

The Office of qâdî al-qudât  
in Cairo under the  
Bahri Mamlûks

by

Joseph H. Escovitz

A thesis submitted to the Faculty  
of Graduate Studies and Research  
in partial fulfillment of the  
requirements for the degree  
Doctor of Philosophy

Institute of Islamic Studies  
McGill University

August, 1978

The Office of qādī al-qudāt in Cairo

## Abstract

Author: Joseph H. Escovitz  
Title of Thesis: The office of qâdî al-quḍât in Cairo,  
under the Bāḥrî Mamlûks  
Department: Islamic Studies, McGill University  
Degree: Ph. D.

A new stage in the judicial history of Egypt began in the year 663/1265 when the Mamlûk Sultan Baybars established in his capital of Cairo a chief judge (qâdî al-quḍât) for each of the four generally recognized schools of Muslim law. This dissertation examines the careers of the men who held this high judicial post from that date until the end of the Bāḥrî period in 784/1382. The study focuses on the characteristics which these judges shared; in particular, their social and geographic origins as well as the paths they followed to reach the chief judgeship. Finally, the activities of these judges once in office are studied, with special reference to their relationship to the Mamlûk oligarchy.

### Abstrait

Auteur: Joseph H. Escovitz  
Titre de thèse: La Poste de qâdî al-qudât au Caire sous les Mamelouks bahrides  
Département: L'Institut des études islamiques, l'université McGill  
Diplôme: Ph. D.

Une nouvelle période de l'histoire judiciaire de l'Egypte commença en 663/1265 quand le sultan Baybars des Mamelouks établit au Caire un grand cadî (qâdî al-qudât) pour chacune des quatres écoles de la loi musulmane. Cette thèse examine les carrières des hommes qui ont occupé cette poste judiciaire d'importance de cette date jusqu'à la fin de l'époque bahride en 784/1382. L'étude met au point les caractères distinctifs que ces grands cadis avaient en commun, surtout leurs origines sociales et géographiques, ainsi que les sentiers qu'ils ont poursuivis pour atteindre cette poste. Finalement, les activités de ces juges, une fois au pouvoir, sont étudiées, en particulier leur relation à l'oligarchie mamelouke.



### Acknowledgments

I would like to thank all those who helped in the formulation and execution of this dissertation. I benefited from conversations I had with my fellow students Linda Northrup, S. S. K. Hussaini, and Hasan Murâd; and especially from my conversations with Professors Michael Winter of the University of Tel Aviv, David Ayalon of the Hebrew University of Jerusalem, and Ulrich Haarmann of the Orientalisches Seminar (Freiburg). I owe special thanks to my supervisor, Dr. Donald P. Little, for his suggestions and advice. I was supported during much of my studies by the McConnell Foundation, which also was generous enough to provide me with a travel grant to consult manuscript collections in Europe and the Middle East. Finally, I wish to thank my wife for her immeasurable help at all stages of preparing this work.

### A Note on Transliteration and References

It has been my general policy to follow the Arabic transliteration system of the Institute of Islamic Studies. However, I have anglicized many other words, which, I felt, have almost become part of the English vocabulary; e.g., sultan, Sufi, and the like. It has also been my policy to capitalize as few Arabic words as possible, especially when they form part of a direct quote or the name of a book. In such cases I have capitalized the first word, and left the rest in lower case letters. Honorifics and bureaucratic titles, such as qâdî al-qudât, have been left in lower case letters in all instances.

In addition I have used Hijrî dates almost exclusively. For the years which concern us they correspond almost exactly (with the addition of 600 years) to the dates of the Common Era, especially once we enter the eighth century A. H.; e.g., 709 A. H. equals 1309 C. E. When discussing the ages of the judges and the lengths of their terms of office, etc., Hijrî years have also been used. The Muslim year is a lunar year of 354 days; 12 months of twenty-nine and thirty days. Thus, it is slightly shorter than a solar year, but close enough to be meaningful for readers accustomed to solar years, and certainly more meaningful for the present study, since the sources use Hijrî years.

Most of the judges under study had jurisdiction over both sections of Cairo as well as Upper and Lower Egypt. On a few occasions this jurisdiction was split, and one judge was given authority over al-Qâhira and al-Wajh al-Bahrî (Lower Egypt) and another over Fustât and al-Wajh al-Qiblî (Upper Egypt).

iii.

Alexandria and the nearby coastal region were under the control of separate chief judges. When necessary, I have referred to the appropriate section of Cairo (al-Qâhira or Fustât), otherwise the name Cairo has been used meaning the entire city. For the purposes of the present study I have not differentiated between the chief judges with a half jurisdiction and those with jurisdiction over all Cairo and the related provinces during this time period.

## Table of Contents

	Page
Acknowledgments	i
A Note on Transliteration and References	ii
Chapter	
I. Introduction	1
A. Sources	4
B. The Establishment of the Four Chief Judgeships	23
II. Appointments	43
III. Social and Geographic Origins of the Chief Judges	97
IV. Judicial Activities	131
V. Other Posts	
A. Non-Teaching	174
B. Teaching Posts	193
VI. The Judge Out of Office	226
VII. Conclusion	256
Bibliography	260

## List of Charts

Chart	
I. Reasons for Appointments	87
II. Geographic Origins	125
III. Reasons for End of Tenure	250

## List of Genealogical Tables

Table	
A. Ibn al- <sup>C</sup> Imâd-Ibn <sup>C</sup> Awad	98
B. Al-Maqdisî-Naṣr Allâh	101
C. Al-Akhnâ'î	106
D. Al-Sarûjî--al-Bistâmî--al-Râzî	109

# Table

E. Ibn Abi al- <sup>c</sup> Izz (Ibn al-Kishk)	111
F. Ibn <sup>c</sup> Abd al-Haqq	113
G. Ibn al-Turkumânî	114
H. Ibn Razîn	120
I. Al-Qazwînî	122

## Lists of Chief Judges by madhhab

Ḥanbalî	45
Mâlikî	51
Ḥanafî	57
Shâfi <sup>c</sup> î	68

## Chapter I

### Introduction

Legal systems of one form or another are necessary for all states in order to prevent chaos and insure the smooth running of government, commerce, and society in general. Islamic civilization developed its own legal system, the sharīʿa, and one of the principal officers concerned with its administration was the judge or qāḍī. Yet even before the sharīʿa had evolved, arbitrators or judges were needed to resolve legal disputes. The first qāḍī of Islam, in fact if not in name, was the Prophet Muhammad himself. Right from the beginning he was faced with a number of legal problems, arising not only out of the natural frictions and conflicts of any community, but also out of the terms of the Quran itself; for example, problems of inheritance.<sup>1</sup> The early caliphs continued to exercise such functions, but other close associates of the Prophet were probably called upon to settle disputes as well, since at this stage no special body of judicial officials existed.<sup>2</sup>

As the Islamic empire expanded under the Umayyads, a qāḍī was appointed as the delegate of the local governor to settle disputes. At first this was only a part-time job, usually combined with some other bureaucratic function, but by the end of the Umayyad period judges were "exclusively concerned with judicial business."<sup>3</sup> More importantly, "the qāḍīs (sic) came to have a general judicial competence which cut through the subsidiary administrative divisions of the state,

and by the end of the Umayyad period they had become the central organ for the administration of law," although they still depended upon their political superior for the enforcement of their decisions.<sup>4</sup>

The coming of the<sup>c</sup> Abbâsids marked a period of centralization in the judicial administration. The<sup>c</sup> Abbâsids, perhaps following a Persian model, established a qâdî al-qudât (chief judge) in the capital at Baghdad to head the judiciary.<sup>5</sup> He was chosen by the caliph, as were the provincial judges. The first judge in Egypt was chosen by the Abbâsid caliph al-Manṣûr (ruled 136-158/754-775), although a judge in a province like Egypt must have selected his own deputies and assistants.<sup>7</sup>

When Egypt broke away from the suzerainty of the caliph in Baghdad under the Tûlûnids (ruled 254-292/868-905) and later regimes, the new rulers chose their own judges, but the one qâdî al-qudât was in Baghdad.<sup>8</sup> However this changed with the Fâtîmids (ruled in Egypt 297-567/909-1171), who established their own chief judge in the second half of the 4th/10th century, and other provinces, which were only nominally under the control of the caliph in Baghdad, also started to apply this title to their own head judge.<sup>9</sup>

Towards the end of the year 663 the Mamlûk sultan Baybars al-Bunduqdârî (ruled 658-676) established four chief judgeships in the capital of his empire, Cairo, and the next year established a similar system in Damascus, and elsewhere in Syria. Whereas previously there had only been a Shâfi<sup>c</sup> chief judge, there were now chief judges for

the Ḥanafīs, Mālikīs, and Ḥanbalīs as well. These four madhāhib had not been given this sort of equal status in Egypt previously, and from this time onwards the administration of justice there entered a new phase. More importantly, members of the other three schools of law were able to pursue careers which could culminate at the highest levels of the judicial bureaucracy.

The purpose of this dissertation is to study the office of qādī al-quḍāt and the men who held it in Cairo from the establishment of the four chief judgeships in 663 until the end of the Bahrī period in 784. I have not pursued my research into the Burjī period, because the judiciary of that era has already been the object of some major studies.<sup>10</sup> Naturally, I have not studied the years before 663 either, since at that time, there was only a single chief judge in the Mamlūk Empire. Greater Syria (i. e., roughly the modern states of Syria, Lebanon, Israel and Jordan) was the other major area of the Mamlūk empire, and there were four chief judges appointed by the sultan in all its principal cities (Damascus, Aleppo, Tripoli, and Ḥamâ).<sup>11</sup> Neither the appointments of the Syrian judges nor their decisions were subject to the approval of the Cairene chief judges, and they should be seen as separate and autonomous units, deserving a separate study.<sup>12</sup>

The four chief judges of Cairo were the principal interpreters of the Islamic law in the capital of what was probably the most powerful and influential Islamic state of



the time. Thus their relevance for that state is undeniable. A discussion of their careers is important not only in order to study their activities within the framework of Mamlûk society and politics, but also to assess their role and functions as officers of an Islamic state.

#### A. Sources

This dissertation is based on the Arabic chronicles and biographical literature dealing with the Bahrî Mamlûk period. I have supplemented these sources with secretarial literature such as al-Qalqashandî's Ṣubḥ al-a<sup>c</sup>shā<sup>13</sup> and Gaudefroy-Demombyne's study of the Mamlûk bureaucracy, La Syrie à l'époque des Mameloukes; and for geographical details by al-Maqrîzî's Khitat.<sup>14</sup> No single source provided all the necessary information to complete my research, and I had to read widely in the original sources to assemble the necessary data. What follows is a discussion of the principal literary sources which I have consulted. I have tried to characterize these sources and assess their value by showing some specific examples and by a limited amount of comparison of one to another.<sup>15</sup>

#### Biographical Literature

Originally it had been my hope to restrict my research to the relevant biographical literature; i.e., biographical dictionaries and the necrologies in the chronicles, as I had done with some success in my study of the employees of the

Mamlūk chancery during the eighth Islamic century.<sup>16</sup>

However, that study was not as wide ranging as the present one, and furthermore there were many incidents and other important data in the chronicles which were not contained in the biographical literature. This is not to underestimate the importance of the biographical literature. For example, the manner in which the individual's name is listed, A the son of B the son of C, etc., usually going back a number of generations allowed me to construct genealogical tables for some of the chief judges under study. Since many of the fathers and grandfathers were also to be found in these biographical collections, I was able to make some observations concerning their family background, and, where places of birth were indicated as well, their geographic background. The biographical literature also supplied information on the judges' education, but this is an area which I chose not to explore in depth. Data on education are provided by lists of subjects and/or teachers with whom the judge had studied. However, there is hardly ever an indication of the time frame in which these studies took place nor their extent. I think the purpose of these lists was to impress the reader with the names of these, usually, famous teachers. All the future judges studied fiqh, tafsir, Arabic, etc., and the evidence available is not sufficient to meaningfully distinguish the education of one judge from that of another.

The one biographical dictionary which, perhaps, should have been the source was Raf<sup>c</sup> al-isr<sup>c</sup> an qudāt misr by Ibn

Ḥajar al-<sup>c</sup>Asqalānī,<sup>17</sup> which is supposed to list all the judges of Egypt from the Islamic conquest down to the author's own day. Ibn Ḥajar (d. 852/1449) was a famous Shāfi<sup>c</sup>ī author, teacher, and himself a chief judge, which office he reached for the first time in 827/1423. Those who have used this dictionary for studying earlier periods of Egyptian history have found it not always reliable,<sup>18</sup> perhaps because Ibn Ḥajar was never able to make a final copy.<sup>19</sup> One major problem for my purposes was that several biographies are missing. These omissions may be explained by the fact that a final copy was never made. The author certainly knew the names of almost all the judges, because they are mentioned in a poem with which the dictionary begins.<sup>20</sup>

There is some evidence of Shāfi<sup>c</sup>ī favoritism. This prejudice surfaces in the description of the establishment of the four chief judgeships in the biography of Tāj al-Dīn Ibn Bint al-A<sup>c</sup>azz, the first Shāfi<sup>c</sup>ī chief judge under study, and during whose tenure the other chief judgeships were established. (The establishment of the four chief judgeships will be discussed in detail in the next section.) Ibn Ḥajar avoids using the term qādī al-quḍāt, and rather says the three men who had earlier been deputies of the Shāfi<sup>c</sup>ī chief judge now became deputies of the sultan, rather than saying that all now bore the title of chief judge. He then calls Ibn Bint al-A<sup>c</sup>azz al-qādī al-kabīr, thus avoiding the term qādī al-quḍāt altogether, and also avoiding any description of a decline in the status of his own madhhab.<sup>21</sup> However, there

is no evidence that favoritism to his own Shāfi<sup>C</sup> madhhab was a major characteristic of this biographical dictionary as a whole.

Ibn Hajar's other biographical collection which is important for this study is his famous al-Durar al-kâmina.<sup>22</sup> This is an alphabetically arranged centenary biographical dictionary devoted to the most important people who died in the eighth Islamic century, and who lived mainly in Egypt and Greater Syria. This work is indispensable not only because it supplies biographies of many of the chief judges under study, but also because the wide scope of this dictionary helps us trace back a judge's ancestry to determine his family background and to study his progeny. It is easier to learn about ancestors than descendants. The manner in which the name is listed (A son of B, etc.) provides information on ancestors, but the names of children (and wives, cousins, etc.) are rarely to be found anywhere in the biography.

Comparing the biographies in Raf<sup>C</sup> al-isr and al-Durar, we find that they are very similar, but those in Raf<sup>C</sup> al-isr tend to be more detailed. There is some evidence that al-Durar was written later, and it may be that Ibn Hajar sometimes abridged the entries from Raf<sup>C</sup> al-isr for his biography of a given judge in al-Durar.<sup>23</sup> Certainly, Raf<sup>C</sup> al-isr often provides better biographies. For example, in the biography of the Hanbali judge Sharaf al-Dīn al-Harrānī (in office 696-709) as presented in al-Durar we learn that he was born in 645 or 646, taught at al-Sālihiyya madrasa<sup>24</sup>

and elsewhere, that he was nâzir al-khizâna<sup>25</sup> for a long time, then became Hanbalî chief judge of Egypt.<sup>26</sup> The account in Raf<sup>c</sup> al-isr is more detailed. Only the year 645 is given as the date of birth, and although this is not critical, the fact that he was born in Harrân in upper Mesopotamia (now Turkey) where his great grandfather had been a qâdî is important. Then Ibn Hajar gives a fuller title of his office as nâzir al-khizâna al-sultâniyya and that the office of (chief) judge was added to this other bureaucratic post (udffa ilayhi qadâ' al-hanâbila). We learn again that he taught at al-Şâlihiyya, but, more importantly, he did not assume that post until after the death of his predecessor, the chief judge <sup>c</sup>Izz al-Dîn Ibn <sup>c</sup>Awad, in (6)96 during the sultanate of Lâjîn.<sup>27</sup> Sometimes, however, al-Durar can be more informative, but in a different way. The biography of the Hanafî chief judge Sirâj al-Dîn al-Hindî (in office 769-773) as given in Raf<sup>c</sup> al-isr<sup>28</sup> does not include the story of this judge's attempt to upgrade the position of the Hanafî chief judge by allowing him certain prerogatives which had been reserved for the Shâfi<sup>c</sup> chief judge for many years. This report is contained in al-Durar's biography of this judge.<sup>29</sup> Thus, neither are these two biographical collections identical nor are they complementary; rather, both must be consulted because they often contain different or differently worded reports.

Probably the most famous biographical dictionary, and surely the longest, produced in this period was al-Wâfi

bi-al-wafayât by Khalîl ibn Aybak al-Şafadî (d. 764/1363).<sup>30</sup>

Al-Şafadî was of Turkish descent, and although it is said that he did not begin his education until the age of twenty, he was one of the most famous and prolific authors of his time as well as being an employee of the Mamlûk chancery.

This biographical dictionary comprises some forty volumes in manuscript, of which nine have so far been published.<sup>31</sup>

This work is meant to deal with notable individuals of the entire Islamic world from the dawn of Islam to the author's own time, but the emphasis seems to have been on the contemporary Mamlûk empire. Regrettably, and for reasons which are not clear to me, the biographies of chief judges in this collection tend to be very meagre. For example, the biography of Zayn al-Dîn Ibn Makhlûf, the Mâlikî chief judge of Egypt for more than thirty years (in office 685-718), a major opponent of Ibn Taymiyya, and a man of considerable power, is dismissed with only a six-line biography, indicating the names of his predecessor and successor as chief judge, and his own date of death.<sup>32</sup> Not all the biographies are this short and useless, but the biographies here do tend to be rather sketchy.

Al-Şafadî wrote another biographical dictionary entitled A<sup>c</sup>yân al-<sup>c</sup>asr, which contains the biographies of men who died between 696 and 763.<sup>33</sup> The biographies of judges in this collection are usually longer than those in al-Wâfî. Thus, the biography of the same Mâlikî judge, Ibn Makhlûf, in A<sup>c</sup>yân al-<sup>c</sup>asr includes some information on his short deposition from the chief judgeship in 711.<sup>34</sup> This incident is

omitted from al-Waff as we have noted.

F. Krenkow has charged, in an article written a number of years ago, that Ibn Hajar al-<sup>c</sup>Asqalânî relied almost exclusively on A<sup>c</sup>yân al-<sup>c</sup>asr in writing al-Durar al-kâmina.<sup>35</sup>

Although it is beyond the scope of the present study to discuss this problem in general, this accusation is certainly not valid for the particular biography of Ibn Makhlûf.

In al-Durar<sup>36</sup> this biography is much fuller, and includes the fact that Ibn Makhlûf had held the post of amîn al-hukm<sup>37</sup> and something about his role in the affair of Bint al-Ashraf.<sup>38</sup>

Although al-Safadî is frequently cited by later writers, including Ibn Hajar, his biographies of the chief judges of Egypt are disappointingly brief, and even though he was a contemporary of many of the judges under study, his biographies are not to be preferred to the later biographies of Ibn Hajar.

Another general biographical dictionary which I have consulted is al-Manhal al-sâfi by Ibn Taghrî Birdî. Although he does include many biographies of 'ulamâ' and judges, they usually rely heavily on other earlier sources which are available to us.<sup>40</sup> For example, the biography of Taqî al-Dîn Ibn Bint al-A<sup>c</sup>azz, a Shâfi<sup>c</sup>î chief judge (in office 685-686, 686-690 693-695), is drawn from al-Asnawî (see more below on this biographer),<sup>41</sup> as is the biography of the Shâfi<sup>c</sup>î Badr al-Dîn Ibn Jamâ<sup>c</sup>a (in office 690-694, 702-710, 711-727).<sup>42</sup> The biographies of al-Manhal al-sâfi usually add little or nothing to those written by more contemporary observers or to the works of Ibn Hajar.

Finally, there is a later source by Ibn al-<sup>c</sup>Imâd al-<sup>c</sup>Akarî (1032-82/1623-79) entitled Shadharât al-dhahab.<sup>43</sup>

This eight volume work, arranged chronologically, covers all the years down to 1000 A. H. Since it is a late work, it has drawn on many earlier sources. Franz Rosenthal says of this dictionary, "the author intended it to be a help to impecunious scholars like himself."<sup>44</sup> This helps explain its scope and pithy biographies.

Two more contemporary observers wrote tabaqât devoted to the Shâfi<sup>c</sup>î madhhab. The first of these, Tabaqât al-shâfi<sup>c</sup>îyya, was written by Jamâl al-Dîn al-Asnawî (d.772).<sup>44a</sup> Al-Asnawî was both a native Egyptian and the contemporary of many of the judges in our study as well as a source for later writers including Ibn Taghrî Birdî (as noted above) and Ibn Hajar al-<sup>c</sup>Asqalânî.<sup>45</sup> This edition is extremely well edited with many cross references and excellent indexes. It is also unique, and helpful for our purposes, in that biographies of sons immediately follow that of their father; e.g., the biographies of Sadr al-Dîn and Taqî al-Dîn immediately follow that of their father, Tâj al-Dîn Ibn Bint al-A<sup>c</sup>azz.<sup>46</sup>

The Tabaqât al-shâfi<sup>c</sup>îyya by Tâj al-Dîn al-Subkî (d.771)<sup>47</sup> is also important, but al-Subkî, a famous <sup>c</sup>âlim, was a Syrian, not an Egyptian like al-Asnawî. The question of residence is not as important, however, as being able to establish a more definite link between the two of them. Yet this is no easy task. Both men were contemporaries, but, according to the editor of al-Asnawî's tabaqât, al-Subkî finished his own book



in 766, and al-Asnawī not until 769.<sup>48</sup> Al-Subkī certainly did not mention al-Asnawī in his listing of other Shāfiʿī ṭabaqāt which he knew about.<sup>49</sup> Comparison of biographies does not supply evidence of any borrowing. There are biographies presented in al-Subkī's work which are missing from al-Asnawī and vice-versa.<sup>50</sup> Also, the biographies in al-Subkī's collection tend to be longer. For example, the biography of Jalāl al-Dīn al-Qazwīnī (in office 727-738) is about twice as long in al-Subkī, and he also mentions several sources including al-Ṣafadī.<sup>51</sup> Al-Asnawī does not refer to any other sources. Although both mention some of the offices which al-Qazwīnī held, only al-Asnawī mentions that he was deposed from office as chief judge of Egypt along with the Ḥanafī and Ḥanbalī judges, because of some matters which were made generally known about them, whereas al-Subkī skims over the incident even more severely, only noting that he was removed from the judgeship of Egypt, and made judge of Damascus, while ignoring the removal of the other judges. Even in the biographies of native Egyptians who spent their entire lives in Egypt (al-Qazwīnī spent most of his life in Damascus), al-Asnawī is no great improvement over al-Subkī. Such an Egyptian was Ṣadr al-Dīn Ibn Bīn al-Aʿazz (in office 678-679). Both biographies of this man are rather short.<sup>52</sup> Al-Asnawī does not even bother with the date of his birth, which al-Subkī does provide. More importantly al-Subkī claims that Ṣadr al-Dīn resigned from office, whereas al-Asnawī says that he was deposed. Additional details on this

point would have been of some interest, since I have not been able to determine from other sources why Ṣadr al-Dīn's tenure ended. In short, there is no evidence that one borrowed from the other, and that one of these Shāfi<sup>C</sup>ī tabaqāt should be preferred for that reason. Furthermore, the fact that al-Asnawī was an Egyptian does not seem to have given him any special status as an observer of Cairene chief judges, and his biographies are usually more cursory than those of his Syrian counterpart. Both also seem to be guilty of trying to suppress, to a greater or lesser extent, incidents which were unflattering to the Shāfi<sup>C</sup>ī madhhab, such as the deposition of al-Qazwīnī, a scandal of some note which shall be discussed in a later chapter.

There are a few other biographical dictionaries devoted to individual schools of law which should also be noted. Dhayl alā tabaqāt al-ḥanābila by Ibn Rajab (736-795/1335-92)<sup>53</sup> is the only Ḥanbalī biographical dictionary relevant to the chief judges of Bahrī Egypt, and the author was a contemporary of many of these judges. He also tries to minimize the incidents which were unflattering to members of his own madhhab. His biography of the first Ḥanbalī chief judge, Shams al-Dīn Ibn al-<sup>C</sup>Imād (in office 663-670), is reasonably detailed and many sources are indicated. He goes so far as to note that Ibn al-<sup>C</sup>Imād was deposed from office and imprisoned, but ignores the reason for the imprisonment, viz., his being found guilty of holding deposits of money which no longer should have been in his keeping (see details in Chapter VI).

Ibn Rajab provides biographies of only the first four of the seven Hanbalî judges I have studied; the more contemporary ones are missing: Taqî al-Dîn Ibn <sup>c</sup>Awaḍ (d.738); Muwaffaq al-Dîn al-Maqdisî (d.790); and Nâsir al-Dîn Naṣr Allâh (d. 795; since he died the same year as Ibn Rajab, I did not expect to find his biography).

The Hanafî tabaqa, al-Jawâhir al-mudî'a, by Ibn Abî al-Wafâ' (d. 735)<sup>55</sup> supplies extremely short and cursory biographies. A very late collection, al-Fawâ'id al-bahiyya, by al-Lakhnawî (d. 1290/1873) provides fuller biographies, but obviously relies on contemporary or more contemporary sources, most of which are available to us; e.g., al-Ṣafadî is the primary source for the biography of Ṣadr al-Dîn al-Adhra<sup>c</sup>f (in office 663-677).<sup>57</sup>

#### Chronicles

In discussing the contemporary Syrian historians whose writings included the reign of al-Malik al-Nâsir Muḥammad Ibn Qalâ'ûn, Professor Little has written, "The Syrians... write from a local vantage point and...being religious scholars, devote more attention to the activities of the religious institution" than to political affairs.<sup>58</sup> This interest in the activities of the "members of the religious institution" is undeniable, but it is heavily weighted in favor of the local (Damascene) "vantage point" with the result that events in Egypt, at least those relating to chief judges, are ignored or reports of them are severely condensed.

A greater problem is that since the Syrian historians were religious scholars, they often shape or suppress incidents which were unflattering to fellow Syrian <sup>C</sup>ulamā'. The most blatant example of this is the deposition of Jalāl al-Dīn al-Qazwīnī from the Shāfi<sup>C</sup>ī judgeship in 738. We have mentioned the cursory treatment of this scandal by al-Asnawī and al-Subkī above. The Syrian chronicler Ibn Kathīr, a well known <sup>C</sup>ālim (d. 774), in his al-Bidāya<sup>59</sup> deals with this matter in a somewhat similar fashion. In his listing of the events for the year 738, he notes al-Qazwīnī's deposition without an explanation, as well as that of the Ḥanafī and Ḥanbalī chief judges. He notes that the son, Ṣadr al-Dīn, of the Ḥanbalī chief judge, Taqī al-Dīn Ibn <sup>C</sup>Awad (in office 712-738) had to pay the sum of nearly 300,000 (dirhems?) in recompense, but ignores the fact that al-Qazwīnī's family had to pay 230,000 dirhems.<sup>61</sup> In his obituary of al-Qazwīnī Ibn Kathīr excuses himself from explaining al-Qazwīnī's deposition, by saying it was because of matters whose explanation is (too) drawn out (bi-sabab umūr yatūlu sharḥuhā).<sup>62</sup> Yet he did not find it too tedious to record the teaching and bureaucratic posts which al-Qazwīnī's three sons received when they were exiled to Damascus with their father.<sup>63</sup> Surely the events in Egypt leading to this judge's dismissal were more spectacular than these minor appointments, yet it is typical of this Syrian historian to portray a contemporary fellow Damascene Shāfi<sup>C</sup>ī in the best possible light as well as to pay very close attention to local affairs.

Another Syrian <sup>c</sup>âlim and historian, Shams al-Dîn al-Jazarî (d. 730),<sup>64</sup> suffers from the same provincial viewpoint. One indication of this attitude is that he begins the events of each year by giving the names of the caliph, sultan, and governor of Damascus, as well as the names of the four chief judges there, but does not mention the chief judges of Egypt or any other Cairene officials.<sup>65</sup> This is not to say that al-Jazarî completely ignores the chief judges of Cairo, but his interest in them is not very great, unless an incident occurs which is relevant to Damascene society or politics. Thus he notes the appointment of Taqî al-Dîn Ibn Daqîq al-<sup>c</sup>îd as Shâfi<sup>c</sup>î chief judge in 695,<sup>66</sup> but ignores this judge's argument with an amîr which led to Taqî al-Dîn's resignation, albeit temporary, from the chief judgeship; an incident which later Egyptian writers described in some detail.<sup>67</sup> On the other hand, al-Jazarî does devote considerable space, both in the events and obituary sections of his chronicle, to the swindle of Sayf al-Dîn al-Surramarî (or al-Samarri) and others who had purchased properties from the daughter of the Ayyûbid prince al-Malik al-Ashraf. The swindle was contrived by a Damascene official named Ibn al-Maqdisî, but events were centered in Cairo, where the wazîr was deeply involved and the Mâlikî chief judge Ibn Makhlûf helped legitimize the fraud.<sup>68</sup> Such an event greatly interested al-Jazarî, because Sayf al-Dîn was a Damascene and the land involved was in Syria, but al-Jazarî is of little value as a source for events more wholly concerned with the judiciary of Cairo.

Still another Syrian historian is Quṭb al-Dîn al-Yûnînî

(d. 726),<sup>69</sup> who wrote Dhayl mir'ât al-zamân.<sup>70</sup> This is a continuation of Sibṭ Ibn al-Jawzī's (d. 654/1256) universal history.<sup>71</sup> Al-Yûnîni is mainly interested in biography, and shares the provincial viewpoint of his fellow Damascene historians. Dhayl mir'ât al-zamân consists of more necrologies than events; e.g., in the printed edition, the events section of the year 672 consists of only five pages while the necrologies amount to fifty pages.<sup>72</sup> These necrologies are usually quite detailed, but some obituaries of chief judges are missing and some noteworthy events and incidents are omitted. All this seems to indicate a less than thorough interest in the affairs of the Cairene judiciary. For example, the biographies of the Mâlikî Taqî al-Dîn Ibn Shâs (in office 680-685) and the Shâfi'î Wajîh al-Dîn al-Bahnasî (in office 680-685) are missing from the obituaries for 685; the omission of the latter's obituary is somewhat strange since al-Yûnîni does mention that al-Bahnasî split the jurisdiction with Ibn al-Khuwayyî in 681, although he does not go into any details.<sup>74</sup> Like al-Jazarî, he ignores the dispute between the Shâfi'î chief judge Ibn Daqîq al-<sup>c</sup>îd and an amîr, which led to the judge's resignation. More disappointing is the fact that he ignores the reasons for the deposition of Taqî al-Dîn Ibn Bint al-A<sup>c</sup>azz from the Shâfi'î chief judgeship in 690,<sup>75</sup> and further ignores all the trials and tribulations which this judge suffered at the hands of the wazîr, only mentioning his return to office in 693.<sup>76</sup>

The really important chronicles for the present study

are al-<sup>C</sup>Aynî's <sup>C</sup>Iqd al-jumân and al-Maqrîzî's Sulûk. Al-<sup>C</sup>Aynî (d. 855/1451) and al-Maqrîzî (d. 845/1442) were contemporaries and both were religious scholars who wrote universal histories.<sup>77</sup>

In those cases where each reports the same incident, al-<sup>C</sup>Aynî's account is always more detailed, usually because he carefully and fully cites al-Yûsufî (d. 759), the author of a chronicle, now almost entirely lost, entitled Nuzhat al-nâzir.<sup>78</sup> For example, al-<sup>C</sup>Aynî's account of the deposition and trial of Taqî al-Dîn Ibn Bint al-A<sup>C</sup>azz in 690 is extremely long and detailed, and even includes an eyewitness account by al-Yûsufî himself or his father.<sup>79</sup> However, there are many other incidents relevant to the activities of the chief judges which are only to be found in Sulûk. This may be due, in part, to the fact that al-<sup>C</sup>Aynî seems to have stopped relying on al-Yûsufî for events after 741;<sup>80</sup> yet there are deficiencies even earlier. For example, al-<sup>C</sup>Aynî does not mention the appointment of Taqî al-Dîn Ibn Bint al-A<sup>C</sup>azz as judge of Fustât in 685,<sup>81</sup> nor the fact that earlier, in 681, Wajîh al-Dîn al-Bahnasî resigned half of his chief judgeship, keeping only that of al-Qâhira, because he was too weak to carry out his judicial duties in all of Cairo.<sup>82</sup> Therefore, it is necessary to consult both these chronicles to study the relevant incidents.

The Târîkh of Ibn al-Furât<sup>83</sup> (d. 807/1405) is, by and large, simply a duplication of al-Maqrîzî's chronicle. Little has shown that al-Maqrîzî has relied on Ibn al-Furât.<sup>84</sup> In any case, this Târîkh does not add much to the information to be found elsewhere, especially in al-Maqrîzî's Sulûk.<sup>85</sup>

Since Ibn al-Furât was a source for al-Maqrîzî, we might have expected fuller accounts in the Târîkh, but this is not the case.

Ibn Ḥajar al-<sup>c</sup>Asqalânî wrote a chronicle entitled Inbâ' al-ghumr bi-abnâ' al-<sup>c</sup>umr fî al-târîkh.<sup>86</sup> It is supposed to be a continuation of Ibn Kathîr's chronicle, which ended in 766, but it devotes more attention to obituaries than Ibn Kathîr ever did. It actually begins with the year 773, and continues well into the Burjî period. The biographies in Inbâ' al-ghumr are often shorter than those in al-Durar al-kâmina, but sometimes the reverse is true. Yet even at its best the biographies of Inbâ' al-ghumr are inferior to those of Raf<sup>c</sup> al-isr.<sup>87</sup> The real value of this work, however, is as a check on al-Maqrîzî's Sulûk, since al-<sup>c</sup>Aynî's Iqd is much less useful for the years after 741, according to Little, and more importantly I have not been able to consult al-<sup>c</sup>Aynî for the last years of the Bahrî period.

