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Popular Sovereignty in Islam

How Does Three Predominantly Muslim Countries' Constitutions Relate to the Democratic Concept of Popular Sovereignty?

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Abstract

This bachelor thesis investigates whether an alternative explanation to the lack of democracies in predominantly Muslim countries can be found in how some of these countries relate to the democratic concept popular sovereignty. It does so by comparing the constitutions of three predominantly Muslim countries located in the Middle East, namely those of Saudi Arabia, Iran and Egypt. The findings of the comparative analysis will show that these countries respectively offer considerable differences to how they rectify sovereignty within their constitutions, as well as to how they relate to the democratic notion of sovereignty.

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Content

Introduction

The lack of democracies in Muslim majority countries has spurred a great number of scholars to question what it is about these countries that seems to be incompatible with democracy. One immediate similarity between these countries is that they are all recognized as *Muslim countries,* in other words, they are all thought to be influenced, in various degrees, by the religion of *Islam*. The influence of the Islamic religion has been of particular interest for many of these studies, as it has been thought to give an especially important explanatory value. Quite contrastingly and interestingly, recent studies do not find this influence to have a strong or, matter-of-factly, *any* explanatory value. The general conclusions suggest that Islam either gives little to no explanatory value when tested for, or that the findings are not exclusively related to Islam, but also explain conditions in countries who share similar traits with these predominantly Muslim countries (Ross, 2001; Donno & Russett, 2004; Sarkissian, 2012). Moreover, some scholars have regarded the notion of Islam being incompatible with democracy as a dishonest simplification, as democracy and Islam coexist in a large number of well-established democracies (Green & Ferguson, 2015). Nonetheless, there is inevitably a lack of democracies in Muslim-majority countries. The absence is particularly evident in the Middle East (Repucci, 2020). What this thesis wishes to investigate is whether an alternative explanation to the lack of democracies in Muslim-majority countries can be found in how some of these countries relate to *democratic concepts*, or more specifically *one* certain concept*; popular sovereignty.* I wish to do so by comparing the constitutions of three predominantly Muslim countries located in the Middle East, namely those of Saudi Arabia, Iran and Egypt. The reason for choosing these countries particularly is because they are predominantly Muslim, with official devotion to the Islamic religion in their constitutions. Moreover, they all express very different operationalizations of Islam in their constitutions, making them fruitful cases for comparison. My research question for this thesis will therefore be as follows: *How does three predominantly Muslim countries' constitutions relate to the democratic concept of popular sovereignty?*

To approach this question, the thesis will firstly examine and define the democratic concept of *popular sovereignty,* to clarify how this thesis understands this concept. I will followingly comment briefly on the similarities and differences between Sunni and Shia Muslims, the two main branches of Islam, before presenting theory regarding how some Islamic thinkers understand the Islamic concept of sovereignty, and whether it can be compatible or not with the democratic one. Followingly, theory concerning the impact of Sharia laws on popular sovereignty will be presented. From there I will present excerpts from the three countries' constitutions which reflect on the concept of sovereignty. Why I have chosen to do a qualitative

comparative analysis and how I have chosen to compare the constitutions will be elaborated in my methodology section, where effort will be attributed to explain the nature of the sources previously presented, and the challenges tied to these. The following parts will be the comparison, where the nature and contents of the constitutions will be compared and discussed in regard to how they can relate to popular sovereignty in three regards; how the constitutions recognize *who the people are,* how the constitutions recognize *where the sovereignty lies* and finally the impact of *Sharia.* Concludingly, I will briefly comment on my findings, and lastly comment on what aspects and issues I would have wished to include if further researched.

It is most important for the reader to understand that how I have chosen to approach the subjects and issues for this thesis has required simplifications of aspects which are highly complex and intricate. Neither Islam nor the respective countries' constitutions are limited to what is explained here. Furthermore, it is important to specify that this thesis does not comment on *actual conditions and circumstances*. This thesis studies some of the *theoretical aspects* of popular sovereignty, Islam and the countries' constitutions. The aim for this thesis has been to further develop an understanding to how countries such as those studied here can be said to be affected by *Islam* through their constitutions, i.e. the very core of their governance. The findings of my comparative analysis will show that these countries respectively offer considerable differences to how they rectify sovereignty within their constitutions, as well as to how they relate to the democratic notion of sovereignty.

