Imamic Yemen's Sacred National Charter (1948):
Failed Interpretations of an Established Social Compact

Fernando Carvajal
University of Exeter (UK)
frc201@exeter.ac.uk

Arab constitutionalist movements of the twentieth century failed to realize objectives set out by intellectuals of the Arab Awakening. Among them, al-Tahtawi attempted to expand upon ideas which influenced the Ottoman *Hatt-ı Hümayun* (1856) and *Ahd al-Aman* (1857) and Tunisian constitution (1860) as instruments of revival for Arab-Muslim civilization. His writings primarily described constitutions as instruments of restrain against tyranny, but also empowered educated elites that would contribute to national prosperity. Such were the aims of reformists in North Yemen (Mutawakkilite Kingdom of Yemen 1918-1962) which shaped the discourse of opposition to Zaydi Imam Yahya Hamid al-Din, leading to the revolt of February 1948. Correlation of ideas formulated by intellectuals of the Awakening and those espoused by Yemeni reformers in the 1940s saw continuity of thought transcending the Islamic sectarian schism. Failures of the constitutionalist movement in North Yemen were many, but few will acknowledge a fundamental failure to empower the people within the movement and the Sacred National Charter (SNC) text.

This paper examines ideas regarding relationships between ruler and ruled put-forth by reformists in North Yemen (1940s) by analyzing the text of the Sacred National Charter as translated by the British Government in Aden and Professor J. Leigh Douglas[1]. Analysis of the SNC text provides insight to the ideas of major influence as well as the degree of influence exerted by the suspected authors of the document, Egypt's Muslim Brotherhood under Hassan al-Banna.

---

[1] Douglas, J.L . *Free Yemeni Movement, 1935-1962*. Beirut: American University of Beirut, 1987.

My work aims to contribute to the understanding of the roots of Arab constitutionalism in the early twentieth century, its successes and failures. In addition, writings by al-Farabi, al-Tahtawi, al-Kawkabi, and other Arab writers such as the Egyptian Khalid Muhammad Khalid and organizations like the Muslim Brotherhood under Hassan al-Banna will help provide better understanding of the origins and development of reformist ideas that influenced Yemen's political actors.

While this historical precedent influenced events of the 1962 revolution establishing the Yemen Arab Republic and ending a thousand years of Imamic rule, the paper will focus on major failures of the 1948 *coup* to restructure the persistent condition of people as subjects (*ra'iyah*) within the context of relations between ruler and ruled. Some observers have argued the constitutionalist movement failed from the start due to its lack of contact with the masses, a similar argument was formulated by reformers against Imam Yahya during his late period of rule. Distance between central authority and the masses had grown over the years as institutions and officials, mostly relatives, became the face of central authority. Intermediaries grew in influence as representatives of the masses. In tribal regions this new paradigm increased tensions between tribesmen and their shaykhs, as decision making no longer depended on consensus from consultation within the local community.

Historical Background, Opposition to Yahya

The events between January and March 1948 in Upper Yemen primarily evolved from fundamental relations between leaders and subjects. The failed revolution under Sayyid Abdullah al-Wazir lacked a connection with the people. Even Dresch expressed his "doubts many people beyond San'a' ever heard of the 'Sacred Charter'", produced by the rebellious leadership prior to Yahya's

assassination, or even "cared what it said."[2] On the other hand, Imam Ahmad b. Yahya Hamid al-Din's swift victory over the rebels and ascent to the throne was a product of strong relations between the Commander of the Faithful (*amir al-mu'minin*) and his Muslim subjects. Even though the rebels gained full support from the nascent regular army under Capt. Jamal Jamil[3], there was no capable resistance against tribal forces responding to Imam Ahmad's summons.