Finally, mention must be made of Shihâb al-Dîn al-Nuwayrî (d. 732), a contemporary of much of the time period under study. Al-Nuwayrî was an official in the Mamlûk bureaucracy, and it is the last section of his encyclopaedia, Nihâyat al-arab, which deals with the history of the Mamlûk empire, that interests us.<sup>89</sup> Although al-Maqrîzî seems to have relied on al-Nuwayrî for certain events (e.g., the establishment of the four chief judgeships; see more below), there are incidents which are only to be found in al-Nuwayrî; such as the reasons behind the appointment of Ibn Makhlûf to be chief judge in 685,<sup>90</sup> and the plotting of Taqî al-Dîn Ibn Bint al-A<sup>c</sup>azz to be chief judge of both al-Qâhira and Fustât in 686.<sup>91</sup> For these reasons,



it is an invaluable source, although it does end some fifty years short of the end of the Bahrí period.

In conclusion, both the biographical literature and the chronicles are important for the study of the Egyptian chief judges of the Bahrí Mamlûk empire, because each provides information that the other does not. Some of the sources are more valuable than others, but I have found it necessary to consult a wide range of sources in an attempt to acquire the best possible picture of the careers of these chief judges.

Before leaving this discussion of the sources, however, there are two historiographical observations I would like to make. The first concerns the relationship between the writings of Ibn Hajar al-<sup>C</sup>Asqalânî and al-Yûsuffî. Little has called al-Yûsuffî's work "one of the three key sources for the early reign of al-Malik al-Nâsir"; he has also pointed out that Franz Rosenthal had recorded five references to al-Yûsuffî's Nuzhat al-nâzir in Ibn Hajar's al-Durar al-kâmina.<sup>92</sup> Although Little was studying the problem of sources from a point of view different from my own, I have demonstrated the value of al-Yûsuffî for the present study. What is more important is that I believe that Ibn Hajar relied on al-Yûsuffî's work even more heavily than anyone has realized previously, but he mentioned al-Yûsuffî by name only rarely, because he greatly summarized al-Yûsuffî's accounts. Evidence for this theory is to be found in Ibn Hajar's biography of the Shâfi<sup>C</sup>î chief judge Taqî al-Dîn Ibn Bint al-A<sup>C</sup>azz. Since this judge died in 695, his biography is not in al-Durar al-kâmina, but it is in Raf<sup>C</sup> al-isr. As I have mentioned above, this dictionary of judges

was probably written before al-Durar al-kâmina, and its biographies were sometimes abridged for the latter work. During the years 690 to 693 Ibn Bint al-A<sup>c</sup>azz suffered persecutions at the hands of the wazīr, who accused him or had him accused of many things, including the charge that Taqī al-Dīn was a Christian. In his last trial, Ibn Bint al-A<sup>c</sup>azz stood up and denied this charge, saying, "I am so and so, the son of so and so, (etc.) and there is no Buṭrus nor Jirjis in my nisba." He then went on to deny another charge, that he drank wine. I have found this sentence only in Raf<sup>c</sup> al-isr<sup>93</sup> and in al-<sup>c</sup>Aynī,<sup>94</sup> where al-Yūsufī is cited as the original source for the account of this incident.<sup>95</sup> Ibn Ḥajar does not mention any sources at all in this biography, although he does cite sources in other biographies. Al-<sup>c</sup>Aynī, thanks to al-Yūsufī, goes into great detail concerning the sufferings of this chief judge, and Ibn Ḥajar's account is a severely condensed version of it. However, these lines of direct quotation are virtually identical in the two sources, and since we know that Ibn Ḥajar mentioned al-Yūsufī in al-Durar al-kâmina, it may very well be that he relied on this author elsewhere, either directly or through another source, summarizing al-Yūsufī's account and not showing his indebtedness to him.

The other observation is that, assuming Ibn Ḥajar depended on al-Yūsufī's chronicle for some of his biographies, it is necessary to modify Little's contention that "a compiler of biographical dictionaries did not rely heavily on annals as a source for his biographies."<sup>96</sup> Of course, for the biography of Ibn Bint al-A<sup>c</sup>azz, the information on the

persecutions of this chief judge is put together under one entry (at least in al-<sup>c</sup>Aynî's recension), even though the events actually happened over the space of a few years.<sup>97</sup> This might satisfy Little's contention that it was too cumbersome for biographers to search the annals for information,<sup>98</sup> but it certainly contradicts his view that annalists and biographers were reluctant to cross the line into the territory of the other.<sup>99</sup> To this must be added the evidence from the biography of the Ḥanafî judge Sharaf al-Dîn Ibn Mansûr in Raf<sup>c</sup> al-isr, where Ibn Ḥajar mentions al-Maqrîzî as his informant. There is no doubt that here Ibn Ḥajar has drawn from al-Maqrîzî's Sulûk.<sup>100</sup> We cannot reach any final conclusions on the extent to which biographers borrowed from annalists and vice-versa from these few references, but some borrowing certainly did occur, and we should therefore avoid thinking of biography and annals as two distinct genres.

## B. The Establishment of the Four Chief Judgeships

Towards the end of the year 663, Sultan Baybars ordered the establishment of the four chief judgeships.<sup>101</sup> The sources blame this move on the hesitation (tawaqquf) of the Shâfi<sup>c</sup> chief judge, Tâj al-Dîn Ibn Bint al-A<sup>c</sup>azz, in executing legal decisions, and the pressure exerted by the amîr Jamâl al-Dîn Aydughdây al-<sup>c</sup>Azîzî.<sup>102</sup> These are the two basic reasons, but the sources vary somewhat in the details. Shâfi<sup>c</sup> ibn <sup>c</sup>Alî in his biography of Baybars says it was due to the judge's hesitation in accepting testimonies as well as his stubbornness,<sup>103</sup> whereas Ibn Kathîr<sup>104</sup> says that this hesitation was only in matters not relating to the Shâfi<sup>c</sup> madhhab. Al-<sup>c</sup>Aynî,<sup>105</sup> Ibn al-<sup>c</sup>Imâd,<sup>106</sup> Ibn Taghrî Birdî,<sup>107</sup> and al-Yûnînî<sup>108</sup> simply refer to the judge's hesitation in making judgements. The amîr also plays an important role in all these accounts as the one who suggested the creation of the other three judgeships.<sup>109</sup>

The accounts in al-Nuwayrî<sup>110</sup> and al-Maqrîzî<sup>111</sup> are virtually identical. Here the emphasis is placed on the fact that Aydughdây hated Tâj al-Dîn and he constantly berated him before the sultan for the severity of his judgements and, according to al-Maqrîzî, his slowness or hesitation in making decisions which did not conform to his madhhab.<sup>112</sup> Three cases came before the sultan in a session of the dâr al-<sup>c</sup>adl in late 663. The first was a complaint by the daughters of al-Malik al-Nâsir (probably the Ayyûbid Şalâh al-Dîn al-Nâsir II, ruled in Damascus and Aleppo 648-58) who explained that they had purchased a house from the former chief judge Badr al-Dîn al-Sinjârî,<sup>113</sup> and after his death his heirs said that this house was part

of a waqf. This prompted Aydughday to start criticizing judges. The sultan turned to Ibn Bint al-A<sup>C</sup>azz and asked him how could judges act in this way. The judge avoided a direct answer, but did say that the money should be refunded. The sultan then asked the procedure if al-Sinjâri's/heirs had no money. The judge replied that the waqf remained inviolate and the money could not be reimbursed. This greatly angered the sultan, but before the matter could be concluded an envoy of the amîr of Medina appeared complaining about Ibn Bint al-A<sup>C</sup>azz. The envoy said that he had asked the judge for one quarter of the value of a waqf which was under his control, because the amîr of Medina wanted to distribute the money to the poor of that city, but the judge had refused to surrender any money. The judge explained that he was not willing to hand over such money to someone he barely knew, but he was willing to comply if the sultan so instructed. The sultan told him to act as he saw fit. Finally, one of the umarâ' stepped forward, saying that Ibn Bint al-A<sup>C</sup>azz had refused to accept his testimony. When asked to explain his refusal, the judge said that it was not necessary for him to explain. The amîr Aydughday spoke up and said let him judge according to the Shâfi<sup>C</sup>î madhhab and we will establish a judge for each of the other three madhâhib. This was pleasing to the sultan and the new arrangement was soon enacted.

A more partisan interpretation is supplied by the Shâfi<sup>C</sup>îs al-Asnawî and al-Subkî in their tabaqât.<sup>114</sup> According to this version, Ibn Bint al-A<sup>C</sup>azz was asked to turn over a case to his Hanafî deputy (nâ'ib, more on this office below), but the chief

judge did not want to transfer this particular case, so he refused to let the case be heard. At that point the amīr Aydughday suggested the establishment of the four chief judgeships and the sultan agreed.

Whatever story or combination of stories is really true, there is no question of the importance of the amīr Aydughdāy nor with Tāj al-Dīn Ibn Bint al-A<sup>c</sup>azz's reluctance to deal with at least certain cases.

However, the events of 663 should not be seen in isolation, and the establishment of full chief judgeships for each of the four madhāhib was not a revolutionary occurrence, but rather it evolved from earlier events in Egypt. At the end of the Ayyūbid period, al-Malik al-Ṣāliḥ Najm al-Dīn Ayyūb founded al-Ṣāliḥiyya madrasa. It was completed in 648, but even before that date, in 641, professorships of fiqh were established for each of the four schools of law.<sup>115</sup> The equalizing of the four madhāhib entered a new phase when, in 661, Sultan Baybars ordered the Shāfi<sup>c</sup> chief judge, the same Ibn Bint al-A<sup>c</sup>azz, to choose deputies (nuwwāb) from the other three madhāhib, and he chose those who were (probably) his three fellow professors of fiqh at al-Ṣāliḥiyya.<sup>116</sup> It is highly likely that there was no Ḥanbalī nā'ib appointed, but rather the Ḥanbalī professor was given the lower ranking office of âqid al-ankiḥa (binder or registrar of marriages), which was also subordinate to the Shāfi<sup>c</sup> chief judge.<sup>117</sup>

This establishment of the three nuwwāb (or two nuwwāb and an âqid) is obviously significant, but most of the sources do not explain the reason for it or give many details of how it

came about. Instead, they say only that the sultan ordered Ibn Bint al-A<sup>c</sup>azz to appoint nuwwâb from the three madhâhib.<sup>118</sup> although Ibn Ḥajar al-<sup>c</sup>Asqalânî implies that this move was Tâj al-Dîn's own idea and was carried out by permission of, not at the order of, the sultan.<sup>119</sup> Ibn Ḥajar also says that the nuwwâb were created so there would be more judges for the people.<sup>120</sup> This explanation of the appointments of 661 is unique to Ibn Ḥajar and its flattering attitude towards Ibn Bint al-A<sup>c</sup>azz is very likely an attempt to minimize the importance of an act which was certainly a blow to his own Shâfi<sup>c</sup>î madhhab. (We have mentioned in our earlier discussion on sources, Ibn Ḥajar's circumlocutions when it came to describing all four judges by the title qâdî al-quḍât.) Ibn <sup>c</sup>Abd al-Zâhir, a more contemporary source, says the events of 661 occurred because the sultan saw the great number of people (in the city); that Cairo had become the seat of power (dâr al-mulk) and that scholars of different madhâhib congregated there.<sup>121</sup> These last explanations seem more likely, since we do know that population of Cairo had been increasing,<sup>122</sup> and at least part of this expansion was due to the influx of refugees fleeing the Mongols.<sup>123</sup>

In addition, we should remember that, according to Eliséef, Nûr al-Dîn Zangî (ruled 541-569/1146-74) had established four chief judges in Syria during his reign,<sup>124</sup> but there had not been four chief judges in Cairo since the Fâtimids, and even then there had been two Shf<sup>c</sup>î judges (an Imâmî and an Ismâ<sup>c</sup>îlî), a Mâlikî and a Shâfi<sup>c</sup>î, not one from each of the four recognized Sunni schools of law. When the Ayyûbids came to power they

changed the system back to a single Shâfi<sup>c</sup>î chief judge.<sup>125</sup> What is most interesting, however, is that the sources do not indicate any opposition to the developments in the early Bahrî period, either in 661 or 663.<sup>126</sup> In fact, Ibn <sup>c</sup>Abd al-Zâhir says that the selection of the nuwwâb brought relief (râha) to the people.<sup>127</sup> Certainly, the establishment of the four professorships of fiqh at al-Sâlihiyya during the Ayyûbid period and the continuation of these appointments into the Mamlûk period prepared the ground for the later changes in the organization of the judiciary by making some equalization of the four madhâhib acceptable.

On the other hand, the Shâfi<sup>c</sup>î chief judge was able to remain a notch above the others throughout the Bahrî period, despite some attacks on the superiority of his status. The first challenge came in 663, at the time of the establishment of the other three chief judgeships when all the judges were allowed to appoint deputies in the districts of Egypt.<sup>128</sup> Yet this situation lasted only for fifteen years and in 678 the right of appointing deputies outside the capital was reserved for the Shâfi<sup>c</sup>î chief judge.<sup>129</sup> Even in 663, however, the Shâfi<sup>c</sup>î judge was put in charge of the moneys of the orphans, as well as verifying waqfiyyât and legacies.<sup>130</sup> These duties, as embodied in the office of nâzir al-ahbâs, were lost to the Shâfi<sup>c</sup>î chief judge at Ibn Bînt al-A<sup>c</sup>azz's death. However, in 698 the Sultan Lâjîn established a new deposit (mawda<sup>c</sup>) for the orphans of umarâ' and decreed that anyone who died and had heirs who were minors would have their estates transferred to this mawda<sup>c</sup> al-hukm, which would be under the supervision of



the Shâfi<sup>c</sup>ī chief judge.<sup>131</sup> This depository continued at least until the end of the Baḥrī period. The Ḥanafī chief judge, Sirāj al-Dīn al-Hindī (in office 769-73), tried to establish a similar depository for the funds of Ḥanafī orphans. This was granted, but he died before it could be implemented.<sup>132</sup> According to Ibn Ḥajar, his timely death was through the intervention of the Imām al-Shâfi<sup>c</sup>ī.<sup>133</sup> Another attempt by Jalāl al-Dīn Jār Allāh in 781 met with more success, but pressure from the Shâfi<sup>c</sup>ī chief judge, Burḥān al-Dīn Ibn Jamā<sup>c</sup>a, eventually forced its cancellation.<sup>134</sup>

The Shâfi<sup>c</sup>ī chief judge may well have enjoyed the unique prerogative of approving wills. This may have been the right which Tāj al-Dīn Ibn Bīn al-A<sup>c</sup>azz was granted in 663, although it may have been connected to his duties as nāẓir al-aḥbās. We do know that at the time Lājīn established the mawda<sup>c</sup> al-hukm, the Shâfi<sup>c</sup>ī chief judge was to establish notaries (udūl) for those deceased who had written wills, to insure that they were executed properly.<sup>135</sup> Also, one of the reasons given for the deposition of the Mālikī chief judge <sup>c</sup>Alam al-Dīn al-Bisāṭī in 779 was the fact that he had approved a will before the Shâfi<sup>c</sup>ī chief judge, Burḥān al-Dīn Ibn Jamā<sup>c</sup>a, had seen it.<sup>136</sup>

Finally, the Shâfi<sup>c</sup>ī chief judge had precedence over the other chief judges in the sessions of the dār al-<sup>c</sup>adl. He sat to the right of the sultan in these sessions, followed by the Ḥanafī, Mālikī, and Ḥanbalī judges. The order was changed after the days of al-Malik al-Nāṣir Muḥammad, probably in

the middle years of the 8th century A. H., and the Ḥanafī chief judge, followed by the Ḥanbalī, was moved to the sultan's left.<sup>137</sup> It is difficult to assess the importance of this change. It seems to have been an upgrading of the status of the Ḥanafī judge, because now he was closer to the sultan, but being to the sultan's left was still probably inferior to being on his right.

There is little doubt that the Shāfi<sup>c</sup>ī was the highest ranking madhhab and the Ḥanbalī the lowest. After all, the Ḥanbalīs were, probably, only assigned an āqid and not a nā'ib between 661 and 663, and in the next chapter we shall see that the Ḥanbalīs were without a chief judge for several years after the deposition of Shams al-Dīn Ibn al-<sup>c</sup>Imād in 670. However, the ranking of the Ḥanafī and Mālikī chief judges is more difficult to ascertain, and I think that during the Bahrī period the Ḥanafīs gained power at the expense of the Mālikīs. As the various schools of law had begun to take shape in the early years of Islam, it was the Mālikī school which was dominant in Egypt, but they lost this leading position after al-Shāfi<sup>c</sup>ī came to Egypt in 198 A. H. We have seen that during the Fātimid period only these two schools were represented in addition to the Shī<sup>c</sup>īs and the Ayyūbids established only a Shāfi<sup>c</sup>ī chief judge during their years of control in Egypt. According to al-Maqrīzī, the Ḥanafīs were numerous in Syria, thanks to the efforts of Nūr al-Dīn Zangī, but it was only towards the end of the Ayyūbid period that the Ḥanafī, as well as the Ḥanbalī, presence became more numerous in Egypt.<sup>138</sup> The Ḥanafīs came from Syria and (further) east,<sup>139</sup> where they had always

enjoyed dominance.<sup>140</sup> Therefore, the new seating arrangement in the dâr al-<sup>c</sup>adl, with the Mâlikî sitting next to the Shâfi<sup>c</sup>î, may have been an attempt to reestablish an older hierarchy. We also know that in the year 690 there was a procession in honor of the installation of a new wazîr, and al-Maqrîzî says that the two persons closest to him (i.e., in the positions of the greatest honor) were the Shafi<sup>c</sup>î and Mâlikî chief judges.<sup>141</sup> On the other hand, the Mâlikî chief judge in that year was Zayn al-Dîn Ibn Makhlûf, one of the most powerful judges of the Bahrî period (as we shall see in more detail in later chapters) and this place in the procession may have been more in the nature of a personal honor than an acknowledgement of the status of his madhhab. Certainly the briefly successful attempts by the Hanafî chief judges al-Hindî and Jâr Allâh to gain certain privileges, which had been reserved for the Shâfi<sup>c</sup>î, for themselves and their successors show the increased influence of this madhhab towards the end of the Bahrî period. This small amount of data indicates that the Mâlikîs were superior to the Hanafîs in the earlier Bahrî period, and the Hanafîs superior to them in the later years of that era. The rise of the Hanafîs may have been due to the fact that many of the Mamlûks were Hanafîs, and they became more "religiously" active in the later Bahrî period; e.g., in the year 767 the amîr Yalbughâ al-Khâssakî al-<sup>c</sup>Umarî endowed seven posts for the teaching of Hanafî fiqh at the mosque of Ibn Tûlûn. According to al-Maqrîzî this induced many Shâfi<sup>c</sup>îs to change madhhab.<sup>142</sup> I cannot carry the discussion of this point any further, and its resolution

probably lies in a detailed study of the 'ulamâ' of this period.

In conclusion, the establishment of the four chief judgeships was more evolutionary than revolutionary. Earlier events had set the scene for the judicial reorganization of 663, and it may well be that the really significant event in the judicial history of the Bahrî period occurred in 661 when the Hanafîs, Mâlikîs and Hanbalîs were given a place in the judicial bureaucracy. Looking at developments from this point of view, there was not so much a reorganization of the judiciary in 663 as there was the promotion of three lower ranking judicial officers to a higher rank. Thus, the events of 661 were more revolutionary than those of 663, although then too an earlier basis had been established for that change with the establishment of the four professorships at al-Şâlihiyya. Nevertheless, one cannot help but be struck by the almost total silence of the sources as regards opposition by the Shâfi'î chief judge or anyone else to either judicial reorganization. The explanation for this apparent lack of opposition may well be that this change was both necessary and generally welcome.

## Footnotes

1. N. J. Coulson, A History of Islamic Law (Edinburgh, 1964), pp. 21-22.
2. Ibid., pp. 25-26.
3. Ibid., pp. 28-29.
4. Ibid., p. 121.
5. Ibid.; E. Tyan, Histoire de l'organisation judiciaire en pays d'Islam (Leiden, 1960), p. 124.
6. Tyan, Histoire, p. 124.
7. Cf. ibid., p. 127.
8. Ibid., p. 136.
9. Ibid., pp. 137-38.
10. A. Schimmel, "Kalif und Kadi im spätmittelalterlichen Aegypten," Die Welt des Islams, XXIV (1942), 1-128; Carl Petry and Stanley Mendenhall, "Geographical Origins of the Civil Judiciary of Cairo in the Fifteenth Century," Journal of the Economic and Social History of the Orient, XXI (January, 1978), 52-74.
11. W. Popper, Egypt and Syria under the Circassian Sultans, 1382-1468 A. D.; Systematic Notes to Ibn Taghri Birdi's Chronicles of Egypt (Berkeley, California, 1955-57), I, 108, 110.
12. M. Gaudefroy-Demombynes, La Syrie à l'époque des Mamelouks (Paris, 1923), pp. LXXVII, 160, 209, 224, 231; hereafter cited as La Syrie.
13. The work has already begun for the Burjī period. See J. Mandaville, "The Muslim Judiciary of Damascus in the Late Mamlūk Period," (unpublished Ph. D. dissertation, Princeton University, 1969).
14. Shihāb al-Dīn Ahmad ibn <sup>c</sup>Alī al-Qalqashandī, Subh al-a<sup>c</sup>shā fī sinā<sup>c</sup>at al-inshā' (Cairo, 1963), 14 vols. For biographical details, see C. E. Bosworth, "al-Qalkashandī," Encyclopaedia of Islam, 2nd edition, IV, 509-11. Hereafter cited as EI-2.
15. Taqī al-Dīn Ahmad ibn <sup>c</sup>Alī al-Maqrīzī, al-Mawā<sup>c</sup>iz wa-al-i<sup>c</sup>tibār bi-dhikr al-khiṭaṭ wa-al-âthār (Bulāq, 1853); hereafter cited as Khiṭaṭ. For biographical details, see C. Brockelmann, "al-Maqrīzī," Encyclopaedia of Islam, 1st edition, III, 175-76. Hereafter cited as EI-1.
16. I have avoided the technique of evaluating a number of

sources on the basis of their treatment of one or several incidents as, for example, Little has done in his Introduction to Mamlūk Historiography (Montreal, 1970). I myself used a somewhat similar approach in the evaluation of biographical sources for my "A Study of al-Durar al-kâmina as a Source for the History of the Mamlūk Empire," (unpublished M. A. thesis, McGill University, 1974, pp. 12-33). However, I did not think that this method was as useful now, because in the present study I have been concerned with a fairly long time period. More importantly I felt that this type of comparison would be too limited, and would prevent me from showing various examples that would be more illustrative of the value of a given source than the comparison of one or two incidents or biographies would allow.

16. See my "Vocational Patterns of the Scribes of the Mamlūk Chancery," Arabica, XXIII, (1976), 42-62.

17. Ahmad ibn Hajar al-<sup>C</sup>Asqalânî, Raf<sup>C</sup> al-işr<sup>C</sup> an quḍāt mişr (Cairo, 1957- ), 2 vols. to date. Hereafter cited as Raf<sup>C</sup>. The last part is available only in manuscript; I have used Bibliothèque Nationale MS Arabe 2149, hereafter cited as Raf<sup>C</sup> MS. For biographical details, see F. Rosenthal, "Ibn Ḥadjar al-<sup>C</sup>Asqalânî," EI-2, III, 776-78.

18. R. J. Gottheil, ed., The History of the Egyptian Cadis ...by...al-Kindi (Paris, 1908), p. XIX.

19. R. Guest, ed., The Governors and Judges of Egypt (Leiden, 1912), p. 43.

20. The following judges are missing. The Shâfi<sup>C</sup> is, Ṣadr al-Dîn Ibn Bint al-A<sup>C</sup>azz (in office 678-679), see Raf<sup>C</sup>, I, 12, note 14; Jalâl al-Dîn al-Qazwî (in office 727-38), see ibid., p. 14, note 2. The Ḥanafîs, Ṣadr al-Dîn al-Adhra<sup>C</sup>î (in office 663-677), see ibid., p. 17, note 2; Mu<sup>C</sup>izz al-Dîn al-Khaṭîbî (in office 677-92), see ibid., note 3; Jalâl al-Dîn Jâr Allâh (in office 778-82), see ibid., note 17. Only the Ḥanafî Sirâj al-Dîn al-Râzî is not mentioned in the poem.

21. Ibid., II, 381.

22. Ahmad ibn Hajar al-<sup>C</sup>Asqalânî, al-Durar al-kâmina fî a<sup>C</sup>yân al-mi'at al-thâmina (Cairo, 1966-67), 5 volumes. Hereafter cited as Durar. For some general comments on this work, see F. Krenkow, "The Hidden Pearls concerning the Notables of the Eighth Islamic Century," Islamic Culture, II (1928), 527-39.

23. See the biography of Burhân al-Dîn Ibn Jamâ<sup>C</sup>a (Durar, I, 40).

24. Khiṭaṭ, II, 374. A detailed architectural study of this madrasa is to be found in K. A. C. Creswell, The Muslim

Architecture of Egypt (Oxford, 1959), II, 94-100. Some of the unique features of this madrasa will be discussed in more detail below.

25. See chapter V for a discussion of this office.

26. Durar, II, 499.

27. Raf<sup>c</sup>, II, 365.

28. Raf<sup>c</sup> MS, fols. 87a-b.

29. Durar, III, 230-31.

30. For details of his life and works, see F. Krenkow, "al-Şafadî," EI-I, IV, 52-54.

31. Şalâh al-Dîn Khalfî ibn Aybak al-Şafadî, al-Wâfî bi-al-wafayât. Only part of this work has been published so far, (Istanbul, Damascus, Wiesbaden, 1931- ), 9 volumes to date. I have consulted a number of different manuscript collections for the remaining volumes. Hereafter cited as Wâfî.

32. Wâfî, Ahmet III MS 2920/22, fol. 71a.

33. I have consulted a microfilm copy of the Istanbul MS, Emine Hazine 1217; hereafter cited as A<sup>c</sup>yân. See also D. P. Little, "Al-Şafadî as Biographer of his Contemporaries," in D. P. Little, ed., Essays on Islamic Civilization Presented to Niyazi Berkes (Leiden, 1976), especially pp. 197 ff.

34. A<sup>c</sup>yân, fol. 347b.

35. Krenkow, "al-Şafadî," p. 53.

36. Durar, III, 202.

37. The amîn al-hukm was an official of the judge's court who dealt with financial matters, especially that of funds for orphans; EI-2, I, 437.

38. This affair will be discussed in more detail in chapter IV. See also below, note 68.

39. Abû al-Mahâsin Ibn Taghrî Birdî, al-Manhal al-şâfî (Cairo, 1956- ), 1 volume to date. Hereafter cited as Manhal. For the remaining volumes I have consulted Arab League MS. 841 (photocopy of Topkapi Ahmet III 3018); hereafter cited as Manhal MS. The summary outline of this work, Les Biographies du Manhal Şâfî, by G. Wiet (Cairo, 1932) is also important. For his biography, see W. Popper, "Abû'l Mahâsin," EI-2, I, 138.

40. Ibn Taghrî Birdî is also prone to making mistakes in his biographies of ʿulamâʾ. See the discussion in my "Study of

al-Durar..., p. 25, and see below chapter III, notes 61 and 64.

41. Manhal MS, fols. 437b-438a.

42. Ibid., fols. 630a ff.

43. Ibn al-<sup>C</sup>Imâd al-<sup>C</sup>Akarî, Shadharât al-dhahab fî akhbâr man dhahab (Cairo, 1931-32), 8 vols. Hereafter cited as Shadharât. For biographical details, see F. Rosenthal, "Ibn al-<sup>C</sup>Imâd," EI-2, III, 807.

44. Rosenthal, "Ibn al-<sup>C</sup>Imâd," ibid.

44a. Jamâl al-Dîn <sup>C</sup>Abd al-Rahîm al-Asnawî, Tabaqât al-shâfi<sup>C</sup>yya (Baghdad, 1390/1970), 2 vols. For his biography, see ibid., I, 11-46. Hereafter cited as al-Asnawî.

45. E. g., Durar, II, 373; the biography of the Shâfi<sup>C</sup> chief judge Bahâ' al-Dîn Ibn <sup>C</sup>Aqîl.

46. Al-Asnawî, I, 147-53.

47. For biographical details, see J. Schacht, "al-Subkî," EI-1, IV, 494.

48. Al-Asnawî, I, 32.

49. See Tâj al-Dîn al-Subkî, Tabaqât al-shâfi<sup>C</sup>yya al-kubrâ (Cairo, 1964), I, 217, where this listing ends.

50. The biographies of Wajîh al-Dîn al-Bahnasî, Burhân al-Dîn al-Sinjârî, and Jamâl al-Dîn al-Zar<sup>C</sup>î are in al-Subkî's collection, but missing from al-Asnawî's. The biography of Shihâb al-Dîn Ibn al-Khuwayyî is in al-Asnawî, but missing from al-Subkî, as is the biography of Bahâ' al-Dîn Ibn <sup>C</sup>Aqîl. However, the latter chief judge died in 769, which, if al-Subkî did finish writing in 766, would make his inclusion highly unlikely.

51. Al-Asnawî, II, 329-30; al-Subkî, Tabaqât al-shâfi<sup>C</sup>yya (Cairo, 1906), V, 238-39. Hereafter cited as al-Subkî.

52. Al-Asnawî, I, 150; al-Subkî, V, 131.

53. Zayn al-Dîn <sup>C</sup>Abd al-Rahmân ibn Ahmad Ibn Rajab, Dhayl <sup>C</sup>alâ taḥqîq al-ḥanâbila (Cairo, 1952), 2 vols. in one. For biographical details, see J. Schacht, "Ibn Radjab," EI-2, II, 901-902. Hereafter cited as Ibn Rajab.

54. Ibn Rajab, II, 294-95.

55. Muḥyî al-Dîn <sup>C</sup>Abd al-Qâdir Ibn Abî al-Wafâ', al-Jawâhir al-mudî'a fî taḥqîq al-ḥanafîyya (Hyderabad, 1332/1913).



2 vols. See also G. Brockelmann, Geschichte der arabischen Litteratur (Leiden, 1945-49), II, 80, and Supplement II, 89.

56. (Cairo), 1324/1906. See also Brockelmann, Geschichte, Supplement II, 857.

57. Al-Lakhnawī, pp. 80-81.

58. D. P. Little; Introduction, p. 95.

59. This is <sup>C</sup>Imād al-Dīn Ismāʿīl ibn <sup>C</sup>Umar Ibn Kathīr. For his biography, see H. Laoust, "Ibn Kathīr," EI-1, III, 175-76. His chronicle, al-Bidāya wa-al-nihāya fī al-tārīkh (Cairo, 1932-39), 14 vols., is a universal chronicle from the creation to the year 767. Volumes thirteen and fourteen are of importance to the present study. Hereafter cited as Ibn Kathīr.

60. Ibn Kathīr, XIV, 180-81.

61. Taqī al-Dīn Ahmad ibn <sup>C</sup>Alī al-Maqrīzī, Kitāb al-sulūk li-maʿrifat duwal al-mulūk (Cairo, 1934-73), II, 442; al-<sup>C</sup>Aynī, ʿIqd al-jumān, MS Ahmet III 2911/c34, fol. 63a.

62. Ibn Kathīr, XIV, 185.

63. Ibid., p. 181.

64. For his biography, see A. S. Bazmee Ansari, "al-Djazari," EI-2, II, 522-23.

65. See, for example, J. Sauvaget, La Chronique de Damas d'al Jazari, Années 689-698 H (Paris, 1949), infra, which is a summary translation of Jawāhir al-sulūk fī al-khulafāʾ, Bibliothèque Nationale MS-Arabe 6739.

66. Sauvaget, La Chronique, p. 48.

67. This incident will be discussed in more detail in chapter VI. Ibn Kathīr (XIII, 352) on the other hand, says only that Ibn Daqq al-<sup>C</sup>id became angry, left the judiciary for a short while, then finally returned. The Egyptian al-Maqrīzī spends almost two pages in the printed edition describing this incident (al-Maqrīzī, Kitāb al-sulūk, II, 848-49; hereafter cited as Sulūk). Al-<sup>C</sup>Aynī (ʿIqd al-jumān, Ahmet III 2912/4, fol. 181b) also describes this incident in some detail.

68. I shall discuss this incident in more detail in chapter VI. J. Sublet has devoted an article to this entitled, "La Folie de la Princesse Bint al-Ashraf," Bulletin d'Etudes Orientales, XXVII (1974), 45-50. Al-Jazari devotes considerable space to it under the events of 680; see U. Haarmann, Quellenstudien zur frühen Mamlukenzeit (Freiburg, 1969), Arabic text, pp. 90-91. It is also mentioned in his obituary of al-Surramari (J. Sauvaget, La Chronique, p. 64).

69. For biographical details, see Durar, IV, 382.

70. Four volumes have been published, ending with the year 686/1287 (Hyderabad, 1954- ). For the years 690-697 I have consulted MS Ahmet III 5803. Hereafter cited as al-Yûnîni.

71. See EI-2, III, 752-53.

72. See al-Yûnîni, III, infra.

73. See, for example, the biography of the Shâfi'î Taqî al-Dîn Ibn Razîn (al-Yûnîni, IV, 124).

74. Ibid., p. 144.

75. Al-Yûnîni, Ahmet III 5803, fol. 6a.

76. Ibid., fol. 48b.

77. For biographical details, see W. Marçais, "al-<sup>c</sup>Aynî," EI-2, I, 790-91. For the years 660-678, I have used Bibliothèque Nationale MS Arabe 1543; for 679-686, hand copy of Dâr al-Kutub MS 1584; for 689-736, Ahmet III 2912/4; and for 736-745, Ahmet III 2911/c34. Hereafter cited as al-<sup>c</sup>Aynî, and the appropriate MS.

78. For biographical details of Mûsâ ibn Muḥammad al-Yûsufî, see Durar, IV, 381. The importance of this historian has been the subject of several studies by D. P. Little, "An Analysis of the Relationship between Four Mamlûk Chronicles for 737-745," Journal of Semitic Studies, XIX (Autumn, 1974), 252-68; "The Recovery of a Lost Source for Bahrî Mamlûk History: al-Yûsufî's Nuzhat al-Nâṣir fî Ṣîrat al-Malik al-Nâṣir," Journal of the American Oriental Society, volume 94, pp. 42-54; and his Introduction to Mamluk Historiography, especially pp. 81-87; 95.

79. Al-<sup>c</sup>Aynî, Ahmet III, 2912/4, fols. 158a-159b. Cf. the shorter version in Sulûk, I, 771-73.

80. Little, "Analysis," p. 265.

81. Cf. Sulûk, I, 732.

82. Cf. Sulûk, I, 706.

83. Muḥammad ibn <sup>c</sup>Abd al-Raḥmân Ibn al-Furât. Volume 6 is available only in MS, and I have used MS Vienna Flûgel 814; volumes 7, 8, and 9 have been published (Beirut, 1936-42). For biographical details, see Cl. Cahen, "Ibn al-Furât," EI-2, III, 768-69.

84. Little, Mamlûk Historiography, p. 78.

85. Cf., for example, Sulûk, I, 539-40 and Ibn al-Furât,

Târikh, Flügel 814, fols. 89b-90a.

86. Hyderabad, 1967- ; 4 vols. to date. Hereafter Inbâ' al-ghumr.

87. Cf. the biography of the Hanafî chief judge Sharaf al-Dîn Ibn Mansûr in Durar, I, 234; Inbâ' al-ghumr, I, 93-94; and Raf<sup>c</sup>, I, 89-90.

88. Cf. the account of the Hanafî judge Jâr Allâh's attempt to gain an improved status for his madhhab in Sulûk, III, 358-59, and Inbâ' al-ghumr, I, 302-303.

89. For biographical details, see I. Kratschkowsky, "al-Nuwairî," EI-1, III, 968. The section of this work which interests us is available only in MS. For the years 659-688 I have consulted Bibliothèque Nationale MS Arabe 1578; for 678-700 Bibliothèque Nationale 1579; for 701-720 Leiden MS.Or. 20; and for 721-730 Leiden MS Or. 19b. Hereafter cited as al-Nuwayrî, and the appropriate MS.

90. Al-Nuwayrî, Bibliothèque Nationale 1578, fols. 86a-b.

91. Ibid., fols. 63a-64b.

92. Little, "Lost Source," p. 43.

93. Raf<sup>c</sup>, II, 328.

94. Al-<sup>c</sup>Aynî, Ahmet III 2912/4, fol. 159a.

95. Ibid., fol. 158b.

96. Little, Mamlûk Historiography, p. 134.

97. See chapter VI, notes 61-63.

98. Little, Mamlûk Historiography, p. 134.

99. Ibid., p. 135. See also the comments in my "A Lost Arabic Source for the History of Early Ottoman Egypt," Journal of the American Oriental Society, volume 97 (1977), especially pp. 517-18.

100. Cf. Raf<sup>c</sup>, I, 90 and Sulûk, III, 240.

101. Al-Maqrizî places their formal investiture on Monday, 19 Dhû al-Ḥijja (Sulûk, I, 538); Ibn Taghrî Birdî says the decision grew out of a mailîs which was held on Monday, 18 Dhû al-Ḥijja (al-Nujûm al-zâhira (Cairo, 1929-72), VII, 121). Another late historian, al-<sup>c</sup>Aynî, simply credits the events to the year 663 (Bibliothèque Nationale 1543, p. 188a) and Shadharât (V, 312) places it sometime at the end of this year. The more contemporary Syrian historians place the appointment of the other three judges on Tuesday 22 Dhû al-Ḥijja

(Ibn Kathîr, XIII, 245; al-Yûnîni, II, 324). A more contemporary Egyptian historian refuses to be more specific than the year 663 (Shâfi<sup>c</sup> ibn <sup>c</sup>Alî, Husn al-manâqib (Riyad, 1976), p. 103) and al-Nuwayrî places the events in the month of Dhû al-Qâda (Bibliothèque Nationale 1578, fol. 29b). There is a lacuna in the biography of Baybars by Ibn <sup>c</sup>Abd al-Zâhir at about that point, so we do not know his opinion on the matter (Ibn <sup>c</sup>Abd al-Zâhir, al-Rawd al-zâhir (Riyad, 1976), p. 243; F. Sadeque, Baybars I of Egypt (Dacca, 1956), p. 74).

102. Jamâl al-Dîn Aydughday <sup>c</sup>Abd Allâh al-<sup>c</sup>Azîzî. He died in 664. See al-Yûnîni, II, 35054; Wiet, Manhal, no. 588.

103. Shâfi<sup>c</sup> ibn <sup>c</sup>Alî, Husn al-manâqib, p. 103.

104. Ibn Kathîr, XIII, 245.

105. Al-<sup>c</sup>Aynî, Bibliothèque Nationale 1543, fol. 188a.

106. Shadharât, V, 312.

107. Ibn Taghrî Birdî, al-Nujûm, VII, 121. He also says there were numerous complaints about this.

108. Al-Yûnîni, II, 324. The account in al-Nujûm is almost identical to this one.

109. He is credited with this role in the accounts supplied by Shadharât, al-Nujûm, Ibn Kathîr, al-<sup>c</sup>Aynî, and Husn al-manâqib as given in the previous notes. See also al-Asnawî, I, 147.

110. Al-Nuwayrî, Bibliothèque Nationale 1578, fols. 29a-b.

111. Sulûk, I, 538-39.

112. Ibid., p. 538.

113. Ibn al-Suqâ<sup>c</sup>f, Tâli kitâb wafayât al-a'yân (Damascus, 1974), no. 105.

114. Al-Asnawî, I, 149; al-Subkî, I, 134.

115. Khitât, II, 374.

116. Tâj al-Dîn was appointed to al-Şâlihiyya in the year 660 (al-Yûnîni, II, 174; al-Nuwayrî, Bibliothèque Nationale, fol. 36a), and the post was given to his son, Şadr al-Dîn, upon his father's death in 665 (al-Nuwayrî, Bibliothèque Nationale, fol. 36a).

The Hanbalî Shams al-Dîn Ibn al-Imâd was among the first appointees to this madrassa (Khitât, II, 374; Wafî, II, 10) and remained teaching there until his death in 676, except for the two years of his imprisonment, 670-672.

The first Mâlikî chief judge, Sharaf al-Dîn al-Subkî,

also taught at al-Şâlihiyya, but the date of his appointment is uncertain; but, at least, he seems to have held the judgeship and this teaching appointment simultaneously; see al-Yûnîni, II, 669; Ibn al-Şâbûni, Takmilat ikmâl al-ikmâl (Baghdad, 1956), p. 235; al-<sup>C</sup>Aynî, Bibliothèque Nationale 1543, fol. 206a; Wâfi, Ahmet III 2920/22, fol. 188b.

The first Hanafî chief judge, Şadr al-Dîn al-Adhra<sup>C</sup>î is called mudarris al-madrasa al-Şâlihiyya (Sulûk, I, 539).

117. Ibn <sup>C</sup>Abd al-Zâhir says that the Hanbalîs were given only an <sup>C</sup>âqid because there were so few of them (al-Rawd al-zâhir, p. 182; Sadeque, Baybars, p. 197, Arabic text, p. 89). Others indicated that each of the other three madhâhib was given a nâ'ib (al-Nuwayrî, Bibliothèque Nationale 1578, fol. 16b; al-<sup>C</sup>Aynî, Bibliothèque Nationale 1543, p. 173a; al-Yûnîni, I, 496). Ibn al-Furât presents both stories, but is unable to say which is correct (Flûgel 814, fol. 35b). It seems almost certain, however, that there was no Hanbalî nâ'ib, because in 662 the future Hanbalî judge Ibn al-<sup>C</sup>Imâd was accused of plotting against Sultan Baybars, because for one thing, the sultan had not appointed a judge (i.e., deputy judge) for the Hanbalîs (Ibn <sup>C</sup>Abd al-Zâhir, al-Rawd al-zâhir, p. 183; Sadeque, Baybars, p. 199; Sulûk, I, 503).

118. See the references in the previous note. They all use the phrase amara or amara al-sultân.

119. Raf<sup>C</sup>, II, 381.

120. Ibid.

121. Sadeque, Baybars, p. 197; Ibn <sup>C</sup>Abd al-Zâhir, al-Rawd al-zâhir, p. 182.

122. J. Abû Lughod, Cairo: The City Victorious (Princeton, 1971), especially pp. 30-32.

123. H. Laoust, "Le Hanbalisme sous les Mamlouks Bahrides," Revue des Etudes Islamiques, XXVII (1960), 6. This migration must have occurred among more than just the Hanbalîs.

124. N. Elisséef, Nûr al-Dîn (Damascus, 1967), III, 826.

125. Khitat, II, 343.

126. Ibn Hajar tries to play down this new judicial organization by calling the new judges "nuwwâb <sup>C</sup>an al-sultân," instead of chief judges, while still referring to the Shâfi'î as al-qâdî al-kabîr (Raf<sup>C</sup>, II, 381). He also claims that as long as Ibn Bint al-A<sup>C</sup>azz was alive, none of the other judges spoke in a majlis of the sultan, and further that the Mâlikî chief judge would not render a judgement until he had shown it to Ibn Bint al-A<sup>C</sup>azz (ibid., pp. 381-82). I cannot

find any evidence to contradict these statements, but in the year 662 the sultan received fatâwin from the Shâfi<sup>c</sup> chief judge and his Hanafî nâ'ib, Ṣadr al-Dîn al-Adhra<sup>c</sup>, on the matter of an inheritance, and the sultan chose the Hanafî interpretation (Shâfi<sup>c</sup> ibn <sup>c</sup>Alî, Husn al-manâqib, p. 74). This incident does not really contradict what Ibn Hajar said, but it does indicate that the Shâfi<sup>c</sup> rule was not absolute, and it is support for the idea that the establishment of the four chief judgeships was not revolutionary.

According to al-Subkî, hardly an unbiased observer, Baybars later regretted this action, and even saw the Imâm al-Shâfi<sup>c</sup> in a dream, criticizing the sultan for his action (al-Subkî, V, 135).

127. Sadeque, Baybars, p. 199.

128. Al-Nuwayrî, Bibliothèque Nationale, fol. 29a; al-<sup>c</sup>Aynî, Bibliothèque Nationale 1543, fol. 188a; Raf<sup>c</sup>, II, 381; Sulûk, I, 539.

129. Sulûk, I, 668.

130. Although the description of these duties varies in the sources (cf. the references in note 128 and al-Subkî, I, 134), he was probably given only the office of nâzir al-abbâs, which left the hands of the Shâfi<sup>c</sup> chief judge at the time of Tâj al-Dîn's death (al-Nuwayrî, Bibliothèque Nationale 1578, fol. 36a). On this office, see Popper, Notes, I, 101; La Syrie, p. LXXIX.

131. Sulûk, I, 864.

132. He also asked for the privilege of appointing nuwwâb in the provinces and wearing the tarḥa, a ceremonial scarf, like the Shâfi<sup>c</sup> chief judge (Sulûk, III, 196).

133. Durar, III, 230.

134. Inbâ' al-ghumr, I, 302; Sulûk, III, 359.

135. Sulûk, I, 864.

136. Raf<sup>c</sup>, II, 249.

137. Khitât, II, 209.

138. Ibid., p. 343.

139. Ibid.

140. EI-2, III, 163.

141. Sulûk, I, 761.

142. Khitat, II, 268-69.

42.

## Chapter II

### Appointments

The reasons for an individual's appointment to the chief judgeship were varied and sometimes complex, but four basic ones emerge: merit, nepotism, patronage and nâ'ib succession. Often some combination of these factors contributed to an individual's appointment, as when a man who had been deputy judge as well as a son (or son-in-law) of the preceding qâdî al-qudât took over the judicial duties when his predecessor left office. Similarly, a man might be chosen for the chief judgeship because an amîr or influential bureaucrat nominated him; this is an example of patronage. Of course, there are a number of cases in which I have not been able to determine why an individual was selected for the chief judgeship. I am reluctant to explain such cases by simply referring to the man's qualification, since most of the judges were fairly equal in this area, and certainly there were many qualified ʿulama' within the Mamlūk empire who were never even offered the chief judgeship. Rather than speculate too widely on the reasons for such appointments, I have preferred to leave the matter open, although I will indicate any circumstantial evidence I have been able to gather.

The appointment of a new chief judge often involved the deposition of his predecessor, and the two events were sometimes closely linked. However, in order to make the present discussion more manageable, I have devoted separate chapters to appointments and depositions. Similarly, I was very interested in the question of social and geographic origins of the chief judges



and the related problem of nepotism, especially as it pertained to an appointment to the chief judgeship. Yet here again, I have made an effort not to clutter the section on appointments with extended descriptions of family backgrounds, but rather to deal with this question separately.

The present chapter is devoted to the reasons for the appointments of the chief judges. What is interesting is that although there are more Ḥanafīs, for example, to study than there are Ḥanbalīs, the reasons for appointments transcend madhhab affiliation, and all of the basic reasons for an appointment can be found, in some form, in the discussion of each madhhab.

### Ḥanbalīs

This school of law was the least important one in Egypt.<sup>1</sup> We have seen earlier that when Baybars ordered the Shāfi<sup>c</sup>ī chief judge to choose nuwwāb, the Ḥanbalīs, in all likelihood, were given only an <sup>c</sup>âqid. We have also seen that the Ḥanbalī chief judge sat in the lowest ranking position of the four judges in the dâr al-<sup>c</sup>âdl. There are fewer Ḥanbali chief judges to discuss, and they tended to last longer in office than their contemporaries in the other madhâhib. These are indications of the stability of the Ḥanbalī regime during the Bahrī period, and there is little evidence of the struggles and intrigues to attain the chief judgeship which sometimes occurred in the other madhâhib.

In the discussion of the establishment of the four chief judgeships in 663, we have mentioned how Shams al-Dīn Ibn al-<sup>c</sup>Imād rose from his teaching post in al-Ṣālihiyya to become

## Ḥanbalī Chief Judges

1. Shams al-Dīn Ibn al-<sup>c</sup>Imād 663-670
2. <sup>c</sup>Izz al-Dīn Ibn <sup>c</sup>Awad 678-696
3. Sharaf al-Dīn al-Ḥarrānī 696-709
4. Sa<sup>c</sup>d al-Dīn al-Ḥārithī 709-711
5. Taqī al-Dīn Ibn <sup>c</sup>Awad 712-738
6. Muwaffaq al-Dīn al-Maqdisī 738-769
7. Nāsir al-Dīn Naṣr Allāh 769-795

Ḥanbalī qādī al-quḍāt. It is said that he agreed to accept the office of judge only on condition that he receive no salary for those duties.<sup>2</sup> His later imprisonment for mishandling funds entrusted to him makes this pre-condition seem amusing in retrospect, but we must not forget that it may have been a pious invention by later writers. Although he came from a distinguished Ḥanbalī family of Damascus,<sup>3</sup> there is no evidence that this played any role in his appointment to the chief judgeship or his earlier appointment to al-Ṣālihiyya. We do know that he was well liked by Sultan Baybars, who refused to turn against him in spite of the efforts of Bahā' al-Dīn Ibn Ḥannā, his sometime wazīr,<sup>4</sup> nor would Baybars believe a sealed letter brought to him in the year 662 by a black slave charging Shams al-Dīn with plotting against the sultan, because the sultan had not appointed a Ḥanbalī to his new madrasa<sup>5</sup> nor nominated a nā'ib for the Ḥanbalīs.<sup>6</sup> However, the sultan was probably very angry with him over the incident of mishandling of funds, and no one rose to the judge's aid.

Following the deposition of Shams al-Dīn in 670, the Ḥanbalīs were officially without a chief judge, but his nā'ib and son-in-law, <sup>c</sup>Izz al-Dīn Ibn <sup>c</sup>Awad, carried on the necessary judicial tasks at Shams al-Dīn's urging.<sup>7</sup> Ibn <sup>c</sup>Awad was officially appointed chief judge in 679, and held this office until his death in 696.<sup>8</sup> The next Ḥanbalī chief judge was Sharaf al-Dīn al-Ḥarrānī, and he is the most mysterious of the Ḥanbalī judges under study. According to al-Nuwayrī, he was originally a Shāfi<sup>c</sup>ī, but during the last days of the reign of Sultan al-Ashraf (ruled 689-93), he became a Ḥanbalī<sup>9</sup>; this was shortly before he became chief

judge. More importantly, he held the office of nâzir al-khizâna al-sultâniyya,<sup>10</sup> and continued to hold that office after he had become chief judge.<sup>11</sup> His closeness to court circles as nâzir al-khizâna al-sultâniyya may have helped him to move into the judgeship at Ibn <sup>C</sup>Awad's death, inasmuch as he certainly did not enjoy a scholarly reputation.<sup>12</sup>

When al-Ḥarrânî died, the judgeship passed to Sa<sup>C</sup>d al-Dîn al-Ḥârithî. He is unique among the Ḥanbali judges, both because his tenure in office was only two years and because his father was a merchant.<sup>13</sup> Here again, it is not possible to determine why he was appointed, although he had held a number of teaching posts in Damascus and Cairo earlier. The reason for the appointment of Taqî al-Dîn Ibn <sup>C</sup>Awad at al-Ḥârithî's death is not clear either, but we must remember that he was both the son and grandson of previous Ḥanbalî chief judges of Egypt, and his good name, and, perhaps, a friendship with those in court circles might have been factors in his appointment. On the other hand, there may have been some trouble in finding a replacement, since there was an interval of about two months between al-Ḥârithî's death and Ibn <sup>C</sup>Awad's appointment.<sup>14</sup> There is no evidence that either Ibn <sup>C</sup>Awad or the sultan was anywhere but in Cairo during that interval, and such a long delay in appointing a new judge is difficult to explain. Perhaps no one could be found to fill the vacancy, so the authorities looked for a Ḥanbalî of good stock.

The end of Ibn <sup>C</sup>Awad's tenure is easier to explain; he and the Shâfi<sup>C</sup> and Ḥanaffi chief judges were all deposed at about the same time because of the corruption of themselves and their sons.

The amīr Badr al-Dīn Jankalī Ibn al-Bābā<sup>15</sup> denounced them to the sultan, and, perhaps as a result, he was instrumental in choosing a new Ḥanbalī chief judge; he nominated Muwaffaq al-Dīn al-Maqdisī, and was supported in this by a number of umarā'.<sup>16</sup> Al-Maqdisī's term of office was the longest of any Ḥanbalī judge, some thirty-one years. According to Ibn Hajar, during this judge's tenure the Ḥanbalī madhhab expanded in Egypt.<sup>17</sup> This is interesting, but details are lacking, and there is no indication whether Muwaffaq al-Dīn played a part in this expansion. When he died in 769, he was succeeded by his nā'ib and son-in-law, Naṣr Allāh. This judge had served a long apprenticeship, beginning at the age of thirty-one, prior to which he had been qādī in Nablus. His term of office would extend well into the Burjī period.<sup>18</sup>

The Ḥanbalī regime during the Bahrī period was not dominated by any single family, but evidence of nepotism is very strong. Ibn al-<sup>c</sup>Imād, his son-in-law <sup>c</sup>Izz al-Dīn Ibn <sup>c</sup>Awad, and <sup>c</sup>Izz al-Dīn's son Taqī al-Dīn held the Ḥanbalī judgeship for a total of fifty-three years. If we add the eight years when <sup>c</sup>Izz al-Dīn was de facto and not official qādī al-quḍāt, the new total is sixty-one years. Muwaffaq al-Dīn al-Maqdisī and his son-in-law kept the chief judgeship in their family for forty-four years. Naṣr Allāh's tenure extended even longer, but we are concerned here only with the period 663-784. Thus these two extended families had control for about three-quarters of the period under study. The accession of Taqī al-Dīn Ibn <sup>c</sup>Awad is an example of nepotism of a kind different from the one we mentioned at the beginning of this chapter, since a certain amount of time

had elapsed since any relative of his had held the chief judgeship. Discussing an earlier period and a different office, D. Sourdél wrote in his work on the <sup>C</sup>Abbasid vizirate, "...fils de vizirs' ...constituaient alors une véritable caste..paraissent souvent avoir été choisis de préférence aux autres."<sup>19</sup> This observation seems to have applied to the Mamlûk judiciary of Cairo also, as we can see in the case of Taqî al-Dîn ibn <sup>C</sup>Awad, and as we shall see in more detail below in other madhâhib. To Sourdél's comments we can only add the supposition that sons (or other relatives) of earlier chief judges, once introduced to court circles, were often able to maintain some contacts which they could use to their own best advantage. Or, at the very least, a good family name always carried some prestige and could be helpful to anyone interested in the chief judgeship.

The selection of Muwaffaq al-Dîn al-Maqdisî for the Hanbalî judgeship is somewhat difficult to characterize. On the one hand he was nominated by a Mamlûk amîr and supported by other umarâ', but on the other hand, we must remember that the sultan solicited nominations at that time, and he was presented as being the most worthy candidate.<sup>20</sup> This raises the possibility that merit was a real factor in his appointment. Certainly, his nomination was not the blatant sort of patronage whereby some individual worked for the appointment of his protégé, regardless of the latter's qualifications. In fact, I have chosen to characterize this judge's appointment as an example of merit, but his case is an example of how this classification process can become complicated. Nevertheless, the four factors which I have mentioned can be found in the appointments of the Hanbalî judges

as well as in the appointments of the chief judges of the other schools of law.

### Mâlikîs

The Mâlikî chief judges present a different picture from their Ḥanbalî counterparts. Firstly, there were more Mâlikî chief judges than Ḥanbalî ones in this period, and their terms of office were generally shorter. Also, several of the Mâlikî chief judges were deposed and then reappointed to office, a move which can sometimes be interpreted as an attempt to humble the individual or remind him he is at the mercy of the sultan. Here again, the evidence of nepotism is quite pronounced. Four of the eleven judges were from the extended family of al-Akhnâ'î. They managed to succeed each other, except for two very short intervals, for a period of sixty years, which is about half the time span of the present study.

Shams al-Dîn al-Subkî (no relation to the famous Shâfi'î family) became chief judge like the others in 663 when the former nuwwâb of Ibn Bînt al-A'azz became chief judges themselves. He was probably teaching at al-Ṣâlihiyya then as well, and had held the post of muhtasib of al-Qâhira during the days of the Ayyûbid al-Malik al-Kâmil (ruled 615-635) as well as that of ʿâqid al-ankiḥa at some point. According to Ibn Kathîr, he accepted the post of judge only under compulsion, and with the stipulation that he receive no salary. He was among the oldest of all the chief judges to ever have been chosen, being seventy-eight years old in 663. Nevertheless, he managed to stay in office for six more years, until his death in 669.<sup>21</sup>

## Málikí Chief Judges

1. Sharaf al-Dīn al-Subkī 663-669
2. Naffis al-Dīn Ibn Shukr 669-680
3. Taqī al-Dīn Ibn Shās 680-685
4. Zayn al-Dīn Ibn Makhlūf 685-718
5. Taqī al-Dīn al-Akhnā'f 718-750
6. Tāj al-Dīn al-Akhnā'f 750-756
7. Nūr al-Dīn al-Sakhāwī 756
- Tāj al-Dīn al-Akhnā'f 756-763
8. Burhān al-Dīn al-Akhnā'f 763-777
9. Badr al-Dīn al-Akhnā'f 777-778
10. <sup>c</sup>Alam al-Dīn al-Bisāṭī 778-779
- Badr al-Dīn al-Akhnā'f 779
- <sup>c</sup>Alam al-Dīn al-Bisāṭī 779-783
11. Jamāl al-Dīn Ibn Khayr al-Anṣārī 783-786



Al-Subkî's successor, Nafîs al-Dîn Ibn Shukr, had started his career as a judge in Dimyât, where he had been nâ'ib to Tâj al-Dîn Ibn Bint al-A<sup>c</sup>azz; this was obviously prior to 663.<sup>22</sup> He, as well as the Hanaffî chief judge, was deposed from office briefly during the short reign of Salâmish, but both were returned to office at the accession of Sultan Qalâ'ûn the next year (67).<sup>23</sup> It is not clear what happened to the offices of Mâlikî and Hanaffî chief judges during that time, but Taqî al-Dîn Ibn Shâs, Ibn Shukr's ultimate successor may have been chief judge during that interval.<sup>24</sup> More likely, there was only a Shâfi<sup>c</sup>î chief judge then. In any case, Ibn Shâs did become Mâlikî chief judge in 680, but we are not aware of any special circumstances surrounding his appointment.

When Ibn Shâs died, he was replaced by Zayn al-Dîn Ibn Makhlûf, who is a much more interesting character than any of his predecessors. At the time of his appointment he was nâzir al-khizâna al-sultâniyya, but earlier in his career he had held the post of amîn al-hukm. At that time, the then amîr Qalâ'ûn had purchased from him some properties which he controlled in his capacity as amîn al-hukm. When Qalâ'ûn delayed in paying for the properties, Ibn Makhlûf demanded them back, and even went so far as to complain to Sultan Baybars about the problem. Qalâ'ûn remembered him when he became sultan, and he made Ibn Makhlûf nâzir al-khizâna al-sultâniyya, and then Mâlikî chief judge as well. He eventually became the tutor of Qalâ'ûn's son, the future sultan, al-Malik al-Nâsir Muḥammad.<sup>25</sup> He enjoyed the longest tenure of any chief judge, and died in office after having served a little over thirty years.

Ibn Makhlûf nominated his nâ'ib Taqî al-Dîn al-Akhnâ'î, the first of this family to hold the office, to succeed him. Taqî al-Dîn enjoyed a fine reputation for scholarship, piety, and asceticism, and the sources say that Ibn Makhlûf chose him as his nâ'ib because he was amazed to find someone with such qualities. Ibn Makhlûf himself had a reputation as a poor scholar.<sup>26</sup> Al-Akhnâ'î was also liked by the Sultan al-Malik al-Nâsir Muhammad,<sup>27</sup> but the judge's contemporary, the Hanafi qâdî al-qudât Ibn al-Harîrî, thought little of al-Akhnâ'î, because he was the youngest of the Mâlikî nuwwâb, and he wrote a letter against the Mâlikî, charging that he was inept. When he had completed the letter, he took it and rode to the citadel, but his donkey fell, and the judge suffered some broken bones. This accident incapacitated him, and he could not perform his duties for a while; his tenure as chief judge ended soon as well.<sup>28</sup>

Taqî al-Dîn al-Akhnâ'î managed to stay in office almost as long as his predecessor, and his successor, Tâj al-Dîn al-Akhnâ'î, was his nephew and his nâ'ib. Tâj al-Dîn held office for twenty-three years, except for a few months in 756.<sup>29</sup> What is interesting about these two members of the al-Akhnâ'î clan is that both were originally Shâfi'îs, who later changed madhhab.<sup>30</sup> Even more striking is that Taqî al-Dîn's brother (Tâj al-Dîn's father) was Shâfi'î qâdî al-qudât of Damascus.<sup>31</sup> Tâj al-Dîn was removed from the chief judgeship in 756, so that he could assume the post of nâzir khizânat al-khâss,<sup>31a</sup> but his successor, Mûr al-Dîn al-Sakhâwî, died after only seventy-two days in office, and al-Akhnâ'î was given back his old job and allowed to keep the new one as well. He held both posts until his death

in 763.<sup>32</sup>

Although al-Sakhâwî was chief judge only briefly, his appointment was a clear example of patronage, and was due to the intervention of the amîr Shaykhû,<sup>33</sup> whom al-Sakhâwî had known for many years, and who had given the future judge an appointment in his madrassa, al-Shaykhûniyya.<sup>34</sup> After he began to serve as chief judge, he became ill, but Shaykhû urged him to remain, and even gave a banquet in honor of his recovery, a few days before the judge died.<sup>35</sup>

Tâj al-Dîn al-Akhnâ'î was followed by his brother, Burhân al-Dîn, who had also changed his madhhab. Burhân al-Dîn had been nâ'ib to his brother, and had even taken over the duties of chief judge, at least on occasion; he is called his brother's khalîfa.<sup>36</sup> When Tâj al-Dîn held both the offices of nâzir khizânat al-khâss and qâdî al-qudât during his second term, he made Burhân al-Dîn his deputy in the nazar al-khâss.<sup>37</sup> In 762 Burhân al-Dîn was made muhtasib, but he had to give it up the next year when he became chief judge.<sup>38</sup> We also know that he had been nâzir al-mâristân,<sup>39</sup> which he also had to relinquish when he became chief judge.<sup>40</sup> Ibn Hajar says that he faced some opposition to his appointment from a number of Maghribis. He responded by having some of them tortured, while others fled the city.<sup>41</sup> Unfortunately, there are no further details available concerning this incident, and the reason for this opposition is unknown.

The last member of the al-Akhnâ'î family to concern us is Badr al-Dîn, who was the nephew of both Tâj al-Dîn and Burhân al-Dîn. He was appointed muftî in the dâr al-<sup>C</sup>adl

in 772,<sup>42</sup> and at some earlier point in his career he had also been nâzir khizânat al-khâss.<sup>43</sup> Like the other members of his family who became chief judges, he had also changed his madhhab.<sup>44</sup> His term as chief judge was very short. He was appointed in 777, but lost office after the death of Sultan al-Ashraf Sha<sup>c</sup>bân in 778. He was reappointed in 779, but lost office again in the ensuing struggle for power.<sup>45</sup>

Badr al-Dîn was succeeded, both in 778 and 779, by <sup>c</sup>Alam al-Dîn al-Bisâtî, who had been nâ<sup>c</sup>ib both to Badr al-Dîn and his uncle Burhân al-Dîn.<sup>46</sup> Al-Bisâtî was aided in obtaining the judgeship through the efforts of the amîr Qaraṭây and the shâhid of the amîr's dîwân, Burhân al-Dîn Ibrâhîm Ibn al-Labbân. The latter had grown up among Mâlikî fukahâ' and had studied Mâlikî fiqh. When the change in the sultanate occurred in 778, Qaraṭây made Ibrâhîm his shâhid al-dîwân and one of the scribes. When the people came to Qaraṭây soliciting favors, al-Bisâtî was among them, and he spoke about the chief judgeship. Qaraṭây arranged for his appointment, and made Ibn al-Labbân al-Bisâtî's nâ'ib.<sup>47</sup>

Al-Bisâtî was driven from office after a dispute with Burhân al-Dîn Ibn Jamâ<sup>c</sup>a, who was then allowed to choose a new Mâlikî judge. He chose Ibn Khayr al-Anṣârî, who had been one of al-Bisâtî's nuwwâb.<sup>48</sup> He was originally from Alexandria, where he had been a notary, scribe in the courts, and a nâ'ib to the chief judge. He then went to Cairo, being first a scribe, again, and then nâ'ib, and finally chief judge. He held office from 783 to 786, and was reappointed in 789, but this falls too far into the Burjî period to concern us here.<sup>48a</sup>

We do not know of any special friendship between him and Ibn Jamâ<sup>c</sup>a, and perhaps he was chosen simply because he was one of the deputy judges.

In conclusion, the appointments of the Mâlikî chief judges can be explained by several factors. On the one hand there was the influence of the al-Akhnâ'î family, which managed to keep the office to itself for many years, and on the other hand there was the influence of powerful umarâ', such as in the cases of al-Sakhâwî and al-Bisâtî. The original appointment of Ibn Makhlûf was due to the high regard in which Sultan Qalâ'ûn held him, and the appointment of the first member of the al-Akhnâ'î family, Taqî al-Dîn, was likewise due to the respect which Ibn Makhlûf felt for him. Almost all the judges had previous judicial experience, and most had been nâ'ib to the preceding judge, although in a number of cases the predecessor had also been a close relative.

#### Hanafîs

The first in the line of the Hanafî chief judges of the Bahrî period was Şadr al-Dîn al-Adhra<sup>c</sup>f. As with the other chief judges appointed in 663, he had been nâ'ib to Ibn Bint al-A<sup>c</sup>azz. Şadr al-Dîn enjoyed an excellent relationship with Sultan Baybars. He accompanied the sultan on the pilgrimage to Mecca, and on his military campaigns, acting as a sort of qâdî al-<sup>c</sup>askar, although Hanafîs were not officially appointed to this office until later. The sources say that the sultan allowed him to judge wherever the riders dismounted.<sup>49</sup> Şadr al-Dîn had established a strong reputation for himself even before he came to Egypt. He held quite a few teaching posts there, and upon his departure

# Ḥanafī Chief Judges

1. Ṣadr al-Dīn al-Adhra <sup>c</sup> f	663-677
2. Mu <sup>c</sup> izz al-Dīn al-Khaṭṭabī	677-692
3. Shams al-Dīn al-Sarūjī	692-696
4. Ḥusām al-Dīn al-Rūmī	696-698
Shams al-Dīn al-Sarūjī	698-710
5. Shams al-Dīn Ibn al-Ḥarfī	710-717
(al-Qāhira only)	717
6. Sirāj al-Dīn al-Rāzī (Fustāt only)	717
Shams al-Dīn Ibn al-Ḥarfī	717-728
7. Burhān al-Dīn Ibn <sup>c</sup> Abd al-Ḥaqq	728-738
8. Ḥusām al-Dīn al-Ghūrī	738-742
9. Zayn al-Dīn al-Bistāmī	742-748
10. <sup>c</sup> Alā' al-Dīn Ibn al-Turkumānī	748-750
11. Jamāl al-Dīn Ibn al-Turkumānī	750-769
12. Sirāj al-Dīn al-Hindī	769-773
13. Ṣadr al-Dīn Ibn al-Turkumānī	773-776
14. Najm al-Dīn Ibn Abī al- <sup>c</sup> Izz	777
15. Ṣadr al-Dīn Ibn Abī al- <sup>c</sup> Izz	777
16. Sharaf al-Dīn Ibn Maṣṣūr	777-778
17. Jalāl al-Dīn Jār Allāh	778-782
18. Ṣadr al-Dīn Ibn Maṣṣūr	782-786

for Egypt was able to pass some of them on to his sons.<sup>50</sup>

He was also an early member of the extended family of Ibn Abī al-<sup>c</sup>Izz, but was only very distantly related to the two Ḥanafī judges who would not assume office until one hundred years after his own departure from that post.