The Democratic Concept of Popular Sovereignty

One of democracy's fundamental characteristics is the concept that *people rule the people.* This concept explains the very core of what democracy is built on, as it constitutes that real power and authority within a democracy is derived *from the people themselves,* and that consequently, power and authority to govern the people is determined and vested in *the people.* More specifically, this concept embodies the definition of *popular sovereignty*, where people as an *entity* have sovereignty over themselves, which in turn guarantee the members of such society the opportunity to be *politically equal* (Dahl et al., 2015, p. 37)*.* Accordingly, in order for people to enact this sovereignty, Robert Dahl explains that the members of a democracy must have the *opportunity to*, and the means to *actively participate.* He sees at least five democratic traits to be in order to satisfy the requirement that all members are equally entitled to participate; *effective participation, voting equality, enlightened understanding, control of the agenda* and *inclusion of adults* (Dahl et al., 2015, p.37). If these (among others) criteria are fulfilled, the members have the ability to exercise the sovereignty over themselves as a

democracy would demand. Another way of understanding this sovereignty is that laws that govern the people "*cannot be considered legitimate unless a self-determining people can see itself both as the author and the subject of its laws* (Benhabib, 2009, p. 693). This understanding holds that the *laws* should also only be considered legitimate if the people can recognize them as an extension of their powers.

Nevertheless, the concept of popular sovereignty is widely debated, as the concept stands for and proclaims a rather *idealistic* notion, as it proposes that *the people* is a set group or unity. Among others, Susan Chambers explains that this notion of *the people* being one "corporate body" is "*not an empirical reality and never was, even though…certain empirical facts make the abstraction more or less plausible*" (Chambers, 2004, p.154). Chamber notes that this issue is debated by arguing sides. On one hand humans are regarded "*too diverse and mercurial*" to be conceived as a corporate body, whereas the defenders find this abstraction necessary "*precisely because of the apparent differences between men*" (ibid, p. 155). Consequently, the concept of popular sovereignty is highly idealistic, but what it represents is the core element of democracy, where it is *the people* who nevertheless is the core of authority. Another definition of this concept is provided by Adam Przeworski and Michael Wallerstein (2001), where they offer another important characteristic of the concept, as they highlight the significance of the nature of constraints on the people: "*People, (…) are collectively sovereign if the alternatives open to them as a collectively are* **constrained only by conditions independent of anyone's will**" (p .21, emphasis added). From this definition one can derive the implication that it is acutely important that there be no constraints on the people in regard to their sovereignty.

As the understanding of sovereignty depend on *the people*, it is worthwhile problematizing who *"the people" is.* Though this might seem as a farfetched problematization, it is important to acknowledge that who is seen as *the people* or the members of a democracy might differ in existing democracies, as what a member or *citizen* constitutes varies on different criteria. Nonetheless, building further on Dahl's fifth criteria, he states that "*all, or at any rate most, adult permanent residents should have the full rights of citizens that are implied by the first four criteria*" (Dahl et al., 2015, p. 38). In this sense, he sees next to all members of a democratic society to be entitled as citizens.

The Two Branches of Islam, Islamic Sovereignty and Sharia
Since the death of Prophet Muhammad, there has existed two main branches in the Islamic religion, namely Sunni and Shia Muslims. What caused the split between these two branches

was the dispute over who was the rightful successor to Prophet Muhammad after his death. One of the groups who later has been called Sunnis, claimed that Muhammad did not nominate a successor, indicating that Muslims should **elect** a new leader, where they chose Abu-Bakr as his successor. The other group, the Shias, believed that Muhammad's successor should be a relative, and they saw Imam Ali, cousin of Muhammad, to be the rightful successor (Ameli & Molaei, 2010, p. 32). This dispute caused an immediate split after the Prophet's death and led to a broadening division in theological distinctions and differences as well as religious practices within Islam (Lipka, 2014). Despite this, the two sects share certain fundamental aspects of Islam, in beliefs, rituals and practices, where for example they both consider the Qur'an to be the most important book. Nevertheless, the main differences between them has resulted in, among other things, different interpretations of the Qur'an and differing daily practices/rituals (Ameli & Molaei, 2010, p. 32). Even though the division between Sunni and Shia is a very important one, just as in any other major religions, none of the theorists referred to further in this thesis have problematized this notable division to affect the theories they represent. Consequently, this division will not be commented on any further, and when *Islamic belief* is referred to further in this thesis, it will be as an expression for both branches.

To discuss whether Islam and democracy can be compatible, there must be a foundation on which the two entities have similar elements to compare. As democracy, as explained previously, is a form of government which decides matters like by *whom* and *how* a state should be governed, some have regarded these elements as unconstructive to compare to a religion, as religion at its base does not predominantly handle questions of rule and governance, but is more concerned with unchangeable aspects of the human life, as well as ethics, values and roads to a good and meaningful life. The two domains do not intuitively make basis for comparison. Fethullah Gülen and Elvan Ceylan (2001) argues that *"religion focuses primarily on the immutable aspect of life and existence, whereas political, social and economic system or ideologies concern only certain variable, social aspect of our worldly life"* (p. 133). Therefore, he suggests that the main aim of Islam is to affect only the changeable aspects of our *current existence*. Consequently, he states that Islam *does not* propose or try to implement *one certain type* of government, but rather that Islam *"establishes fundamental principles that orient a government's general character, leaving it to the people to choose the type and form of government according to time and circumstances"* (ibid, p. 134). It is therefore important to consider that religion might offer guidance to how to arrange society, but it is a considerable challenge turning religious scripture into governmental policies.

Nonetheless, several authors investigating Islamic influence on governance can point to aspects within the Islamic scriptures which can be interpreted as guide as to how to structure the political society. Khaled Abou El Fadl claims that the holy scriptures of Islam *do* provide social and political values that are central to Muslim polity (Fadl et. al, 2004, p. 5). Continuingly, the scripture Qur'an is of particular crucial importance for Muslims. They believe that the Qur'an is "divine speech" revealed to Muhammad, and that it is "*God's very word*" (Schmidtke & Krämer, 2006, p. 3). Moreover, according to Daniel E. Price (1999), "*all Muslims, at base, accept the sanctity of the Quran as the word of God, the Hadith and the Sunna as being infallible, and the Sharia as the regulator of society and daily life.*" (p. 23). Additionally, Abdullahi Ahmed An-Na'im (2008) claims that the Qur'an is "*where Muslims look for guidance in developing their social and political relations, legal norms, and institutions*" (p. 10) What the holy scriptures in Islam then evidently expresses, is *how God is connected to humans*. Fadl explains further that the Qur'an states that humans are God's, Allah's, viceregents on earth. This is not to say that humans are equals to God, humans do not share the same perfection of judgements and will as God. Rather, it states that God has made humans his viceregents for them to "*making the world more just*" and that this offers humans "*that special status of human beings in God's creation and enables them to discharge that responsibility*" (Fadl et. al, 2004, p. 6). This perception has also been argued by Islamic scholars and thinkers, where they advocate that the unification of Islam and democracy is possible by God giving humans the ability to take the responsibility for themselves and form an adequate society for its members to exist in. One such scholar is Hassan Turabi, who maintains that the government of the people by the people emanated from early Islamic jurisprudence. When Muslims accepted Allah as their sovereign, they became Allah's vicegerents on earth, giving humans the power over themselves through Allah (Jawad, 2013, p. 327). Another prominent thinker is Rachid al-Ghannouchi, who also support the notion that Islam is compatible with democracy, as he holds that in the belief that man is God's vicegerent, democracy can be established in Islamic societies because "*Islam as a religion was revealed for the purpose of guaranteeing and preserving humanity's basic needs*" (Ibid, p. 327). He regards important democratic values such as freedom, justice and legitimacy as some of "humanity's basic needs".

An interesting alternative explanation to understanding how sovereignty can be an issue in Islam, is debated by Raja Bahlul, who proposes that choosing to live under divine law, *is* an exercise of power from the people, because people actively choose to live under such law. He further explains that a stable and enduring Islamic law cannot exist if *the people do not want it.* Continuingly, divine messages are subject of interpretation, and this interpretation is carried

out by humans, even if people attribute everything to divine guidance (Bahlul, 2000, p. 295) He summarizes his view this way: "*people can choose to follow Islam, or they can choose not to. In either case the decision belongs to the people. God and "divine sovereignty" whatever the latter means, have to wait upon the people's choice*" (Ibid, p. 291)

It is also important to emphasize that an Islamic state is ruled by God in another way than one might suppose, as Bernard Lewis explains; "*The Islamic state was in principle a theocracy – not in the Western sense of a state ruled by the Church and the clergy…but in the more literal sense of a polity ruled by God*". (Lewis, 2010, p. 65). To further substantiate this argument, Pippa Norris and Ronald Inglehart (2004) explain that the secularization of a state, which is often a core element of democracies, is shaped by a state's predominant religious culture. Especially, how homogenous or heterogenous a state's society is, is highly determined by the role of the predominant religion (p. 54). Norris and Inglehart further argue that members who belong to and identify with particular faiths, will hold their core believes more strongly and give reason to expect that these countries are *more* affected by their religion, because of their homogeneity.

> We expect the central ideas embodied in the teachings in world religions will have their greatest impact upon those belonging to these faiths, although a fainter imprint from these ideas will be detectable among everyone living in each society. For this reason, for example, Muslim minority populations in Tanzania, Macedonia and India are expected to hold different moral values, political ideas, and religious beliefs from Muslims living in Iran, Egypt, and Indonesia, all predominant Islamic states (Norris & Inglehart, 2004, p. 54-44)

How Islam affects and is interpreted is therefore highly reliant also on a societal basis, and through their individual interpretation and exercise of their religion can express how the members wish to execute their sovereignty.

Another important feature in the Islamic religion is the place of Sharia laws. The influence Sharia laws have is worth to elaborate, both considering its important presence in Muslim societies, as well as how Sharia can pose as a significant challenge to the concept of popular sovereignty. The importance and prominence of Sharia laws are apparent within the legislation in particularly *Islamic states*. This is because Sharia, also referred to as Islamic law, is considered to be one of the cornerstones in the Islamic faith. Gudrun Krämer (1993) explains that Sharia is the Islamic equivalent of "functional theory of government", where government merely is the executive of God's law through Sharia. The prominence of Sharia is also notably different from the Western system of law on especially two aspects, according to Ahmed El Shamsy and Noel James Coulson; firstly, Sharia is concerned as much with *ethical standards*

as with legal rules, where it is not just individual's relationship with their common citizens or state (which is the limit for most systems), but also their relationship to God. Thus, *"Sharia is not merely a system of law but also a comprehensive code of behaviour that embraces both private and public activities*" (Shamsy & Coulson, 2019). Secondly, Sharia is in Islam *the expression of divine will*. This part is what makes Sharia a continuedly determinant factor in Islamic societies, as "*over time, the diversity of possible interpretations has produced a wide array of positions on almost every point of law*" (ibid).

With this in mind, the impact Sharia has on legislation varies greatly in regard to how considerably the restrictions/control on its citizen are, as it is contingent on how the government interpret and implement the Sharia laws. The laws can be understood and implemented in various strength, where it can be implemented as "*a comprehensive set of norms and values regulation human life down to the minutest detail"* or, "*as a set of general rules of good life and moral behaviour aiming at people's welfare at earth and their salvation hereafter"* (Krämer, 1993, p. 4-5). The eminence of Sharia in government/governance is therefore highly contingent on how the individual country include and interpret its place, as An-Na'im notes that while some states sees Sharia as be a *primary source* for ethical norms and values which can be *reflected* in legislations, some states coercively enforce Sharia laws as *legislation*, in which Sharia becomes the *political will of the state* and not *the religious law of Islam* (An-Na'im, 2008, p. 1). This argument construes that to what degree Sharia is implemented in legislation, is dependent on to what degree authority *choose* to include it. The realm Sharia can be said to control will therefore be dependent on the place authority grants it.

The following three paragraphs contains relevant articles from Saudi Arabia's, Egypt's and Iran's constitutions. I have used translated versions provided by The Comparative Constitutions Project, Constitute for short. The project was created by the University of Texas and has expanded to include a team of international scholars. The project is financed by Google Ideas, The Indigo Trust and IC2.

Excerpts from the Saudi Arabian Constitution
Saudi Arabia's constitution is from 1992, but the content presented here is from a revised version form 2013. Article 1 in the constitution declares that The Kingdom of Saudi Arabia is a sovereign Arabic Islamic State. Its constitution is The Holy Qur'an and the Prophet's Sunnah (traditions) (Const. of Saudi Arabia, 1992, here translated by The Constitute Project, 2020, p. 3). Saudi Arabia's constitution confines the right to rule the dynasty to the sons of the Founder (Ibn Saud), where they are to rule in accordance with the Book of God and the Prophet's Sunnah

(ibid). This is further specified in article 7, which states; "*The regime derives its power from the Holy Qur'an and the Prophet's Sunnah which rules over this and all other state laws*" (ibid, p.4). Article 44 grants all power to the king, and states that the king is the ultimate source of all authorities, including the judicial, executive and organizational power (ibid, p. 8). The king does appoint a consultative assembly called the Shura Council, who's main duty is to "*strive to serve the public interest, and preserve the unity to the community, the entity of the State and nations interests*" (ibid, p. 13). The council act as the king's consultants, but have no executive powers, as they are exclusively entitled to the king.

Their legislation is based solely on provisions of Islamic Sharia, in accordance with the teachings of the Holy Qur'an, as well as other regulations issued by the Head of State in strict conformity with the Holy Qur'an and the Prophet's Sunnah (article 48, ibid, p. 9). Article 55 states that the king shall undertake to rule according to the rulings of Islam and through the holy scriptures supervise the application of Sharia, the state's general policy and the protection and defence of the country (ibid). The king also holds the power alone to appoint ministers, deputy minister and officials, as well as holding the power to dismiss them by "*a Royal order in accordance with the rules of law*" (ibid, p. 10).

Article 6 specifies the role of the citizens, which order all citizens to pledge their allegiance to the king's mediator on the basis of the holy writings, as well as the principle of "*hearing is obeying" both in prosperity and adversity, in situations pleasant and unpleasant*" (ibid, p. 4). Article 45: The source of Ifta (religious ruling) in the kingdom is the Qur'an and the Prophet's Sunnah. There is also a council of senior scholars, the Senior Ulema Board, who deals with the source of Ifta (religious ruling), who's source is the Qur'an and the Prophet's Sunna, and who's duty it is to advise the king on religious matters. This council is also appointed by the king, as well as he holds the ultimate authority over them (ibid, p.8).

Excerpts from the Iranian Constitution

It's argued that the Iranian Constitution is a curious hybrid of theocratic, authoritarian and democratic elements (Fukuyama, 2009). Iran's form of government is stated in the constitution as an Islamic Republic, which is endorsed by the people of Iran on the basis of their longstanding belief in the sovereignty of truth and Qur'anic justice (Const. of Iran, 1992, here translated by The Constitute Project, 2020, p. 8). The government's purpose is stated as follows:

> In the view of Islam, government does not derive from the interest of a class, nor does it serve the domination of an individual or a group. It represents rather the crystallization of the political ideal of a people who bear in common faith and common outlook, taking an organized form in order to

> initiate the process of intellectual and ideological evolution towards the final goal, i.e. movement towards Allah (ibid, p. 5)

Article 2 states that it is *The One God* that is exclusively sovereign and have the right to legislate. This includes the necessity of submission, as the belief of the exalted dignity and value of man and his freedom coupled with responsibility before God (ibid, p.8-9). Article 3 states that in order to attain the objectives specified in Article 2, the Republic will direct all its resources to attain its goals, which among others include "*the participation of the entire people in determining their political, economic, social and cultural destiny*" (ibid, p. 10)

The notion of sovereignty for *the people* is tackled in article 56, which states that the absolute sovereignty over the world and man belongs to God, and it is God who has made man master of his own social destiny. This is an unquestionable divine right to man, and no one can deprive or subordinate this right (ibid, p.20). Article 6 in the constitution reveal that the country must be administered on the basis of public opinion, which will be expressed through elections, where the president, representatives for the Consultative Assembly and members of council all should be elected this way (ibid, p. 11). Article 19 states that all people of Iran shall enjoy equal rights, and no one are inferior to others (ibid, p.13). All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria, according to article 20 (ibid, p. 13) The status of religious law contributes all parts of society, being the penal, financial, economic, administrative, cultural, military political and other laws and regulation, to be based on Islamic criteria (ibid, p.10). The real ambiguity within the Iranian constitution is the case of The Supreme Leader, who's authority is stated in articles 107-110 (ibid, p. 28-29). The constitution attributes the ultimate authority to The Supreme Leader who controls both government and religious regulations. The Supreme Leader's authority is appointed by The Assembly of Experts, who in turn is elected by the Guardian Council and the majority of votes from the people (ibid, p. 28). The Assembly of Experts must finally be approved by the Leader of the Revolution, another name for the Supreme Leader (ibid, p. 29). This creates an uncertain aspect of where authority really lies, because all authority can eventually be traced back to the Supreme Leader.

Excerpts from the Egyptian Constitution

Article 1 in the constitution states that "*The Arab Republic of Egypt is a sovereign state, united and indivisible, where nothing is dispensable, and its system is democratic republic based on citizenship and the rule of law*" (Const. of Egypt, 2014, here translated by The Constitute Project, 2020, p. 12). Article 4 further states that sovereignty belongs to the people alone, where

the people both exercises it and protects it (ibid). The people are therefore the source of power, where this power derives from their national unity, which is based on "*the principle of equality, justice and equal opportunity between citizens, as provided in this Constitution*" (ibid). The constitution affirms all of its citizens the rights to vote, run in elections and express their opinion in referendums. Further, it is law that regulate the exercise of these rights. Participation in public life is stated to be a national duty (ibid, p. 28) Thus, in regard to the concept of popular sovereignty and the characteristics of democracy, the authority and sovereignty is clearly embedded in its citizens. Additionally, the constitution entitles citizenship to anyone born to an Egyptian father or mother. (ibid, p.12). Of the very few examples of Islamic influence on the constitutions, article 2 affirms Islam as the state religion, and that Sharia is the "*principle source of legislation*" (ibid). This indicates that Islam is central in terms of private life, and to a certain degree in legislation. This is nonetheless the only true acknowledgment to Islam and the Islamic faith in the constitution. God is not mentioned as a source for sovereignty, and legislation needs to be approved by the elected mandates. Quite on the contrary, article 64 states that "*Freedom of belief is absolute"*, and that freedom to practice one's religion is a right organized by law (ibid, p. 23).