Leaders of the 1948 rebellion believed Sayyid al-Wazir's reputation among the sayyids and scholars would deliver popular support. Accounts of how the rebellion developed between the arrival of al-Fudhayl al-Wartalani in April 1947[4] and February 1948 clearly present a movement organized and set in motion by an elite far removed from the population, even though the Free Yemenis[5] in Sana'a had the support of intermediaries from among tribal leaders in Upper Yemen. Their mistake was to ignore the fact that Imam Yahya had weakened popular support for most leaders such as al-Qarda'i, Abu Lahum, and al-Ahmar, in their own territories, including the al-Wazir family when members were removed from official positions by 1937.[6] By 1948 people in the periphery, although dissatisfied, recognized only the absolute authority of Imam Yahya, and with a lack of understanding of events taking place, change in leadership might have proven too unpredictable under such unstable circumstances and harsh economic conditions.[7]

[2] Dresch, A History of Modern Yemen. Cambridge: Cambridge University Press, 2000. P57; Douglas translates as Sacred National Pact, p130; Records of Yemen. Vol. 10, 1940-1950. p86-90; Arabic: الميثاق الوطني المقدس

[3] Douglas, P119.

[4] Ibid, P127.

[5] The origins and membership of this group of reformers is best addressed by Douglas, who also describes the presence of two separate branches, one in Aden and another in Sana'a. Douglas, p69-107; Dresch, *A History*, p56; Abdin, A. Z. al-. *The Free Yemeni Movement (1940-48) and Its Ideas on Reform*. Middle Eastern Studies, Vol. 15, No. 1 (Jan., 1979), pp. 36-48. Taylor & Francis, Ltd. Accessed through http://www.jstor.org/stable/4282728

[6] Abdullah b. Ahmad al-Wazir, his brother Ali b. Ahmad al-Wazir, Abdullah ibn Ali ibn Ahamad al-Wazir and Abd al-Qadus b. Ahamd al-Wazir we among those removed from government by Imam Yahya and replaced by his sons. Dresch, *A History*, p48; Douglas, p122; Wenner, p90.

[7] Douglas, p49.

By the 1940s, the idea that stipends and "gold could purchase not only the pacification of some tribes but, indeed, in many cases their loyalty" no longer held uncontested. It became a decade resembling the 1920s once again, when "a rash of tribal outbreaks against the new government" required the full attention of Imam Yahya and his troops.[8] This created further strain on San'a' and patronage networks maintained by Yahya. New pressure extended primarily from a tactical mistake made when he appointed inexperienced Hamid al-Din relatives to replace al-Wazir officials in the 1930s. The latter had the capacity and resources to suppress dissent on their own merits and through their own extensive patronage network. The situation saw the aging Imam dealing with increasingly complex situations and minimal human resources capable of dealing with intricacies of tribal relations and feuds. All the achievements that delivered an "indication of the growing public acceptance of central government control" when Yahya gained support for Ahmad as Crown Prince (1937-1938)[9] and when visited in 1359H (1940-1941AD)[10] by a delegation from Tihama was turned on its head during his last decade as Imam. By 1947 tribal opposition manifested in the form of *al-Harakat al-Qaba'il* (tribal movement) and formulated concrete demands for Yahya.[11]

Analysis of their views and demands on Imam Yahya should be juxtaposed with the activities leading to the distribution of Mohammad Mahmoud al-Zubayri's *Barnamij* (1941). From Cairo, Zubayri believed it appropriate to reach out to Imam Yahya, and as a leader within the organization *Shabab al-Amr bi'l-Ma'ruf wa'l-Nahi'an al-Munkar* (previously *al-Katiba al-Ula*)[12] he authored a plea to the Imam for reform. In keeping with Zaydi doctrine, *Barnamij* presented an approach to reform within the framework of Zaydiyya, primarily presented by the new name of the organization of Yemeni youth co-founded by Zubayri and

[8] Ibid, p72.
[9] Ibid, p77, 88, 90.
[10] Ibid, p77-78.
[11] Ibid, p 121. This 'movement' still remains obscure in much of the history of north Yemen. To date there are no complete studies in Western languages of activities or members of al-Harakat beyond brief mentions by prominent Western historians.
[12] Douglas, p55; Dresch, *A History*, p53.

