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Book Review: Feldman, N. (2008). The Fall and Rise of the Islamic State. Princeton, NJ: Princeton University Press

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Feldman, N. (2008). *The Fall and Rise of the Islamic State*. Princeton, NJ: Princeton University Press.

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Nearly 80 years before the publication of Noah Feldman's *The Fall and Rise of the Islamic State*, an even more slender book appeared in the bookstalls of Cairo, Egypt. Titled *Islam and the Foundations of Government*, Abd al-Raziq's (1925) book argued that there was no such thing as an Islamic state and that, in consequence, Muslims were free to adopt any political system they desired because any institutions of rule—parliamentary, monarchical, or even Bolshevik—could be compatible with Islam. Readers whose entire experience of a century's voluminous debates in Arabic and other languages about Islam and politics are limited to Feldman's book may not miss the mention of either the book or its author, Ali Abd al-Raziq. This is, to say the least, unfortunate.

This brilliantly constructed but profoundly flawed and ultimately unconvincing book argues, contra Abd al-Raziq, that there was something called the Islamic state. Because there were many experiences of constructing monarchies throughout Islamic history, Feldman does not seem to mean that there was a single Islamic state. Rather, he argues that there is an ideal-typical analytic construct that comprises the experience of the Umayyad, Abbasid, Mamluk, and Ottoman empires. Historians may, especially in these twilight years of *Orientalism's* hold over disciplinary discussions, object that far too diverse a set of experiences are abstracted. Feldman's concern is not the writing of accurate history but an argument about law, Islam, and political institutions.

The underlying argument of the book is attractive: the Middle Eastern polities of classical Islamic history were based on the rule of law. Where we have been conditioned to see the caliphs and kings of the Middle East as unrestrained despots, Feldman proposes instead that we see a system in which an independent system of legal scholars made law and constrained monarchs. These scholars, known as the *'ulama*, provided a counterweight to and constraint of monarchical despotism. This leads Feldman to a claim of Islamic *shari'a* as a constitutional as well as legal system. He is following the work of Patricia Crone (2004) here in *God's Rule*, although she is far less inclined than he is to see Islamic law as having the constitutional function of limiting the state (p. 281; note that neither Feldman's attribution to p. 28 nor the assertion that Crone agrees with his claim of constitutionalism is quite accurate).

Scholars can easily differ over how the institutions of a thousand years ago worked. We have a lot of theoretical accounts and relatively few good descriptions.

Author's Note: I am deeply grateful to the Carnegie Foundation of New York for an appointment as a Carnegie Scholar in 2006, which has allowed me to study more deeply the work of Ali Abd al-Raziq and contemporary Islamist thinkers.

Given that Feldman's account rests on the work of others rather than on his own primary research, his claims provide relatively little value added. Had he been able to provide some analytic framework within which we could understand how the *'ulama* provided either law or a counterweight to royal authority, the first part of the book would have been both useful and perhaps convincing.

The claim that, in the past, *shari'a* and the *'ulama* provided the basis for some kind of constitutional rule of law provides the basis for Feldman to argue that the demand, in the late 20th century, to recreate the Islamic state is a demand for the rule of law and some form of binding of the power of authoritarian governments. One problem with this line of argument is that, for Crone (on whose description he at least in part relies), the original constitutional regime of the old Islamic order did not in fact constrain the absolute power of the monarch.

There is another problem with the attempt to argue that the Islamist demand to recreate the Islamic state is in the pursuit of justice. Feldman notes that in the legal literature in Arabic, the word for *justice* (*'adalah*) refers both to justice as an abstract noun and to the qualities of individuals that make them responsible members of the moral community. Although not devoid of procedural concerns, the idea of justice most likely to be entertained by contemporary Islamists has very strong substantive meanings. In contemporary Europe and the United States, justice has come to be attached to some very different kinds of ideas. Some important contemporary writers in the current of Islamic politics adopt what appears as a contractarian form of thinking about political institutions. Feldman's description of the exchange of scholarly legitimacy for monarchical rule of law appears to mirror this kind of thought, but the parallels are never developed. Justice as fairness, in the hands of John Rawls (1999), has become an extremely powerful way to think about an entire range of issues. Feldman was probably wise not to address such charged issues as women's veiling. Yet the image of veiling, as a device for theoretical consideration, attaches to more than the behavior of women. The Rawlsian "veil of ignorance" is an attempt to restate quite radically the requirements of justice in contemporary liberal societies. This notion, which dissolves religious, ethnic, and gender identities, appears to be at odds both with the received tradition of Islamic thought and possibly with the categories inscribed within its divine book. Feldman would have served his readers well had he considered what common ground there might be between Rawls's conception of justice and that of contemporary Islamists.

Feldman writes well and fluently. Arguing that neither the rule of law nor the rights of human beings is alien to Muslim thought or Muslim practice is an attractive and important theme. I believe that Crone's (2004) *God's Rule* performs this task more carefully and more attentively in regard to the past. In regard to the present, any account of politics in the contemporary Middle East will need to pay closer attention to the major themes of political theory in Europe and the United States as well as there. Otherwise, we are left uncomfortably close to apologetics.

When Ali Abd al-Raziq addressed the issue of Islam and the state in 1924, he was astonished at the rapid and vituperative response. Within a matter of weeks, a court

hearing by Egyptian *'ulama* was convened and he was expelled from their corps after an accusation that his written work contravened Islam, because it was well known that Islam required the institution of the Caliphate. Abd al-Raziq challenged his contemporaries by declaring that the Muslims—like other human communities—could adopt any governing institutions they pleased and that the ethical responsibility for their choice lay with them alone. Feldman's book would be a useful work if it had engaged more seriously with at least one of his 20th-century predecessors in addressing the question of how Islam relates to the institutions of governance.

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Barkey, K. (2008). *Empire of Difference: The Ottomans in Comparative Perspective*. Cambridge, UK: Cambridge University Press.

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Karen Barkey's *Empire of Difference* examines the institutions and networks that made the Ottoman Empire one of the most powerful empires the world has seen. In this substantive work, Barkey, a professor of sociology and history at Columbia University, focuses on the organizational structure of the Ottomans instead of simply looking at battles won and lost. Her approach is both refreshing and informative. Building on her early work (Barkey, 1994), she argues that empires are negotiated and not simply conquered: "Empires are negotiated enterprises, the concept of bargaining between the state and social groups help demonstrate that state interests and realities on the ground shaped the different compacts of rule" (p. 68).

Although many empirical studies of empires, following in the footsteps of Edward Gibbon's (1899) *The Decline and Fall of the Roman Empire*, have analyzed the rise and subsequent fall of empires, Barkey takes a different approach. She approaches the study of empires from the perspective of longevity. How can we explain the Ottoman Empire's 600-year history? What policies explain its staying power? How did the Ottoman Empire transform itself to maintain control over diverse lands and populations that included Muslims, Christians, and Jews? Thus, the larger question of the book is, how do empires survive? Her answer throughout the book lies in an empire's flexibility: