A Smart And Balanced Look At The History Of The Shari'a

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 penetrating book, Feldman tells the story behind the increasingly popular call for the establishment of the sharia—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 sharia? 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 sharia, 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 distort[s] 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.

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My Personal Review:
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 on Amazon 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.

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