Al-Adhra<sup>c</sup>ī was followed by Mu<sup>c</sup>izz al-Dīn al-Khaṭībī, who had been his nā'ib, and who had also held some other judicial posts earlier. He was deposed briefly in 678, along with the Mālikī chief judge, but returned to office the next year when Qalā'ūn became sultan.<sup>51</sup> At al-Khaṭībī's death, Shams al-Dīn al-Sarūjī became chief judge. He had originally been a Ḥanbalī, and was the only Ḥanafī chief judge not born into the madhhab.<sup>52</sup> His tenure in office was quite long, and was interrupted only during the short sultanate of Lājīn, at whose death al-Sarūjī was returned to office.<sup>53</sup> During that interval, the chief judgeship was held by Ḥusām al-Dīn al-Rūmī. He had been chief judge in Malatya in Anatolia for more than twenty years, when he fled to Syria in 675 out of fear of the Mongols, and became chief judge of Damascus in 677. At that time he became friendly with Lājīn, who was then governor of Syria, and when Lājīn became sultan, Ḥusām al-Dīn gave the judgeship of Damascus to his son Jalāl al-Dīn and went to assume his new duties in Egypt. He held the post until Lājīn's assassination.<sup>54</sup>

After Shams al-Dīn al-Sarūjī was deposed at the end of his second term, another former qādī al-quḍāt of Damascus was summoned to fill the vacancy in Cairo. This was Shams al-Dīn Ibn al-Ḥarfī, who had held the chief judgeship of Damascus from 699 to 705.<sup>54a</sup> All went well in Egypt until 717, when Ibn al-

Ḥarīrī was asked to approve the transfer of certain awqāf lands. He refused, but Sirāj al-Dīn al-Rāzī, one of al-Sarūjī's nuwwāb, let it be known that he would approve the action if appointed chief judge. At this point the judgeship was split; Ibn al-Ḥarīrī was assigned the judgeship of al-Qâhira, and Sirāj al-Dīn that of Fustât. Sirāj al-Dīn died after only sixty-odd days in office, and Ibn al-Ḥarīrī regained his former power.<sup>55</sup>

Another Syrian, Burhân al-Dīn Ibn <sup>c</sup>Abd al-Ḥaqq, was summoned to fill the vacancy left by Ibn al-Ḥarīrī's death in 728. He was from a distinguished Syrian family, and was teaching in several colleges in Damascus at the time of his appointment.<sup>56</sup> According to Ibn Kathīr, Ibn <sup>c</sup>Abd al-Ḥaqq had recommended Ibn al-Ḥarīrī for the judgeship of Cairo earlier, and was a worthy successor to him.<sup>57</sup> Unfortunately, this glowing praise did not apply to Burhân al-Dīn's children, who became so involved in corrupt and illegal financial dealings that their father was deposed because of them.<sup>58</sup>

After Ibn <sup>c</sup>Abd al-Ḥaqq was exiled to Syria, the sultan appointed Ḥusâm al-Dīn al-Ghûrī. He was unlike any other Ḥanafī judge, because he was a Baghdâdī, who had fled to Egypt in the company of two other important political figures as a result of troubles in Iraq. He had been born and educated there, rising to the post of judge and muhtasib of Baghdad.<sup>59</sup> The other two received important posts in the Mamlūk empire,<sup>60</sup> and the sultan was probably well disposed towards bringing "new blood" into the judiciary after having been forced to depose three chief judges at once. Al-Ghûrī's colorful activities in office will be discussed in a later chapter. He eventually



returned to Baghdad, and was replaced by Zayn al-Dīn al-Bistāmī, who was the maternal grandson of Shams al-Dīn al-Sarūjī.<sup>61</sup> I doubt if this relationship had any effect on his appointment since al-Sarūjī had died some thirty years earlier, but we can never be sure.

He was followed by <sup>C</sup>Alā' al-Dīn Ibn al-Turkumānī, the first of three members of this family to hold the office of chief judge. His term of office was cut short by his death in the plague of 750, but he seems to have been well connected to some of the Mamlūk umarā'. Al-Maqrīzī says that al-Malik al-Nāṣir Muḥammad disliked him, because of his meetings with umarā'.<sup>62</sup> In 730 he was placed in charge of the teaching and was named shaykh of the Sufis at the madrassa al-Jamāliyya, which had just been completed by the amīr <sup>C</sup>Alā' al-Dīn Mughultay al-Jamālī, and was devoted exclusively to the Ḥanafīs.<sup>63</sup>

Ibn al-Turkumānī's son, Jamāl al-Dīn, succeeded him in the judgeship, and was apparently a very popular figure. The Ḥanafī fuqahā' were in favor of his appointment, and they even urged the amīr Shaykhū to support their choice. Their backing must have been very strong, since Jamāl al-Dīn was only thirty-five years old at the time, the youngest chief judge to be appointed during the Bahrī period.<sup>64</sup> Even more fascinating is that the Shāfi'ī chief judge at the time, <sup>C</sup>Izz al-Dīn Ibn Jamā'a, married his daughter to Jamāl al-Dīn.<sup>64a</sup> He may have been nā'ib to his father previously as well.<sup>65</sup>

After the death of Jamāl al-Dīn the reign of this family was broken by the installation of Sirāj al-Dīn al-Hindī. As his name indicates, he was really from India, where he was born

and educated. In the year 740, at the age of thirty-five, he arrived in Egypt and took up residence in various Ḥanafī madāris, where he both studied and related Traditions. Al-Hindī was a clever man, and he worked to establish a strong position for himself among the high ranking ulamā' as well as with the sultan and Mamlūks. At first he attended the lectures of qādī al-quḍāt Zayn al-Dīn al-Biṣṭāmī, then those of Alā' al-Dīn Ibn al-Turkumānī, when he became chief judge. The latter made him an āqid at a shop in Bayn al-Qaṣrayn.<sup>66</sup> When Jamāl al-Dīn succeeded his father, Alā' al-Dīn Ibn al-Turkumānī, as chief judge, he made al-Hindī his only nā'ib.<sup>67</sup> At the same time al-Hindī had achieved some status with the leading umarā'. When the office of qādī al-askar fell vacant in 758, al-Hindī went to Shaykhū, asking him for it, but Shaykhū offered him an iqṭā' instead. Al-Hindī was not easily put off, however, and he next went to the amīr Ṣarghitmish, who did arrange for him to receive it.<sup>68</sup> Shaykhū's death was a boon to al-Hindī, and gave him greater status with Ṣarghitmish; he was also well liked by Sultan Ḥasan (ruled 748-52, 755-62).<sup>69</sup> Al-Hindī's fortunes took an abrupt turn for the worse when Ṣarghitmish was jailed. One of al-Hindī's adversaries, al-Hirmās,<sup>70</sup> convinced Jamāl al-Dīn Ibn al-Turkumānī to depose him as nā'ib, and al-Hindī removed himself from public life, staying at home and teaching, although he remained as qādī al-askar.<sup>71</sup>

However, al-Hindī was not by nature passive, and it was not long before he moved, albeit obliquely, against his enemy al-Hirmās. Al-Hindī became friendly with a certain Ibn Naqqāsh, who was also at odds with al-Hirmās.<sup>72</sup> Both went on the

pilgrimage with Sultan Ḥasan in 760, and worked to turn the sultan against al-Hirmās, who, as it happened, had not joined that pilgrimage.<sup>73</sup> They were successful in their activities to the extent that the sultan sent al-Hirmās into exile.<sup>74</sup> Although Sultan Ḥasan was deposed soon after, in 762, al-Hindī was clever enough to gain new friends among the umarā'. Finally he became Ḥanafī qādī al-quḍāt in 769, along with the appointment to several teaching posts.<sup>75</sup>

When Sirāj al-Dīn died in office in 773, the chief judgeship returned to the family of Ibn al-Turkumānī in the person of Jamāl al-Dīn's son, Ṣadr al-Dīn. He was only about forty years old at the time, and had already been passed over once when his father died, because he was too young and inexperienced.<sup>76</sup> Instead, he had taken al-Hindī's place as qādī al-<sup>c</sup>askar, having previously served as nā'ib to his father. He was certainly not much older when the chief judgeship fell vacant at al-Hindī's death, but he was appointed nonetheless.<sup>77</sup> A famous family name must have been a major factor in the appointment of someone so young, but he obviously had a good deal of support, because he had been considered for the post at the time of his father's death.

In any case Ṣadr al-Dīn survived only a few years, and died a very young man in 776. The Shāfi<sup>c</sup>ī chief judge in Cairo, Burhān al-Dīn Ibn Jamā<sup>c</sup>a, nominated a Damascene, Sharaf al-Dīn Ibn Abī al-<sup>c</sup>Izz, also known as Ibn Manṣūr, to succeed him.<sup>78</sup> Sharaf al-Dīn soon arrived in Cairo, was summoned to the palace, and was sitting near the door of the khizānat al-khāṣṣ when the amīr Ṭashtamūr passed by in the company of some other umarā'.

Tashtamur greeted him and invited him to his home for a meal. Afterwards the amir told him to return to the madrasa where he had been residing since he had come to Cairo until the sultan called for him.<sup>79</sup> However, the amir was interested in recommending someone else for the judgeship, and he (or the amir Nâsir al-Dîn Âqbughâ Âş) nominated<sup>80</sup> Jalâl al-Dîn Rasûlân (or Rislân) al-Tabbânî instead.<sup>81</sup> He refused the nomination, saying that a non-Arab (or Persian; al-<sup>c</sup>ajam), like himself, did not know the practice or customs of the people of Egypt, and the sultan accepted that excuse.<sup>82</sup> Some umarâ' then began to speak about Majd al-Dîn Ismâ'îl ibn Ibrâhîm, but this idea was soon dropped.<sup>83</sup> Then some people at court mentioned Najm al-Dîn Ibn Abî al-<sup>c</sup>Izz, known also as Ibn al-Kishk. There was agreement on this and he was summoned from Damascus.<sup>84</sup> The office of Hanafî chief judge was vacant for two and a half months between the death of Ibn al-Turkumânî and the appointment of Ibn al-Kishk.<sup>85</sup>

Najm al-Dîn lasted in office only about one hundred days. He kept on asking to be relieved of his office, and this was finally allowed. He was replaced by his cousin, Şadr al-Dîn Ibn Abî al-<sup>c</sup>Izz.<sup>86</sup> He also remained only a couple of months; he was deposed and returned to Damascus.<sup>87</sup> Finally Sharaf al-Dîn Ibn Mansûr, the man who had first been nominated by Burhân al-Dîn Ibn Jamâ<sup>c</sup>a, was chosen as chief judge.<sup>88</sup> He lasted almost a year, until, in the middle of 778, he resigned.<sup>89</sup>

The chief judgeship then fell to a local Hanafî, Jalâl al-Dîn Jâr Allâh. He had held several teaching posts prior to this and had served as nâ'ib to his father-in-law, Sirâj al-Dîn

al-Hindî. However, the most important factor in his appointment was probably the fact that he was the personal physician of the Sultan al-Ashraf Sha<sup>c</sup>bân, and had successfully treated him during an illness.<sup>90</sup> When Jâr Allâh died in 782, the amîr and future sultan Barqûq tried to offer the judgeship to Rasûlân al-Tabbânî, but he refused again, as he had done earlier in 776.<sup>91</sup> The Shâfi<sup>c</sup>î qâdî al-quḍât suggested Ṣadr al-Dîn Ibn Manṣûr, the older brother of Sharaf al-Dîn Ibn Manṣûr, who had resigned in 778. The new candidate was summoned from Damascus, and duly appointed.<sup>92</sup> His rule would extend into the Burjî period.<sup>93</sup>

The one overriding characteristic of the appointments of the Ḥanafî chief judges is that so many of them were summoned from Damascus to fill the vacancies in that office rather than drawing on native Egyptians. Such activity reached almost absurd proportions following the death of Ṣadr al-Dîn Ibn al-Turkumânî in 776, when three Ḥanafî ulamâ' were summoned to Egypt to become qâdî al-quḍât, but each returned home after very brief terms. To these can be added the names of Ṣadr al-Dîn al-Adhra<sup>c</sup>î, Shams al-Dîn Ibn al-Ḥarfîrî, Burhân al-Dîn Ibn <sup>c</sup>Abd al-Ḥaqq, and Ṣadr al-Dîn Ibn Manṣûr, all of whom had longer terms of office in Egypt but were originally Damascenes. This phenomenon is difficult to explain, unless there were an insufficient number of Ḥanafîs in Egypt to choose from, or enough who were willing to accept the office. In several cases the Shâfi<sup>c</sup>î chief judge had to suggest a candidate, and at other times umarâ' and people at the Mamlûk court made suggestions, but even then it was sometimes difficult to find someone to accept the job. All this

reminds us of al-Maqrîzî's assertion that Ḥanafîs (and Ḥanbalîs) started to come to Egypt only in the late Ayyûbid period, and that they had emigrated from Syria and further East. Jalâl al-Dîn Rasûlân, who was probably a Persian himself, refused the chief judgeship twice, saying that he was a foreigner unfamiliar with Egyptian customs. Sirâj al-Dîn al-Hindî was definitely from India, while we have already seen how many of the candidates for the Ḥanafî chief judgeship had to be called from Damascus. All this points to a scarcity of Egyptian Ḥanafîs; at least, ones qualified for the chief judgeship. In opposition to this we have the conniving of Sirâj al-Dîn al-Râzî, who won half the chief judgeship of Egypt by agreeing to a legal decision pleasing to the sultan, as well as the relentless political maneuvering of al-Hindî himself. Finally there was the power of nepotism, as evidenced by the family of Ibn al-Turkumânî. The founder of this dynasty was apparently friendly with some Mamlûk umarâ'. The other members of this family were not able to succeed one another consecutively, but the family seems to have enjoyed a good reputation and was probably able to build up a network of friends and acquaintances because of their closeness to court and religious circles. Thus the reasons lying behind the appointments of the Ḥanafî chief judges were varied, often complex, and sometimes involved a considerable amount of political machinations.

### Shâfi'îs

As we have seen earlier the Shâfi'î chief judge at the time of the establishment of the four judgeships was Tâj al-Dîn Ibn

Bint al-A<sup>c</sup>azz. Since the present study begins in 663, it might seem at first that Tâj al-Dîn, whose term of office ended when he died in 665, was not a major figure. However, this was not the case. Firstly, he was the founder of a small, but significant clan of Shâfi<sup>c</sup> judges, who would figure prominently in the Bahrî period, in part because of the first infusion of prestige which he gave to the family name. His role as the pivotal figure in the establishment of the four chief judgeships, though perhaps not its cause, has been the subject of an earlier chapter. Even more important is to look at the career of Tâj al-Dîn as a benchmark, to which we can compare the careers of later judges, because few subsequent judges would hold as many important posts as he did. He held a total of fifteen posts during his lifetime, some of them simultaneously, including various teaching positions and bureaucratic offices, the most important of which was that of wazîr.<sup>94</sup> Of all the judges under study only three Shâfi<sup>c</sup> judges ever held this office, and then only in the early years of the Bahrî period.

At Tâj al-Dîn's death, the power of the Shâfi<sup>c</sup> chief judge was dealt a severe blow, when its jurisdiction was placed in the hands of two judges, one with authority over al-Qâhira and Lower Egypt, and the other over Fustât and Upper Egypt. This division of powers was by no means an innovation, and even Ibn Bint al-A<sup>c</sup>azz himself had held jurisdiction over only one half for a period of time.<sup>95</sup> However, it may be that this was an attempt to further limit the powers of the Shâfi<sup>c</sup> chief judge, coming as it did only two years after its powers were first limited by the establishment of the four chief judgeships.

From another angle, it may also have been a move by Sultan Baybars to insure that no other <sup>C</sup>âlim would try to take Tâj al-Dîn's place and exert the influence he personally had held.

In any case, the judgeship was now divided: Taqî al-Dîn Ibn Razîn took al-Qâhira and Muhyî al-Dîn Ibn <sup>C</sup>Ayn al-Dawla took Fustât. This situation would continue for twelve years until Baybars' death in 676. Ibn Razîn was born in Ḥamâ, but his early career was in Damascus. He did not come to Egypt until the year 658, at the age of fifty-five, when he fled Syria because of the invasion of Hûlagû. As a young man he was a noteworthy student, and gave his first lecture at the age of eighteen. He had held a number of important teaching posts in Damascus. Therefore, it must have been a harsh blow for him when he arrived in Egypt to be able to secure a position only as a mu<sup>C</sup>îd. Yet the situation soon improved, and four years later he was appointed as first Shâfi<sup>C</sup> teacher of fiqh at al-Zâhiriyya, and three years after that as chief judge.<sup>96</sup> His credentials as a scholar are obvious, but the reason for his selection as chief judge is not. If we could know why he was selected as the first Shâfi<sup>C</sup> teacher at al-Zâhiriyya, which was built by Sultan Baybars himself, this later selection as chief judge might be more easily explained. It is possible that the teaching position was granted somewhat out of pity to a reputable and mature scholar recently driven from his home. Such a gesture might have made Ibn al-Razîn feel indebted to the sultan, and the appointment to the judgeship could have strengthened this feeling. His appointment can also be seen as an astute political move by the sultan: the appointment of



Shâfi<sup>c</sup> Chief Judges

1. Tâj al-Dîn Ibn Bint al-A <sup>c</sup> azz		663-665
2. Taqî al-Dîn Ibn Razîn	al-Qâhira only	665-676
3. Muhyî al-Dîn Ibn <sup>c</sup> Ayn al-Dawla	Fustât only	665-676
Taqî al-Dîn Ibn Razîn		676-678
4. Şadr al-Dîn Ibn Bint al-A <sup>c</sup> azz		678-679
Taqî al-Dîn Ibn Razîn		679-680
5. Wajîh al-Dîn al-Bahnasî		680-681
Wajîh al-Dîn al-Bahnasî	Fustât only	681-685
6. Shihâb al-Dîn Ibn al-Khuwayyî	al-Qâhira only	681-686
7. Burhân al-Dîn al-Sinjârî	al-Qâhira only	686
8. Taqî al-Dîn Ibn Bint al-A <sup>c</sup> azz	Fustât only	685-686
Taqî al-Dîn Ibn Bint al-A <sup>c</sup> azz		686-690
9. Badr al-Dîn Ibn Jamâ <sup>c</sup> a		690-693
Taqî al-Dîn Ibn Bint al-A <sup>c</sup> azz		693-695
10. Taqî al-Dîn Ibn Daqîq al- <sup>c</sup> Îd		695-702
Badr al-Dîn Ibn Jamâ <sup>c</sup> a		702-710
11. Jamâl al-Dîn al-Zar <sup>c</sup> î		710-711
Badr al-Dîn Ibn Jamâ <sup>c</sup> a		711-727
12. Jalâl al-Dîn al-Qazwînî		727-738
13. <sup>c</sup> Izz al-Dîn Ibn Jamâ <sup>c</sup> a		738-759
14. Bahâ' al-Dîn Ibn <sup>c</sup> Aql		759
<sup>c</sup> Izz al-Dîn Ibn Jamâ <sup>c</sup> a		759-766
15. Bahâ' al-Dîn al-Subkî		766-773
16. Burhân al-Dîn Ibn Jamâ <sup>c</sup> a		773-779
17. Badr al-Dîn al-Subkî		779-781
Burhân al-Dîn Ibn Jamâ <sup>c</sup> a		781-784

a recently uprooted and older scholar who was apparently not well connected to any influential persons to be one of the successors to the influential Tāj al-Dīn Ibn Bint al-A<sup>C</sup>azz, and perhaps to balance the power of his cohort, Muḥyī al-Dīn Ibn Ayn al-Dawla.

This second judge who shared the jurisdiction with Ibn Razīn was older than his fellow judge; probably he was sixty-eight years old. Unlike Ibn Razīn, Ibn Ayn al-Dawla was quite well connected. Not only had his father been chief judge of al-Qāhira at a much earlier period, but he could regard the sometime wazīr, Bahā' al-Dīn Ibn Ḥannā, as his patron.<sup>97</sup> The allotment of only one-half the jurisdiction to Ibn Ḥannā's protégé may have been an attempt to limit the wazīr's influence. In any case, it is not possible to say which of the factors I have mentioned caused the division of the Shāfi<sup>C</sup> judgeship and the appointment of these two men. It is not unreasonable to assume that all these factors played a part. When Ibn Ayn al-Dawla left office in 676 because of poor health, Ibn al-Razīn assumed jurisdiction over all Egypt.<sup>98</sup>

The year 678 brought Salāmish to the sultanate for a very brief period, during which time Ibn al-Razīn was replaced by Ṣadr al-Dīn Ibn Bint al-A<sup>C</sup>azz, one of Tāj al-Dīn's sons, and his father's replacement at al-Ṣālihiyya.<sup>99</sup> His term as judge lasted only about as long as the sultanate of Salāmish, and Ṣadr al-Dīn died shortly thereafter. As we have seen in our discussion of the other chief judges during that period, Ṣadr al-Dīn may well have been the only chief judge in power in that year. Soon after Qalā'ūn became sultan, he was replaced

by Ibn Razîn, who served until his own death, less than a year later.<sup>100</sup>

Ibn Razîn was succeeded by Wajîh al-Dîn al-Bahnasî, who was probably a native Egyptian. He had been on good terms with Tâj al-Dîn Ibn Bint al-A<sup>C</sup>azz, who had relied on his advice, and had held several teaching posts. Although we do not know his date of birth, he was probably of an advanced age or feeble when he took office.<sup>101</sup> If Ibn Bint al-A<sup>C</sup>azz had relied on him for advice, he must have been at least his contemporary, if not older, and Ibn Bint al-A<sup>C</sup>azz had died fifteen years earlier at the age of fifty-five. Finally, al-Bahnasî, who had been given jurisdiction over all Egypt, asked to be relieved of the judgeship of al-Qâhira, because he found it too difficult to travel there for court sessions from his home in Fustât.<sup>102</sup> His request was granted, and one year after his appointment, the judgeship of al-Qâhira went to Shihâb al-Dîn Ibn al-Khuwayfî.

The new judge of al-Qâhira was not a young man either, being approximately sixty years old when he became judge. He had a notable genealogy, and a more varied experience as judge than any of his predecessors. His father had been chief judge of Damascus, but died when Shihâb al-Dîn was only eleven years old. The residence of the Shâfi<sup>C</sup>î qâdî al-quḍât of Damascus was the ʿĀdiliyya madrasa, and after his father's death, he continued to live there, and, I assume, pursue his education through the charity of that institution. While still a young man, he taught in madâris in Damascus, then held the post of judge in Jerusalem, al-Maḥalla,<sup>103</sup> al-Bahnasa,<sup>104</sup> and Aleppo, before being appointed judge in al-Qâhira.<sup>105</sup>

It may well have been a practice to install people who would not be trouble makers or political connivers in the office of chief judge; and we must not forget that the Shâfi<sup>c</sup> judge-ship was more powerful than the others. Wajih al-Dîn al-Bahnasî was a well established scholar, but obviously quite feeble, and apparently without any special connection in court circles. Although he had been an intimate of Tâj al-Dîn Ibn Bint al-A<sup>c</sup>azz, there is no evidence that he used this connection for his own aggrandizement. Ibn al-Khuwayyî was a man of considerable judicial experience, but, aside from his term in Aleppo, all his appointments had been in minor towns or cities.

However, this apparent trend of appointing politically weak or older men to the judgeship took an abrupt about-face when al-Bahnasî died in 685 and Taqî al-Dîn Ibn Bint al-A<sup>c</sup>azz, another of Tâj al-Dîn's sons, was appointed the new judge of Fustât. Unlike his predecessors, who assumed office fairly late in life, Taqî al-Dîn was only forty-six years old when he became judge. He was also much more ambitious than his brother Sadr al-Dîn, and when he had become qâdî al-qudât some six years earlier, Taqî al-Dîn took over his post as nâzir at al-Şâlihiyya; at that time he was already nâzir al-khazâ'in<sup>106</sup> and the holding of both posts at once was probably lucrative as well as a source of influence.<sup>107</sup>

Soon after Taqî al-Dîn assumed office, the news came to Egypt of the death of Ibn Zakî, the Shâfi<sup>c</sup> chief judge of Damascus. Taqî al-Dîn saw this as his opportunity to become sole judge of Egypt, and he worked for Ibn al-Khuwayyî's appointment as Ibn Zakî's replacement, which did in fact occur.<sup>108</sup>

However, events did not turn out as Taqī al-Dīn had planned. Instead of being granted the other half of the judgeship, the jurisdiction remained split, and Burhān al-Dīn al-Sinjārī was named to replace Ibn al-Khuwayyī.

In several ways this was an astute political move by Sultan Qalā'ūn. Al-Sinjārī had been involved in the political machinations of the Mamlūk empire for some time, but the influence of his opponents had usually been stronger than his own. He had been appointed wazīr in 677 at the time of the death of Ibn Hannā, who had been his enemy, but was deposed a year later at the instigation of al-Shujā'ī,<sup>108a</sup> at which time both he and his son were jailed and much of their wealth confiscated. Very soon after that, in 679, he was reinstalled as wazīr, but again deposed and imprisoned with his son in 680. Much earlier than all this, in 659, he had shared the Shāfi'ī chief judgeship with his brother. After his second release from prison, he was made teacher and nāzir of the madrasa al-Shāfi'iyya (in 682),<sup>109</sup> but was no longer politically active in the way he had been.<sup>110</sup> Probably Qalā'ūn wanted to keep al-Sinjārī close at hand, and also felt that this old politician could keep Ibn Bint al-A'azz in check. The sultan even gave al-Sinjārī a seat above that of Taqī al-Dīn in the dār al-<sup>c</sup>adl, a move which so infuriated Taqī al-Dīn that for a time he even refused to attend the sessions of the dār al-<sup>c</sup>adl.<sup>111</sup> Qalā'ūn's plan failed when al-Sinjārī died after only twenty-four days in office; some say that he was poisoned by al-Shujā'ī.<sup>112</sup> Whatever the truth of the matter, Ibn Bint al-A'azz finally had his wish, and he became the one and only Shāfi'ī qādī al-quḍāt in Cairo. As we shall see

in more detail in a later chapter, he would even become wazîr in addition to his judicial duties.

Taqî al-Dîn's high position in Qalâ'ûn's administration was terminated by the advent of the new sultan, al-Ashraf Khalîl. Although there is no indication of any enmity between the new sultan and Taqî al-Dîn, the chief judge and the new wazîr Ibn Sal<sup>c</sup>ûs were not at all on good terms, and Ibn Sal<sup>c</sup>ûs arranged for Taqî al-Dîn to be replaced by Badr al-Dîn Ibn Jamâ<sup>c</sup>a. This was, however, after the sultan had summoned the notables from among the Shâfi<sup>c</sup> fukahâ' of Cairo to nominate one of themselves for this post. They could not agree on anyone, so the sultan told Ibn Sal<sup>c</sup>ûs what had happened, and the wazîr selected Ibn Jamâ<sup>c</sup>a.<sup>113</sup>

This was the first of three terms of office as chief judge of Egypt for Ibn Jamâ<sup>c</sup>a. He is a most important figure in the history of the 'ulamâ' of the Mamlûk empire, because he was really the founder of the Ibn Jamâ<sup>c</sup>a dynasty of Shâfi<sup>c</sup> jurists. Not only would his son and grandson eventually follow him in the chief judgeship of Cairo, but branches of this family would figure prominently in the religious hierarchy of Hamâ, Jerusalem, and Cairo.<sup>114</sup> Badr al-Dîn himself was a man of some repute prior to his appointment to the chief judgeship, having been a teacher in Damascus, and judge as well as khatîb in Jerusalem; the latter post was held in his family until the Ottoman conquest.<sup>115</sup> However, these rather limited credentials counted for little compared to his earlier friendship with Ibn Sal<sup>c</sup>ûs. This friendship was the reason for his appointment.<sup>116</sup>

When al-Malik al-Nâsir Muḥammad assumed the sultanate at

al-Ashraf's death, he recalled Taqī al-Dīn Ibn Bint al-A<sup>C</sup>azz to the chief judgeship at the suggestion of some umarā'.<sup>117</sup> He held the office until his death in 695.

Ibn Bint al-A<sup>C</sup>azz was followed by one of the most famous ulamā' of the period, Taqī al-Dīn Ibn Daqīq al-<sup>C</sup>Id. He is a most interesting case for several reasons. His family was from Qūs in Upper Egypt, and he was raised there, although he was actually born at sea near Yanbū<sup>C</sup> while his parents were making the pilgrimage. He was educated primarily in the Mālikī madhhab of his father, taught at Qūs, and was Mālikī judge there.<sup>118</sup> At some later date he became Shāfi<sup>C</sup>ī, not for reasons of political ambition, but rather because he claimed that his ijtihād was consistent with that of al-Shāfi<sup>C</sup>ī in almost all questions.<sup>119</sup> It is said that he accepted the offer to become qādī al-quḍāt at the urging of some people who claimed that if he did not accept it, it would fall to one of two other unsuitable candidates, who are not named.<sup>120</sup> In a slightly different version, we are told that the umarā' and notables agreed upon him, and recommended him to the sultan. He had refused the judgeship several times before, but this time he accepted.<sup>121</sup> He was seventy years old at the time, and his appointment seems to have been due mainly to his pious reputation. His biographies are unique among all those under study in that they are very long and mostly filled with tributes to his piety and good character.<sup>122</sup> Although he tried to resign from office several times, he was always persuaded to remain, and he died in office in 702.<sup>123</sup> His noble reputation plus his advanced age probably made him the sort of pious and distinguished, yet neutral, character which was needed

during those times. His seven year term spanned the reign of three different sultans.

At his death, Badr al-Dīn Ibn Jamā<sup>c</sup> returned to the chief judgeship, which office he would hold for the next twenty-five years, except for a period of one year (710-11). He was chief judge of Damascus, a post he had held (except for the years 696-99) since he had been deposed as chief judge of Egypt in 693.<sup>124</sup> During his tenure in Damascus, Ibn Jamā<sup>c</sup> had achieved considerable status. Within a year after he became judge there, he managed to be appointed khatīb of the Umayyad mosque, the first time that the posts of khatīb and qādī al-quḍāt were united in one person. Although he was deposed from the judgeship in the sultanate of Lājīn, he was reappointed when al-Malik al-Nāṣir returned to the throne.<sup>125</sup> Ibn Jamā<sup>c</sup> was obviously a man who worked hard to maintain and improve his position. When he left Damascus to take up his post in Egypt for the second time, a number of important Mamlūks, including the governor, and notables rode out to bid him farewell.<sup>126</sup>

Ibn Jamā<sup>c</sup> was a political opportunist, but he miscalculated when Baybars II took the sultanate for a short period in 708-709 by being too quick to pledge allegiance to him. As a result he was replaced by his nā'ib, Jamāl al-Dīn al-Zar<sup>c</sup>f, when al-Malik al-Nāṣir returned.<sup>127</sup> The sultan asked some people who was most suitable to replace Ibn Jamā<sup>c</sup>, and they said al-Zar<sup>c</sup>f.<sup>128</sup> He was not only nā'ib to Ibn Jamā<sup>c</sup> in Egypt, but he had been his deputy in Damascus as well. He was also qādī al-askar, and continued to hold that post when he became qādī al-quḍāt. Ibn Jamā<sup>c</sup> was soon forgiven, however, and re-



gained his old position after about a year, and al-Zar<sup>c</sup>î became chief judge of Damascus about a year later.<sup>129</sup>

When Ibn Jamâ<sup>c</sup>a resigned because of poor health in 727, he was replaced by Jalâl al-Dîn al-Qazwîf, who, like his predecessor, was chief judge of Damascus at the time of his appointment. He had been khatîb of the Umayyad mosque,<sup>130</sup> and in 724 the governor of Syria recommended him for the chief judgeship of Damascus. He sent Jalâl al-Dîn to Cairo to meet with the sultan, and the sultan grew to like him, perhaps because al-Qazwîf could speak Arabic, Persian, and especially Turkish. The sultan then learned (or was informed by the governor of Syria in a letter) that al-Qazwîf was in debt because of his generosity to the fukahâ' and the poor. The sultan paid his debt, sent him back to Damascus as chief judge and khatîb of the Umayyad mosque, and appointed one of his sons to the chancery in Cairo.<sup>131</sup> When Ibn Jamâ<sup>c</sup>a left office, some people were mentioned to the sultan as possible successors, but he did not like any of them, and summoned al-Qazwîf from Damascus instead.<sup>132</sup> The sultan finally became very angry at him because of the illegal activities of his sons, and he and his children were exiled to Damascus in 738, although the blow was softened by his appointment as chief judge there.<sup>133</sup>

The sultan now turned to one of his old favorites to fill the judgeship and clean up the corruption left by the family of al-Qazwîf. He chose <sup>c</sup>Izz al-Dîn Ibn Jamâ<sup>c</sup>a, the son of Badr al-Dîn. In fact, the sultan had called together a number of judges and fukahâ' to ask them who should succeed al-Qazwîf. They recommended Ibn <sup>c</sup>Adlân,<sup>134</sup> but the sultan

demurred, and mentioned Ibn Jamā<sup>c</sup>a instead. At that point the assembled <sup>c</sup>ulamā' fell into line, praising Ibn Jamā<sup>c</sup>a, and he was appointed. The sultan said that he had been fond of him ever since the days of his father, and if he had not been too young at that time, he would have appointed him as his father's successor.<sup>135</sup> He ruled for twenty-eight years, except for an eighty day interval in 759. During that interval the chief judgeship was held by Bahā' al-Dīn Ibn <sup>c</sup>Aqīl. He had been nā'ib to both Jalāl al-Dīn al-Qazwīnī and <sup>c</sup>Izz al-Dīn Ibn Jamā<sup>c</sup>a, but had been deposed by the latter because of the foul language he had used in an argument with the Hanbalī chief judge. Later, the amīr Ṣarghitmish became friendly with him, and helped him to become chief judge. His term as chief judge ended when this amīr was jailed, and Ibn Jamā<sup>c</sup>a returned to office.<sup>136</sup>

When Ibn Jamā<sup>c</sup>a resigned in 766, he nominated a member of another famous family of <sup>c</sup>ulamā', Bahā' al-Dīn Muḥammad al-Subkī, to succeed him.<sup>137</sup> Yet it was neither his lineage nor any scholarly reputation,<sup>138</sup> but rather his own ambition which enabled him to acquire many of the posts he held.