Ahmad Mohammad No'man in Cairo. Against the advice from No'man, Zubayri argued the Imam would respond with interest to the thirty-seven principles outlining a path to reform.[13] By citing one of five principles of the Mu'tazilite school (*Amr bi'l-Ma'ruf wa'l-Nahi'an al-Munkar*) Zubayri aimed to focus on the "fundamentals" of Zaydiyya, rather than introduce alien ideas challenging the traditional religious framework of Yemeni society, advocating more of an Islamic revival (as in the case of Shaykh al-Islam Muhammad al-Shawkani in the late 1700s). Zubayri's approach ultimately seems to have proven more threatening to the Imam, since it assumed a condition lacking virtue and guidance, which only the Imam can restore. Douglas summarises *al-Barnamij* under four themes: the awakening of true Islam, combating ignorance through education, economic reform, and relations with Muslims states. In reality, some argue Zubayri's pamphlet embodied the influence of the Muslim Brotherhood, and by nature infused a number of Sunni ideas problematic for Yahya's Zaydi conservatism. Once the pamphlet was distributed from Ibb throughout Yemen, and Imam Yahya was presented with his copy from Zubayri the Imam immediately declared it un-Islamic and summoned the ulama in San'a' in order to gain the approval for due punishment.[14]

Ulama, led by Sayyid Zayd b. 'Ali al-Daylami (d.1947), who already opposed "Hamid al-Din's flouting of the tenets of Zaydism"[15] refused to endorse Zubayri's execution for his publication, and along with Sayyid Abdullah b. Ahmad al-Wazir, agreed to simply imprison him in Hajja for a second time (until 1944).[16] Hence the importance of such liberal young intellectual reformers, importing Muslim Brotherhood ideas to north Yemen, lays not in the success of their activism but rather in the manner in which their reformist ideas strengthened the revival of traditional Zaydi principles that allowed centers of power such as tribal shaykhs and ulama to demand access to decision making processes. One such demand

---

[13] Douglas, 55.
[14] Ibid, p109.
[15] Ibid, p118.
[16] Ibid, 117; Serjeant, *The Yemeni Poet Al-Zubayri and his Polemic Against Zaydi Imams*. Arabian Studies, No. V, p93.

was the establishment of a Majlis al-Shura, proposed by Zubayri in his early writings, which became a priority for *al-Harakat al-Qaba'il* in 1947.

It is between 1946 and 1947 that north Yemen begins to experience the pinnacle of opposition movements from within, not only expanding on the activities of the Free Yemenis outside but also influencing the character of the Imamate from within. Zubayri and No'man were eventually marginalized from activities taking place inside north Yemen, even after the arrival of al-Fudhayl al-Wartalani. At this period in time reformists within the realm were more traditionalists than modernists. This was evident within demands presented by San'a' ulama, under al-Daylami, in 1946. Their demands for reform were expressed purely within Zaydi principles; asserting traditional independence of jurists, the equitable distribution of taxes, prohibiting officials from engaging in commerce (mainly the Imam's relatives), as well as demanding the release of political prisoners and dismissing the death penalty for exiles, and finally, demanding full salaries for soldiers.[17]

Shaykhs cared about their role in decision making that affected their place within the patronage system as economic and environmental conditions worsened in rural areas. Shaykhs perceived increasing threats to their status at the local level, and encroachment by central government officials, limited access to positions of power now in the hands of Hamid al-Din's sons and new bureaucrats (*amils/*governors and *hakims/*judges), and growing influence and burden from the standing army, all of which aggravated the situation.

