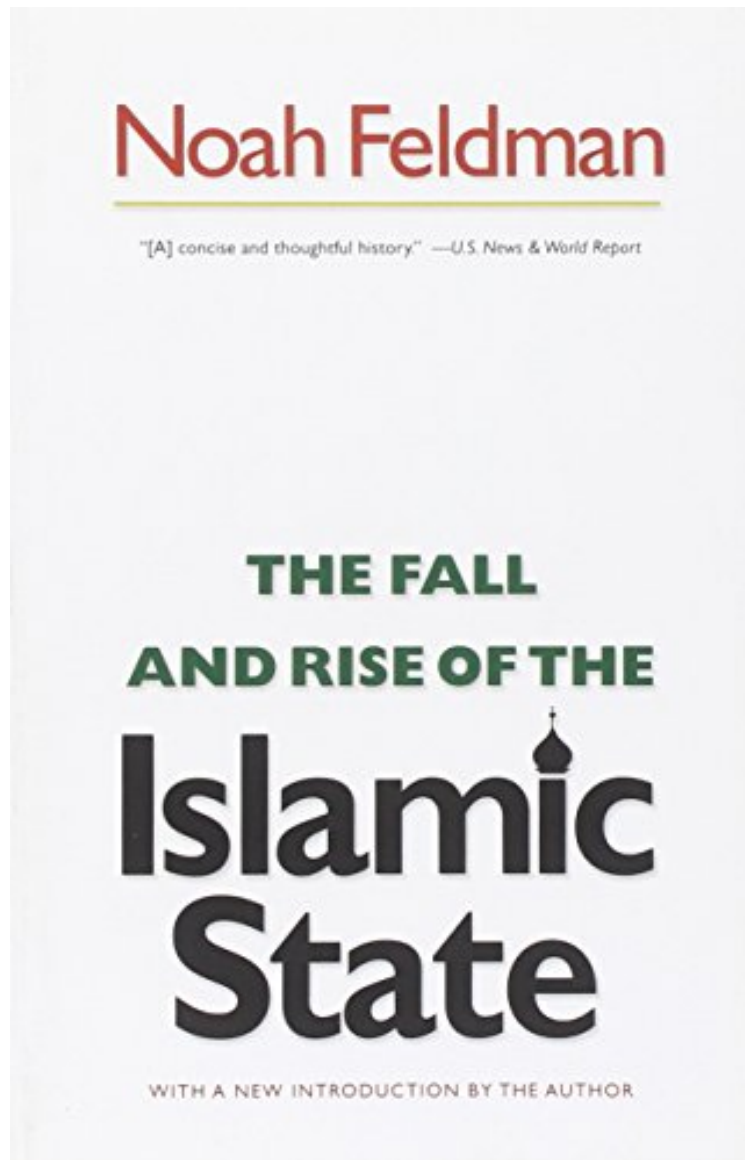


(Mobile library) The Fall and Rise of the Islamic State

## The Fall and Rise of the Islamic State

Noah Feldman

*\*Download PDF | ePub | DOC | audiobook | ebooks*



 Download

 Read Online

#1100277 in Books Noah Feldman 2012-08-26 Original language: English PDF # 1 8.40 x .60 x 5.401, .60  
#File Name: 0691156247232 pages The Fall and Rise of the Islamic State New in Paper | File size: 33.Mb

**Noah Feldman : The Fall and Rise of the Islamic State** before purchasing it in order to gauge whether or not it would be worth my time, and all praised The Fall and Rise of the Islamic State:

