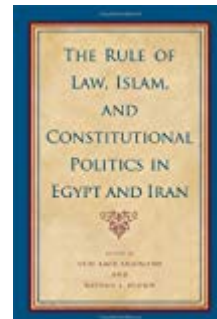


Saïd Amir Arjomand, Nathan J. Brown, eds.. *The Rule of Law, Islam, and Constitutional Politics in Egypt and Iran*. Pangaea II: Global/Local Studies Series. Albany: State University of New York Press, 2013. xi + 326 pp. \$90.00, cloth, ISBN 978-1-4384-4597-7.



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The contextual focus of Saïd Amir Arjomand and Nathan J. Brown's edited volume *The Rule of Law, Islam, and Constitutional Politics in Egypt and Iran* is the apparently opposing (but in truth complexly interrelated) forces of constitutionalism and authoritarianism in Egypt and Iran. In both of these countries, political Islam is a powerful force. The Shi'ite Islamist government of Iran has held power since 1979, while Sunni Islamist movements in Egypt, most especially the Muslim Brotherhood, have filled the role of loyal opposition, insurrectionist opposition, and, from 2011 to 2013, ruling party. Egypt and Iran have both been heavily influenced by the idea of constitutionalism, from the nineteenth century until the present day. The editors admit that Egypt and Iran are far from the only countries in the region, let alone the world, to struggle with the apparently zero-sum game of constitutional versus authoritarian governance. They are nonetheless correct in their assertions that both countries are characterized by a deeply entrenched bureaucratic machine, as well as a pivotal and reasonably well-defined (in

the case of Egypt) or definitive (in the case of Iran) role for Islamic law and norms of governance within each country's established political culture. *The Rule of Law, Islam, and Constitutional Politics in Egypt and Iran* provides an exploration of the dynamics of political Islam, constitutionalism, and authoritarianism in those two countries, covering questions of the perceived role and activity of the judiciary, individual rights, Islamist governmental (and insurrectionist) theory, the rule of law, and the ongoing struggle for the soul of Middle Eastern political culture.

The collection of chapters is organized thematically. Focusing first on Iran and then on Egypt, the works delve into questions of law and juridical practice, constitutional construction, and legislative propriety, with the role of Islam (and Islamism) an ever-present point of attention. Through such chapters as Arjomand's "Shi'ite Jurists and the Iranian Law and Constitutional Order in the Twentieth Century," which demonstrates the increasingly feeble power of the independent judiciary in Iran, and Farideh Farhi's

“Constitutionalism and Parliamentary Struggle for Relevance and Independence in Post-Khomeini Iran,” which argues that the Iranian *majles* (the Islamic Consultative Assembly, Iran’s legislative body) has never truly possessed the clout it ostensibly does on paper, the picture of Iran that emerges is one in which the power of Islam-based governmental bodies almost always trumps that of more secular elements of the government. This sense of Islam’s overwhelming influence in Iranian power dynamics is confirmed by Mirjam Künkler, whose chapter “The Special Court of the Clergy (*Dādgāh-e Vizheh-ye Ruhāniyat*) and the Repression of Dissident Clergy in Iran” highlights the power of an Islam-based executive body over nonconformist members of the clergy. One comes away from the selection of Iran-focused works with a sense of confirmation that Islam, as a political force, is deeply entrenched in Iranian political culture, and will remain so unless Iran’s system is profoundly (and probably violently) altered. While this conclusion may seem like a truism, the success of the collection of chapters on Iran lies in its deep, clear expression of the dynamics of Islamism’s power within the revolutionary government’s apparatus. Everyone knows Islam is the law of the land in Iran; the book lucidly illustrates the executive, legislative, and judicial mechanisms by which Iranian Islamism asserts its enduring dominance.

The role of political Islam in Egypt is much more muddled, and the Egypt-focused chapters amply reflect the historical ambiguity of Islamism’s function within Egyptian political culture. Furthermore, the recent instability in Egypt that began with the January 25 revolution—the meaning and outcome of which remain uncertain—obscures the situation even further. Nathalie Bernard-Maugiron, in “Legal Reforms, the Rule of Law, and Consolidation of State Authoritarianism under Mubarak,” discusses how the pattern of nondemocratic reforms undertaken by Hosni Mubarak were in part responsible for his overthrow, and demonstrates that both the military

and Islamist factions within the series of postrevolutionary provisional governments have attempted to legislate in a similar, authoritative manner. Mustapha Kamel Al-Sayyid’s “Rule of Law, Ideology, and Human Rights in Egyptian Courts” considers Egypt’s semi-independent judiciary and the lack of institutional uniformity, exemplified by the inconsistent application of the law in human rights cases. The author is particularly troubled by the prospects for the judiciary under an Islamist government. In that case, the application of *sharī’a*, based on each individual judge’s own interpretation of the famously vast and multivalent system of religious law, portends an even greater inconsistency of juridical application of the law. The uncertainty surrounding the role of Islam in Egypt is best summed up by Brown in his chapter “Islam in Egypt’s Cacophonous Constitutional Order.” There, Brown demonstrates the multifaceted organizations, movements, and state bodies that all fall under the broad catchall of “Islamic,” but which often fundamentally disagree on political, legal, and religious matters, and consequently compete against each other, as well as against secular elements of the Egyptian body politic, for influence. The semi-optimistic tone set by Brown’s conclusion to the volume, “Egypt’s Constitutional Revolution?” is a misstep, although the editors are not to be faulted for it, as changes in Egypt’s fluid political situation outstripped the publication process. At the time of composition, every indication was that the military fully intended to withdraw from its caretaker role and return rule to the elected government (whomever that would prove to be), and return the country to the new normal, thus preserving the military’s considerable autonomy in the Egyptian apparatus. The subsequent deposing of the Muslim Brotherhood government by the Egyptian military is anticipated and amply explained by Bernard-Maugiron’s contribution, among others, so even where the collection is slightly off, it covers its bases.

The only other weakness of the collection is the lack of a separate chapter emphasizing the fundamental differences between the two countries, and this absence is puzzling. The cases of Egypt and Iran are so different that one wonders whether a volume that implicitly compares them, as this one does, is misleading. The collection's editors go to some length to demonstrate the comparability of Egypt and Iran. However, despite some similarities in history of constitutional movements and bureaucracy, there are glaring differences between the two countries which should have been given greater weight within the broad scope of the collection. The variety of distinctions between Sunni and Shi'ite Islamism is not discussed, but should have been. Furthermore, the fact that Islam (of whatever sectarian bent) plays fundamentally distinct institutional roles in the twentieth-century history of each country is barely acknowledged: in Egypt, it has most often been the opposition, while in Iran, it has most relevantly found expression as the law of the land. To be fair, there is no contribution that makes any sort of attempt to treat the two cases as if they were identical. As a result, the collection feels cleft between an "Egypt section" and an "Iran section," although no such structural division of chapters exists. This division would be appropriate, as it would have served to clarify the distinction between the two countries by organizational separation; it would also properly have highlighted the impermeability of Egypt's constitutional and Islamic experiences with Iran's, and vice versa. The differences between the two cases should have been much more strongly emphasized.

This small criticism relating to the organization of chapters, however, should not detract from the high quality of scholarship that is present in *The Rule of Law, Islam, and Constitutional Politics in Egypt and Iran*. The collection is highly recommended to anyone with an interest in Egyptian politics; Iranian politics; political Islam's role in government; and the longstanding, ongoing struggle for countries in the Middle East

to define themselves, and their systems of governance, in a postcolonial world.

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