rights, and the state.

Concerning the Middle East, 'West versus Islam' now functions as the dominating 'Us-Them' construction and pushes aside alternative images, such as 'The West/Science vs. IKS'. This is probably the single most important reason for the marginalization of IKS in Middle Eastern studies. Nevertheless, it can be countered that the 'West-Islam' construction makes sense. Most people in the Middle East can be subsumed within a Muslim identity and therefore belong to a majority culture and represent a global Muslim civilization. Among the multiple identities people in the region carry, 'Muslim' (and Arab) is the common identity that articulates most easily with contemporary globalized identity discourses.

### **Critique of Orientalism and Crisis of Representation in Anthropology**

I have noted the earlier anthropological focus on local social organization and strategies for adapting to natural environments among nomadic tribal societies in the Middle East. During the 1970s this focus came to be challenged by both a 'meaning and reality' camp (related to a turn to more interpretive approaches) and a 'political economy' camp (related to Marxist critiques) (Gilsenan, 1990). They criticized the anthropology of the Middle East for misrepresentation, for focusing primarily on assumed a-historical yet typical tribes and villages, pointing, among other things, to the fact that nomadic tribes constituted only one percent of the total population of the Middle East. Before anthropological research on

the Middle East came to grips with the challenges posed by these critiques and developed an approach more sensitive to the historical dimensions and the social complexities of city and state societies, it was to a large extent paralyzed by another set of critiques. During the 1980s two related broad critiques within the humanities and social sciences had wide-ranging consequences for studies of the Middle East: the postmodern or reflexive turn<sup>iii</sup> and the (postcolonial) critique of orientalism.

The critiques of orientalism (Said, 1979) and representation were at times fused, for instance in Stephen Tyler's strong statement that "the whole ideology of representational signification is an ideology of power" (1986:131). After this critique and others in the same vein, the ethnographer's presence in the field was no longer sufficient to sustain the authority of ethnography. The possibility and legitimacy of representation was questioned and new ways of writing, giving 'voice' to the 'others'<sup>iv</sup>, were explored. Focus shifted to identity and narratives (cf. Lindholm, 1995). Another response to the critiques is, however, of greater importance: the overall decline of anthropological work in the region during the 1980s and 90s. In effect, the Middle East was marginalized with respect to the larger field of anthropology.

### **Isolation from Global Environmental Discourse**

The Middle East does not figure prominently in the global discourse on environmental protection. Environmental groups, generally based in Western societies, have, for instance, been active in rousing concern about IKS in tropical areas such as the Amazon and Borneo (cf. Brosius, 2000). The interest in IKS there is related to the global challenge of stemming the greenhouse effect and preserving biodiversity. In sub-Saharan Africa, the Sahel, rainforest, iconic large animals and biodiversity have attracted international attention and academic interest. International organisations and aid and donor organisations have included such issues in their programmes to stimulate sustainable development. In effect, NGOs and UN bodies have been important agenda setters for academia.

In the Middle East there are no natural resources of global importance that can mobilize environmentalists and international organizations

(UN and donor agencies) and their discourse of 'indigenous knowledge'. Water resources in the Middle East are surely of great importance locally, but not of global concern. With regard to Middle East oil, a natural resource with truly global importance, it is surely difficult to associate this with IKS or 'traditional ecological management'. No population, no indigenous group, can argue that their particular way of living is strongly related to extraction of oil. The 'Marsh Arabs' of the Mesopotamian delta in Iraq would be one obvious candidate for an indigenous population with a strong connection to the environment through IKS. The destruction of the Mesopotamian marshes is described as the largest single ecological catastrophe in the Middle East. From the 1970s to 2000, 85% of the wetlands had disappeared (UNEP, [http://www.grid.unep.ch/activities/sustainable/tigris/2001\\_may.php](http://www.grid.unep.ch/activities/sustainable/tigris/2001_may.php)) and large shares of the culturally distinct population was displaced, many to refugee camps in Iran. The 'traditional' adaptation of the Marsh Arabs to the volatile ecosystem has been portrayed as "age old", and commentators have stressed that the population was living in "harmony" with the natural environment. Dam construction, often supported by the World Bank, in countries through which the Euphrates and Tigris rivers pass, deliberate cutting off of water inflow by Iraqi authorities to punish and displace revolting Marsh Arabs, as well as closeness to oil fields

have destroyed this unique ecosystem where humans had a central role as custodians through their tenure of the canals, water and land.