Chosen Method and the Nature of the Challenges Tied to the Sources

To start with, I want to emphasize that to be able to answer the research question for this thesis, *how does three predominantly Muslim countries' constitutions relate to the democratic concept of popular sovereignty*, I found that a qualitative comparative analysis deemed to be the best method to apply. This method allows me to compare the three different constitutions by focusing solely on the chosen excerpts from their content, and how the content of the excerpts relate to, differs and/or enlighten each other. Followingly, there are several reasons to why I have chosen to use *constitutions* as basis for comparison in this thesis. Firstly, constitutions present a relatively consistent manifestation of a country's governance, seeing as constitutions, in their many forms, can on an abstract level refer to *a set of rules* that determine how a practice or institution is organized and/run (Bellamy, 2015, p. 2). Secondly, in democracies constitutions play a particularly important role, as democracy and constitutionalism can be said to be "*equiprimordial in the sense that the one entails the other*", making the study of the respective constitutions relation to a *democratic concept* applicable (ibid, p.1).However, in political regimes that are not democracies this interdependency might not be as important, where the relevant norms and laws rest more on a broad acceptance as "legitimate and necessary" for the relevant subject of the constitution, which further can apply to the nature of the discussed

constitutions in this thesis (ibid, p.2). Therefore, the comparison of constitutions can be considered as fruitful considering that constitutions are an *expression* or *assertion* for both a country's manifestation of which rules and/or political beliefs they wish to govern themselves by, as well as it expresses a country's wish for legitimacy and recognition, be it inside the individual country, or arguably to the to the outside world as well.

Another advantage of using the constitutions for comparison is that they are *primary sources*. Using primary sources enables the possibility to compare the sources in their original and unfiltered form. This is an advantage in the way that it allows the comparison to compare the content more directly, word for word. However, the challenge of interpreting a document such as a constitution should be addressed, as a mentionable disadvantage in this thesis is that it may lack the extensive knowledge to accurately and fully understand on what *grounds* it is written on, being it historical, cultural, religious, political and so on. The use of the constitutions in the comparison might therefore be subject to misreading and or misinterpretation. Nevertheless, I have strived to interpret the constitutions as objectively as possible and believe that the excerpts make for good comparative grounds. Furthermore, there is also a consequence and challenge of using translated versions of the constitutions, as this constitutes that the sources used actually *are* formerly interpreted, when translated. Yet, to be able to conduct this comparison, it required the constitutions to be available for interpretation, which I could not have done if it had not been translated.

Because the constitutions represent a relatively consistent manifestation of rules for a country as previously illustrated, yet another reason for using constitutions is that they are representing more consistent and "lucid" proclamations of the country's polity. Although it would be highly interesting to study *the actual political conditions and executions* in these countries*,* to comment on such conditions would demand a much more complex and extensive approach, too massive for a thesis of this sort. With that said, this might represent an imminent weakness in this thesis, as it does not comment on either *actual conditions,* or the historical background for the constitutions. This has, however, been an intentional choice, whereas there are other aspects in which I have seen more important to include, as described.

As for to why I have chosen to conceptualize/define and use a democratic concept in the comparison, the idea has been that using a concept such as democratic sovereignty allows the comparison to have a defined *reference point,* to which can stand/act as an *idealistic standard* for the democratic ideal this thesis wishes to comment on. This way, when contemplating how the respective countries relate to the concept's elements, and defining and elaborating the concept's nature, allows for a more clear and structured comparison.

The Structure of the Comparison and How It Has Been Done

As the main intention for the comparison is to see how the three countries differ and/or corresponds to the democratic concept, the basis for the comparisons within the constitutions is based on the excerpts represented above. I have included the articles from the constitutions which I find to answer and/or relate to the distinctions and definitions represented in the respective theory sections, concerning both how the three constitutions relate to the democratic concept, as well as how it relates to the Islamic notion of sovereignty. This will allow for the comparison to debate both the similarities and differences between the three countries, but most importantly it will discuss the countries' relation to the democratic concept. The comparison is divided into sections into three separate parts. This is done to provide an orderly and structured comparison, as the different implications of the different parts of the theory are many and important to discuss separately. The structure of the comparison will therefore, as introduced in the introduction, in turn present and compare how the countries' constitutions recognize (1) *who the people are,* (2) *who is sovereign* and (3) the implications of *Sharia.*

As previously mentioned, comparing, interpreting and understanding the vast scope of how Islam and democracy is linked and/or related is all but an easy task. The sources might be misinterpreted due to personal lack of knowledge on the subject and cultural dissimilarities. Nonetheless, this inexperience of the topic might just be what allows me to study this subject with a certain openness and curiosity. This is why I see the comparison presented under as this thesis' contribution to further examine the relation between Islam and democracy. The comparison is an expression of my own understanding of the theory presented over, and the thoughts and discussions presented next is therefore consist of my own personal reflections, contemplations and new understandings.