3 of 3 people found the following review helpful. The Real Islamic State? By MoseyOn The first thing to point out is that Feldman's book, published in 2008, is not about the so-called Islamic State operating with so much destructive vigor in Iraq and Syria. That organization (if it can be called that) has no claim to the word state, and little claim to the word Islamic. That it claims both suggests something about its degradation of both politics and religion. Feldman's

book is about the classical, pre-Ottoman Islamic state, its decline under the Ottomans, and the calls from some for the return of a strong presence for Islam in the state today. What he describes is very different from the shrill cries of fundamentalists with a distorted tunnel vision, or the misrepresentations of misinformed or willfully ignorant media commentators. Much of Feldman's account rests on the position of the class of scholars in the Islamic state. In the traditional Sunni order, he argues, the scholars, operating independently of the executive, were the guardians of the sharia. Their expertise in jurisprudence made them an indispensable component in a state and society that depended on sharia both for its legal and social norms and for the legitimacy that it granted (or, at least in theory, withheld from) the ruler. The scholars were not the source of the sharia, which emanated from God. Rather, they had the exclusive right to interpret the law. They also determined who would be recognized as a scholar with interpretive authority. In other words, they were dominant in questions of both state legitimacy and jurisprudence, checking the executives' authoritarian tendencies while carefully guarding the prerogatives of their class. The beginning of the end for the sharia as the backbone of jurisprudence was the Ottoman constitution of 1876. The crucial developments were the creation of an elected legislature, the appointing of judges outside the exclusive club of scholars, and the codification of law with the accompanying decline in the need for specialized interpreters. Judges became functionaries of state power and the law now emanated from the state rather than existing outside of it. The law no longer authorized the state, but was authorized by it. The end of the traditional Sunni constitutional order and the decline of sharia in the late Ottoman empire and in its post-World War I successor states meant that scholars were no longer needed to interpret the law and legitimize the state, and their ability to restrain executive power was effectively gone. The result of the marginalization of both sharia and the scholars who had traditionally interpreted and safeguarded it was, more often than not, states with little effective restraint on executive power. And with sharia's role in legitimizing the executives' rule severely attenuated, the stage was set for the contemporary call for a return of the Islamic state, meaning the re-centering of political and social life on a transcendent law to which not only the people, but their rulers as well are subject. This does not explain the marauding Islamic State of today's headlines, which appropriates some of the trappings of state structures and Islamic ideology in an attempt to create a veneer of legitimacy for a thuggish regime. Indeed, the calls for the return of a reasonable and balanced Islamic state form are largely drowned out by the brazen actions of those who have hijacked both power and religion. In the end, Feldman argues, what is needed is balance, something which the scholars traditionally provided but which is missing today, at least in the Sunni world. (The class continues today, in somewhat different form, in Shi'i Iran, but Feldman does not hold this up as an example of good or enlightened governance.) Neither the sharia itself nor the resurgence of the scholars as its guardian will, by themselves, ensure that the rule of law becomes the norm. To balance the sharia as a code of justice, there would have to be institutions powerful and credible enough to ensure that the rule of law does indeed operate to moderate executive power. Scholars are not a magical answer to the problems of majority-Muslim societies, and simply reinstating their place in a constitutional order will not by itself create the conditions for justice, which is what the call for a return of sharia as the law of the land is really after. Any system that can deliver justice—economic justice, social justice—will likely find broad support among those who long for the world they have lost, even if their idealized version of that world never existed. But a state solidly anchored on principles of justice may be the best antidote to the visceral appeal and the raw violence of the pretenders to the legacy of Islamic state-making. My chief criticism is that Feldman is probably quite selective in describing the elements of what he sees as the classical Islamic state. There were undoubtedly variations on the theme he outlines. Furthermore, even if one accepts that what he captures is the core of classical Islamic statecraft, it is unclear how deeply that core resides in the consciousness of those calling for a return to some form of an Islamic state today, even from a very moderate viewpoint. Just look at all the people in the US calling for a return to the ideals of the Founding Fathers with little understanding of the history of American statecraft and how ideals and reality shaped one another. But for an introduction to the foundations of Islamic statecraft, or to the differences between the headline-grabbing Islamic State and historical Islamic states, Feldman's book is not a bad place to start.

4 of 13 people found the following review helpful. Is pretty clear Feldman sees Islam through rose colored glasses  
By LLaaja This guy is very bold in actually going out on a limb and making projections for the success of Constitutional Islam and the Arab spring. However two year after Feldman made his prognostications, every one failed to materialize. Is pretty clear Feldman sees Islam through rose colored glasses. Take the glasses off and you get Recep Erdogan or ISIS, take your pick.

