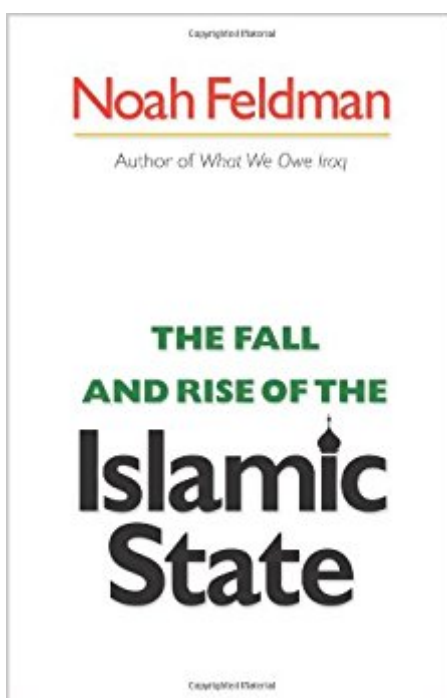


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# The Fall And Rise Of The Islamic State (Council On Foreign Relations Book)



## Synopsis

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.

## Book Information

Series: Council on Foreign Relations Book

Hardcover: 200 pages

Publisher: Princeton University Press; F First Edition edition (March 23, 2008)

Language: English

ISBN-10: 0691120455

ISBN-13: 978-0691120454

Product Dimensions: 8.8 x 5.8 x 0.8 inches

Shipping Weight: 13.4 ounces

Average Customer Review: 3.2 out of 5 stars 15 customer reviews

Best Sellers Rank: #784,320 in Books (See Top 100 in Books) #83 in [Books > Religion & Spirituality > Islam > Law](#) #509 in [Books > Religion & Spirituality > Islam > History](#) #529 in [Books > History > World > Religious > Islam](#)

## Customer Reviews

The growing clamor for a return to Sharia 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. At its heart, Sharia "aspires to be Law that applies equally to every human, great or small, ruler or ruled," Feldman writes. Of course, he argues, a radical rethinking of the classical model is in order if the system is to be implemented successfully in a contemporary Islamic state, but, if it fails, "the alternative may well be worse." The book is compelling as a theoretical exercise, but its usefulness is restricted by Feldman's failure to confront practical considerations such as the rights of women. Copyright © 2008 Click here to subscribe to The New Yorker

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 Sharia 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 Review 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 political Islam and previous forms of Islamic administration."--*The Economist* "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* "[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

"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 Book World

"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 Review

"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 Review

"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

"[T]his book is an insightful work with many original and fresh ideas and arguments about the rebirth and rise of the Islamic state in the modern Muslim world which has gained momentum after the 'Arab Spring'."--Tauseef Ahmad Parra, Muslim World Book Review

Although I'm a newbie in Islamic history and philosophy, the book overall becomes quite interesting describing some issues on current Middle East Governments and linking their failures to problems arising from the fall of the Ottoman Empire and the duality in trying to introduce western

democracy and keeping long standing Sharia tradition. The basic premise behind Noah Feldman's diagnostic of the current failure of most Islamic States is trying "to establish themselves as legal states in the twin senses of being justified by law and governing through it". In summary he basically states that the failure of current governments was the loss of checks and balances given by Scholars through the codification of the law and its interpretation into written codes. While he extends quite on the reasons behind the failure, I feel he doesn't quite elaborate much into the possible ways to the formation of a new Islamic Model State. The main proposition lays out the re-establishment of the legislature and the interpretation of it through the scholars and the judges. The book definitely is thought-provoking and inspiring in trying to find a new model for development that is compatible with democracy, tradition and theology.

Before I started reading through *The Fall and Rise of the Islamic State*, I tried to also read through several reviews of the book to get a sense of what criticisms were out there. The handful of reviews I tended to be negative and I made note of the criticisms levied against Feldman. After reading the book, I can't help but notice that Feldman is being criticized for things he didn't say or that the main point of the book is being misrepresented (at least by reviewers here). First and foremost, this is a book about the history of shari'a law. The book is comprised of three parts, dealing with the heyday of shari'a law, its decline during and after the late Ottoman period, and prospects for the future. A theme that runs through the book is that when the scholarly class successfully acted as keepers of the shari'a, they provided an important check to executive power. Over time, due to the effects of reforms and the integration of the scholarly class into the ruling executive's regime, unbridled and unchecked executive power became the norm. The shari'a as a result, became less a force for legitimate rule, and more of a specialized area dealing with family/civil matters. The main premise of the book is not that most people in the Middle East want a return to shari'a law. Even this is a problematic basis for attacking Feldman here because he clearly distinguishes between what the shari'a was during its time of prominence, and what most people think of when they hear the word. Feldman also points out that what most modern Islamist parties aren't actually calling for the shari'a to be implemented in its traditional sense, but a system where scholars have a more subjugated role. Most important figures in Sunni Islamist parties aren't trained religious scholars and it is unlikely that they would want a system in place where trained scholars have a check against their power. The most prescient point in all of this is that these Islamist parties must be given the chance to come to power and fail before their appeal diminishes. Criticizing Feldman for producing a short book is also a relatively pointless exercise here. He in no way claims to definitively tackle this

issue in its entirety. Rather, the book provides an excellent starting point for a complex subject. No one book could adequately handle the magnitude of the origins, evolution, and future of the shari'a, but Feldman gives us a great place to start.

Resourceful and comprehensive guide.

Great

The author knows exactly what he is talking about. And unlike most of the literature he is trying to discuss the issue logically and in details. He seems to have very good understanding of the way muslims think in the East.

Repetitive, biased and sympathetic commentary about un-Islamic or so called Islamic regimes: caliphates, kingdoms and emirates of Sunni Muslim rulers of the past 14 centuries... False premises on which this whole thesis is based on: Sunni Scholars were custodian of Sharia, orienting the rulers implement the Islamic law. Not a fact, most the scholars of the time were not monitoring the rulers of course not; rather interpreting Sharia the way it best suits them and the ruler, like one of the Koranic injunctions: "obey those in authority among you", or the prophet's saying that "scholars are his heir". These so called scholars were accomplice most of the time, innovators, inventors of Hadiths (Prophet Mohammad's sayings and traditions), concocting false traditions of the prophet Mohammad to justify their rulers' illegitimate rights to the empires and caliphates... Very few Sunni scholars revolted or spoke against the rulers, most of the time it was Shia imams and their followers who did not give up speaking the truth and revolting against the tyranny and falsehood of the rulers of the time. The writer ignored all these and other facts of the Muslim history, rather most of the time his opinion is not substantiated with reasons, facts or examples at all... The writer also tried to place the present day government of Iran in the same league to which Taliban belongs, not a fair assessment... He totally ignored the Muslim majority countries like Malaysia, Indonesia, some references to Pakistan not much, his unblinking focus is on Middle Eastern countries, which were carved by the west after fall of Ottoman Empire and WWII... another inaccurate assumption was about the objectives and the following of the Islamists- They are not moderate nor widely accepted by the Muslim majority. Iran is a different case. He tried in vain to discuss The Fall and Rise of Islamic State in less than 200 pages, of course real history, reasons and facts cannot be fit into small space like this... Imagine how Islamic Iraqi Constitution would be which he helped white house

to write for Iraqis... WOW

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