At first, it must be admitted, it was nepotism which gave him his original entry into the judicial bureaucracy. In 739, at the age of thirty-two he served as deputy to the chief judge of Damascus, Taqī al-Dīn al-Subkī, one of his relatives. He remained quiet for the next twenty years, until he was appointed chief judge of Damascus, but this lasted only a month, and he was exiled to Tripoli.<sup>139</sup> The local governor looked after him, and he became a judge there. Then Tāj al-Dīn al-Subkī intervened on his behalf with the amīr Yalbughā, and Bahā' al-Dīn was

permitted to enter Cairo.<sup>140</sup> The year 765 was a prosperous one for al-Subkî; during the course of it he became qâdî al-<sup>c</sup>askar and nâ'ib to the chief judge, <sup>c</sup>Izz al-Dîn Ibn Jamâ<sup>c</sup>a.<sup>141</sup>

The next year he stepped up to the chief judgeship. Bahâ' al-Dîn is described in the sources as being greedy for offices. He certainly became quite successful in attaining them, and his instrument was that of winning the influence of powerful umarâ'; either directly or through his relatives.<sup>142</sup> In a later chapter we shall see how he continued to use this same device, both in and out of office.

In 773 Sultân al-Ashraf Sha<sup>c</sup>bân deposed al-Subkî, and summoned Burhân al-Dîn Ibn Jamâ<sup>c</sup>a from Jerusalem to replace him. He was, of course, one of the members of this famous family. He had succeeded his father as khatîb in Jerusalem, and, after a while, became teacher in al-Şâlihiyya there as well.<sup>143</sup> He did not enjoy a high reputation as a scholar, and was often criticized because of his lack of expertise in fiqh. Ibn Ḥajar al-<sup>c</sup>Asqalânî alleges that his appointment as chief judge was due to the influence of some umarâ', but omits any names or further details.<sup>144</sup>

After the death of al-Ashraf Sha<sup>c</sup>bân, Badr al-Dîn al-Subkî, Bahâ' al-Dîn's son, was named to replace Burhân al-Dîn Ibn Jamâ<sup>c</sup>a. Early in his career he had been a teacher in Damascus as well as khatîb of the Umayyad mosque. When his father went to Egypt, he went with him, and became his nâ'ib. He returned to Damascus briefly in 778 to be deputy judge to his brother, but very soon afterward returned to Cairo, where he

taught hadīth, and followed his father as a teacher of fiqh at al-Shāfi<sup>c</sup>iyya.<sup>145</sup> His appointment to the chief judgeship in 779 was accomplished by bribery. This apparently earned him a bad reputation, and seems to have been instrumental in his downfall, and the subsequent return of Burhān al-Dīn Ibn Jamā<sup>c</sup>a to office after less than two years.<sup>146</sup>

The Shāfi<sup>c</sup>i madhhab was the favored one of the Mamlūk empire, and its chief judge enjoyed the most privilege, power, and probably income. It is either because of this superior status or because of the greater interest of the historians and biographers that we are supplied with so many details of the intrigues and general circumstances surrounding the appointments of the Shāfi<sup>c</sup>i chief judges. The friendship between the candidates for the judgeship and the Mamlūk umarā' and even sultans is obvious. The role of nepotism, as evidenced by the families of Ibn Jamā<sup>c</sup>a, Ibn Bint al-A<sup>c</sup>azz, and al-Subkī, is also present, but this manifested itself not so much in the appointment to one post or another of a son by his father, for example, as in the introduction of later generations to court circles and the inevitable establishment of friendships and contacts. The appointment of <sup>c</sup>Izz al-Dīn Ibn Jamā<sup>c</sup>a, the son of a previous chief judge, for instance, was due to the fondness which the sultan felt for him and had grown over the many years when his father had been chief judge of Cairo. Although all these Shāfi<sup>c</sup>i judges had some sort of qualifications as teachers, jurists, judges, or bureaucrats, it seems that the only one who was certainly appointed because of his excellent reputation was Ibn Daqīq al-<sup>c</sup>Id. Otherwise, political maneuvering and favoritism,

especially patronage by some member of the Mamlûk oligarchy, as well as nepotism, were the factors behind the appointment of the Shâfi'î chief judge.

Having examined the appointments of the chief judges in some detail, it is important now to try to gain an overview of the reasons which contributed to their appointments. At this time I shall not concern myself with the appointments of 663, since they were a special case, nor with an individual's appointment to the chief judgeship in Cairo after the initial one, because, having held this office once before, or even more often than that, the judge would be considered in a different light than someone who had never held it previously. Although some factors are better represented in one madhhab than in another, no factor or theme is unique to any one school of law. We must remember that the chief judgeship was not an elected office in the modern sense. On the contrary, the qâdî al-qudât was chosen by the sultan, often at the suggestion of one or more persons whose opinion(s) he respected. It is the factors behind these nominations which interest us.

As I mentioned earlier, I have found four basic themes lying behind the nomination and subsequent appointment of a man to the chief judgeship: nepotism, merit, nâ'ib succession and patronage. I must admit that in quite a few cases, especially among the Hanaffis, I have not been able to find any special reason why a particular man was nominated. Nevertheless, the factors I have mentioned are certainly present, sometimes combined with one another, and they are important in helping

us understand these appointments.

Several of the judges had served as deputies to their predecessors and then been promoted to the full chief judgeship. Each judge had more than one deputy (see below, chapter IV) usually, and these deputies were undoubtedly the best informed about the judicial activities and administration. Therefore, it is not surprising to see them rising to the chief judgeship when an opening occurred. Thus Taqī al-Dīn al-Akhnā'ī (M-5),<sup>147</sup> Jamāl al-Dīn Ibn Khayr al-Anṣārī (M-11), Bahā' al-Dīn al-Subkī (Sh-15), Jamāl al-Dīn al-Zar<sup>c</sup>ī (Sh-11), and Mu<sup>c</sup>izz al-Dīn al-Khaṭībī (Hf-2) had served as deputies to their predecessors. Nā'ib succession was sometimes combined with nepotism. In such cases a chief judge would appoint a close relative as his deputy, and at the former's death the deputy would become chief judge. <sup>c</sup>Izz al-Dīn Ibn <sup>c</sup>Awad (Hb-2) was the son-in-law and deputy of his predecessor, Shams al-Dīn Ibn al-<sup>c</sup>Imād (Hb-1), and Nāṣir al-Dīn Naṣr Allāh (Hb-7) had the same relationship to Muwaffaq al-Dīn al-Maqdisī (Hb-6). A slightly different relationship existed among the Mālikīs. Tāj al-Dīn al-Akhnā'ī (M-6) was the nephew as well as deputy of Taqī al-Dīn al-Akhnā'ī (M-5). Tāj al-Dīn was followed by his brother Burhān al-Dīn (M-8). Jamāl al-Dīn Ibn al-Turkumānī (Hf-11) had probably been his father's nā'ib (Hf-10).

Nepotism took other forms as well. The last member of the al-Akhnā'ī family to hold the Mālikī chief judgeship was Badr al-Dīn al-Akhnā'ī (M-9). He was the nephew of his predecessor, Burhān al-Dīn (M-8), but there is no evidence that he had served as his deputy. It may well be that his good

family name helped him gain this post, or he had managed to become well known in court circles because of the other influential members of his family. We have noted earlier D. Sourdel's comments on "fils de vizirs" having been chosen as wazîr in preference to others. This observation holds some validity for the progeny and relatives of the chief judges of this era as well. The reasons for their appointments are not always clear, but certain family names do keep appearing, and bearing one of these names seems to have been a source of some influence. Such people were chosen even many years after the "founder of the dynasty" or other members of the family had left office.

Taqî al-Dîn Ibn <sup>C</sup>Awad (Hb-5) was the son of <sup>C</sup>Izz al-Dîn (Hb-2) and the maternal grandson of Ibn al-<sup>C</sup>Imâd (Hb-1). Şadr al-Dîn Ibn al-Turkumânî (Hf-13) had been nâ<sup>C</sup>ib to his father (Hf-11), but not to his own predecessor, Sirâj al-Dîn al-Hindî (Hf-12). Şadr al-Dîn (Sh-4) and Taqî al-Dîn (Sh-8) were the sons of Tâj al-Dîn Ibn Bint al-A<sup>C</sup>azz (Sh-1), and Burhân al-Dîn Ibn Jamâ<sup>C</sup>a (Sh-16) was the grandson of one judge (Sh-9) and the nephew of another (Sh-13). Thus, even in a delayed form, nepotism was a significant factor.

Although every judge had to be nominated for office by someone, the sources often indicate a special relationship or friendship between the nominator and the nominee. In the case of <sup>C</sup>Izz al-Dîn Ibn Jamâ<sup>C</sup>a (Sh-13) it was the sultan himself who urged his nomination after a group of judges and fukahâ' had recommended someone else. He said he had been fond of <sup>C</sup>Izz al-Dîn since the days of his father, Badr al-Dîn (Sh-9).

This is a good example of how nepotism, in its broadest interpretation worked, and we can see how <sup>C</sup>Izz al-Din had won the friendship of the sultan because his father's post as chief judge had brought the son into court circles. I have given this nomination as an example of patronage, because of the stated fondness of the sultan for this member of the Ibn Jamā<sup>C</sup>a family, but there is an element of nepotism here as well. This same sultan, al-Malik al-Nāṣir Muḥammad, had chosen Jalāl al-Dīn al-Qazwīnī (Sh-12) as chief judge because of an earlier friendship the sultan had established with him. In a different vein, we know that Muḥyī al-Dīn Ibn <sup>C</sup>Ayn al-Dawla (Sh-3) had been the protégé of the wazīr Ibn Ḥannā', and Badr al-Dīn Ibn Jamā<sup>C</sup>a (Sh-9) owed his first appointment to the chief judgeship to his old friendship with the wazīr Ibn Sal<sup>C</sup>ūs. Bahā' al-Dīn Ibn <sup>C</sup>Aql (Sh-14) gained the office with the help of the amīr Ṣarghitmish, but his term ended when the amīr was jailed. Ḥusām al-Dīn al-Rūmī (Hf-4) was a close friend of the Sultan Lājīn, and he also lost his post when the sultan was assassinated. Jalāl al-Dīn Jār Allāh (Hf-17) was the son-in-law of Sirāj al-Dīn al-Hindī (Sh-12), but his success as personal physician to the sultan won him the chief judgeship in 778. The Mālikī <sup>C</sup>Alam al-Dīn al-Bisāṭī (M-10) had been the nā'ib of his two predecessors, but it was only after he had solicited the help of the amīr Qaraṭāy that he became chief judge. Finally, Nūr al-Dīn al-Sakhāwī won his appointment with the help of the amīr Shaykhū.

There are a few miscellaneous cases which might be described as political or due to expediency. Sirāj al-Dīn al-Rāzī (Hf-6)



was appointed chief judge of Fustât after he had agreed to the transfer of some awqâf lands, which Shams al-Din Ibn al-Harîrî (Hf-5) had refused to sanction, and Burhân al-Dîn al-Sinjârî (Sh-7) was put in office almost certainly as a counterweight to Taqî al-Dîn Ibn Bint al-A<sup>c</sup>azz (Sh-8). Finally, Badr al-Dîn al-Subkî (Sh-17) secured his appointment by bribery.

A few of the judges were appointed clearly because of their superior qualification. Ibn Daqîq al-<sup>c</sup>îd (Sh-10) was one such popular choice. Zayn al-Dîn Ibn Makhlûf (M-4) was chosen by Sultan Qalâ'ûn because of this judge's strict support for the law when he had refused to be intimidated by the then amîr Qalâ'ûn. When he became sultan, Qalâ'ûn remembered him, and eventually appointed Ibn Makhlûf chief judge. Finally, Muwaffaq al-Dîn al-Maqdisî (Hb-6) was chosen as the most qualified Hanbalî following the scandal of 738.

The remaining judges do not lend themselves easily to categorizing, and usually there is not even a hint as to why they were appointed. This is certainly true for the appointments of Sa<sup>c</sup>d al-Dîn al-Hârithî (Hb-4), Naffis al-Dîn Ibn Shukr (M-2), Taqî al-Dîn Ibn Shâs (M-3), Wajîh al-Dîn al-Bahnasî (Sh-5), Shihâb al-Dîn Ibn al-Khuwayyî (Sh-6), and Zayn al-Dîn al-Bisṭâmî (Hf-9). In other cases, there is some information, but nothing definite enough to be very helpful. Sharaf al-Dîn al-Harrânî (Hb-3) was nâzir al-khizâna al-sultâniyya and continued to hold that office when he was appointed chief judge. Holding the first office may have helped him gain the second, but the sources do not indicated this. Similarly, we know that Sirâj al-Dîn al-Hindî (Hf-12) was friendly with umarâ', as was

<sup>C</sup>Alâ' al-Dîn Ibn al-Turkumânî (Hf-10) prior to their appointments, but there is no direct evidence that this finally propelled them into the chief judgeship, although the evidence does point to these associations as being helpful. Husâm al-Dîn al-Ghûrî (Hf-8) was probably in the right place at the right time, and as a newcomer was an attractive choice after the scandal of 738. Taqî al-Dîn Ibn Razîn (Sh-2) may have been appointed to offset the influence of Ibn Hannâ's protege, Ibn <sup>C</sup>Ayn al-Dawla (Sh-3), but the sources give no definite reason for his appointment. Shams al-Dîn al-Sarûjî (Hf-3) and Ibn al-Ḥarîrî (Hf-5) had previous experience as chief judges of Damascus, and Ibn <sup>C</sup>Abd al-Ḥaqq (Hf-7) had recommended Ibn al-Ḥarîrî for the chief judgeship of Cairo. Perhaps Ibn al-Ḥarîrî also recommended Ibn <sup>C</sup>Abd al-Ḥaqq as his own successor in Cairo. Najm al-Dîn (Hf-14) and Ṣadr al-Dîn Ibn Abî al-<sup>C</sup>Izz (Hf-15) and Sharaf al-Dîn Ibn Mansûr (Hf-16) all served for short terms after the death of Ṣadr al-Dîn Ibn al-Turkumânî. Ibn Mansûr was originally nominated by Burhân al-Dîn Ibn Jamâ<sup>C</sup>a, but was not immediately appointed, and Najm al-Dîn Ibn Abî al-<sup>C</sup>Izz's name was raised in a discussion at the court, but these circumstances do not help very much in our attempt at classification. Finally, Ṣadr al-Dîn Ibn Mansûr (Hf-18) was the brother of Sharaf al-Dîn (Hf-16), but since the latter served a very short term some four years before the appointment of the former and then returned to Damascus, nepotism does not seem to have been a strong factor.

In conclusion, if we ignore those cases where the reason for nomination and appointment is unknown or uncertain, we

find that patronage was the main reason for an appointment to the chief judgeship, with nepotism second. (See chart I, next page.) The succession of a nâ'ib to the full chief judgeship was also significant. Nâ'ib succession on its own was about as important a factor as nepotism. In a number of cases these two factors were combined; when, for example, a son-in-law was deputy judge to his father-in-law, and then followed him as chief judge. If we combine the two factors of "nâ'ib succession" and "nâ'ib succession plus nepotism", we can see that it was very helpful for a candidate for the chief judgeship to have been a deputy judge. The few miscellaneous cases, which include bribery and cooperation with the sultan's plans, do not count for much, and neither does merit on its own. The number of unknown or uncertain cases is considerable, but many of these might have lent themselves to categorization if just a little more information had been available, or, perhaps, if I had adopted a more liberal interpretation of the evidence. In short, the best way to become chief judge was to be a deputy judge when a vacancy for the chief judgeship occurred, or become friends with some important Mamlûk or official, because these were the most important considerations in having one's name proposed for the chief judgeship.

Chart I

Reasons for Appointments

Nepotism	<u>Ná<sup>c</sup>ib</u>	<u>Ná<sup>c</sup>ib</u>	Patronage	Merit	Misc.	Unknown
	Succession Plus Nepotism	Succession				
Hb-5 M-9 Hf-13 Sh-4 Sh-8 Sh-16	Hb-2 Hb-7 M-6 M-8 Hf-11	M-5 M-11 Hf-2 Sh-15 Sh-11	M-7 M-10 Hf-4 Hf-17 Sh-3 Sh-9 Sh-12 Sh-14 Sh-13	Hb-6 M-4 Sh-10	Hf-6 Sh-7 Sh-17	Hb-4 Hb-3 M-2 M-3 Hf-3 Hf-5 Hf-7 Hf-8 Hf-9 Hf-10 Hf-14 Hf-15 Hf-16 Hf-18 Hf-12 Sh-2 Sh-5 Sh-6
Total:						
6	5	5	9	3	3	18

## Footnotes

1. Laoust, "Hanbalisme," p. 52.
2. Al-<sup>C</sup>Aynī, Bibliothèque Nationale 1543, fol. 225b; Ibn Kathīr, XIII, 277.
3. Laoust, "Hanbalisme," p. 53.
4. Raf<sup>C</sup> MS, fol. 103b; Wāfī, II, 10; al-Yūnīnī, III, 280. On Ibn Ḥannā (Bahā' al-Dīn <sup>C</sup>Alī ibn Muḥammad; d. 677), see Shadharāt, V, 358; Ibn al-Ṣuqā<sup>C</sup>f, no. 148.
5. This was al-Zāhiriyya, located in al-Qāhira, Bayn al-Qaṣrayn, which was completed in 662. Shāfi<sup>C</sup>ī and Ḥanafī fiqh, as well as ḥadīth and Quranic recitation were taught there (Khitāt, II, 378-79).
6. Sadeque, Baybars, p. 199; Ibn <sup>C</sup>Abd al-Zāhir, al-Rawd al-zāhir, p. 183; Sulūk, I, 503.
7. Raf<sup>C</sup> MS, fol. 88b. We know that he was Ibn al-<sup>C</sup>Imād's son-in-law, because Ibn al-<sup>C</sup>Imād is described as Taqī al-Dīn ibn <sup>C</sup>Izz al-Dīn Ibn <sup>C</sup>Awad's maternal grandfather (al-<sup>C</sup>Aynī, Ahmet III 2912/4, fol. 295a).
8. Raf<sup>C</sup> MS, fol. 88b. This source claims that Ibn <sup>C</sup>Awad was replaced by his successor-to-be, Sharaf al-Dīn al-Ḥarrānī, in 678-79, then returned to office until his death in 696. This allegation occurs only in Ibn <sup>C</sup>Awad's biography here, and nowhere else, not even in al-Ḥarrānī's biography in the same source (cf. Raf<sup>C</sup>, II, 365). It seems that Ibn Ḥajar has made a mistake here, and simply assumed that the Ḥanbalī chief judge was deposed, because the other three chief judges were deposed briefly at this time (cf. Sulūk, I, 657; al-<sup>C</sup>Aynī, Bibliothèque Nationale, fol. 231a; Ibn Kathīr, XIII, 288). Al-Yūnīnī records his installation in 679 (IV, 52) noting that the Ḥanafī and Mālikī judges were returned to office at that time, and the sultan established (rattaba) a Ḥanbalī chief judge, <sup>C</sup>Izz al-Dīn Ibn <sup>C</sup>Awad, along with them. His avoidance of the word "returned" is significant.
9. Al-Nuwayrī, Leiden Or. 20, fol. 42a. It is strange that this is the only source to mention the change of madhhab; not even Ibn Rajab in his Ḥanbalī ṭabaqāt mentions this (II, 358).
10. See chapter V, pp. 178ff.,
11. Ibn Rajab, II, 358; Raf<sup>C</sup>, II, 365; Wāfī, Bibliothèque Nationale 2066, fol. 239b. See also Durar, II, 499 and al-<sup>C</sup>Aynī, Ahmet III 2912/4, fol. 273b.
12. Ibn Rajab, II, 358; Laoust, "Hanbalisme," pp. 21, 54.

Hasan Q. Murad, "Mihan of Ibn Taymiyya: A Narrative Account Based on a Comparative Analysis of the Sources," (unpublished M. A. thesis, McGill University, 1968), p. 93.

13. A<sup>c</sup>yân, fol. 589a; Durar, V, 116; Raf<sup>c</sup> MS, fol. 133a; Ibn Rajab, II, 364.

14. Al-<sup>c</sup>Aynî, Ahmet III 2912/4, fol. 296b; Sulûk, II, 113, 117.

15. Ibn al-Bâbâ was a Mongol who had fled to the Mamlûk empire at the beginning of the century, and at that time he was given a number of iqtâ<sup>c</sup>ât. He enjoyed considerable prestige in Mamlûk circles, and his daughter was married to Ibrâhîm, the son of al-Malik al-Nâsir Muḥammad (Durar, II, 76-77). He was also a supporter of Ibn Taymiyya, and himself a Ḥanbalî (al-<sup>c</sup>Aynî, Ahmet III 2912/4, fol. 367b).

The circumstances surrounding the deposition of the three chief judges will be discussed in the appropriate chapter.

16. Durar, II, 404; Raf<sup>c</sup>, II, 298; Sulûk, II, 443. Al-<sup>c</sup>Aynî, (Ahmet III, 2911/c34, fols. 65b-66a) indicates the support of the umarâ'.

17. Durar, II, 404.

18. Inbâ' al-ghumr, III, 190; Raf<sup>c</sup> MS, fol. 136a; Durar, V, 163; Shadharât, VI, 343.

19. D. Sourdél, Le Vizirat <sup>c</sup>Abbâside (Damascus, 1959-60), II, 568.

20. See especially al-<sup>c</sup>Aynî, Ahmet III 2911/c34, fols. 65b-66a.

21. Ibn Kathîr, XIII, 260; Ibn al-Ṣabûnî, Takmilat, 233-35; Raf<sup>c</sup> MS, fols. 88b-89a; al-Nuwayrî, Bibliothèque Nationale 1578, fol. 46a; Wâfi, Ahmet III 2920/22, fols. 188b-189a; al-Yûhnî, II, 461.

22. Raf<sup>c</sup> MS, fol. 130b.

23. Sulûk, I, 657, 668; al-Yûhnî, IV, 7, 52; al-<sup>c</sup>Aynî, Bibliothèque Nationale 1543, fol. 231a only notes his deposition.

24. Here again our primary source is Raf<sup>c</sup>, and the matter is more confused than the story concerning the Ḥanbalî chief judges, Ibn <sup>c</sup>Awad and al-Ḥarrânî (see above note 8). Raf<sup>c</sup> (I, 205) says that Taqî al-Dîn Ibn Shâs was chief judge from Dhû al-Hijja, 668 to Ramaḍân, 669, was deposed, and did not return to office until 681. The years 668 and 669 should read 678 and 679 to make any sense at all, and thus refer to the short reign of Salâmish. Also, he was appointed in 680, not 681 (Sulûk, I, 704) when Ibn Shukr died (Raf<sup>c</sup> MS, fol. 130b). Here again Raf<sup>c</sup> is the only source that mentions this earlier term of office, and in view of the confusion over dates, this claim should be dealt with cautiously.

25. Al-Nuwayrī, Bibliothèque Nationale 1579, fols. 86b-87a; see also Durar, III, 202; Raf<sup>C</sup>, II, 405-406.

26. Raf<sup>C</sup> MS, fol. 132a.

27. Durar, IV, 27.

28. Ibid., p. 28.

29. Raf<sup>C</sup> MS, fol. 126a; A<sup>C</sup>yan, fol. 532b; Durar, V, 12.

30. Raf<sup>C</sup> MS, fol. 126a.

31. Ibn Ṭūlūn, Qudāt dimashq (Damascus, 1956), p. 93.

31a. See chapter V, pp. 181-82.

32. Sulūk, III, 19, 21.

33. This was Sayf al-Dīn Shaykhū al-Nāsirī (d. 758; Durar, II, 293-94; see also Khitāt, II, 313-14).

34. Durar, III, 150-51. This was actually a mosque and khānqāh complex. It was completed in 756, and the teaching of fiqh according to all four schools of law, as well as hadīth and quranic recitation were established there (Khitāt, II, 313, 421).

35. Sulūk, III, 19. There is an error in K. S. Salibi, "Listes chronologiques des grands cadis de l'Égypte sous les Mamelouks," Revue des Etudes Islamiques, XXV (1957) at this point (p. 111). He thinks, although with some reservations, that a certain Taqī al-Dīn Muḥammad Ibn Shās (Durar, III, 407-408) succeeded al-Sakhāwī. There is little doubt, however, that Tāj al-Dīn al-Akhnā'ī returned to office after al-Sakhāwī's death. In addition to the reference in Sulūk (III, 19), see also the biography of Burhān al-Dīn al-Akhnā'ī (Raf<sup>C</sup>, I, 40), where he is described as having succeeded his brother, Tāj al-Dīn. Ibn Shās had been a deputy judge only, and had died in 760 (Sulūk, III, 49). Even Ibn Hajar (Durar, III, 407) only says that he was a qādī, not a qādī al-quḍāt. He is mentioned in the poem at the beginning of Raf<sup>C</sup> (I, 18, note 14), but this refers to Taqī al-Dīn al-Husayn Ibn Shās, who was the second Mālikī chief judge in this study (in office 680-685).

36. Manhal, I, 130.

37. Sulūk, III, 19.

38. Sulūk, III, 60, 73.

39. Sulūk, III, 73. In Cairo this refers to the controllership of al-Manṣūrī hospital (La Syrie, p. LXXX; Popper, Notes, I, 101.)

40. Inbâ' al-ghumr, I, 159.
41. Raf<sup>c</sup>, I, 41.
42. Sulûk, III, 191.
43. Raf<sup>c</sup>, II, 284.
44. Inbâ' al-ghumr, II, 114.
45. Raf<sup>c</sup>, II, 284-85; Sulûk, III, 285, 293; Manhal MS, fol. 478b.
46. Inbâ' al-ghumr, II, 168; Raf<sup>c</sup>, II, 249.
47. Sulûk, I, 293; Manhal MS, fol. 33a; Inbâ' al-ghumr, I, 198; Raf<sup>c</sup>, II, 249; Durar, II, 243.
48. Sulûk, III, 443.
- 48a. Raf<sup>c</sup>, II, 342.

49. The qâdî al-<sup>c</sup>askar was responsible for handling judicial cases which arose while the army was on campaign. All but the Hanbalis were allowed to have such a judge in Egypt, and when not travelling with the army, they would attend the sessions of the dâr al-<sup>c</sup>adl, sitting a rank below the chief judges (La Syrie, p. LXXVII). There was no qâdî al-<sup>c</sup>askar in Alexandria (al-Qalqashandî, Subh, IV, 63).

According to al-Maqrizî, the first Hanafî to occupy this post in Egypt was Alâ' al-Dîn Alî ibn al-Atrûsh, who was appointed in 749 (Sulûk, II, 772; for biographical details, see ibid., III, 38).

Concerning al-Adhra<sup>c</sup>î, see especially Ibn al-Suqâ<sup>c</sup>î, Tâli, no. 115; Wâfi, Bibliothèque Nationale 2065, fol. 67b; al-Lakhnawî, al-Fawâ'id, pp. 80-81. See also al-<sup>c</sup>Aynî, Bibliothèque Nationale 1543, fol. 227b; Ibn Tûlûn, qudât, p. 190; Ibn Kathîr, XIII, 281.

50. Al-Nu<sup>c</sup>aymî, Dâris fî târîkh al-madâris (Damascus, 1948), I, 474, 549.

51. Al-<sup>c</sup>Aynî, Bibliothèque Nationale-1543, fol. 231a; Sulûk, I, 657, 668; al-Yûnîni, IV, 7, 52. See also Wâfi, British Museum MS Add. 23359, vol. 14, n. p.; Ibn Abî al-Wafâ', Jawâhir, II, 201.

52. Raf<sup>c</sup>, I, 50.

53. Ibid., p. 51; Durar, I, 96-97.

54. A<sup>c</sup>yân, fols. 154b-155a; Raf<sup>c</sup>, I, 183-85; Durar, II, 91; al-<sup>c</sup>Aynî, Ahmet III 2912/4, fol. 203a; Ibn Tûlûn, qudât, p. 191.

- 54a. Durar, IV, 158.



55. Durar, III, 270, IV, 159; Sulūk, II, 173-74; al-<sup>c</sup>Aynī, Ahmet III 2912/4, fol. 317b.

56. Raf<sup>c</sup>, I, 36-37. See also Durar, I, 48; Manhal, I, 108; A<sup>c</sup>yân, fols. 11a-b.

57. Ibn Kathīr, XIV, 142.

58. He was one of the three chief judges deposed in 738. For details see chapter VI.

59. Raf<sup>c</sup>, I, 202; Durar, II, 127.

60. Sulūk, II, 437; al-<sup>c</sup>Aynī, Ahmet III 2911/c34, fol. 48b.

61. Durar, III, 245.

62. Sulūk, II, 813; see also Raf<sup>c</sup>, II, 401.

63. Khitat, II, 392.

64. Sulūk, II, 797; Manhal MS, fol. 422a. Al-Maqrīzī (Sulūk, op. cit.) says he was less than thirty years old at the time, but Raf<sup>c</sup> (II, 286) says he was born in 715, which would make him thirty-five years old then.

64a. Sulūk, II, 798; Raf<sup>c</sup>, II, 286.

65. Raf<sup>c</sup> (II, 286) says that he was appointed independently after the death of his father, which implies that he had been a nā'ib previously. Cf. the biography of Tāj al-Dīn al-Akhnā'ī, who is described as having been nā'ib to his uncle (and predecessor), then judge independently (Raf<sup>c</sup> MS, fol. 126a).

66. Inbā' al-ghumr, I, 29. This office will be discussed in chapter V.

67. Inbā' al-ghumr, op. cit.

68. Inbā' al-ghumr, I, 30.

69. Ibid.

70. Ibid.; Durar, III, 230; Raf<sup>c</sup> MS, fol. 87b. This was Quṭb al-Dīn Muḥammad ibn Abī al-Thana', known as al-Hirmās (694-769; Durar, IV, 33).

71. Sulūk, III, 44, 48; Inbā' al-ghumr, I, 30.

72. This is Shams al-Dīn Muḥammad ibn <sup>c</sup>Alī ibn al-Naqqāsh (720-63; Durar, IV, 190-91).

73. Sulūk, III, 48; Khitat, II, 76.

74. Durar, IV, 33.

75. Durar, III, 230; Raf<sup>C</sup> MS, fol. 87b.

76. Raf<sup>C</sup> MS, fols. 113b-114a.

77. Manhal MS, fol. 659b.

78. Sulūk, III, 238; Raf<sup>C</sup>, I, 90. In Sulūk he is called Ibn Abī al-<sup>C</sup>izz, but Raf<sup>C</sup>, quoting al-Maqrīzī, calls him Ibn Manṣūr. I shall call him Ibn Manṣūr; the problem of his genealogy will be discussed in the following chapter.

79. Sulūk; III, 240.

80. In Sulūk (III, 240) the amīr Nāṣir al-Dīn spoke for the nomination, but Raf<sup>C</sup> (I, 90) says that it was Ṭashtamur.

81. This is Jalāl al-Dīn Rasūlān ibn Aḥmad ibn Yūsuf al-Tabānnī al-Rūmī, a mudarris in Cairo. I could not find an entry for him in Durar, but he is listed in Shadharāt (VI, 327-28) as Rislān; see also Sulūk, III, 756-57, and Inbā' al-ghumr, III, 187-88. He died in 793.

82. Sulūk, III, 240; Inbā' al-ghumr, I, 93.

83. This was almost certainly Majd al-Dīn al-Kinānī, who would be made qādī al-<sup>C</sup>askar in 777 (Sulūk, III, 255) and eventually become chief judge in 792 (ibid., III, 723). See also Raf<sup>C</sup>, I, 116-19.

84. Sulūk, III, 240.

85. Raf<sup>C</sup>, I, 90.

86. Sulūk, III, 253; Inbā' al-ghumr, I, 152.

87. Inbā' al-ghumr, I, 153.

88. Sulūk, III, 255; Raf<sup>C</sup>, I, 89-90.

89. Inbā' al-ghumr, I, 191.

90. Ibid., and II, 38.

91. Sulūk, III, 398.

92. Ibid., III, 399.

93. Raf<sup>C</sup> MS, fol. 119b.

94. The office of wazīr went through great changes during the Bahrī period. Theoretically this was the highest civilian post in the bureaucracy and had overall supervision of the finances of the empire. However, during the Bahrī period it was held by a great assortment of people, including Mamlūks. The office itself was abolished by Sultan al-Malik al-Nāṣir during the

first part of the 8th century A. H. , and its functions divided among four lower officials. See H. Rabie, The Financial System of Egypt (London, 1972), pp. 138 ff.; La Syrie, pp. LXVI-LXIX; Popper, Notes, I, 96.