How the Constitutions Recognize Who the People are

I will start this comparison with questioning who *The People* in the designated countries are, and how they are described in the constitutions. In Egypt's case, the constitution refers to the role of the citizens on numerous occasions, and clearly states that **it is its citizens who are the basis of authority and sovereignty**. The constitution also grants anyone who is born to an Egyptian mother and father the right to citizenship. Thus, so far, Egypt's constitution can be said to conform to the democratic notion of who the people are. In stark contrast, Saudi Arabia does not appoint any such regards to affirm who its "people" are, it merely states **who has the right to govern them**. The constitution devotes next to no acknowledgement to who the people are, and what their place in society is. The only mention of citizens is mostly in reference to how they are subject to the laws promoted by the government. In Iran's case, the constitution

refers to its citizens in a vaguer manner. The constitutions refer its citizens more in the context of "one people" *with a common goal,* rather than as a people as a body of polity. With that said, the constitution does mention and bestow its citizens a series of *rights*, for example that "all people of Iran" are to enjoy equal rights, as citizens of the country. So, though more vaguely, the Iranian constitution does recognize "their people" as their citizens and bestow them rights as "citizens of their country", but it does not affirm this specifically in an article like in Egypt's case. The respective countries thus offer considerable varied attention and attribution on this matter, which can followingly be observed to influence how the countries relate to who they regard as *sovereign*.

How the Constitutions Recognize Where Sovereignty Lies
How does the three countries deal with where the actual authority and therefore sovereignty lies? As stated in the theory section, *democratic sovereignty* requires that the source for sovereignty is undeniably *the people.* In Islam however, the consensus is that God is the ultimate sovereign. The complexity of God's sovereignty is that it can be **interpreted** to be **extended** to humans, as humans are God's viceregents. The way this complexity to whom sovereignty is assigned to, is dealt with in considerably different manners inside the different countries. In Saudi Arabia's constitution there is clear reference to that God is the ultimate source of authority. Nevertheless, the king of Saudi Arabia is granted all *actual authority*, as he bestows all of the executive, judicial and organizational powers. The king rules by a notion of "divine power", where his powers are inherited. Nonetheless, the constitution clearly states that the king is subject to rule by in accordance with the Qur'an. Considering that the legislation is entirely based on the holy scriptures, it would be presumed that it is God who is the ultimate sovereign. Yet *all* authority to *interpret* the holy scriptures and govern through them is granted to the king. Therefore, the exercise of God's sovereignty is solely vested in the king, who is not an elected body. Moreover, the constitution does not appoint its member any opportunity to participate in governing themselves, where the citizens are merely asked to oblige the government and with that the king's rulings. This perception of sovereignty in comparison to the democratic concept of popular sovereignty, is in the Saudi example of a noncompatible relation, where its example displays a mere opposite to the democratic concept.

In a contrast to Saudi Arabia, who holds sovereignty in the Iranian constitution is highly intricate and challenging question. As mention earlier, this constitution is a curious hybrid; it clearly states that it is God who is *exclusively* sovereign, with the right to legislate. Nonetheless, it also clearly states that *the people* are the ones who should determine the nature of their society

and "destiny". The constitution further states that man has been made sovereign *through* God, and it is with these powers the people are given the right to *participate* in governing themselves. Here, in regard to the concept of popular sovereignty, two problems arise; God is sovereign, but man is sovereign of himself *through* God. Yet, man is still obliged to follow "the Islamic criteria" (the holy scriptures). Man's sovereignty is therefore contingent on God both on the notion that he is God's viceregent, but also in the sense of having to oblige to the holy scriptures when participating. It is here the troublesome notion of how to interpret God's sovereignty is most evident. Whilst giving power to man through participation and mandates, this power to exercise a kind of authority for himself is not vested in man's capabilities per se, but it is exercised authority through a sort of delegation from God, which again is restricted by "God's words". This ambiguity between God's supreme sovereignty, however with the many references to man's duties and rights, makes for a very complex and vague basis to where sovereignty actually is vested. This ambiguity is also reflected in the case of "The Supreme Leader", who is ultimately the main source of Authority on all government aspects. Although this Leader is stated to be elected, it is by "experts elected by the people", and these various councils and bodies who determines the Supreme Leader is ultimately linked to the Supreme Leader himself. Considering these ambiguities, it is hard to determine through the constitution where the authority and sovereignty actually lies. It can ultimately be said to belong to God, as God is stated as the ultimate source, but then again both the Supreme Leader *and* "*the people*" are granted sovereignty in the constitution. As the Supreme Leader's source of authority is also particularly vague, it is hard to say that he is an elected body who represents his citizens. Consequently, the concept of popular sovereignty is hard to adopt to this constitution, because of its ambiguity. It can be said to be *more* feasible to adaption, but it clearly opposes many of popular sovereignty's features.

       The final case of Egypt's constitution differs significantly from the previous two; and stands forth as the one with most components of the discussed democratic characteristics. Compared to the two other constitutions, it devotes a dramatically less attribution to both God, and Islam as religion. The Egyptian constitution fortifies that *sovereignty belongs to the people alone,* where the source of power alone is vested in *the people*. The people have the means and opportunity to elect their representatives, who acts on their behalf. There is no mention of God or his place in society, other than that Islam is the official religion of the state. This comprehension of where the sovereignty lies poses a very stark contrast to Iran and Saudi Arabia. From the point of the constitution, Egypt deems to be a secular country, where the intervention of religion in governance is minor. In regard to the concept of popular sovereignty,

Egypt's constitution expresses a significant devotion to the concept very fundamentals. However, it does mention Sharia to be the principle source for legislation, which will be discussed under.