The United Nations identifies indigenous people as having the following features:

- First peoples of a territory
- Politically, socially and economically marginalised
- A close relationship to the land and the sustainable use of natural resources
- A claim to specific territory based on a genealogical and cultural descent line
- Physically distinct from the dominant groups in some instances.

The Marsh Arabs possess all these features. Nevertheless, even if the 'Marsh Arabs' have recently received some attention as "indigenous custodians" of a fragile ecosystem, international campaign to support, for example the Penan rainforest people in Malaysia, has been much more vocal and received much more attention.

Related to both this issue and the increasing academic focus on Islam, is the general lack of acceptance among environmentalists and other 'alternativists' in the West of Islam as an oriental 'eco-centric' alternative to Western culture. Compared to 'noble savages' or Buddhism, Islam appears too theo-centric, monotheistic and transcendental to constitute a 'holistic' alternative to Western materialism and individualism.

The three different trends - the academic



Fig. 3. Typical Marsh Arab 'floating' village. W5783 - Tor Eigeland

emergence of Islam, the crisis of representation/orientalism, and the seclusion from global environmental discourse - have probably had dissimilar effects in different disciplines. Political science approaches to the Middle East, for instance, have become consumed by their attention to Islam, democracy and governance, and unconcerned with problems entailed in representing 'others'. All three issues concern, however, dynamics within academia and the frameworks through which scholars study and represent the Middle East. Yet, it is insufficient to isolate any explanation for the lack of IKS in Middle Eastern studies to trends and assumptions within academia alone. Rather, I believe it can be fruitful to re-engage the agenda of political economy and historical anthropology in the Middle East and discuss processes of social change in the region. How have, for instance, processes of colonization and modernization differently affected regions such as the Middle East, Africa and South East Asia? Many of the arguments made below are tentative or indicative rather than conclusive. There is clearly a need for further elaboration and discussion of these complex issues. This article should, therefore, be read as an invitation to further study and discussion of these issues.

### **Ignorance of Customary Law in the Middle East**

Discussing social change in the Middle East with a view to IKS and local knowledge systems, I have found it useful to adopt a comparative approach to the development of law, especially the status of local or customary law. Evidence from other regions indicates a possible correlation between legal pluralism and high formal/state acknowledgement of customary law, on the one hand, and the recognition of IKS on the other. Reification or formalization of local practice, rules and litigation as 'customary law' clearly facilitates codification of terms such as IKS and traditional ecological knowledge. In comparison with ethnographic studies in Indonesia and Africa, for instance, the lack of scholarly attention to customary law and IK in the Middle East is striking.

To a large extent, it was the historical experience with colonialism that stimulated the codification of customary law in Indonesia, as well as in sub-Saharan Africa. In Indonesia, organized, political Islam was regarded by the

Dutch colonial power as one of the greatest potential threats to its control. This was likely the primary reason the colonial regime chose to support leaders who ruled according to local, 'traditional' laws and stood in opposition to Muslim leaders. Even though the concept *adat* stems from the Arabic-Islamic tradition, in Indonesia it came to signify non-Muslim practices and non-Islamic law with a more local character<sup>v</sup>. The Dutch tried to some extent to control their East Indian colony through indirect rule. Where this strategy was pursued, they prepared comprehensive catalogues of local practices that thenceforth became essentialized and reified as *adatrecht* - customary law. *Adatrecht* became for the colonialists an important 'scientific' tool for classifying, managing and controlling the cultural complexity within the colony.

The young Indonesian national state, established in 1949, acknowledged *adat*. The *adatrecht* movement was indeed reinvigorated when the Indonesian Supreme Court in the late 1950s "...claimed that the revolution had propelled Indonesians towards a new, national kind of adat law..." (Bowen, 2003:13). *Adat* became increasingly essentialized and folklorized, but was presented as authentic Indonesian native law. It was regarded as a bulwark against foreign impurities of every kind: Western positivism; Middle East dogmatism; and Indian feudalism (Geertz, 1983:229). In Indonesia there came to be established a structure of law that, in addition to Western 'universal' law, included religious law (primarily Islamic) and *adat* law. *Adat* and *adatrecht* are now very much part of the political and cultural landscape of Indonesia and have become touchstones for all political ideologies and programs.