0 of 5 people found the following review helpful. Very poor scholarship  
By Dr Saqib Qureshi As a piece of scholarship, as a manuscript of academia, this is really very poor. Why? For a start, it's factually often incorrect. The lack of footnotes doesn't help either. The decline of the Caliphate almost definitely didn't start in the late nineteenth century, as suggested by the author, but several centuries prior. Then there's the incoherence of the core argument - there is simply no assessment of the 'fall' and 'rise'. What constitutes a fall and rise of a state, and when did the Caliphate hit those criteria? Finally, the writer is a lawyer .... the subject matter he engages lies somewhere amongst politics, military, economics, sociology, culture and technology (I am thinking about Paul Kennedy's Rise and Fall of Great Powers). To reduce the fall and rise of a state to only constitutional law (which is what the author does) is nothing short of polemical. It's plain extreme reductivist. I cannot remotely understand how this book got positive reviews speaks on its book cover.

Perhaps no other Western writer has more deeply probed the bitter struggle in the Muslim world between the forces of religion and law and those of violence and lawlessness as Noah Feldman. His scholarship has defined the stakes in the Middle East today. Now, in this incisive book, Feldman tells the story behind the increasingly popular call for the establishment of the shari'a--the law of the traditional Islamic state--in the modern Muslim world. Western powers call it a threat to democracy. Islamist movements are winning elections on it. Terrorists use it to justify their crimes. What, then, is the shari'a? Given the severity of some of its provisions, why is it popular among Muslims? Can the Islamic state succeed--should it? Feldman reveals how the classical Islamic constitution governed through and was legitimated by law. He shows how executive power was balanced by the scholars who interpreted and administered the shari'a, and how this balance of power was finally destroyed by the tragically incomplete reforms of the modern era. The result has been the unchecked executive dominance that now distorts politics in so many Muslim states. Feldman argues that a modern Islamic state could provide political and legal justice to today's Muslims, but only if new institutions emerge that restore this constitutional balance of power. *The Fall and Rise of the Islamic State* gives us the sweeping history of the traditional Islamic constitution--its noble beginnings, its downfall, and the renewed promise it could hold for Muslims and Westerners alike. In a new introduction, Feldman discusses developments in Egypt, Tunisia, Libya, and other Muslim-majority countries since the Arab Spring and describes how Islamists must meet the challenge of balance if the new Islamic states are to succeed.