The ground was essentially paved for the opportunistic activities engaged by foreign influences such as al-Fudhayl al-Wartalani, who represented the nearly decade-old interests of the Egyptian Muslim Brotherhood under Hasan al-Banna. The period from April 1947 to February 1948 involved elaborate political manipulation and indeed careful coordination of Yemeni activists across social

---

[17] Douglas, p118. Dresch, *A History*, P49.

classes in an attempt to realize the newest political project originating in Egypt.[18] In 'Awni Jadu'h Ubydy's work on the role of the Muslim Brotherhood in al-Wazir's revolt we learn further about the not-so random aid afforded by al-Banna to the Free Yemenis since their meetings in Mecca (1940) and Cairo (1938-1941). Such sources of influence demand further attention within a full analysis of the assassination of Imam Yahya, its theological justifications and origins of grievances held by main actors, and origins of ideas expressed within the Sacred National Charter (الميثاق الوطني المقدس). While al-Wazir's revolt represented a climax for reformist activists, historically it represented a tipping point for the influx of ideas that would later shape the rise of the modern Yemeni Republics (YAR in 1962 and RoY in 1990), incorporating both Arab Nationalism and reformist Islamic thought influenced by the Arab Awakening.

Sacred National Charter (*al-mithaq al-watani al-muqaddas*)

The original text was pubsihed first by Sawt al-Yemen newspaper on 29 January 1948. The Aden-based newspaper mistakenly published news of the Imam's death after receiving preliminary reports on Yahya's health. This publication also included a summary of the SNC and the name of the would-be Imam, Sayyid Abdullah b. Ahmed al-Wazir. It can now be confirmed that the Free Yemenis in Aden were marginalized during the drafting of the document, and that the Free Yemenis in Sana'a were undoubtedly the primary elements working with al-Wartalani to complete the document. The entire Arabic text of the SNC has also been reproduced in works by Ahmed b. Muhammad al-Shami and Au'ny Jaduh al-'Ubidy.[19] In English, the first translation was provided by the British Colonial government in Aden and later by Professor J. Leigh Douglas.[20] Translations of the document have also created a number of contentious points for debate. One is the translation of the word الميثاق into Covenant and Charter. The latter will be

---

[18] History of Egypt-Yemen relations and interests of the former extend to Ali Pasha's role in Yemen under the Ottoman Empire and culminate with Jamal al-Din Abd al-Nasir's involvement in the 1962 Revolution.
[19] Ubydy, 'Awni Jadu'h. (1990). *Jammah al-Ikhwan al-Muslimeen wa Thawra al-Dustur al-Yemeni*. al-Maktaba al-Wataniyya: Amman.
[20] Douglas, p 130; Records of Yemen. Vol. 10, 1940-1950. p86-90

our focus as explained by professor Paul Dresch in his seminal work on Yemen titled 'A History of Modern Yemen'.

The SNC was published with an Annex known as the Official Communiqué to the Noble Yemen People.[21] In the two paragraph preamble of the SNC, the revolutionaries set the obligations for the new Imam as: 1 conforming to the Sharia; 2 maintain law and order; 3 safeguard the public interest; 4 discharge every spiritual and temporal obligation toward Yemen and its people. Article 2 provides 9 points containing the Imam's powers and duties. Article 7 addresses the idea of elections and role of particular political actors such as shaykhs and expatriates. Article 23 indicates the ruler should be both an Imam and a King "according to circumstances" (similar to Yahya's period). The word subjects (*ra'iyah*) appears once in Article 27, while the word Muwataneen (citizens) appears once in Article 28, which is then mistakenly translated by the British Army translator as 'officials'. While the Communiqué speaks of expanded freedoms, it mentions the word 'subjects' three times and includes the following statement: "And members of the public should abide by quietness and complete obedience, and avoid every disobedience and abstain from aggression."[22] A major point of interest is that on Article 23 we do not see the title *amir al-mu'minin* (Commander of the Faithful), nor the title *Khalifa* as mentioned in other Muslim Brotherhood documents.

[21] Records of Yemen. Vol. 10, 1940-1950. p91-92
[22] Ibid, p 92.