The continued pervasive use of *adat* law in the new Indonesian State has been criticised for stimulating reification of local practice and 'invention of tradition'. The inclusion of *adat* and *adat* law in the Indonesian constitution and judiciary does not mean that the State always acknowledges and actively encourages custom, customary law and associated forms of local and traditional forms of resource management. While the Indonesian Law of Agriculture (1960) recognizes *hukum adat* (customary law) and *hak uyalat* (communal territorial rights) as the legal basis for rights to fields, there is no mention of such laws and rights in the Indonesian Law of Fisheries (Bailey and Zerner, 1992:12). Carol

Warren claims, however, that “[a]dat institutions in Bali offer a legitimate frame of discourse and an organisational base through which power can be asserted at local level in the ongoing negotiations or relations between village and state” (Warren, 1993:299). It seems very plausible that the discursive space opened by the *adat* law facilitates establishment of indigenous organizations<sup>vi</sup> and a concern about IKS in Indonesia.

Although developments in Africa are more heterogeneous, there seems to be similarities between the effect of colonial policy on customary law in Africa and Indonesia. In Africa the extent to which the colonial powers codified previously fluid customary law varied. In some cases, especially where Britain ruled, the colonial states preferred to keep the customary law unwritten. “Rather than administrators using customary law to guide development, Africans made their own interpretations of customary law, either in their ‘public opinion’ or in the courts, the decisions of which administrators knew little” (Shadle, 1999). Overall, the result of colonial policies was various forms of legal pluralism where received (European) law coexisted with one or more customary or religious legal systems. Moreover, state legal systems often gave recognition to African indigenous customary and religious legal systems, in effect incorporating it in state law (Woodman, 2002). Thus, customary law received more acceptances and was reproduced in both codified and non-codified form in Africa. It has to a large extent become accepted that customary law in Africa is dynamic. There also developed a strong academic tradition, partly independent of the colonial state, which focused on “society law” and customary law. Indeed, the comparative study of law, and especially law in Africa, was a major agenda of early British anthropology.

How do developments concerning customary law in the Middle East depart from the elaboration of *adat* in Indonesia and the legal pluralism in Africa? Some studies in the Middle East have documented widespread use of customary law in local level natural resource management<sup>vii</sup>. Yet, current legislation in Middle Eastern states acknowledges customary law to a very little extent, and ethnographic studies in the region pay scant attention to local customary laws. While Islamic law acknowledges custom and customary law (*adat*, *urf*), customary law and Islamic law have been separated in the Middle East to a much lesser extent than in, for example,

Indonesia. It is difficult to find clear reasons for this; this article can only accommodate a superficial discussion of some issues.

The Middle East was generally occupied and controlled by colonial powers to a lesser extent than regions such as Africa, Indonesia and India. Where Western powers did establish colonies in the Middle East, they did not - with the possible exception of Morocco - encourage the inscription and cataloguing of local law comparable to the *adatrech* movement in Indonesia. They did not promote customary law as an alternative to Islam. Rather, Islam and tradition were generally merged in the colonizers’ picture of the societies they administered in the Middle East. Western influences - or the lack thereof - in the Middle East do not alone provide reasons for the absence of differentiation between customary law and Islam. Muslim scholars in the Middle East have, for various reasons, not elaborated *urf/adat* as a thing in itself, but regarded it more as an appendix to Islamic law. Sharia legitimized the use of customary law when written sources and ‘interpretation’ were insufficient to give a ruling on a case (Messick, 1993: 182-83). According to this position there can be no *urf/adat* law independent of Sharia. This development was to some extent internal to the Islamic judicial system, but also relates to state formations in the Middle East.

State initiated standardization projects in the Middle East are not a result of colonialism and modern statehood alone. The Middle East cannot be characterized as having been a heterogeneous hodgepodge of local traditions and law before the Western powers attained influence in the region. While the legal system during classical Islam as well as in fifteenth century Anatolia “...was diffuse, lacking coherence in codes and enforcement and entail[ed] a multiplicity of authorities and sources of law” (Gerber, 1994:180), under the Ottomans law and adjudication became increasingly coherent and homogenous. In the Muslim courts of the Ottoman Empire Muslims judges enforced both Sharia and secular law (Shaw, 1976:135, Gerber, 1994:183). These secular laws were at the outset based to a large extent on *adat* (Shaw, 1976:120) or ‘ancient’ law/tradition (Tezcan, 2000) and, therefore, varied from place to place in the empire. The first comprehensive collection in 1499 of all customary law within the empire included chapters that pertained exclusively to specific groups (Imber, 2002:249). From the 16th century Sharia courts were increasingly

invested with the authority to adjudicate in matters of customary law.