For summaries of Tāj al-Dīn's career, see al-Nuwayrī, Bibliothèque Nationale 1578, fols. 35b-36b; al-<sup>C</sup>Aynī, Bibliothèque Nationale 1543, fol. 194a; Wāfi, Ahmet III 2920/19, fols. 141a-142a; Raf<sup>C</sup>, II, 375-83.

95. See the references to Tāj al-Dīn's life in the previous note.

96. Wāfi, III, 18; Raf<sup>C</sup> MS, fol. 108a; al-Asnawī, I, 594; al-Dubkī, V, 19.

97. Raf<sup>C</sup>, II, 301. Salibi ("Listes," p. 82), probably following al-Yūnīnī (II, 362), assigns him the ism <sup>C</sup>Abd al-Qādir, but it should be <sup>C</sup>Abd Allāh; see Raf<sup>C</sup>, op. cit.; Sulūk, I, 562, 647, 674; al-Asnawī, I, 545; Wāfi, Ahmet III 2920/7, fol. 153a; al-Nuwayrī, Bibliothèque Nationale 1578, fol. 36a.

98. Wāfi, Ahmet III 2920/7, fol. 153a.

99. Al-Yūnīnī, II, 362; al-Nuwayrī, Bibliothèque Nationale 1579, fol. 36a.

100. Sulūk, I, 657; al-Yūnīnī, IV, 7, 52; Ibn al-Furāt, Tārīkh, VII, 149. See also al-Nuwayrī, Bibliothèque Nationale 1579, fol. 29b; al-<sup>C</sup>Aynī, Bibliothèque Nationale 1543, fol. 231a.

101. Raf<sup>C</sup>, II, 374.

102. Ibid., p. 375; Sulūk, I, 706.

103. EI-1, III, 110.

104. EI-2, I, 926.

105. Ibn Kathīr, XIII, 337; Wāfi, II, 137-39; al-Asnawī, I 501-502; Raf<sup>C</sup> MS, pp. 97b-98a; al-Yūnīnī, IV, 144-45.

106. Perhaps this should read nāzir al-khizāna, because in a later list of his offices this one is mentioned, but not that of nāzir al-khazā'in (Sulūk, I, 773; Raf<sup>C</sup>, II, 327; al-Yūnīnī, IV, 320-21). See also chapter V, pp. 178-83.

107. See references in previous note.

108. Ibn Tūlūn, Quḍāt, pp. 78-79; al-Yūnīnī, IV, 315; al-Nuwayrī, Bibliothèque Nationale 1579, fol. 63a.

108a. <sup>C</sup>Alam al-Dīn Sinjār al-Shujā<sup>C</sup>ī (Ibn al-Suqā<sup>C</sup>ī, Tāfi, no. 132).

109. This was known as al-Nāṣiriyya bi-al-Qarāfa (Khitat, II, 400-401).

110. Raf<sup>C</sup>, I, 221-41; Ibn al-ṣuqā<sup>C</sup> f, Tālf, no. 105; Manhal MS, fols. 299b-300a; al-Yūnīnī, IV, 319-20.
111. Al-Nuwayrī, Bibliothèque Nationale 1579, fols. 63b-64a; see also Sulūk, I, 734.
112. Ibn al-ṣuqā<sup>C</sup> f, Tālf, no. 105.
113. Sulūk, I, 771.
114. EI-2, III, 748-49.
115. Ibid.
116. Sulūk, I, 771.
117. Al-<sup>C</sup>Aynī, Ahmet III 2912/4, fol. 167a.
118. Al-Asnawī, II, 227, 229.
119. Wāfī, IV, 193-94.
120. Al-Asnawī, II, 229.
121. Al-<sup>C</sup>Aynī, Ahmet III 2912/4, fol. 175a.
122. E.g., Wāfī, IV, 193-209.
123. Ibid., pp. 193-94.
124. Ibn Ṭūlūn, quḍāt, p. 80.
125. Sulūk, I, 809; Durar, III, 367-69.
126. Ibn Ṭūlūn, quḍāt, p. 81.
127. Al-Asnawī, I, 386; Durar, III, 367-69. Al-Asnawī (op. cit.) and following him Ibn Taghrī Birdī (Manhal MS, fol. 630b) claim that all the judges, except the Mālikī, were deposed at this time as well. Raf<sup>C</sup> (II, 250) says that all the judges were deposed and replaced by their nuwwāb. I have found no trace of these alleged replacements in the chronicles, biographical literature, or in any other sources I have consulted, and have therefore disregarded them.
128. Raf<sup>C</sup> MS, fol. 105a.
129. Durar, II, 256; Raf<sup>C</sup>, II, 251; A<sup>C</sup>yān, fol. 201b.
130. Sulūk, II, 30; Wāfī, III, 242.
131. Al-<sup>C</sup>Aynī, Ahmet III 2912/4, fol. 352b; see also Sulūk, II 254.
132. Al-Nuwayrī, Leiden Or. 19b, fol. 120b.

133. Ibn Kathîr, XIV, 185; al-Asnawî, II, 330; Sulûk, II, 439-42; al-<sup>c</sup>Aynî, Ahmet III 2911/c34, fols. 61a ff.

134. Shams al-Dîn Muḥammad ibn Aḥmad ibn <sup>c</sup>Adlân (Durar, III, 423-24).

135. Sulûk, II, 442; al-<sup>c</sup>Aynî, Ahmet III 2911/c34, fols. 64a-65a.

136. Raf<sup>c</sup>, II, 285; Durar, II, 372; see also al-Asnawî, II, 240.

137. Sulûk, III, 99.

138. Inbâ' al-ghumr, I, 184.

139. Durar, IV, 110.

140. Inbâ' al-ghumr, I, 185.

141. Sulûk, III, 91-92.

142. Inbâ' al-ghumr, I, 185.

143. Durar, I, 39; Raf<sup>c</sup>, I, 29-31.

144. Raf<sup>c</sup>, I, 31.

145. See chapter V, note 58.

146. Inbâ' al-ghumr, IV, 323-24; al-Sakhâwî, al-paw' al-lâmi<sup>c</sup>, (Cairo, 1934-36), IX, 88-89.

147. These notations refer to the individual judge's entry on the list of judges, by madhhab, in this chapter. M is Mâlikî, Mb is Ḥanbalî, Hf is Ḥanafî, and Sh is Shâfi'î. M-5, therefore, refers to the fifth name in the list of Mâlikî chief judges, which is located on p. 51, where the dates of the individual's term of office are also to be found.

### Chapter III

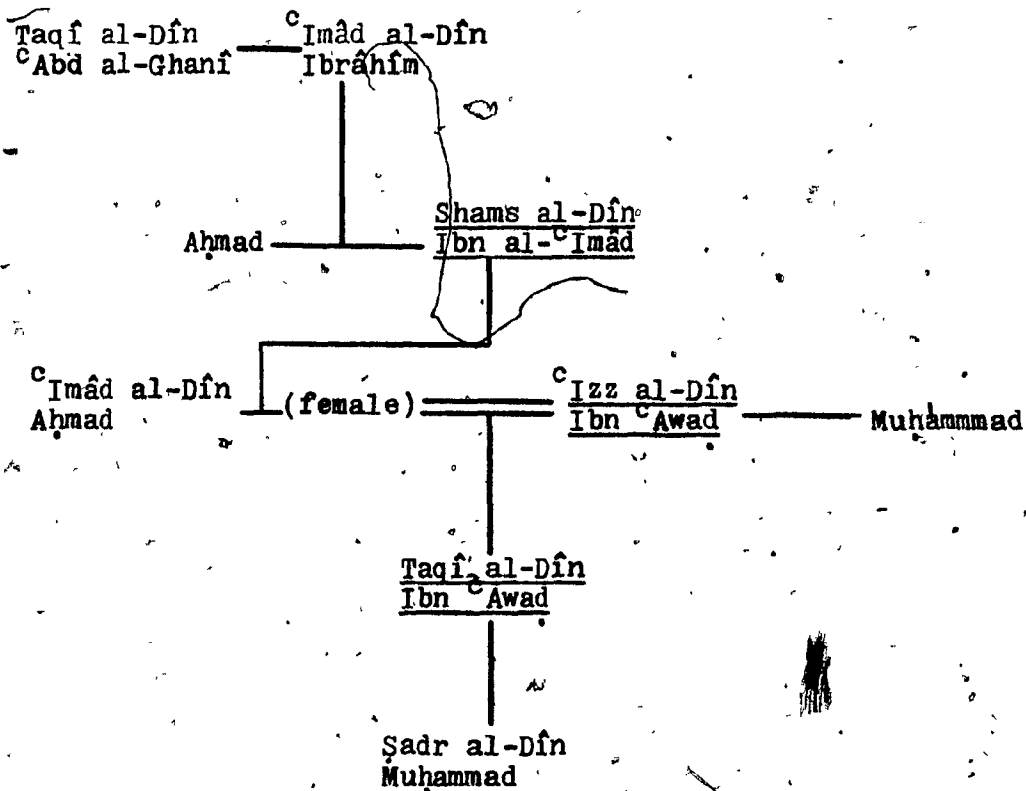
#### Social and Geographic Origins of the Chief Judges

In the previous chapter we discussed the importance of nepotism as a factor in the appointments of the chief judges. The present chapter is a more detailed study of the family relationships of these judges, and is especially concerned with their social as well as geographic origins. Some attempt will also be made to discuss the judges' brothers, sons, sons-in-law, etc. in order to compose a more complete picture of their extended families. Hopefully, this will allow us to determine certain trends as regards the familial and geographic backgrounds of the chief judges of the Bahri period.

#### Hanbalis

The first Hanbali chief judge, Shams al-Din Ibn al-<sup>c</sup>Imad (in office 663-670), was born in Damascus, the son of the Hanbali <sup>c</sup>alim, <sup>c</sup>Imad al-Din Ibrahîm ibn <sup>c</sup>Abd al-Wahid.<sup>1</sup> Shams al-Din studied both in Damascus and Baghdad, where he married.<sup>2</sup> We do not know exactly when he came to Egypt, but it was probably no later than the year 646, when he was about forty-three years old.<sup>3</sup> Shams al-Din came from distinguished Damascene Hanbali stock, and this may have been some help to him in furthering his career. However, his father died in 614,<sup>4</sup> before Shams al-Din had gone to Cairo. His paternal uncle, al-Hafiz, <sup>c</sup>Abd al-Ghanî, had come to Egypt from Damascus late in life, and although he was quite a famous faqih, he died in 600, three years before Shams al-Din was born.<sup>5</sup> Shams al-Din seems to have been the last of this family to have achieved any fame.

Table A

Ibn al-<sup>C</sup>Imâd-Ibn <sup>C</sup>Awad

N.B. An underlined name indicates a chief judge.  
 A solid line between two names indicates a blood relationship.  
 Double parallel lines between two names indicate a marital relationship.

Shams al-Dīn's successor, <sup>c</sup>Izz al-Dīn <sup>c</sup>Umar ibn <sup>c</sup>Awad (in office 678-696), is not as well documented a figure. The fact that he carried the nisba al-Maqdisī does not necessarily mean that he himself was born in Jerusalem, as Salibi alleges.<sup>8</sup> We do know that both he and his brother studied fiqh with his predecessor, Ibn al-<sup>c</sup>Imād, and that <sup>c</sup>Izz al-Dīn eventually became his nā'ib, while his brother Muḥammad became a muhtasib in Syria.<sup>9</sup> More important, however, is that <sup>c</sup>Izz al-Dīn married Ibn al-<sup>c</sup>Imād's daughter, and was thus his predecessor's son-in-law.<sup>10</sup> He was also the father of the future Ḥanbalī chief judge, Taqī al-Dīn Aḥmad Ibn <sup>c</sup>Awad (in office 712-738).

The next judge, Sharaf al-Dīn al-Ḥarrānī (in office 696-709), was indeed born in Ḥarrān in northeastern Syria, where his great grandfather had been a qādī.<sup>11</sup> He studied in Damascus,<sup>12</sup> Ḥamā, and finally Cairo.<sup>13</sup> His successor, Sa<sup>c</sup>d al-Dīn al-Ḥārithī (in office 709-711) is unique not only because his term of office was shorter than that of any other Ḥanbalī judge, but also because his father was a merchant.<sup>14</sup> Sa<sup>c</sup>d al-Dīn was born near Baghdad, and only later did he come to live in Cairo.<sup>15</sup>

Taqī al-Dīn Ibn <sup>c</sup>Awad (in office 712-738), the son of <sup>c</sup>Izz al-Dīn, who had been judge earlier, seems to be the first native born Egyptian of the Ḥanbalī judges. He was born in 662.<sup>16</sup> His father was carrying out the functions of the Ḥanbalī chief judge after Ibn al-<sup>c</sup>Imād was deposed in 670, and had studied with him and been his nā'ib prior to that,<sup>17</sup> perhaps since the establishment of the four judgeships in 663. This comes very close to placing the father in Egypt at the time of Taqī al-Dīn's



birth; close enough to make it almost certain that he was born in Egypt. Taqī al-Dīn's son, Ṣadr al-Dīn Muḥammad,<sup>18</sup> was a disgrace, and Ibn Ḥajar blames Ṣadr al-Dīn's illegal manipulations of awqāf<sup>19</sup> and his devotion to the keeping of (race?) horses as the cause of his father's deposition from office.<sup>20</sup> Although al-<sup>c</sup>Aynī does not blame the son for his father's deposition,<sup>21</sup> Ṣadr al-Dīn seems to have been an unsavoury character. Oddly enough, he also taught Ḥanbalī fiqh at a number of madāris.<sup>22</sup>

Although the birthplace of Muwaffaq al-Dīn al-Maqdisī (in office 738-769) is never explicitly stated, it may be that he was born outside Egypt. He travelled a great deal in the course of his studies, stopping in Damascus, Egypt, and Mecca, and only after he became famous did he move (tahawwala) to Cairo.<sup>23</sup> I suspect that if he had been born in Egypt or Cairo then the sources would have spoken about his return, if in fact they did know where he was born. In any case, he is quite important for his relationship to those who came later. He was the father-in-law of his successor, Naṣr Allāh,<sup>24</sup> and the maternal grandfather of Naṣr Allāh's son, Aḥmad, who would also become a chief judge, but in the Burjī period.<sup>25</sup> His son-in-law, Naṣr Allāh (in office 769-795), was apparently born outside Egypt, but grew up (nasha'a) in Cairo.<sup>26</sup> In one source, he is assigned the nisba al-Ḥijāwī, or in a variant reading, al-Ḥijārī, and this is said to be his place of origin (al-asl).<sup>27</sup> I have not been able to locate either of these places. Although there is an al-Ḥijārā in Spain,<sup>28</sup> I doubt if this is the place, since a Ḥanbalī presence was virtually unknown there. It is

Table B

101.

Al-Maqdisi-Nasr Allâh

Muaffaq al-Dîn  
al-Maqdisi

(female) ————— Nasr Allâh

Ahmad

more likely that this should read al-Ḥijāzī, but it still remains an open question. The fact that the sources say that he grew up in Cairo is an almost certain indication that he was not born there. In any case, his son succeeded him as chief judge, and his son in turn followed him, but all this was in the Burjī period and cannot concern us here.<sup>29</sup>

The origins, geographic and social, of the Ḥanbalī judges are mixed and sometimes cloudy. Shams al-Dīn Ibn <sup>C</sup>Awad and Sharaf al-Dīn al-Ḥarrānī were definitely born outside Egypt, within Greater Syria, while Taqī al-Dīn Ibn <sup>C</sup>Awad can almost certainly be described as having been born in Cairo, where his father was employed at the time of his birth. Sa<sup>C</sup>d al-Dīn al-Ḥārithī and Naṣr Allāh were probably born outside Cairo, but grew up there. The birthplaces of the others are not known. When we look at fathers' occupations, the situation is not much better. Two were the sons of judges and one the son of a merchant; the rest are unknown. It is interesting that we can place or lean towards placing the origins of so many of these judges outside Egypt. On the one hand, Cairo was the capital of the empire, where an ambitious man could achieve the greatest success, but on the other hand, there were probably more Ḥanbalīs outside Egypt than inside it, and, as we have seen, the Ḥanbalīs enjoyed very long terms in office, a possible indication of the lack of competition for these posts. The failure to reappoint a Ḥanbalī chief judge immediately after the deposition of Ibn al-<sup>C</sup>Imād is another indication that the Ḥanbalīs were a small group and not in any special need of a chief judge. Nepotism was a significant factor among the Ḥanbalīs of this

period, and, as we have mentioned earlier, the Hanbalī chief judgeship was almost dominated by the families of Ibn al-<sup>C</sup>Imād-Ibn <sup>C</sup>Awad and al-Maqdisī-Nasr Allāh.

### Mālikīs

The Mālikī chief judges of the Bahrī period fall into two groups: those who were members of the al-Akhnā'f family and those who were not. Neither group is very well documented as regards place of birth, although individuals of proven Egyptian origin are unusually well represented. Similarly, family backgrounds are too often lacking. This comparatively poor documentation is probably due both to the scarcity of Mālikī biographical dictionaries, and for those which do exist, their concern more with the notables of the Maghrib than of Egypt and Syria, as well as the general lack of interest in the Mālikī chief judges among the historians and biographers in general. Al-Safadī's biography of Ibn Makhlūf has been mentioned in chapter I. The fact that many of the Mālikī judges whose birthplaces we do know came from small towns further complicates the problem of tracing their origins. The lack of interest in rural areas is a notorious feature of Arabic historiography.

Those Mālikī judges who were not members of the al-Akhnā'f family form the larger group. Of these, the origins and family backgrounds of Nafīs al-Dīn Ibn Shukr (in office 669-680), Taqī al-Dīn Ibn Shās (in office 680-685), and Nūr al-Dīn al-Sakhāwī (in office for a short while in 756) remain a mystery. The others in this group were all native Egyptians, but not

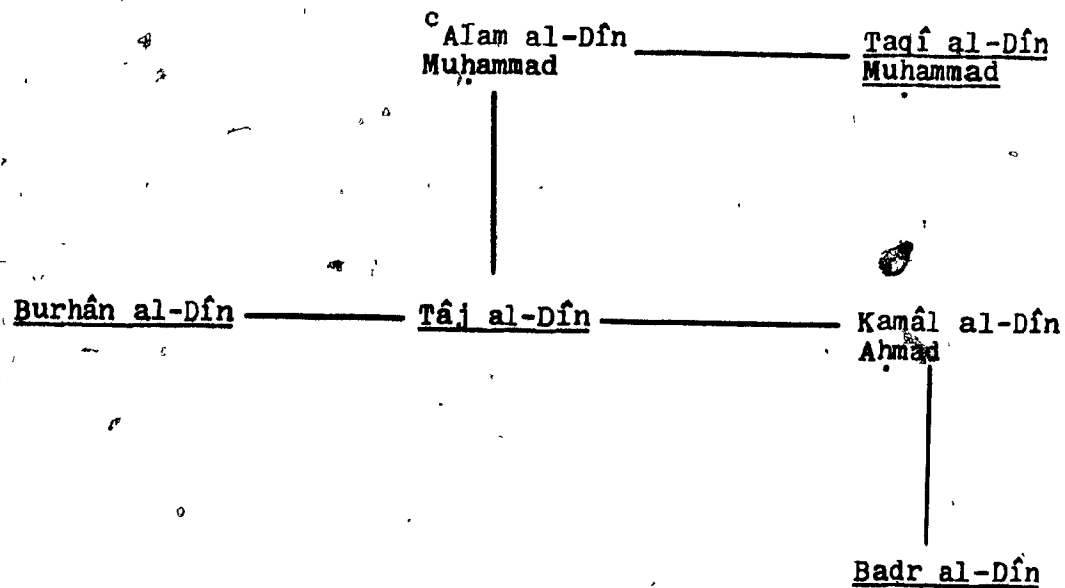
Cairenes. Sharaf al-Dīn al-Subkī (in office 663-669) was born in a village called al-Sālihiyya in the district of al-Qalyūbiyya (Lower Egypt).<sup>30</sup> and Ibn Makhlūf (in office 685-718) was born in al-Nuwayra, one of the districts of al-Bahnasa in Upper Egypt.<sup>31</sup> We know that Ibn Makhlūf had a brother, Taqī al-Dīn Nāhid, who died in 732,<sup>32</sup> but nothing beyond these meagre facts. He also had a son, Muḥyī al-Dīn Muḥammad, who had been his father's nā'ib, and was supposed to succeed him as chief judge, but the son died in 711, some seven years before his father.<sup>33</sup> <sup>c</sup>Alam al-Dīn al-Bisāṭī (in office 778-779, 779-783) was actually born in Bisāt, a village in the Gharbiyya of Lower Egypt.<sup>34</sup> His father and uncle had settled there prior to <sup>c</sup>Alam al-Dīn's birth. His father died when he was still quite young, and he was raised by his uncle. Al-Bisāṭī's grandfather had a zāwiya there, which is probably why the two men came to that town.<sup>35</sup> Jamāl al-Dīn Ibn Khayr al-Ansārī (in office 783-786) was born and raised in Alexandria. His father was probably a Mālikī ālim there, because we know that Jamāl al-Dīn studied fiqh with his father.<sup>36</sup>

The family of al-Akhnā'ī seems to have originated in Egypt as well. Although we do not know the birthplace of Taqī al-Dīn al-Akhnā'ī (in office 718-750), we do know that his brother <sup>c</sup>Alam al-Dīn Muḥammad, who was his junior by about four years, was born in Cairo. This Shāfi'ī brother, <sup>c</sup>Alam al-Dīn, went on to become judge of Alexandria and chief judge of Damascus.<sup>37</sup> More interestingly, it was <sup>c</sup>Alam al-Dīn's progeny which would keep the Mālikī chief judgeship to itself in future

years. Tāj al-Dīn al-Akhnā'f (in office 750-763) was probably born in Egypt, since there is no evidence that his father, <sup>c</sup>Alam al-Dīn, left Egypt prior to his appointment as chief judge of Damascus. His brother Burhān al-Dīn (in office 763-777) was certainly born in Cairo.<sup>38</sup> The last of the three sons, Kamāl al-Dīn Ahmad, did not become a chief judge, only a qādī al-<sup>c</sup>askar and nāzir al-khizāna,<sup>39</sup> but his son, Badr al-Dīn (in office 777-778; 779), did manage to become a Mālikī chief judge. Kamāl al-Dīn Ahmad apparently remained a Shāfi<sup>c</sup>f, and raised his son in this madhhab, although the son finally joined the rest of his family and became a Mālikī as well.<sup>40</sup> He was probably Egyptian by birth also, since the family seems to have been well entrenched in Cairo by this time.

In short, the Mālikī chief judges were generally native Egyptians, though not Cairēnes, of apparently humble origins, with an important element being converts from the Shāfi<sup>c</sup>f madhhab. The family of al-Akhnā'f managed to keep the Mālikī chief judgeship to themselves for many years, in spite of the fact that they were all originally Shāfi<sup>c</sup>fs. What is also quite interesting about this family is that the judgeship was not passed from father to son, but rather from uncle to nephew or from brother to brother. Ibn Makhlūf's son was destined to follow his father as chief judge, and would have established another family of Mālikī judges, had he not predeceased his father. Finally, the practice of passing on the judgeship to a son-in-law is entirely lacking in the history of the Mālikī chief judges.

## Table C

Al-Akhnâ'î

### Hanafis

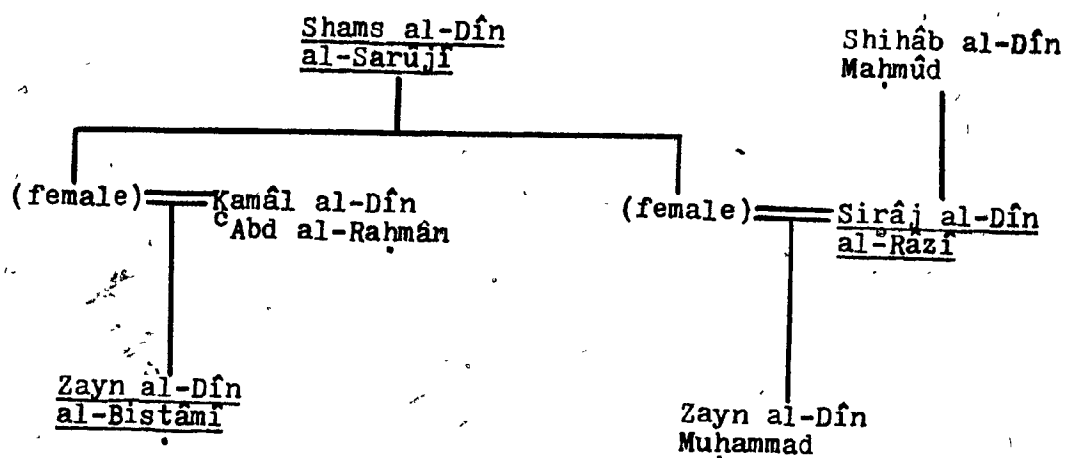
The social and geographic origins of the Hanaff judges are rather uniform. Most of the Hanaff judges came to Egypt from Damascus, and they were in fact largely native Damascenes. The presence of important families contributing a number of candidates to fill the post of chief judge is quite apparent as well as the presence of sons-in-law eventually succeeding their fathers-in-law to the chief judgeship. On the other hand, some of the Hanaff chief judges came from an unknown or more "exotic" milieu and did not always leave the same sort of lasting impresssion. A possible example of this last facet is Mu<sup>c</sup>izz al-Dīn al-Khatībī (in office 677-692), whose ancestry may go back to the town of Arzankan in Asia Minor, as the nisba which al-Maqrīzī assigns him would indicate, but this evidence is hardly decisive, and his origins must remain in doubt.<sup>41</sup> The fact that the leading Syrian biographers (al-Dhahabī in his Tārīkh al-Islām, al-Nu<sup>c</sup>aymī, and Ibn Ṭūlūn) as well as Ibn Kathīr in the obituary section of his al-Bidāya exclude him would tend to indicate that he never held a post in Damascus and probably never lived there, but we cannot be more definite than this. A better documented example is that of Ḥusām al-Dīn al-Ghūrī (in office 738-742), who came from Baghdad, and returned there after a term of only a few years as chief judge.<sup>42</sup> He had a short but stormy career in Egypt, but we know nothing of his ancestry or his progeny. A somewhat similar case is that of Sirāj al-Dīn al-Hindī (in office 769-773), a native of India, who left his home and made a very successful career for himself in Egypt.<sup>43</sup> Al-Hindī was the



father-in-law of Jalâl al-Dîn Jâr Allâh (in office 778-782), who had originally come to Egypt during al-Hindî's term of office as chief judge, married his daughter, and became his nâ'ib. We cannot be sure of his exact place of birth, but Ibn Hajar does say that he came from the East, which probably means Iran or India.<sup>44</sup>

Another judge about whose background we are not very well informed is Shams al-Dîn al-Sarûjî (in office 692-696; 698-710). He was born in Thawnah, a small town in the area of Sarûj in northeastern Syria, where he also grew up.<sup>45</sup> He was originally a Ḥanbalî, and later became a Ḥanafî.<sup>46</sup> This conversion may explain why neither the Ḥanbalî nor Ḥanafî ṭabaqât supply any information about his family background, but, of course, the fact that he was from a small town in a remote area is probably a better explanation of this lack of documentation. On the other hand, like Sirâj al-Dîn al-Hindî, he was the father-in-law of a future judge, Sirâj al-Dîn al-Râzî, who became judge of Fustât for only sixty-two days in 717 when Shams al-Dîn Ibn al-Ḥarfî (in office 710-728) was temporarily deprived of its jurisdiction after a dispute with the sultan. Al-Râzî, in spite of his nisba, is one of the rare examples of a native born Egyptian who became a Ḥanafî chief judge. He was born in Fustât, the son of Shihâb al-Dîn Maḥmûd, a maḍrasa professor.<sup>47</sup> Sirâj al-Dîn's son, Zayn al-Dîn Muḥammad, would establish a career for himself in Damascus as a muftî.<sup>48</sup> Shams al-Dîn al-Sarûjî married off another daughter to Kamâl al-Dîn <sup>c</sup>Abd al-Raḥman ibn Abî Bakr,<sup>49</sup> who, in turn, was the father of Zayn al-Dîn al-Bistâmî, the Ḥanafî chief judge of

Table D

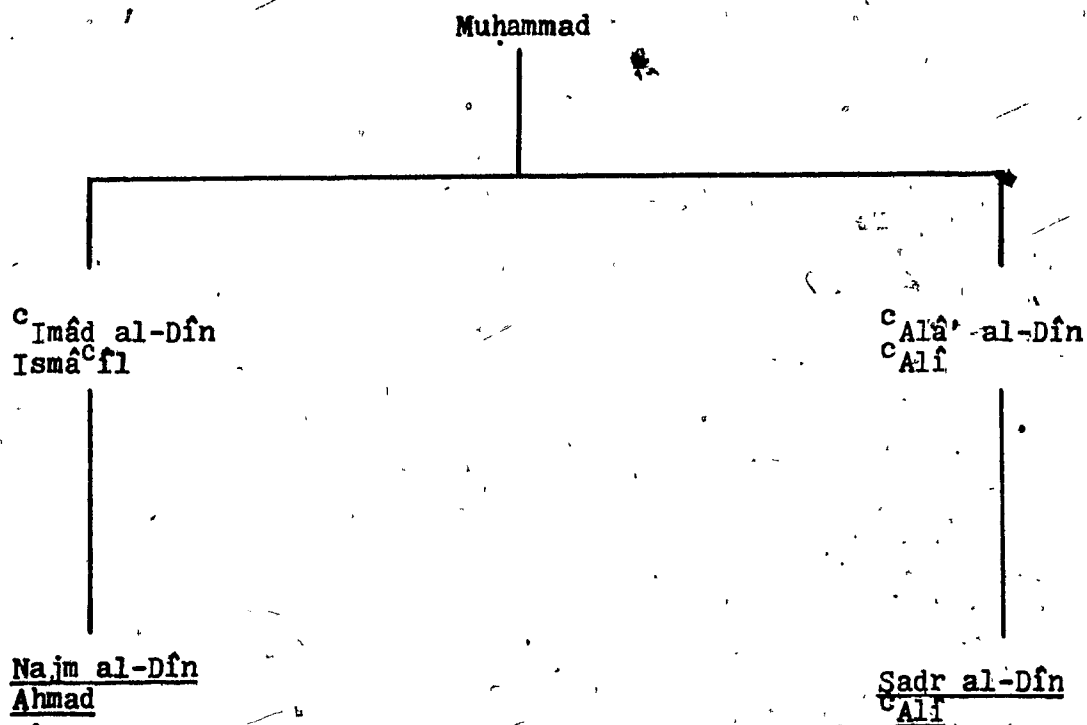
Al-Sarūjī--al-Bistāmī--al-Rāzī

Cairo from 742 to 748. Zayn al-Dīn was probably a native Egyptian, since his father is described as a resident (nazīl) of al-Qâhira.<sup>50</sup>

Only one of the judges can definitely be placed as having originated in Rûm: Ḥusâm al-Dīn al-Rûmî (in office 696-698). He was born in Aq Sarâ,<sup>51</sup> and was judge of Malatya<sup>52</sup> for more than twenty years, before fleeing from there to Damascus out of fear of the Mongol invasion.<sup>53</sup> His father had also been a chief judge,<sup>54</sup> apparently in Rûm, and his own son Jalâl al-Dīn would become chief judge of Damascus after his father left for Egypt in 696, as well as later.<sup>55</sup>

Ṣadr al-Dīn al-Adhra<sup>c</sup>î (in office 663-677) was, as his nisba indicates, from the town of Adhri<sup>c</sup>ât in present day Jordan; in Mamlûk times this town was part of the district of Damascus.<sup>56</sup> We do not have any information about his father, probably because Ṣadr al-Dīn was from such a remote area. Ṣadr al-Dīn himself achieved a considerable status in Damascus, and when he left to take up a judicial appointment in Egypt, he passed his teaching posts to his two sons, Taqî al-Dīn Aḥmad<sup>57</sup> and Shams al-Dīn Muḥammad.<sup>58</sup> The latter's son and grandson also became professors at madâris in Damascus.<sup>59</sup> Ṣadr al-Dīn was probably a distant ancestor of two other Ḥanafî chief judges of Cairo, since there are some similarities in the extended names. They would hold short terms about one hundred years after Ṣadr al-Dīn al-Adhra<sup>c</sup>î had left office. The first of them, Najm al-Dīn Ibn Abî al-<sup>c</sup>Izz or Ibn al-Kishk (in office for a few months in 777) would also eventually attain the chief judgeship of Damascus.<sup>60</sup> His first cousin, Ṣadr al-Dīn Ibn Abî

## Table E

Ibn Abi al-<sup>c</sup>Izz (Ibn al-Kishk)

al-<sup>c</sup>Izz succeeded him, but also lasted only a few months before returning to Damascus.<sup>61</sup> Sadr al-Dīn grew up in Damascus, but we do not know if he was born there.<sup>61a</sup>

Sadr al-Dīn Ibn Mansūr (in office 782-786) was born in Damascus.<sup>62</sup> He was the younger brother of Sharaf al-Dīn Ibn Mansūr (in office 777-778), but only by one year,<sup>63</sup> and although we cannot be certain of Sharaf al-Dīn's birthplace, it is reasonable to assume that he was also born in Damascus. They were the sons of <sup>c</sup>Alā' al-Dīn <sup>c</sup>Alī Ibn Mansūr, who had been a teacher at al-Tankiziyya in Jerusalem at some point.<sup>64</sup>