The Impact of Sharia

Another aspect with the constitutions in regard to the democratic sovereignty principle, is how prominent and/or influential the Sharia laws are. In Saudi Arabia the laws are based entirely on provisions of Sharia, making the opportunity for people to regulate themselves in terms of obliging to laws made from powers given from *the people*, a sorely difficult task for its citizens, as these laws might be open for interpretation, however not alterations. As explained earlier, the Sharia laws have a profoundly different effect as to how they are interpreted and implemented. In Saudi Arabia's case, the constitution does not offer much opportunity for its citizens to affect or change how the laws are either interpreted or implemented, making them both unable to affect or alter the laws governing them. In relation to the requirements Dahl propose concerning the opportunity for citizens to effectively participate, the implementation of Sharia as legislation in its entirety is yet another aspect of the Saudi Arabian constitution that hinders/prevents its citizens to practice the very basis of popular sovereignty. Iran's constitution does not mention Sharia to be the sole legislative basis but do specify that God is the only one with the right to legislate. Therefore, all aspects of society are to be ruled and governed on Islamic based criteria and laws. The religious domination on law is therefore undoubtedly inherent in Iran's constitution as well. From a democratic viewpoint, this again challenges the basis of laws being extensions of *the people,* as well as the opportunity to effectively participate in the legislative process. With that said, Iran sees the subordination to Islamic law as a "liberator" for its people, as the constitution grants every member to take part in political life, and sees this as its citizens' duty to participate in order to reach their "common goal", which is movement towards Allah. In a peculiar sense, one could argue that the constitution therefore enables its citizens to part take in society, but under very refined circumstances. The constitution is still far from the concept of democratic sovereignty, as the people also here have no opportunity to alternate or influence these laws. In Egypt's case Sharia is mentioned in the way that the constitution declares the principles of Islamic Sharia to be the principle source of legislation. The role of Islamic law is nevertheless much less evident in Egypt's constitution. As it "only" cites Sharia as "principle source", it comes across as less contingent in the constitution compared to the other two countries. Egypt grants much more focus to the people being subject to "the rule of law", as the constitution act as a safeguard for principles as

"equality, justice and equal opportunity between citizens". It is nonetheless arguably a challenge that Sharia is a primary source of legislation, as with the other two cases, it poses a restriction on *the people's* opportunity to influence and alternate it. Still, a distinction between Egypt's and Iran's and Saudi Arabia's constitutions can be made in light of An-Na'im's argument presented above, that there is a difference of a country using Sharia as a primary source that can be *reflected* in the legislations, contra using Sharia as *political will.* This way, Egypt's constitution appears to less subjected to Sharia than the two others, and therefore can be argued to be *more* reconcilable with the democratic concept of sovereignty.

Conclusion and Further Research

In the introduction I introduced that this thesis wished to investigate whether an alternative explanation to the lack of democracies in Muslim-majority countries can be found in how some of these countries relate to *democratic concepts*, or more specifically *one* certain concept*; popular sovereignty.* By comparing the constitutions of three predominantly Muslim countries located in the Middle East, namely Saudi Arabia, Iran and Egypt, the goal and objective has been to contribute to further understand the relation between Islam and democracy. The result of the discussion provided by the comparative analysis above wishes to demonstrate how the respective countries' constitutions express both aspects which communicate incompatibility with the democratic concept, as well as aspects which can be said to be compatible with the democratic concept. In regard to how the three constitutions recognize who their citizens are and where sovereignty lies, this is expressed in profoundly different manners. Where Egypt's constitution stands forth as having most components being compatible with the concept, Saudi Arabia's constitution offers no such components and can therefore be said to have the least components compatible with the concept. The Iranian constitution stands forth as a curious hybrid, where the constitution expresses a clear ambiguity, and this ambiguity expresses both compatibility *and* incompatibility. The aspects in which they all deem less compatible with the democratic concept are in relation to Sharia Laws, which evidently poses as a restriction to the concept of popular sovereignty in all three constitutions. The impact of Islam in nonetheless important especially Iran's and Saudi Arabia's constitutions, and to a certain degree in the Egyptian. It is therefore reason to state that Islam's direct and/or indirect effect on these countries' constitutions are recognizable and important.

If space had allowed, it would be truly interesting to dive further into the historical background of the constitutions as this might shed a light on their internal nature and the role of Islam. Followingly, a natural continuation would be to look at how the respective

constitutions actually are exercised and executed in these countries, and how this impacts the countries current political conditions.

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