Thus, it was an endogenous process - free from influences of the West or of modern capitalism - of centralization, bureaucratization, standardization and scripturalism within the Ottoman Empire that resulted in a more legalistically ordered law (Gerber, 1994). The 1499 collection was in itself an expression for the desire to collect and standardize local secular law into one single 'Ottoman Law' (Imber, 2002), a universal code. All in all, the Ottoman centuries saw the rise of the Sharia and Sharia court supported by, but to a large extent working independently of, the Sultanic household (Gerber, 1994:181). That Sharia has increasingly incorporated and formalized customary law (Stewart, 2000:888) can be interpreted as Sharia colonizing custom, thereby contributing to the formalization and standardization of customary law. Custom has to a large extent become Islamized.

There was, however, one important exception to the incorporation of customary law into Sharia: guild law was "...the one major component of Ottoman law that was not either imposed from above or by way of sacred tradition" (Gerber, 1994:113). Guilds were allowed to form their own laws to protect their interests, such as upholding economic monopolies, setting production standards, and punishing rule breakers. The independence of 'ancient' guild law was supported, even guaranteed, by the Ottoman government; the *kadis* also accepted this system. The independence of the guilds was related to the disinterest of the Ottoman Empire in the condition of the urban masses and to a deep belief in the absolute sacredness of the old customs (ibid.:126). This started to change with the modernizing policies of the 19<sup>th</sup> century. The government to an increasing extent tried to penetrate and transform society, and population, economy, education and so forth became fields to be 'developed' (Nalbatanođlu, 1994). From the middle of the 19<sup>th</sup> century, social and economic change, together with new state laws that aimed at reducing the conservative hold of the guilds over urban economy, dramatically reduced the importance and independence of guilds, and as a result, guild law.

The modernization efforts during the last century of Ottoman rule thus further decreased the legitimacy and role of customary law. This modernization effort was an indigenous process, but a process highly shaped by the rivalry between

the Ottoman Empire and western powers. "The modern techniques identified as formal rationalization and generalized discipline did not take place as a result of colonialism, but rather as a sovereign state reform on the part of a Muslim polity" (Silverstein, 2003:497). The Ottoman State retained control and influence in large parts of the Middle East even after modernization processes had begun to make their imprint on the region. In many places in the Middle East the first reforms towards state standardization and bureaucratization were actually implemented under Ottoman rule.

Thus, contrary to what Scott seems to imply in his discussion of "transformative state simplifications" in *Seeing Like a State* (1998), standardization of laws, measures, space and the like was not a phenomenon that first developed in the new European states and then exported to new contexts<sup>viii</sup>. In the Ottoman Empire, and most likely in other non-European empires such as the Chinese, there was a high degree of state imposed standardization that both ignored and transformed local traditions. Science is therefore not the only 'other' to custom. Bousquet (1960:170) has claimed that Law - be it Sharia or Western codes of law - has gained prominence in most Muslim countries at the expense of custom. When the Turkish Republic was established in 1923, the introduction of a secular universal code of law was innovative in that the law excluded Sharia and religious authorities. But, one cannot say that the law was a novelty in terms of its ideals of universalism and standardization.

In the first phase of the postcolonial period most of the regimes in the Middle East, including those never colonized, pursued a modernistic development policy that to a large extent privileged techno-scientific knowledge and imported western models (see e.g. Mitchell, 2002). Many of the new nation states in the Middle East have implemented a more militant policy of cultural standardizations than has been the case in, for instance, Indonesia and sub-Saharan Africa. The strong identification of custom with Islam, at an ideological level, has often resulted in the perception of custom as a problem in states with strong secularizing policies, such as Turkey, Egypt or pre-revolutionary Iran. In Turkey concepts and models for tradition and customary law (*adat/örf* and *aneane/gelenek/görenek*) were elaborated and developed to only a small extent to give legitimacy to local practice and law.