Burhān al-Dīn Ibn <sup>c</sup>Abd al-Ḥaqq (in office 728-738) was a member of a distinguished family of Syrian <sup>c</sup>ulamā'. His father, Kamāl al-Dīn <sup>c</sup>Alī had been qādī of Ḥiṣn al-Akrād in Syria.<sup>65</sup> Burhān al-Dīn may have been born there, but he grew up in Damascus.<sup>66</sup> His father had married the daughter of the Ḥanbalī <sup>c</sup>ālim, Diyā' al-Dīn <sup>c</sup>Abd al-Ḥaqq ibn Khalaf al-Dimaṣḥī, and this is the origin of the family name by which Burhān came to be known.<sup>67</sup> Burhān al-Dīn's paternal uncle, Najm al-Dīn Ismā'īl, was a Ḥanafī professor in Damascus,<sup>68</sup> and Burhān al-Dīn studied with both his father and his uncle.<sup>68a</sup> His younger brother, Shihāb al-Dīn Aḥmad, became chief judge of Damascus.<sup>69</sup> Burhān al-Dīn was deposed from the judgeship of Cairo and exiled to Syria in 738, but one of his children managed to become muhtasib of Damascus in 759.<sup>70</sup> Another judge, Shams al-Dīn Ibn al-Ḥarfī (in office 710-728), was also a native Syrian, born in Damascus; he really was the son of a silk merchant.<sup>71</sup>

## Table F

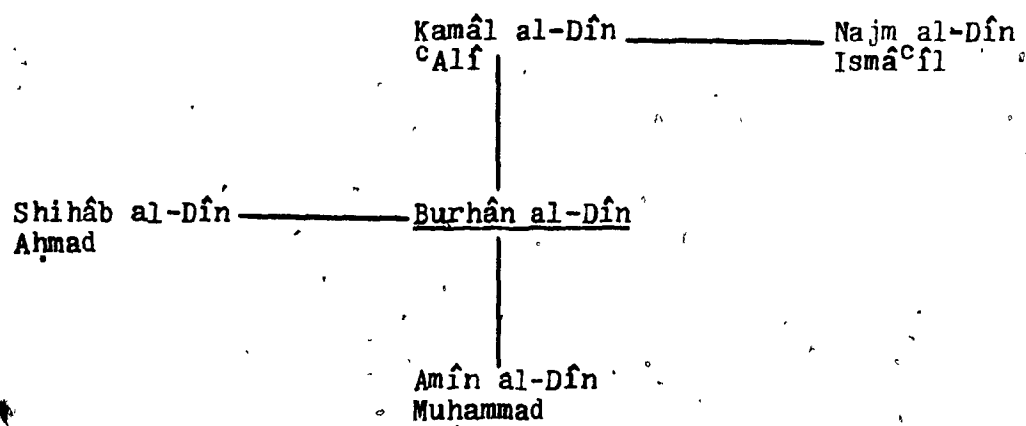
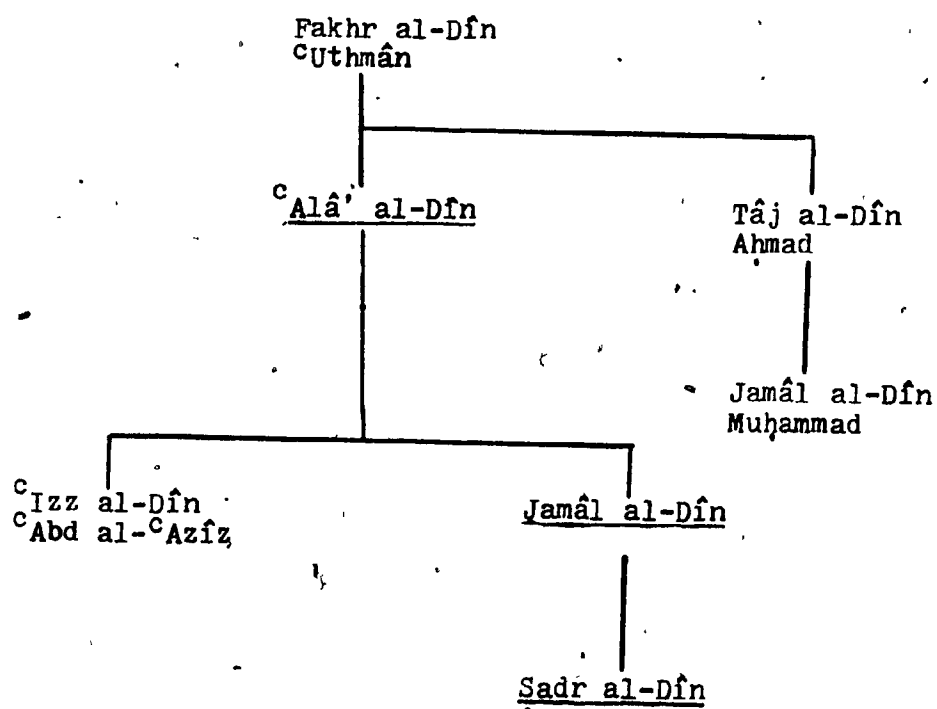
Ibn<sup>c</sup> Abd al-Haqq

Table G

Ibn al-Turkumânî

The family of Ibn al-Turkumânî was the most important dynasty of Egyptian Ḥanafî judges of the Bahrî period. It drew its name from Fakhr al-Dîn <sup>c</sup>Uthmân ibn Ibrâhîm al-Turkumânî,<sup>72</sup> who was a famous Ḥanafî faqîh in Cairo, although he may not have been born there. Fakhr al-Dîn's son, <sup>c</sup>Alâ' al-Dîn <sup>c</sup>Alî (in office 748-750), became the first of three chief judges of Egypt to be drawn from this family. His son, Jamâl al-Dîn (in office 750-769), and grandson, Ṣadr al-Dîn (in office 773-776), followed him into that office. <sup>c</sup>Alâ' al-Dîn's brother, Tâj al-Dîn Ahmad, was a deputy judge and professor in Cairo.<sup>73</sup> Tâj al-Dîn's son, Jalâl al-Dîn Muḥammad,<sup>74</sup> and another of <sup>c</sup>Alâ' al-Dîn's sons, <sup>c</sup>Izz al-Dîn <sup>c</sup>Abd al-Wahhâb,<sup>75</sup> were both professors in Cairo as well. There is little doubt that all three chief judges of this family were born in Cairo.<sup>75a</sup>

About half the Ḥanafî chief judges were born or raised in Greater Syria (including Rûm and Jordan), whereas slightly less than one-quarter of the total were born in Cairo. Most of this last group consists of the family of Ibn al-Turkumânî. The rest can be classified as miscellaneous or unknown. These characteristics are in sharp contrast to the Mâlikîs, among whom Egyptian origins and conversion into the madhhab from another figured so prominently. Our information on the occupations of these judges' fathers is not as good as we could have hoped for, but we can say that almost half of them were the sons of qudât or fuqahâ'.

#### Shâfi'îs

As might be expected, some of the leading families of



<sup>C</sup>ulamâ' are represented among the Shâfi<sup>C</sup> chief judges of Mamlûk Egypt. Some of these families enjoyed success and prominence outside of Egypt, while others restricted their activities to the capital of the empire. Although overt nepotism as the cause of a judge's appointment is often difficult to prove, a good family name or acquaintances and friendships in court circles built up over many years undoubtedly played a part. Of course, marriage into a prominent family was also an important factor, and we see here again the phenomenon of a son-in-law succeeding his father-in-law after a term of apprenticeship as his nâ'ib. On the other hand a number of the judges were unconnected to any important families, and we must not forget that even the most famous dynasties had to begin somewhere, usually with an ambitious man who established the base upon which future generations built. Finally, there was no guarantee that a son or close relative would automatically succeed to the judgeship, and there are many cases in which an individual with close ties to a qâdî al-qudât did not follow him into office, but rather went in some other direction, even if he had been his deputy. In short, personal ambition was a key factor behind an appointment to the chief judgeship.

The family of Ibn Bint al-A<sup>C</sup>azz was very prominent in the early Bahrî period, supplying three of its number for the chief judgeship. The first member of this small dynasty, Tâj al-Dîn <sup>C</sup>Abd al-Wahhâb, was raised by his maternal grandparents when his father died in 612; the boy was only eight years old at the time. His maternal grandfather was al-A<sup>C</sup>azz ibn Shukr,<sup>76</sup>

one of the wuzarâ' of Sultan al-Malik al-<sup>C</sup>Adil Muḥammad ibn Ayyûb (ruled 512-615/1200-18), hence the family name, and he lived in the village of Damîra in the Gharbiyya.<sup>77</sup> Interestingly enough, al-A<sup>C</sup>azz's wife was not of Shâfi<sup>C</sup>î stock, but rather the daughter of a Mâlikî âlim, Abû Mansûr Ibn Zâfir.<sup>78</sup> Although Tâj al-Dîn was raised in a small town, his grandfather arranged for him to be educated in Cairo and Alexandria, where he was noticed by certain ulamâ' and thus began his career.<sup>79</sup> Of Tâj al-Dîn's four sons, two became Shâfi<sup>C</sup>î chief judges of Cairo. Ṣadr al-Dîn (in office 678-679) took over his father's teaching post at al-Ṣâlihiyya upon his father's death.<sup>80</sup> He was appointed chief judge during the brief sultanate of Salâ-mish. Perhaps his highly respected family name played a part in his selection, because he does not seem to have been very ambitious, having held neither before nor after his appointment any but teaching or controllership posts.<sup>81</sup> His brother, Taqî al-Dîn (judge of Fustât, 685-686; chief judge of Cairo 686-690, 693-695), was, as we have seen, more ambitious, having held seventeen posts in his lifetime, and suffering imprisonment by his political enemies. There is no evidence that Taqî al-Dîn was helped by his family in his career, although he did take over some posts vacated by his brother.<sup>82</sup> It was clearly his own personal energy, conniving, and qualifications which counted. We have seen how he plotted to transfer the judge of al-Qâhira, Ibn al-Khuwayyî, to Damascus so that he himself could become chief judge of all Cairo. Although this was initially unsuccessful, he eventually became not only chief

judge of both sections, but also wazir at the same time. Such responsibilities were reserved for a man of ability, not just one of good name. One of the other brothers, <sup>c</sup>Alâ' al-Dîn Ahmad, travelled in Yemen and Syria, received a teaching appointment in Damascus in 687,<sup>83</sup> and his son held several bureaucratic posts in Egypt.<sup>84</sup> The last brother remains a mystery; not even his name is known.<sup>85</sup>

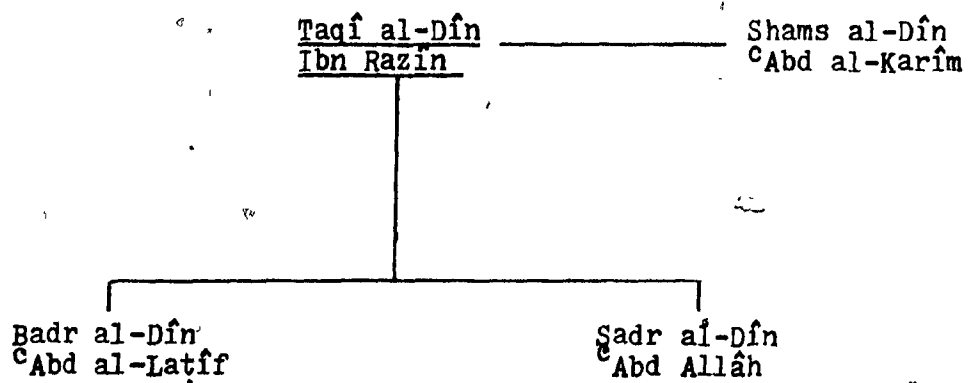
The other two Shâfi<sup>c</sup>î dynasties of the Bahrf period have been discussed in some detail elsewhere.<sup>86</sup> They are different from the family of Ibn Bint al-A<sup>c</sup>azz because they divided their activities between Damascus and Cairo, and in the case of the Ibn Jamâ<sup>c</sup>a family, Jerusalem as well. Badr al-Dîn Ibn Jamâ<sup>c</sup>a was born in Hamâ in Syria, the son of a well known Shâfi<sup>c</sup>î <sup>c</sup>âlim, but it was the ambitious Badr al-Dîn, twice chief judge of Damascus, three times chief judge of Cairo, who was the real founder of this dynasty.<sup>87</sup> His son, <sup>c</sup>Izz al-Dîn, was born in Damascus in 694, soon after his father was dismissed as chief judge of Cairo for the first time and made chief judge of Damascus.<sup>88</sup> However, he probably returned to Egypt at the age of eight when his father was reinstated as chief judge there. Burhân al-Dîn Ibn Jamâ<sup>c</sup>a (in office 773-779) was the nephew of <sup>c</sup>Izz al-Dîn; his own father had been khatib of the al-Aqsâ mosque in Jerusalem, but he himself was born in Egypt.<sup>89</sup> Only two members of the al-Subkî family held the post of chief judge in Cairo during the Bahrf period: Bahâ' al-Dîn (in office 766-773) and his son Badr al-Dîn (in office 779-781). Bahâ' al-Dîn was born in Cairo.<sup>90</sup> His father, Sadîd al-Dîn <sup>c</sup>Abd al-Barr ibn Yahyâ, does not appear in the biographical literature, but,

judging from the rest of the family, he was probably some sort of <sup>c</sup>âlim. Badr al-Dîn was almost certainly born in Damascus.<sup>91</sup>

The nine remaining judges, comprising about one-half the total number of Shâfi<sup>c</sup> judges under study, can be divided into three groups on the basis of place of origin. The first group were all born in Syria. Shihâb al-Dîn Ibn al-Khuwayyî (judge of al-Qâhira 681-686) was born in Damascus, the son of the Shâfi<sup>c</sup> chief judge there, who died in office when Shihâb al-Dîn was only eleven years old.<sup>92</sup> Taqî al-Dîn Ibn Razîn (in office 665-680) was born in Hamâ, and enjoyed a considerable reputation in Damascus, until he fled to Egypt, probably with his brother Shams al-Dîn <sup>c</sup>Abd al-Karîm, also a Shâfi<sup>c</sup> faqîh, because of the Mongol invasion in 658.<sup>93</sup> Although we have no information on his father, Taqî al-Dîn's sons enjoyed some success. One of them, Badr al-Dîn <sup>c</sup>Abd al-Latîf, held a number of teaching post in Cairo, was khatîb at al-Azhar and assistant judge to his father,<sup>94</sup> while another son, Şadr al-Dîn <sup>c</sup>Abd Allâh, returned to Damascus to teach in a madrassa and died there in 695.<sup>95</sup> The last of this group is Bahâ' al-Dîn Ibn <sup>c</sup>Aqîl (in office 759), who was born in Bâlis<sup>96</sup> in northern Syria, but spent most of his life in Egypt.<sup>97</sup> We know nothing of his ancestry or progeny, except that he married off a daughter to his nâ'ib, <sup>c</sup>Umar ibn Raslân, better known as Sirâj al-Dîn al-Bulqînî, a professor and muftî in the dâr al-<sup>c</sup>adl, as well as a future chief judge of Damascus.<sup>98</sup>

The second group were all native Egyptians. Muhyî al-Dîn Ibn <sup>c</sup>Ayn al-Dawla was descended from a long line of judges, and his father had been judge of al-Qâhira before the establish-

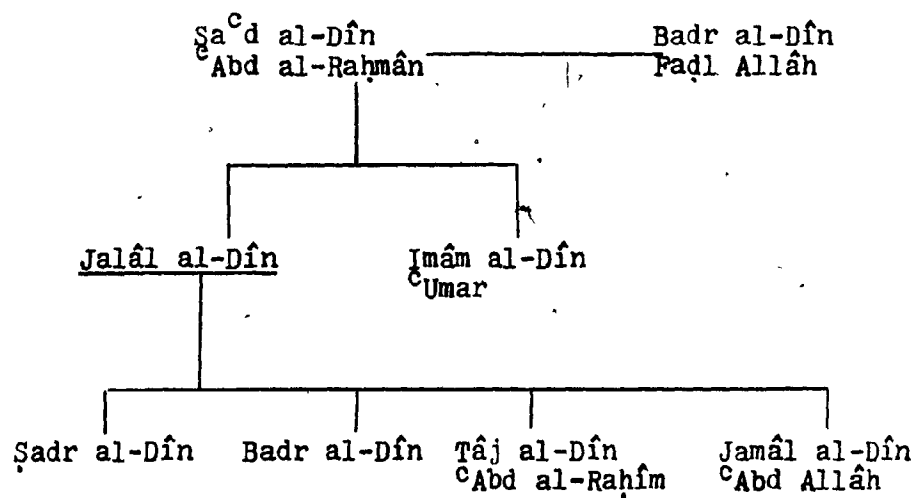
Table H

Ibn Razin

ment of the four chief judgeships.<sup>99</sup> We cannot be certain of Muhyi al-Din's place of birth, but there is no evidence that his father ever lived outside Egypt. Taqi al-Din Ibn Daqiq al-Id was actually born on a boat in the Red Sea while his parents were making the pilgrimage to Mecca, but for our purposes it is more logical to call him an Egyptian, since his father's residence at the time was Qus. His father was a Maliki faqih there.<sup>100</sup> Taqi al-Din had ten children,<sup>101</sup> one of whom, Muhib al-Din Ali, was a professor and assistant judge to his father.<sup>102</sup> Although the exact birthplace of Wajih al-Din al-Bahnasî is never given, I suspect that he was a native Egyptian but the evidence is admittedly more negative than positive. The Syrian historian Ibn Kathir in the obituaries of his al-Bidaya and the biographer al-Dhahabi in his Tarikh al-Islam ignore him; also, Raf al-Isr says that he studied in Egypt and then Damascus, which is certainly the wrong way around for a native Syrian. Finally, the only geographical nisba he carried, al-Bahnasî, refers to a place in Egypt.<sup>103</sup>

The last three judges are a mixed lot. The origins of Burhan al-Din al-Sinjari (in office a few months in 686 as judge of al-Qahira) remain a mystery. He and his brother, Badr al-Din Yusuf, shared the chief judgeship of Cairo for a few years prior to 663,<sup>104</sup> but his brother returned to a teaching career, while Burhan al-Din tried to keep his hand in politics. Jamal al-Din al-Zarfi (in office 710-711) was born in Adhriat, but received his nisba because he was judge in Zarca.<sup>105</sup> His father, Majid al-Din Umar, is called al-khatib, but there are no biographies of him to be found for verification.<sup>106</sup> The

Table I

Al-Qazwîni

last judge, Jalâl al-Dîn al-Qazwîni, was born in Mosul.<sup>107</sup> He and his brother, Imâm al-Dîn, fled in 690 because of the Mongol attacks and went to Damascus, where Imâm al-Dîn became chief judge and his brother his nâ'ib.<sup>108</sup> His father was probably a professor and faqîh, because we know that Jalâl al-Dîn studied with him.<sup>109</sup> We also know that his paternal uncle, Badr al-Dîn Fadl Allâh, was judge in Rûm and died in Damascus in 666 while visiting with his nephews on his way to Mecca for the pilgrimage.<sup>110</sup> When Jalâl al-Dîn was deposed from the chief judgeship of Cairo, he was made chief judge of Damascus, and three of his sons also managed to acquire teaching appointments there. Two of the three were also made their father's deputies, in addition to their teaching duties.<sup>111</sup>

The purpose of this chapter was to throw some light on the social and geographic origins of the chief judges of the Bahrî period in the hope of detecting certain trends which would help us to characterize these judges more fully. As for family backgrounds, almost all the judges whose backgrounds we do know about came from <sup>C</sup>ulamâ' stock, and their children continued to hold jobs relating to the maintenance and propagation of the faith. However, very few directly followed their fathers into the chief judgeship. A number, of course, did gain that office later; such as, Şadr al-Dîn and Taqî al-Dîn Ibn Bint al-A<sup>C</sup>azz. However, these were only two of the four sons of Tâj al-Dîn Ibn Bint al-A<sup>C</sup>azz; the other two did not follow their father's lead, and even Şadr al-Dîn does not seem to have been



very ambitious in this regard. What is especially interesting is the frequency of sons-in-law succeeding their fathers-in-law in the chief judgeship after having served as deputy judges. Of course, we do not know if these individuals were sons-in-law before they became nuwwâb or vice-versa. In any case, the point to be made here is that a blood or marital relationship to a chief judge could be helpful for someone desirous of the chief judgeship, but such relationships did not guarantee access to that office. On the contrary, the evidence points to personal initiative as a major factor in any attempt to further one's career, although the contacts which the relatives or children of judges made in court circles could prove to be advantageous later.

Geographic origins do not seem to have been a major factor in the appointment of a chief judge. I have never found any evidence that an individual was nominated for the chief judgeship simply because he was from a particular place. The fact that so many of the Mâlikî chief judges were born in Egyptian towns outside the capital points to the widespread presence of this madhhab throughout Egypt, and not just in a place like Alexandria where we would have expected some influence from the Maghrib. Quite a few of the judges were born and/or raised in Syria, and a few came from even farther afield, especially among the Hanaffs. This could indicate either a lack of qualified candidates in Cairo, or a preference for non-residents in general and Syrians in particular. However, when we see chief judges originating from areas as diverse as Syria, Iraq, Anatolia, Iran and India, and then, in some cases, returning to them, we

cannot help but be struck by the mobility of these people. This willingness and ability to move from place to place in the hope of improving one's career seems to have been characteristic of the times. Nevertheless, the overwhelming majority of chief judges was born within the Mamlûk empire. The drift of so many Syrians to Cairo is best explained by the fact that the empire's capital and center of political power was in this city, and its chief judge undoubtedly enjoyed a special prestige.

## Chart II

### Geographic Origins

	Syria	Egypt	Other	Unknown
Shâfi'is	8	7	1	1
Hanaffis	8	5	4	1
Mâlikis	0	8	0	3
Hanbalis	2	1	1	3
Total	18	21	6	8

N. B. These statistics refer to the individual's place of birth, or, if that information was not available, the place where he grew up.

## Footnotes

1. Shadharât, V, 57; Wâfî, VI, 49; Ibn Rajab, II, 93.
2. Ibn Rajab, II, 295.
3. Ibn al-Furât, Târikh, MS, fol. 206b; "He resided in Egypt more than thirty years...."
4. Shadharât, V, 57; Wâfî, VI, 49.
5. Shadharât, IV, 345; Ibn Rajab, II, 9.
6. Wâfî, VI, 218-19.
7. Ibid., VII, 319; Durar, I, 256.
8. Salibi, "Listes," p. 120.
9. Raf<sup>C</sup> MS, fol. 88b.
10. See chapter II, note 7.
11. Raf<sup>C</sup>, II, 365.
12. Manhal MS, fol. 462b.
13. Durar, II, 499.
14. Raf<sup>C</sup> MS, fol. 133a.
15. A'yân, fol. 589a; Raf<sup>C</sup> MS, fol. 133a; Ibn Rajab, II, 364.
16. Durar (I, 240) says that he died in 738 at the age of seventy-six.
17. Raf<sup>C</sup> MS, fol. 88b.
18. Durar, III, 434.
19. Raf<sup>C</sup>, I, 92.
20. Durar, III, 434.
21. Al-<sup>C</sup>Aynî, Ahmet III, 2911/c34, fol. 65b.
22. Durar, III, 434.
23. Raf<sup>C</sup>, II, 298.
24. Salibi, "Listes," p. 121.
25. Ibid., p. 88.

26. Manhal MS, fol. 808b.
27. Durar, V, 163.
28. Yâqût, Mu<sup>C</sup>jam al-buldân (Leipzig, 1886), II, 204.
29. Salibi, "Listes," pp. 121-22, 124.
30. Ibn al-Sâbûnî, Takmilat, p. 233; see also Popper, Notes, I, 13, and his map number 4.
31. A<sup>C</sup>yân, fol. 347b; see also Popper, Notes, I, 13, and his map number 3.
32. Sulûk, II, 252.
33. Al-Nuwayrî, Leiden Or. 20, fol. 62b; see also Durar, IV, 209.
34. Raf<sup>C</sup>, II, 248. Unfortunately we do not have any information on the relationship of al-Bisâtî to Sufism.
36. Manhal MS, fol. 442b; Raf<sup>C</sup>, II, 342.
37. Ibn Tûlûn, Qudât, p. 93.
38. Raf<sup>C</sup>, I, 40.
39. Shadharât, VI, 113.
40. Inbâ' al-ghumr, II, 113.
41. Salibi, "Listes," p. 97; Sulûk, I, 785.
42. Raf<sup>C</sup>, I, 202-203.
43. Raf<sup>C</sup> MS, fols. 87a-b; Inbâ' al-ghumr, I, 29.
44. Raf<sup>C</sup> MS, fol. 115b.
45. Manhal, I, 188.
46. Raf<sup>C</sup>, I, 50.
47. Ibn Abî al-Wafâ', Jawâhir, I, 398-99, II, 164-65.
48. al-Lakhnawî, al-Fawâ'id, p. 184.
49. Durar, II, 434; he died in 728.
50. Ibid.
51. On Aq Sarâ, see EI-2, I, 312.

52. On Malatya, see EI-I, III, 192-97.
53. Raf<sup>C</sup>, I, 183.
54. In the listing of the extended ism his father is called qādf al-quḍāt; Ibn Abī al-Wafā', Jawāhir, I, 187.
55. Ibn Ṭūlūn, Quḍāt, p. 192; Raf<sup>C</sup>, I, 185.
56. Shadharāt, V, 357; on Adhri<sup>C</sup>āt, see EI-2, I, 194, and Popper, Notes, I, 15.
57. Nu<sup>C</sup>aymī, Dāris, I, 475, 570, 595.
58. Wāfi, III, 137.
59. See Wiet, Manhal, nos. 2718, 1696.
60. Manhal, I, 224; see also Raf<sup>C</sup>, I, 55 and Ibn Ṭūlūn, Quḍāt, p. 202. The names al-Adhra<sup>C</sup>ī, and Ibn Abī al-<sup>C</sup>Izz ibn Wahb<sup>C</sup> or Ibn Wahb ibn Abī al-<sup>C</sup>Izz appear in the complete forms of Najm al-Dīn's and Ṣadr al-Dīn al-Adhra<sup>C</sup>ī's names; cf. Shadharāt, V, 357 and Raf<sup>C</sup>, I, 55.
61. Durar, III, 159; Ibn Ṭūlūn, Quḍāt, p. 201.
- 61a. Manhal MS, fol. 512a. I have not been able to determine anything certain about the ancestry of either Najm al-Dīn or Ṣadr al-Dīn. Wiet provides a genealogy for this family, and claims that Najm al-Dīn's father, Ismā'īl, had been a Ḥanafī chief judge of Damascus (Wiet, Manhal, no. 446), but this is incorrect, because he never was chief judge of Damascus; see the list of Ḥanafī chief judges of Damascus: Ibn Ṭūlūn, Quḍāt, p. 46. This genealogical chart is wrong from another point of view, since we have shown from Ibn Ṭūlūn (Quḍāt, p. 201) that Ṣadr al-Dīn <sup>C</sup>Alī's father (Wiet, Manhal, no. 1607) was the brother, not the son, of Ismā'īl (Wiet, Manhal, no. 446.)
62. Raf<sup>C</sup> MS, fol. 119b.
63. Inbā' al-ghumr, II, 22.
64. Durar, III, 209-210. Ibn Taghrī Birdī connects these brothers to the family of Ibn Abī al-<sup>C</sup>Izz (as shown in the genealogical table, Wiet, Manhal, no. 446), but this table is wrong again, and must be ignored. Ibn Ḥajar (Durar, op. cit. and notes 62 and 63 above) clearly shows that these brothers are of a distinct and separate family.
65. Durar, III, 87-88; on this city see EI-2, III, 502, 506.
66. A'yān, fol. 11a.

67. Durar, I, 48; Raf<sup>C</sup>, I, 36.
68. Ibn Quṭlūbughā, Tāj al-tarājim fī tabaqāt al-hanafiyya (Leipzig, 1862), no. 6.
- 68a. Raf<sup>C</sup>, I, 36.
69. Ibn Ṭūlūn, Qudāt, p. 193.
70. Nu<sup>C</sup>aymī, Dāris, I, 624.
71. Ibn Ṭūlūn, Qudāt, p. 193; Durar, IV, 158.
72. Wiet, Manhal, no. 1570; Ibn Quṭlūbughā, Tabaqāt, no. 119; al-Lakhnawī, al-Fawā'id, p. 110; Durar, III, 49.
73. Durar, I, 210-211.
74. Ibn Abī al-Wafā', Jawāhir, II, 17.
75. Wiet, Manhal, no. 1429.
- 75a. Ṣadr al-Dīn was certainly born in Cairo (Manhal MS, fol. 695b), and since the fathers of the other two enjoyed careers principally in that city, they were probably born there as well.
76. <sup>C</sup>Abd Allāh ibn <sup>C</sup>Alī, Shadharāt, V, 100.
77. EI-2, II, 107.
78. Raf<sup>C</sup>, II, 375.
79. Ibid., 375-76.
80. Al-Nuwayrī, Bibliothèque Nationale 1578, fol. 36a.
81. See, e.g., Sulūk, I, 687; al-Asnawī, I, 150.
82. Sulūk, I, 687.
83. Ibn al-Furāt, Tārīkh, VIII, 71.
84. Sulūk, II, 421; Durar, III, 422-23.
85. Raf<sup>C</sup> (II, 380) claims that there were four sons.
86. K. S. Salibi, "The Banū Jamā'a..." Studia Islamica, IX (1958), 97-109; J. Schacht, "al-Subkī, EI-I, 494.
87. Manhal MS, fol. 548b; Raf<sup>C</sup>, II, 355.
88. Ibn Ṭūlūn, Qudāt, pp. 80-82.
89. Shadharāt, VI, 311.

90. Manhal MS, n.p. It is listed alphabetically; his full name was Muhammad ibn <sup>C</sup>Abd al-Barr ibn Yahyâ.
91. Inbâ' al-ghumr, I, 185. His father went to Damascus in 739, and he was born in 741.
92. Shadharât, V, 423; on the father see Wâfî, VI, 375-76.
93. Wâfî, III, 18; his brother died in Cairo in 676 and he was buried in his brother's mausoleum (Ibn al-Furât, Târikh, VII, 103).
94. Al-Asnawî, I, 596.
95. Ibid., pp. 595-96.
96. Yâqût, Mu<sup>C</sup>jam, I, 477.
97. Manhal MS, fol. 419b.
98. Ibn Tûlûn, Qudât, pp. 109-110; see also Sulûk, III, 41.
99. Wâfî, III, 352-53.
100. His father is mentioned in al-Adfuwî, al-Tâli<sup>C</sup> al-sa<sup>C</sup>îd (Cairo, 1966), pp. 424 ff.
101. Wâfî, IV, 193-94.
102. Al-Asnawî, II, 233.
103. EI-2, I, 926.
104. Ibn al-Ṣuqâ<sup>C</sup>î, Tâli<sup>C</sup>, no. 105; see also no. 278. Perhaps Badr al-Dîn really was born in Sinjâr, which is in upper Mesopotamia, west of Mosul in modern Iraq, because Shadharât (V, 313) mentions his return to that city.
105. Ibn Kathîr, XIV, 167.
106. Ibn Tûlûn, Qudât, p. 85.
107. Sulûk, II, 470.
108. Ibn Kathîr, XIV, 185; Wâfî, III, 242; al-Asnawî, II, 328-29.
109. Al-Asnawî, II, 330.
110. Ibid.
111. Ibn Kathîr, XIV, 181. Badr al-Dîn ibn Jalâl al-Dîn was a personal deputy, while the other son, Tâj al-Dîn <sup>C</sup>Abd al-Rahîm, held a separate jurisdiction at the madrassa al-Shâmiyya (al-Kubrâ) al-Barrâniyya. This madrasa is described in al-Nu<sup>C</sup>aymî, Dâris, I, 277-301.

## Chapter IV

### Judicial Activities

The principal duty of the qâdî al-qudât was to enforce the rules of Islamic law. The chief judges were aided in the execution of their duties by numerous assistants, both at the chief judge's court and elsewhere. In the market places, the chief judges appointed both notaries (shâhid; pl. shuhûd) and magistrates to conclude marriage contracts (<sup>c</sup>âqid; pl. <sup>c</sup>uqqâd). These notaries had been a well established feature of Islamic jurisprudence long before the Mamlûk era and sprang from a desire for personal testimony and a distrust of written evidence. A shâhid had to be well versed in law and was responsible for the proper execution of commercial transactions, bills of sale, etc.<sup>1</sup> <sup>c</sup>âqid is short for <sup>c</sup>âqid al-ankiha which literally means a binder of marriages, although Sadeque translates it as registrar of marriages.<sup>2</sup> These magistrates were designated by the chief judges to perform marriages.<sup>3</sup> This post had existed prior to 663, and we know that the first Mâlikî chief judge, Sharaf al-Dîn al-Subkî had held it sometime prior to that year.<sup>4</sup> Many years later, the future Ḥanafî chief judge, Sirâj al-Dîn al-Hindî (in office 769-773), was assigned jurisdiction over al-<sup>c</sup>uqûd wa-al-furûd in a shop (hânût) at Bayn al-Qasrayn, opposite al-Ṣâlihiyya madrassa; he was appointed by the then Ḥanafî chief judge, <sup>c</sup>Alâ' al-Dîn Ibn al-Turkumânî (in office 748-750).<sup>5</sup> Furûd and <sup>c</sup>uqûd are synonyms, and the two words were probably used for a rhyming effect. This post must refer to the magistrate we have called <sup>c</sup>âqid al-ankiha. In the year 697,



in al-<sup>c</sup>Aynī's account, the Shāfi<sup>c</sup>ī chief judge announced his resignation, and sent to the ashāb al-<sup>c</sup>uqūd to cease their activities.<sup>6</sup> Al-Maqrīzī relates the same incident, but refers to the <sup>c</sup>uqqād al-ankiha,<sup>7</sup> which points to an identity of terms. We have mentioned in chapter I that in 661 a Ḥanbalī <sup>c</sup>âqid was (probably) appointed in Cairo as a subsidiary official to the Shāfi<sup>c</sup>ī chief judge, and here again it almost certainly refers to an <sup>c</sup>âqid al-ankiha.