One of Economist's Best Books for 2008  
Winner of the 2008 PROSE Award in Government and Politics, Association of American Publishers  
"The growing clamor for a return to Shari'a law in the Muslim world has often been met with alarm by the West. But Feldman remains coolheaded, placing the movement in a historical context and suggesting that its ideal of 'a just legal system, one that administers the law fairly,' is an understandable goal in a region dominated by unchecked oligarchies."--New Yorker  
"In a short but masterful exposition, *The Fall and Rise of The Islamic State*, Noah Feldman seeks to answer a question that puzzles most Western observers: Why do so many Muslims demand the 'restoration' of a legal system that most Occidentals associate with 'medieval' punishments such as amputation for theft and stoning for sexual transgressions?"--Malise Ruthven, *New York of Books*  
"In a short, incisive and elegant book, [Feldman] lays out for the non-specialist reader some of the forms that Islamic rule has taken over the centuries, while also stressing the differences between today's politican Islam and previous forms of Islamic administration."--The Economist  
"[A] concise and thoughtful history of the evolution of the Islamic legal system from the time of the first caliphs (the successors to the prophet Muhammad) to our own...Feldman thinks that the restoration of the authority of sharia in modern Muslim-majority nations might be the only way for them to move beyond their current democracy deficits...Feldman is not so naive as to give them a free pass. Nor does he ignore the democratic deficiencies of the two nations, Iran and Saudi Arabia, that have sharia as the law of the land. While saying that principles of sharia will have to become part of the constitutional fabric of modern Islamic states, he adds that this will work only if Islamists find new institutions to give life to sharia."--Jay Tolson, *U.S. News World Report*  
"Whether you agree or disagree with Professor Feldman about what constitutes an Islamic state, you will most likely be captivated by the author's scholarly reflections."--Abdullahi A. Gallab, *Journal of Law Religion*  
"A thoughtful meditation on the history, ideals, and revival of sharia--the divine law governing Muslim society... It is abundantly clear that fresh models of governance in some Muslim nations will be required to build genuine consensus, afford legal justice, and guarantee peace and security... Feldman predicts success for those countries which can 'develop new institutions that would find their own original and distinctive way of giving real life to the ideals of Islamic law.' ... A persuasive and readable book on a complex topic."--Joseph Richard Preville, *Christian Science Monitor*  
"Feldman condemns the autocracies in many Muslim countries but argues that sharia is not to blame. On the contrary, he says, in the traditional Sunni constitutional order, sharia was interpreted by an independent class of scholars who served as a check on tyranny, preventing rulers from exploiting religion to justify their political positions."--Washington Post  
"Feldman can be an illuminating analyst . . . on the subject of the marginalization of legal scholars and its consequences for the development of despotisms with an Islamic face."--Commentary  
"Feldman argues that legislators seeking implementation of a sharia-based rule of law can play the role of earlier scholars in taming executive autocracy. . . . [Offers] wide-ranging discussions and nuanced reasoning."--L. Carl Brown, *Foreign Affairs*  
"[An] excellent contribution to the ongoing discussion on Islam and secular states."--Abdulkader Tayob, *International Affairs*  
"A study of the recrudescence of 'Islamist' thought, which advocates the return to a shari'a state. . . . *The Fall and Rise of the Islamic State* is profound, intelligent, and free of all the hysterical pronouncements one often associates with both the defenders and antagonists of that idea."--Arnold Ages, *Chicago Jewish Star*  
"This is a fascinating book for the counselor and statesperson, and is a sequel to a former book dealing with Islam and democracy."--Imtiaz Jafar, *New York Law Journal*  
"Powerfully argued and original. . . . [T]his book has the considerable merit of seeing inside the Islamist mentality."--Anthony Black, *Political Studies*  
"*The Fall and Rise of the Islamic State* provide[s] an accessible and engaging account of the institutional struggles and changes which befall Islamic constitutionalism from the Ottoman era to the present. . . . [T]he book intended for both academic and non-academic audiences makes a valuable contribution to the existing literature on Islamic law and constitutionalism."--Shadi Mokhtari, *Law and Politics Book*  
"Feldman's book is well

worth considering, as it captures much of the current discourse within Islamist movements, particularly as many grapple with the sort of political evolution outlined here."--Anthony Smith, New Zealand International "Perhaps no other Western writer has more deeply probed the bitter struggle in the Muslim world between the forces of religion and law and those of violence and lawlessness as Noah Feldman. His scholarship had defined the stakes in the Middle East today."--World Book IndustryFrom the Back Cover"In Feldman's fascinating intellectual journey through history, Islamic law, and modern politics, you will discover the power of 'justice.' It is both the driving force behind efforts in the Arab world to democratize, constitutionalize, and modernize Islam, and a weapon for the worst kind of abuses and authoritarianism. Feldman's book works through these tensions between theology and power with consummate dispassion and scholarship."--Leslie H. Gelb, president emeritus of the Council on Foreign Relations and former New York Times columnist"Noah Feldman has raised a central discussion in Islam about the nature of the Islamic state that is too often missed or misunderstood. Regardless of ideological or religious affiliation, the reader needs to engage with Feldman's clear and sympathetic arguments in order to make sense of what is happening in the Muslim world today."--Akbar S. Ahmed, American University"Scholarly and sophisticated yet highly accessible, this book makes an extremely important contribution to contemporary discussions of both Muslim politics and Islamic law. Feldman's work provides a historical depth that has often been lacking in studies of law and constitutionalism in modern Muslim societies."--Muhammad Qasim Zaman, author of *The Ulama in Contemporary Islam*About the AuthorNoah Feldman is the Bemis Professor of Law at Harvard Law School. He is also a contributing writer for the New York Times Magazine and an adjunct senior fellow at the Council on Foreign Relations. He is the author of *Scorpions*, *What We Owe Iraq*, and *After Jihad*.