There is also reason to believe that states that

incorporate Islam in their ideological framework, depending on Islamic authorities and symbols, privilege a modernistic and universal form of Islam that seeks to subsume local and religious variation and heterogeneity and transform them into one authoritative norm.

### Few Indigenes?

The endogenous standardization of law, together with colonial policies and postcolonial modernization efforts, has probably resulted in more loss of cultural plurality in the Middle East than in sub-Saharan Africa. Most populations in the Middle East are affected by modern nation building projects, and some states have been through harsh processes of enforced homogenization. In addition, as a consequence of economic and ecological change the connection between identity and ecological adaptation is often not as strong as it once was. Many people whose ancestors were pastoral nomads can no longer relate their identity to a particular way of living.

Can one therefore conclude that the Middle East retains fewer indigenous groups than for example Africa and Indonesia, and that this is a primary reason for the lack of attention to IKS? I find it difficult to affirm this. Although there may be less cultural heterogeneity in the Middle East than in South East Asia or in Sub-Saharan Africa, the Middle East is nonetheless characterized by substantial ethnic and religious heterogeneity; the ethno-ecology retains its complexity, although it has partly shifted to new sectors. Occupations such as construction work, factory work, or entertainment are, many places in the Middle East, characterized by an ethnic division of work.

There are however other reasons why it is difficult to employ the concept of indigenous in the context of donor organisation's activities in parts of the Middle East. While certain countries in the region, in particular Egypt, Jordan, Lebanon, Israel and Palestine, receive substantial aid, this appears to be connected to the Israeli-Palestinian conflict. In the context of this highly politicized identity conflict, 'indigenous' is certainly a problematic term to apply.

### THE PLACE OF IKS

A complex set of factors has caused the lack of attention to IKS in the policies and studies of the Middle East: the rise of Islam in political-

academic discourse on the Middle East; a crisis of representation in Middle East anthropology; past and recent endogenous processes towards the standardization of law in the Middle East; the character of colonial policies; and a lack of natural resources with global importance 'protected' and tended by a native population. I do not think that a lack of indigenes is a major cause.

My excursion into possible reasons for the lack of attention to IKS in the Middle East has carried me towards a comparative and historical analysis of the ways in which regions such as the Middle East, Africa and Indonesia have been differently positioned with regard to colonialism and processes of modernization and globalization. There is clearly a complex process at work here whereby endogenous developments, colonial policies and academic discourses have worked together to produce the geographical uneven attention to IKS. It would thus be wrong to attribute the difference in attention to IKS to academic 'fashion' alone. Yet, trends in academia have worked upon and exaggerated existing differences between regions, and I believe that comparative studies of local knowledges in the Middle East, Africa and elsewhere will be difficult unless we critically consider the academic discourse on IKS and related concepts.

As I have sought to indicate during the preceding discussion the Middle East and the representation of it differ in many respects from Africa and representations of Africa. The two regions clearly occupy two very different positions within global academic discourse. Simplifying, we may summarize the relative position of the two regions and the attention they receive:

<i>Region</i>	<i>Main concern</i>	<i>Academic and policy issues</i>
Middle East	Islam	Politics, state, civil society, peace
Africa	Poverty	SD, IK

It is striking that when the issue of IK is raised with regard to societies in northern Africa, it is within the context of Africa, not Middle Eastern, development (see e.g. Ahmed, 2002; Ilahiane, 1996). In the academic discourse about development and IK it is apparently suitable to consider northern Africa as sharing characteristics and challenges with the rest of Africa rather than with the Middle East. Scholars seem to know that the issue of IKS is most appropriately belongs to Africa, and not to the Middle East.

The discussion above has demonstrated that

the academic focus on IKS is as much shaped by outside factors as by realities on the ground. Public discourse and international organizations have had a formative influence on what academics care to consider important. I think it is important that we keep in mind that the concept of IKS is *part* of the empirical world we study. IKS is, like other key concepts we use, not only representative of reality, but create reality. IKS is not a natural or neutral category and we should be conscious about how we use the concept and what the effects are of its use (or non-use). If we accept this it is disconcerting that there is no clear definition of IKS.