Sources Cited

Abdin, A. Z. al-. *The Free Yemeni Movement (1940-48) and Its Ideas on Reform*. Middle Eastern Studies, Vol. 15, No. 1 (Jan., 1979), pp. 36-48. Taylor & Francis, Ltd. Accessed through http://www.jstor.org/stable/4282728

Burrowes, R. D. (1987). *The Yemen Arab Republic: The politics of development, 1962-1986*. Boulder; London.

Dammaj, Z. M. (1994). *The Hostage* (Jayyusi, May and Christopher Tingley Trans.). New York: Interlink Books.

Douglas, J. Leigh. The Free Yemeni Movement 1935-1962. The American University of Beirut, 1987.

Dresch, P. (1984). *The position of shaykh among the northern tribes of yemen*. *Man, New Series, 19*(1), 31-- 49.

Dresch, Paul. (1990). Imams and Tribes: The Writing and Acting of History in Upper Yemen. P252-287 in Khoury, Phillip S. and Joseph Kostiner. (1990). *Tribes and state formation in the middle east*. Berkley: University Press.

Dresch, Paul. (1989). *Tribes, Government and History in Yemen*. Oxford: Clarendon Press.

Dresch, Paul. (1995). A Fragment of the Yemeni Past: 'Ali Nasir al-Qardai and the Shebwa Incident. Journal of Arabic Literature, Vol. 26, No.3 (October), pp. 232-254. Accessed through http://www.jstor.org/stable/4183376

Dresch, P. (2000). *A history of modern yemen*. Cambridge: Cambridge University Press.

Eddy, William A. and Al Qadi Abdul Karim Mutahhar. *Text of the Agreement between the United States and the Kingdom of the Yemen, May 4, 1946*. Middle East Institute. Middle East Journal, Vol. 1, No. 1 (Jan., 1947). Accessed through http://www.jstor.org/stable/4321831

Eraslan, Yansi. The Ottoman Constitution of December 23, 1876. Accessed through http://www.egelisesi.k12.tr/english/yansi_eraslan/makale_48.pdf

Hourani, Albert. (1983). *Arabic Thought in the Liberal Age 1798-1939*. Cambridge University Press: Cambridge.

Khaduri, Majid. (1952). Coup and Counter-Coup in the Yaman 1948. International Affairs (Royal Institute of International Affairs 1944-), Vol. 28. No. 1, (anuary), pp 59-68. Accessed through http://www.jstor.org/stable/2604971

Noman, A. and K. Almadhagi (1996). *Yemen and the United States : A study of a small power and super-state relationship 1962-1994*. London: Tauris.

Rashid, Ibrahim al-. (1985). *Yemen under the rule of Imam Ahmad*. Chapel Hill, N.C.: Documentary Publications.

Records of Yemen. 1798-1960. Doreen Ingrams and Leila Ingrams (Eds.). Archive Editions, 1993.

Rosser, Kevin. (1998). *Education, Revolt, and Reform in Yemen: The "famous forty" mission of 1947*. (MPhil, St. Antony's College, Oxford),

Salzman, Phillip Carl. *Ideology and Change in Middle Eastern Tribal Societies*. Man, The Journal of the Royal Anthropological Institute. Vol. 13, No. 4, December 1978. Serjeant, R.B. The Yemeni Poet Al-Zubayri and his Polemic against the Zaydi Imams. Arabian Studies, No. V,

Shami, Ahmad b. Muhammed al-. Ri'ah al-tagheer fi al-yemen : al-tabat al-'ula 1305H/1948AD

'Ubidy, Au'ny Jaduh al-. Jama'at al-Ikhwan al-Muslumeen wa Thawra al-Dustur al-Yemenia 1367H/1948AD. Amman, 1990.

Weir, Shelagh. (2007). *A Tribal Order: Politics and Law in the Mountains of Yemen*. Austin: University of Texas Press.

Wenner, M. W. (1967). *Modern Yemen 1918 - 1966*. Baltimore: The Johns Hopkins Press.

Sawt al-Yemen. 29 January 1948, No. 63, Year 2. Aden.

Sawt al-Yemen. 19 February 1948, No. 66, Year 2. Aden.