IKS is supposedly tightly knit to a people's 'way of living'. This 'way of living' frequently attains an iconic position in their shared culture and identity that simultaneously differentiates the group from the larger society or from the majority population in modern nation states. Yet, IK becomes polysemic in that it can refer both to a particular *kind* of knowledge and to political aspects of encounters between ethnic minorities and nation states (Brush, 1993). IK is often strongly related to politicized conflicts over identities and resources. Hence, natural resources, way of living, knowledges and identity are seen to overlap or even constitute a totality. An assault on one of these is therefore easily considered a threat to the total complex. In such situations, scholars often take on roles supportive of the indigenes.

It remains a problem, however, that definition and use of IKS is ambiguous. The 'knowledge' part of the concept has universalistic implications: when this aspect is highlighted the universal characters of purportedly non-scientific knowledge are emphasized. As 'universal everyday cognition' it is knowledge possessed by all humans. The 'indigenous' part of the compound, on the other hand, evokes particularistic connotations; it is the knowledge of particular groups of people. This inherent tension in the concept is very difficult to reconcile. I would prefer its use to be strictly confined to situations where there are good political reasons to identify the 'knowledge of an indigenous population' (and not 'the indigenous knowledge of...').

#### **IKS: ISSUES THAT SHOULD BE DISCUSSED**

We need, thus, to be sensitive to the emergence and use of concepts such as IKS, to how

categories are produced and the implications of their use. The rest of this paper briefly addresses some of the challenges in using the concept IKS. I believe that we should ask ourselves whether the use of the concept IKS:

- Essentialize and reify?
  - Romanticise and sacralise?
  - Reproduce distinction and dichotomies such as between:
    - modernity and tradition?
    - 'Us' and 'Them'?
    - Science and IKS?
  - Direct attention away from other knowledges than Science and IKS?
  - Ignore relations between knowledges, how knowledges intertwine and interact?
  - Result in ignorance of power and history?
- Further issues include questions such as:
- What kind of knowledge is IKS? What is the theoretical underpinning of IKS?
  - To what extent is IK systemic or structured?
  - How do the categorization, translation and inscription of IKS affect the knowledge and the holders of that knowledge?

These are clearly overlapping issues, several of which will be discussed below.

Wide ranging assumptions about 'indigenous knowledge' and 'indigenous culture' may, in effect, mean that cultures and ways of living are essentialized and reified (cf. debate about 'tradition' (Handler and Liennekin, 1984) and 'kastom' (Keesing, 1989)). This can, for example, imply that a heterogeneous and dynamic resource management regime is essentialized and fossilized. Furthermore, IKS is often romanticized and sacralized<sup>ix</sup>. It is often assumed *a priori* that IKS, traditional ecological knowledge, 'eco-cosmology' and the like are 'eco-friendly' and represent values that lead to ecologically sustainable actions. Whereas this position has been criticized within anthropology (Brosius, 2000; Kalland, 2000), it seems to prevail in some other disciplines and within the public discourse about environmental problems and indigenous populations. These two issues have been discussed extensively elsewhere (Davis and Wagner, 2003; Ellen et. al., 2000).

The Science versus IKS dichotomy can be excessively simplistic. There are two aspects to this: First, as a result of the narrow focus on the contrast between IKS and Science the knowledges of people who cannot mobilize the rhetoric and politics of IKS to legitimize their

knowledge, guard their way of living, and protect the natural resources upon which they depend for survival are simply often not addressed. I claim that too much focus on IKS as representing the antithesis of Science may blind us to a much larger and more important issue: why is so much everyday local knowledge neither acknowledged nor accepted by states, international organizations and large corporations? Few scholars use terms like IKS when describing and analyzing the knowledge of, for instance, fishers who participate in technologically advanced industrial large scale fisheries in the North Atlantic. Yet, in their daily practice such fishers clearly depend on non-scientific practical knowledge and skills accumulated and developed through the generations<sup>x</sup>. In 'modern' and/or large scale societies, or modernizing states in the Middle East, the knowledges of the craftsman, industrial worker, the civil servant, peasant and fisherman are rarely studied as IKS or 'practical wisdom'. In the absence of a political reason for defining a situation as involving IKS, knowledge in 'modern' societies is generally understood as being technical and/or based on (rational) bureaucratic procedures. The perception of such knowledge is that it, ideally, is either derived from and merely an enactment of scientific and technical knowledge or, at the least, can be laid out in scientific terms (cf. Ingold, 1993). Scientists are thereby authorized as the legitimate experts in these fields. Local, practical wisdom is not 'visible' to the states' and ruling classes' "overall, aggregate, synoptic view" (Scott, 1998:11) and is easily marginalized in relation to schemes for modernization and development. The ultimate expression of this science/technology/bureaucratic rationalism complex is found in econometric practice, for instance in bio-economic models in fishery management.

Secondly, often work on IKS does not probe beyond the challenge of legitimization and 'translation' to schemes or models compatible with the scientific discourse or the needs of managers<sup>xi</sup>. One effect is that the academic literature on IKS is not much concerned with the social construction of knowledge, such as who the legitimate experts are (Davis and Wagner, 2003), nor the role of history and power in the formation of knowledge<sup>xii</sup>. Thus, reliance on the simplified matrix of Science versus IKS: (1) may cause much knowledge to remain invisible; (2) constitutes scientific knowledge and technology

as a-cultural and 'neutral'; and (3) focuses attention on cultural aspects of local knowledge, IKS and the like while ignoring history, context and power.

A symmetrical approach that does not differentiate between 'Us' and 'Them', between traditional and modern (Latour, 1993), would imply that our studies situate different traditions of knowledge in the same world and analyze them with the same theoretical tools<sup>xiii</sup>. Alternative approaches to knowledge, such as Foucault's historical analyses and Scott's discussion of 'high modernity' ideals and states' strategies to standardize (Scott, 1998), stimulate us to look for aspects of knowledge often ignored in the research tradition of IKS. These aspects include: knowledges interact and are intertwined; Science has depended upon and absorbed (other) local knowledges; other (non-western) scriptural traditions relate complexly with both Science and local vernacular traditions (Tambiah, 1990; Ellen and Harris, 2000).

Finally, what role do IKS play, what useful work do they effect, in national and global discourses about knowledge and identities? At the same time as political and power aspects are to a large extent ignored in studies of IKS, the label itself is very politicized. Brush has argued that indigenous people are populations that are vestiges left after colonial histories have brought majority populations to a new territory. Therefore, he maintains, the label 'indigenous' fits best in the New World and not in the larger parts of Asia and Africa (Brush, 1996:5). Nevertheless, indigenous peoples organizations abound in Africa and Asia and IK is regularly employed in studies of these regions (see Table 1 and Table 2).

We should examine not only the 'content' of traditions of knowledge, but the context within which the labels work and that enables their use. Naturalization of the nation state as the dominant or hegemonic spatial identity over most of the world, including post colonial areas, conceals or covers up the fact that those identities that are included are often instable and contested (cf. Gupta, 1992:75). Within this framework references to 'native' or 'indigenous' populations emerge as rhetorical-political strategies intended to pigeonhole and delimit 'untidy' or disorderly elements that threaten to destabilize the master narrative about a world of nations. Similarly, perhaps a limited acceptance of some marginal

populations' knowledge as IKS makes it easier to maintain sciences' hegemony at the larger stage? Situations in which IKS is acknowledged and articulated in public discourse and possibly also in a state's juridical-political framework, such as in Indonesia, should also be studied using this broader perspective<sup>xiv</sup>.

There are parallels in the master narratives about identity and knowledge. The categorizations as both indigenous populations/natives and as IKS are tools to manage heterogeneity, plurality and ambivalences in order to create order and stability. They define the normal/common versus the marginal/peripheral. Underneath this ripples problematic assumptions about evolutionary development of human societies. This demonstrates that the prevalent association of identities with knowledges is highly problematic. I contend, therefore, that knowledge should be analytically decoupled from identities. We should be wary about combining 'indigenous' and 'knowledge' into one expression. Identity refers to the meaningful identification of self within a specific social category. Knowledge refers to humans' capacities, abilities and competences. We should not assume that there is necessarily congruence between traditions of knowledge and 'cultural' groups. Indeed, we have come to accept that the pursuit of Science is, or should be, independent of the scientists' 'identity'. This is a vision of knowledge that we should extend to the studies of all knowledges (without forgetting that all knowledge is also 'cultural').

There exist alternative concepts and models to describe and analyze the knowledge people employ in natural resource management, health care, vernacular architecture, arts etc. This include traditional (ecological) knowledge, local knowledge, practical knowledge, practical wisdom, folk knowledge, everyday knowledge and situated knowledge, as well as attempts at creating new concepts, such as *techne* (Ingold, 1993), *metis* (Scott, 1998) and citizen science (Fisher, 2000). Most of these concepts are broader and more general, as well as less romanticizing and politicizing than IKS. Still, most are constructed in contraposition to Science, including local ecological knowledge (Davis and Wagner, 2003) which I find retains too much a sense of 'ecofriendly'. I think 'local knowledge' is an acceptably broad and general term that has the advantage of requiring additional information and analysis to make sense: What is the degree of

formalization and inscription? How is knowledge socially organized and institutionalized? What is its history and relation to other traditions of knowledge? These are questions we can ask for all kinds of knowledge, including Science. Latour (1987: 229) has claimed that Science represents only one kind of local knowledge, implying that the difference between modern science and other traditions of knowledge is more a question of degree than of character.

## NOTES

- i. In 1982 the UN established the Working Group on Indigenous Populations which annually brings together representatives from indigenous organizations around the world.
- ii. For national centres for indigenous knowledge, see [www.nuffic.nl/ik-pages/addresses.html](http://www.nuffic.nl/ik-pages/addresses.html) assessed on 12.09.2005. See also Berkes 1999:18-19. The United Nations High Commission for Human Rights lists approximately 540 indigenous people organizations, out of which only five are located in the Middle East, four of these in Mahgreb. <http://www.unhchr.ch/indigenous/indigenoulist.doc>.
- iii. Signaled in anthropology by Marcus and Fisher 1986, Clifford and Marcus 1986.
- iv. See e.g. Abu-Lughod 1993, for an early example, see Crapanzano 1980.
- v. For summaries of the debate about *adat* in Indonesia, see Geertz 1983, Warren 1993, Benda-Beckman 2001 and Bowen 2003.
- vi. Five Indonesian indigenous organizations are listed in United Nations High Commissioner for Human Rights' List of Indigenous People organizations (December 2002).
- vii. See for example Barth 1964, Bates 1974, Grønhaug 1974, Serjeant 1968, 1980.
- viii. Scott primarily draws his examples of the first developments of "transformative state simplifications" from France, Russia and Germany.
- ix. It is telling that Fikret Berkes' (1999) book subtitled *Traditional Ecological Knowledge and Resource Management* carries the main title *Sacred Ecology*.
- x. See Pålsson and Helgason 1998 for one of the few studies of traditional practical knowledge in modern industrial fishing.
- xi. For a discussion of the problems inherent in such an approach, see Agrawal 1995 and Ellen *et. al.* 2000. Beyond the epistemological and political challenges entailed in this, such translation also raises the ethical issue of making public knowledge that for many people may be regarded as highly personal and even secret, e.g. good fishing spots. "Secret" knowledge of the environment is often a productive asset.
- xii. For a recent exception, see *International Social Science Journal's* special issue on Indigenous Knowledge (No. 173, 2002).
- xiii. The agenda for a symmetrical approach to knowledge converges with the agenda of Political Ecology (Greenberg and Park 1994). Escobar (1999), one of the most important spokespersons for this direction

limits, however, anthropological approach and method to only certain kinds of actors and knowledges ("organic nature") - typically IKS situations, thereby reinstating the dichotomy between science and IKS.

- xiv. Bowen 2003 is a good example of the kind of study I propose.

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**KEYWORDS** Middle East; Africa; indonesia; customary law; IKS; common pool resources; Islam.

**ABSTRACT** There is convincing evidence that indicates a marked difference in how IKS is addressed in the context of Middle East and African studies. While there is a close connection between IKS and SD in African studies, these issues are absent in Middle Eastern studies. I proceed beyond this documentation to question why the Middle East is not addressed with the same analytical tools as Africa. Why has this difference in academic discourse on two neighbouring (and overlapping) regions emerged and what can it teach us about IKS studies in general? This amounts to a critical discussion of the IKS concept in itself.

**Author's Address: Ståle Knudsen**, University of Bergen, Department of Social Anthropology,  
University of Bergen, Fosswickelsgate 6, 5007 Bergen, Norway  
*Telephone:* 47-55589280, *Fax:* 47-55589260, *E-mail:* stale.knudsen@sosantr.uib.no

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