Finally, there were deputy judges (nā'ib; pl. nuwwāb). All of the chief judges were empowered to appoint such deputies both in Cairo and in the provinces of Upper and Lower Egypt from 663 until 678, at which time the right to appoint deputies in the provinces was limited to the Shāfi<sup>c</sup>ī chief judge.<sup>8</sup> I have not studied these nuwwāb in any detail, but I have come across a number of references to them.<sup>9</sup> In the year 670 there was a Ḥanbalī nā'ib in the town of al-Maḥalla in the Gharbiyya district of Lower Egypt,<sup>10</sup> and his removal from that post led to trouble for the Ḥanbalī chief judge.<sup>11</sup> An example of a Shāfi<sup>c</sup>ī deputy judge outside the capital was Sirāj al-Dīn Yūnus al-Armanatī, who died in 726 while serving as judge in Qūs. but he had also served as deputy judge in Akhmīm and Bahnasa in Upper Egypt, and Bilbays and al-Sharqiyya in Lower Egypt.<sup>12</sup>

The deputy judges in the capital held court in various mosques and madāris. For example, prior to becoming Mālikī chief judge of Damascus in 719, Sharaf al-Dīn Muḥammad ibn Abī Bakr Ibn Zāfir had been nā'ib to Taqī al-Dīn al-Akhnā'f (in office 718-750) at jāmi<sup>c</sup> al-Ṣāliḥ (or al-Ṣāliḥī) outside Bāb Zuwayla.<sup>13</sup> When he was transferred to Damascus, his post

was filled by Fakhr al-Dīn <sup>C</sup>Umar ibn Yūsuf, who had been deputy judge at the mosque of Ibn Ṭūlūn.<sup>14</sup> Similarly, we know that the Mālikī Shams al-Dīn Muhammad ibn <sup>C</sup>Abd al-Qāsim (d. 713) was a nā'ib to Zayn al-Dīn Ibn Makhlūf (in office 685-718) in al-Ḥusayniyya.<sup>15</sup> The Shāfi'ī Shihāb al-Dīn Ahmad ibn <sup>C</sup>Abd al-Kāfi (d. 706) was a deputy judge there as well as in al-Qarāfa.<sup>16</sup> Finally, after his appointment as Shāfi'ī chief judge in 690, Badr al-Dīn Ibn Jamā<sup>C</sup>a appointed some deputies in al-Azhar.<sup>17</sup>

The total number of deputy judges varied during the Bahrī period. Although there are no year-by-year statistics, in 731 there were fifty of them (probably just in Cairo), and they were all deposed.<sup>18</sup> This was evidently no final solution, because another decree was issued in 782, limiting the number to four per chief judge, with an additional Shāfi'ī nā'ib in Fustāṭ. At that time, the Ḥanbalī chief judge declined to accept any deputies,<sup>19</sup> and this may be an indication of the sparcity of the Ḥanbalīs in the capital.

The chief judge himself held court at al-Ṣālihiyya madrasa, where he also had a residence.<sup>20</sup> Although we do not have any detailed descriptions of this court or its ceremonial, we do know that there were nuwwāb and shuhūd here also,<sup>20a</sup> and almost certainly scribes, chamberlains, and door keepers.<sup>21</sup>

The chronicles and biographical literature provide many examples of cases which came before the chief judges. Although the manuals of fiqh indicate an immense body of cases which fall under the jurisdiction of the sharī'ā and the authority of the quḍāt, as well as the procedures to be followed in court, these manuals are certainly no substitute for the

historical literature which describes actual cases. This is not to say, however, that we are shown all the legal cases which the chief judge dealt with or a majority or even a representative sampling. On the contrary, it is safe to say that we learn about precious few of them, and as for their being representative of the whole, that is something we can never know for certain. The very fact that these cases were recorded might indicate that they were in some way out of the ordinary. However typical or atypical these cases may be, they are still useful for helping us to understand better the functions and activities of the chief judges.

The most severe punishment which a judge could impose was death, and such a sentence was usually carried out against a person found guilty of some sort of religious unorthodoxy. Several cases of this type are to be found in the historical literature, but one particular case, as related by al-Nuwayrī, is particularly important because of the many details of judicial procedure which it supplies. This is the case of Ismāʿīl al-Zindīq, who was executed in 720.<sup>21a</sup> This Ismāʿīl was a well known scholar, who was knowledgeable not only in fiqh, grammar, etc., but also in the Torah and Gospels.<sup>22</sup> However, he also became famous for joking about religion and speaking about kufr, and this earned him the nickname Ismāʿīl al-Kāfir, and then Ismāʿīl al-Zindīq.<sup>23</sup> He was formally accused of zandaqa (here perhaps meaning atheism) at the court (majlis) of ʿAlāʾ al-Dīn al-Jawjarī,<sup>24</sup> who was one of the nuwwāb of the Mālikī chief judge, Taqī al-Dīn al-Akhnāʿī.<sup>25</sup> A large number of people testified against Ismāʿīl, and he was arrested while the deputy

judge investigated the reliability of the witnesses. After he had decided to accept their testimony, the statement of charges (maḥḍar) was drawn up, and he asked the accused if there was any one to refute these testimonies. The judge then waited three days, and when the period of time had expired, the chief judge al-Akhnâ'f, his deputy al-Jawjarî, other Mâlikî nuwwâb, a group of Mâlikî fugahâ' and others assembled at al-Nâsiriyya madrasa in al-Qarâfa.<sup>26</sup> This was probably where al-Jawjarî held his court. When no one appeared to refute the charges, the chief judge al-Akhnâ'f approved the execution of Ismâ<sup>c</sup>fl, in accordance with the guilty verdict which his deputy had decreed. However, the matter was still not finally settled, and at the next session of the dâr al-cadl, in the presence of the sultan, the decision to execute Ismâ<sup>c</sup>fl was read. The sultan inquired about the case and the reliability of the witnesses. All the (chief) judges assured him that there was no recourse but the accused's death. So the sultan ordered the governor (mutawallî) of al-Qâhira<sup>27</sup> to go with the judges and do as they ordered. All four chief judges, some of the nuwwâb and other <sup>c</sup>ulamâ' met in the Mâlikî portico of al-Ṣâlihiyya madrasa and agreed on Ismâ<sup>c</sup>fl's death. They asked him to testify to the shahâda. He answered in a confused manner, and it was thought that he might be crazy, but the matter was doubtful, and the judges decided on his execution, which was carried out.

Another source claims that he was charged because of what he said against the Prophet Lût (i.e. Lot),<sup>28</sup> and further that al-Akhnâ'f was hesitating to have Ismâ<sup>c</sup>fl executed until someone swore that he had seen the Prophets Lût and Muḥammad in a

dream, both of whom called for Ismâ<sup>c</sup>îl's execution.<sup>29</sup>

A similar case occurred in 701 and involved the Mâlikî chief judge Ibn Makhlûf. He charged that Fath al-Dîn Ahmad ibn Muḥammad al-Baqaqî<sup>30</sup> was a kâfir, and he wanted him executed. It was well known that Fath al-Dîn did not fast during Ramaḍân, and he made fun of those who did. If he needed to get something from a high place, he would use the Quran as a footstool.<sup>31</sup> He used foul language and spoke disparagingly of the quḍât.<sup>32</sup> and mocked religion.<sup>33</sup> He had been jailed for the last mentioned offense in 686,<sup>34</sup> but it is not clear if he had spent all the intervening years in prison. These charges were raised against him once more in 701, but the true reason for the charges this time was that al-Baqaqî has started to write insulting remarks about the chief judge Ibn Makhlûf. When the judge heard about this, he developed a hatred towards Fath al-Dîn and decided to bring him down. Many people, in order to gain Ibn Makhlûf's favor, began to make accusations against al-Baqaqî, charging him with kufr, and on this basis Ibn Makhlûf sentenced him to death.<sup>35</sup> Al-Baqaqî testified to the oneness of God and the prophethood of Muḥammad, but Ibn Makhlûf refused to accept his testimony.<sup>36</sup> However, the Shâfi<sup>c</sup>î chief judge, Ibn Daqîq al-<sup>c</sup>îd, did not agree to the execution of someone who pronounced the declaration of faith. At that point, some friends of al-Baqaqî worked to have his case transferred to the Shâfi<sup>c</sup>î chief judge, and they claimed that Fath al-Dîn was really insane. Ibn Daqîq al-<sup>c</sup>îd said that he could not declare him insane, because he knew that he was rational.<sup>37</sup> The matter now came before the sultan, and Ibn Makhlûf, supported by the

Ḥanafī chief judge, Shams al-Dīn al-Sarūjī, told the sultan that Fath al-Dīn's kufr and zandaqa had been proved in the (Mālikī's) court and death was prescribed.<sup>38</sup> The sultan agreed and a majlis was held at the Ṣālihiyya madrasa in the presence of the (four) judges and others.<sup>39</sup> Al-Baqaqī was led in and despite his insistence that he was a Muslim, his execution was ordered.<sup>40</sup> It was said that Ibn Daqīq al-<sup>c</sup>Id finally agreed to it also.<sup>41</sup>

Not all the cases which came before the chief judges are described in as much detail as these two. In fact, the case of Ismā<sup>c</sup>īl al-Zindīq is dismissed in a rather cursory manner by most of the sources. However, even at this point it is possible to make certain hypotheses about judicial procedure, at least in apostasy cases or in cases involving the death penalty during the Bahrī period. First of all, a given chief judge did not enjoy a definite area of jurisdiction. Rather, it seems that convenience or hope for a favorable verdict led to the bringing of a given case before a certain judge. Obviously, Ibn Makhlūf was not the exclusive judge in al-Baqaqī's case, either by custom or law, because al-Baqaqī's friends brought his case before the Shāfi<sup>c</sup>ī chief judge in an attempt to have Fath al-Dīn declared insane, and avoid Ibn Makhlūf's harsh judgement. Even after one chief judge had decided on the death penalty, the matter had to come before the sultan in order to secure his agreement to the verdict, and make the arrangements for the execution. All the judges were present at the majlis of the sultan and also at the subsequent majlis at al-Ṣālihiyya, where the chief judges usually held their courts. It was necessary for all the chief judges to agree on the verdict. At these majālis

there were many other people present, such as nuwwâb and fugaha. Their presence might be explained simply as ceremonial, but judging from the attempts to have the four chief judges agree on the verdict, it seems likely that the others were available in case their opinions were desired. By and large, there seems to have been an attempt to attain unanimity on a verdict; at least on a verdict which involved the death penalty.

The case of Ismâ<sup>c</sup>îl al-Zindîq gives us a unique opportunity to see the relationship between the chief judge and his deputy, but since this is the only example of their working relationship that I have come across, it is difficult to know how typical this one case is. Obviously, if a chief judge could not have a man executed on his own authority, then a lower ranking deputy could not have it done either. The main question is, what were the limits of the deputy judge's authority? We have seen how deputy judges were stationed throughout the city (and even the empire), and most likely they were placed in order to make judges more accessible to the masses, and facilitate the rendering of justice. Litigations would have been slowed if all the verdicts of the deputies had to be reviewed by the chief judges. Also, it is highly likely that the deputies in the provinces, who were far from the centers of power, had few checks on their authority. The rest of the cases I shall discuss will not usually involve the deputy judges, because there is little information on their judicial activities, and, aside from the incident I have just related, almost nothing on their relationships to the chief judges in Cairo. Few of the following cases are described in much detail, but considering

the treatment of the incident of Ismâ<sup>c</sup>îl al-Zindîq by many of the sources aside from al-Nuwayrî, the historians usually did not bother with such details either because court proceedings were well known or because it was tedious and boring to dwell on unnecessary detail. Therefore, the generalizations I have made should be borne in mind, in spite of the frequent lack of detailed descriptions in the subsequent cases.<sup>41a</sup>

Another incident which almost resulted in the death of the accused for kufr was that of Badr al-Dîn Ahmad ibn Sâhib<sup>42</sup> in the year 784. He had an argument with Sirâj al-Dîn al-Bulqînî over some scholarly matter, and al-Bulqînî called him a kâfir.<sup>43</sup> He was charged before the Mâlikî chief judge, Jamâl al-Dîn Ibn Khayr al-Anṣârî,<sup>44</sup> but some other people worked to have the case transferred to the Shâfi<sup>c</sup>î chief judge, in whose court Badr al-Dîn's life was spared.<sup>45</sup>

Another <sup>c</sup>âlim who almost lost his life in 737 was Shams al-Dîn Muḥammad ibn Ahmad Ibn Labbân, who was a preacher (wâ<sup>c</sup>iz) in Cairo.<sup>46</sup> Although we know that he went to extremes in his sermons and was charged with some sort of religious heresy for that reason, there is some disagreement in the sources over exactly what he was preaching. According to al-Maqrîzî, he preached that the worshipping of idols was not forbidden (ghayr muḥarram) and that Shaykh Yâqût al-<sup>c</sup>Arsh,<sup>47</sup> his own teacher, was superior to some of the Companions of the Prophet.<sup>48</sup> Al-<sup>c</sup>Aynî tells a similar story, but has Shams al-Dîn say that the worship of idols is not reprehensible (makrûh).<sup>49</sup> According to Ibn Hajar, he spoke according to the path of the Shâdhiliyya,<sup>50</sup> but he became carried away and began to speak like those who



preached union with God, al-Ittiḥādiyya.<sup>51</sup> Obviously, the man was a Sufi, and although Ibn Hajar seems to say that he spoke about Sufism according to the Shādhiliyya order, al-Aynī says that he discussed tafsīr.<sup>52</sup> He certainly might have combined the two. In any case, a number of people testified against him, and he was summoned to the court of the Shāfi'ī chief judge, Jalāl al-Dīn al-Qazwīnī, and charged.<sup>53</sup> Then all the (chief) judges gathered and informed the sultan, who said that if the charges were true, then death was prescribed.<sup>54</sup> When Ibn Ḥabbān heard of this, he sought the intervention of some powerful people, including umarā' such as Jankālī Ibn al-Bābā,<sup>55</sup> and they persuaded the sultan to spare his life, but he was forbidden to speak in the mosques.<sup>56</sup>

A rather different case came before the Shāfi'ī deputy judge Tāj al-Dīn al-Munāwī.<sup>57</sup> In 754 a Christian came from Tyre to Cairo and began slandering Islam. He was brought before al-Munāwī, whom he told there was no religion except Christianity, and he said this so that he might die a believer (i.e., a martyr). The judge had him beaten, but the Christian continued as before and he was finally executed.<sup>58</sup> A similar case had occurred in 725, a Christian who had slandered Islam was brought before the Mālikī chief judge, Taqī al-Dīn al-Akhnā'ī; who ruled that he should be executed. The case was brought before the sultan who approved, and the judge passed the final sentence in the Mālikī portico of al-Sālihiyya. The Christian's head was cut off in the chief judge's presence.<sup>59</sup>

Not all the encounters between the chief judges and Christians (as well as Jews) resulted in such fatalities. On other

occasions the chief judges were called upon to clarify the status of the ahl al-dhimma. For example, in the year 700 a wazîr from the Maghrib was visiting Cairo. He became angry at the way Christians and Jews were behaving, flaunting the Muslim sumptuary laws concerning the proper conduct of these minorities. He brought the matter to the umarâ' Sallâr and Baybars, and very soon thereafter the sultan ordered the dhimmiyûn to adhere to the laws regulating their behavior. The chief judges then met at al-Şâlihiyya and chose the Hanafî chief judge, Shams al-Dîn al-Sarûjî, as their spokesman to enforce the new regulations. The leaders of the Jews and Christians were summoned and it was decreed that the Christians must wear blue turbans and the Jews yellow ones. Messages were sent throughout the empire announcing these regulations, which also forbade these minorities from holding posts in the dîwân of the sultan or of any amîr, and from riding horses or mules. The situation deteriorated further after Najm al-Dîn Ahmad ibn Rif<sup>a</sup>,<sup>60</sup> who may have been a deputy judge at the time,<sup>61</sup> issued a fatwâ authorizing the destruction of the churches of Cairo. However, the Shâfi<sup>c</sup> chief judge, Ibn Daqq al-<sup>c</sup>Îd, disagreed with this, and said that the only buildings which could be destroyed were those which had been erected since the beginning of Islam. There was general agreement on this.<sup>62</sup>

One of the judges, Shams al-Dîn Ibn al-Ḥarîrî al-Ḥanaffî (in office 710-728), did not wait for such cases to come before him, but simply acted on the spot whenever he saw any Christians on the street. He was especially harsh towards scribes who were Christians or recently converted to Islam (the musâlîma),

and they complained to Karīm al-Dīn al-Kabīr, the nāzir al-khâss, and himself a convert,<sup>63</sup> about the judge's actions. This may have been a factor in Ibn al-Harîrî's loss of half the jurisdiction of Cairo in 717, but other factors were more probably to blame.<sup>64</sup>

Looking at some other problems regarding the religious side of life in Cairo, we must make some mention of Ibn Taymiyya and his disciples. One such disciple was Shihâb al-Dīn Ahmad ibn Muḥammad Ibn Murrâ (or Ibn Mirâ).<sup>65</sup> He had come to Cairo with Ibn Taymiyya, and remained there after Ibn Taymiyya had returned to Damascus.<sup>66</sup> He addressed the people in several mosques, including the mosque of the amīr Sharaf al-Dīn Ḥusayn Ibn Jandâr, where Badr al-Dīn Jankalî Ibn al-Bâbâ was the nāzir.<sup>67</sup> He addressed himself to such questions as istighâtha (asking intercession from the Prophet), the agency of the Prophet (al-wasîla) and others; like Ibn Taymiyya, Shihâb al-Dīn was opposed to Sufism.<sup>68</sup> When Shams al-Dīn Ibn al-Jawzî came from Baghdad in 725, he was asked to speak about Sufism in the mosque of the amīr Ḥusayn. Shihâb al-Dīn attended that lecture, and denounced Ibn al-Jawzî, calling him a zindîq.<sup>69</sup> Ibn Murrâ's preaching against Sufism and his denunciation of Ibn al-Jawzî aroused the enmity of those who favored Sufism, and they tried to kill Ibn Murrâ, but he escaped.<sup>70</sup> Finally, these people brought charges against him in the court of the Mâlikî chief judge, Taqî al-Dīn al-Akhnâ'î, claiming that he was evil, a wine drinker, etc.<sup>71</sup> Al-Akhnâ'î kept him in jail while he presented the case to the other chief judges, umarâ', and sultan in the dâr al-<sup>c</sup> adl. Judging from other cases which we have

discussed, al-Akhnâ'f may have wanted to impose the death penalty, but this is not stated in any source. When the matter came before the dâr al-<sup>c</sup>adl, arguments broke out. Ibn al-Bâbâ and the Shâfi<sup>c</sup> chief judge, Badr al-Dîn Ibn Jamâ<sup>c</sup>a, supported Ibn Murrâ, whereas the amîr 'Aydâmur al-Khaṭîrî,<sup>72</sup> who was a supporter of the Sufis and an opponent of Ibn Taymiyya, opposed him.<sup>73</sup> The arguments became so intense that fighting almost broke out.<sup>74</sup> The sultan did not make a decision, but rather turned the matter over to his nâ'ib, Arghûn, to do what was necessary according to the sharî<sup>c</sup>a.<sup>75</sup> Arghûn eventually sent the matter back to the Mâlikî chief judge, who had Ibn Murrâ beaten and jailed. Finally, Ibn al-Bâbâ interceded, and Ibn Murrâ was released, but forced to leave Cairo.<sup>76</sup>

Here again we see the limits of the chief judge's authority. It is unfortunate that some details are lacking and we do not know if al-Akhnâ'f had declared the death sentence against Ibn Murrâ, although I do suspect this was the case. Whatever al-Akhnâ'f's verdict had been, even the sultan was intimidated by all the controversy and arguments, and as a result he gave the case to his nâ'ib. It is astonishing that he told his nâ'ib, at least in al-<sup>c</sup>Aynî's version, to act according to the sharî<sup>c</sup>a. Although we do know that Arghûn had studied some Ḥanafî fîḥ,<sup>77</sup> this seems a poor substitute for the ruling of one or more chief judges, and this move seems to be a clear usurpation of the judges' authority. Strangely enough there is no indication that the chief judges expressed any opinion or opposition to the sultan's move, and it is probable that the sultan was looking for a political rather than a strictly judicial solution, i.e.,

a compromise that would satisfy everyone. If al-Akhnâ'f had in fact recommended the death penalty, his subsequent decision to have Ibn Murrâ beaten may have been the result of a compromise between the nâ'ib and the chief judge. As we shall see below, al-Akhnâ'f was an outspoken opponent of Ibn Taymiyya, and he certainly would not have had a charitable attitude towards one of Ibn Taymiyya's disciples. To make matters even more confusing, we are told that Arghûn was a supporter of Ibn Taymiyya when he was nâ'ib in Egypt,<sup>78</sup> and if this is really true, he would not have turned over this disciple to one of Ibn Taymiyya's opponents unless some deal had been struck.

Ibn Taymiyya himself came into conflict with several of the chief judges of Cairo on more than one occasion. Of course, he also ran afoul of the judiciary of Damascus and the Mamlûk political authorities, but I shall concentrate on his relationship to the Cairene judiciary.<sup>78a</sup>

The first time that Ibn Taymiyya faced the chief judges of Cairo was in the year 705. He had been accused before the Mâlikî chief judge Zayn al-Dîn Ibn Makhlûf concerning his beliefs that God is above the throne, that He speaks by letter and sound, etc. This accusation could have led to the death penalty, and it next came before the sultan's majlis, where all the judges, as well as fukahâ', umarâ', and other notables were in attendance.<sup>79</sup> Ibn Taymiyya was not in Egypt at the time he was first charged in Ibn Makhlûf's court, but several inconclusive investigations of Ibn Taymiyya's belief had been carried out in Damascus just prior to this summons to Cairo, and Ibn Makhlûf, who had the support of the future sultan Baybars al-Jashmagir

in his opposition to Ibn Taymiyya,<sup>80</sup> wanted to find his own solution to the problem of this zealous fundamentalist. In contrast to the three councils in Damascus which had reached no definite conclusions, the session in Cairo was quick and to the point. When Ibn Taymiyya rose to defend himself before the sultan, Ibn Makhlûf cut him short, and told him they did not want to hear a khutba. When Ibn Taymiyya objected to Ibn Makhlûf as one of his judges because he was also one of his accusers, he was ignored and ordered imprisoned. Later, when Ibn Makhlûf learned that Ibn Taymiyya was receiving many visitors and gifts of food, he complained that if Ibn Taymiyya was not put to death for his religious views he should at least suffer some hardship; Ibn Taymiyya was then transferred to a stricter confinement.<sup>81</sup>

After Ibn Taymiyya had been in jail for about a year, Sallâr, the viceroy of Egypt, began a campaign to have Ibn Taymiyya freed. He discussed the matter with various fukahâ' and qudât, and a number of subsequent meetings and discussions took place, with the 'ulamâ' urging some modifications in Ibn Taymiyya's creed. However, Ibn Taymiyya was angry at the way his trial had been carried out, and he refused to leave prison, until the amîr Ibn <sup>c</sup>Isâ persuaded him to accept the offer of freedom. More councils of 'ulamâ' were held, and finally one of these councils, with the chief judges absent (!) agreed on his final release. Al-Nuwayrî says that this was through the agreement of Ibn Makhlûf.<sup>82</sup> In other words, it took the chief judges of Egypt and the sultan to jail Ibn Taymiyya, but only a council of 'ulamâ', with the chief judges conspicuously absent, to free him.

Obviously, an arrangement had been made with Ibn Taymiyya's chief antagonist, Ibn Makhlûf, and judicial procedure was set aside.

Ibn Taymiyya was soon back on the streets and in the mosques, lecturing, and getting himself into trouble, this time, by criticizing the Sufis. They brought charges against him in the court of the Shâfi<sup>c</sup> chief judge, Badr al-Dîn Ibn Jamâ<sup>c</sup>a, and although he was not convicted of anything, he was ordered to leave Cairo and return to Damascus. When Ibn Makhlûf, who had been ill, heard about this, he had one of his deputies lay charges against Ibn Taymiyya, and others followed suit, with the result that Ibn Taymiyya was imprisoned again.<sup>83</sup> In another version of this story, we are told that Ibn Taymiyya volunteered to be jailed in the interests of maṣlahah; i.e., to avoid further dissension in the community. He was soon after transferred to a prison in Alexandria.<sup>84</sup>

The same year (709) al-Malik al-Nâṣir Muḥammad returned to the throne for the third and final time. He summoned Ibn Taymiyya from Alexandria and showed him great respect. The sultan wanted to have some of the (chief) judges executed because of their support for Baybars, whom al-Nâṣir had just deposed from the sultanate, but Ibn Taymiyya opposed such an action. At this time also al-Nâṣir reconciled Ibn Taymiyya with the chief judges, especially Ibn Makhlûf.<sup>85</sup>

Soon after this Ibn Taymiyya returned to Damascus, but even there he sometimes had to suffer the punishments of the Cairene judiciary. In the year 718 Ibn Taymiyya was jailed briefly in Damascus because of his views on the oath of

repudiation (hilm bi-al-talâq). According to al-Maqrîzî this was accomplished through the efforts of the Ḥanafî chief judge, Shams al-Dîn Ibn al-Ḥarîrî, and his instigating the sultan against Ibn Taymiyya.<sup>87</sup> This represents a complete reversal of Ibn al-Ḥarîrî's attitude towards Ibn Taymiyya, because in the year 708 this same Ibn al-Ḥarîrî had been deposed as chief judge of Damascus at the instigation of Ibn Makhlûf, because of the former's expression of admiration and support for Ibn Taymiyya.<sup>88</sup> Ibn Taymiyya's imprisonment occurred after he had been ordered by the sultan not to give any fatawî on this question and after three councils had been held in Damascus concerning Ibn Taymiyya's opinions on this point.<sup>89</sup>

In the year 726 Ibn Taymiyya was jailed again in Damascus, ostensibly because of his comments on sharâ'a or intercession of the Prophet. Once again this was due primarily to the Ḥanafî chief judge, Ibn al-Ḥarîrî.<sup>90</sup> The Mâlikî chief judge, Taqî al-Dîn al-Akhnâ'î, who was Ibn Makhlûf's successor, was also active in this opposition to Ibn Taymiyya, and had even urged Ibn Taymiyya's death, but a meeting of the four chief judges had decided on the aforementioned imprisonment.<sup>91</sup> Al-Akhnâ'î had written rebuttals to Ibn Taymiyya's views, which Ibn Taymiyya, in turn, had refuted. This led to al-Akhnâ'î's urging the sultan to deprive Ibn Taymiyya of his writing materials, which was ordered.<sup>92</sup> Ibn Taymiyya died soon after this in 728.

In this second group of cases we can also see the flexibility of the chief judge's jurisdiction. The case of Badr al-Dîn



Aḥmad Ibn Ṣāhib was moved from one chief judge to another in the hope, ultimately fulfilled, of a verdict more favourable to the defendant. The influence of powerful men in determining a verdict is also evident. The intercession of the amīr Ibn al-Bābā saved the life of Shams al-Dīn Ibn Labbān, and the enmity of the Mālikī chief judges Ibn Makhlūf and al-Akhnā'f, was instrumental in the persecutions of Ibn Taymiyya. The formalities of legal procedure were followed even in such cases, but the influence of powerful individuals could not be ignored in a society where a consensus of the opinions of the most important people in the state was desired. As I have mentioned after the discussion of the first group of cases, the reason for holding a majlis in the presence of the sultan and then in al-Ṣālihiyya in the presence of various judges and fuqahā' was to insure a consensus of opinions before a man was executed. Thus if any member of any majlis would strongly express an opinion, attempts at reconciliation were made. This explains why Ibn Labbān was exiled and not executed, and similarly why Ibn Taymiyya suffered various degrees of imprisonment and not death.

Although cases involving life and death were the most dramatic ones with which the chief judges dealt, a great number of the cases which we learn about have to do with financial matters, such as awqāf and inheritances. One of these cases, which came before Tāj al-Dīn Ibn Bīn al-A<sup>c</sup>azz has already been mentioned in connection with the establishment of the four chief judgeships. This happened in 663 during a session of the dār al-<sup>c</sup>adl when the

daughters of the Ayyûbid al-Malik al-Nâsir Ṣalâḥ al-Dīn complained that they had purchased a house from the qādī al-quḍāt Burhān al-Dīn al-Sinjārī, but after the judge died, his heirs claimed the house was part of a waqf, and refused to release it. This angered the sultan, and the amīr Ayduḡhdây, but Ibn Bint al-A<sup>c</sup>azz maintained the inviolability of the waqf, providing it had been properly established. He said that al-Sinjārī's heirs should return the purchase price of the house, but when asked the procedure if the judge's heirs did not have the money, he still said that the waqf must remain intact.<sup>93</sup>

This case was a dispute between civilians, but the other cases which we read about involve Mamlûks and the history of the Bahrī period supplies many examples of attempts by Mamlûk sultans or umarâ' to modify or annul various awqâf. This culminated in an unsuccessful bid late in the Bahrī period to annul all the awqâf in the empire. Certainly a great deal of wealth was tied up in awqâf, yet the Mamlûks preferred legal means to get at this wealth rather than outright confiscation. More often than not the judges cooperated with the Mamlûks in their endeavors, but still attempts were made to adhere to a legal formalism. A good example of this cooperation occurred in 723 when the Sultan al-Malik al-Nâsir Muḥammad ordered the chief judges to release whatever Karīm al-Dīn al-Kabīr, who had been the sultan's nâzir al-khâss, had established as awqâf. The judges said that this was not possible because Karīm al-Dīn had set up these awqâf according to the strictest legal principles, and therefore there was no way to get at them. The sultan continued to press the point, and the judges finally agreed that if

Karīm al-Dīn testified against himself, saying that everything he had made into awqāf came from the money of the sultan, and no funds came from himself or his family, then his awqāf could be annulled. Such testimony was produced, and the awqāf were cancelled.<sup>94</sup> Some of these properties were made into a waqf by the sultan.<sup>95</sup> This same sultan had earlier used Karīm al-Dīn in a plot of his own after his return to the sultanate in 709. At that time he had disposed of his opponents, Baybars and Sallār, and summoned the chief judges to show them that the wealth and awqāf of these two had all come from the state treasury (bayt al-māl), and thus the awqāf were invalid. After this had been verified and the properties released, the sultan sent Karīm al-Dīn and an amīr to sell off Baybars' estate; half the money went to the sultan and the other half to Baybars' daughter. Then Karīm al-Dīn seized various treasures from her and Baybars' wife.<sup>96</sup>

Some thirty years later, in 754, the amīr Ṣarghitmish<sup>97</sup> wanted to seize and sell the awqāf of Ibn Zanbūr.<sup>98</sup> He remembered the case of Karīm al-Dīn al-Kabīr and how his awqāf had been annulled without any objection from the Shāfi<sup>c</sup> chief judge, Badr al-Dīn Ibn Jamā<sup>c</sup>a; he was further encouraged in this plan by several umārā' and notables at the court.<sup>99</sup> The fact that Badr al-Dīn's son, <sup>c</sup>Izz al-Dīn, was now chief judge probably encouraged him in this plot. However, there was considerable opposition to this move, especially by the Ḥanbali chief judge, Muwaffaq al-Dīn al-Maqdisī. <sup>c</sup>Izz al-Dīn Ibn Jamā<sup>c</sup>a agreed with him, and when reminded of the actions of his father in the case of Karīm al-Dīn, he pointed out that the cases were different.

Whereas Karîm al-Dîn had had absolute control over the funds of the sultan, Ibn Zanbûr, even though he had been wazîr, had derived his wealth from private business and trade. Therefore there was no justification for taking any of his wealth or awqâf. The majlis broke up, having supported Ibn Jamâ<sup>c</sup>'s argument.<sup>100</sup> In this case the judges did not cooperate with the plans of an amîr, and were able to successfully establish their point of view.

However, the chief judges were all too often ready to help the Mamlûks alter or abolish a waqf. In the year 730 the amîr Qawşûn,<sup>101</sup> who had built a mosque with the help of the sultan near the Birkat al-Fîl, wanted to purchase a bath (hammâm) next to the mosque, but the hammâm was part of a waqf. The amîr asked the sultan (al-Nâşir Muḥammad) for help, but the sultan saw no solution to the problem. The amîr then asked the chief judges, who turned the matter over to the Ḥanbalî chief judge, Taqî al-Dîn Ibn <sup>c</sup>Awad. Meanwhile, a side of the bath was knocked down, undoubtedly at the direction of the amîr. At that point the Ḥanbalî chief judge decreed that the waqf was void, because the hammâm was in a state of ruin, and it was best that it be sold. The notaries were summoned to corroborate the ruined state of the building, but one of them refused to attest to this, saying that the building had been sound only the morning before. The objection was overcome by the dismissal of the recalcitrant shâhid and his replacement by another. The judge then confirmed the now unanimous opinion, and the amîr purchased the building.<sup>102</sup> A few years later, in 723, this same amîr purchased a house in al-Qâhira, which had been a waqf. Once again, it was with the help of a Ḥanbalî chief judge, although, according to al-Maqrîzî,

the waqf deed had been drawn up under the careful supervision of several future chief judges.<sup>103</sup> The implication is that the waqf had been established with scrupulous attention paid to legal details, but in the long run even this did not matter when faced with the greed of an amir and the complicity of a chief judge.

An even more unsavory episode occurred in the year 686. At that time Nâsir al-Dîn Ibn al-Maqdisî<sup>104</sup> came to Cairo from Damascus and spoke with the wazîr al-Shujâ'î.<sup>105</sup> This Ibn al-Maqdisî said that he could prove that Khâtûn, the daughter of the Ayyûbid al-Malik al-Ashraf,<sup>106</sup> had been legally incompetent at the time she had sold certain properties, and therefore the sales were invalid. The properties she had sold were extensive and valuable, and the annulment of these sales could result in considerable profit for the government or these two conspirators. Although the sultan was not in Cairo at the time, al-Shujâ'î was his deputy, and proceeded on his own.<sup>107</sup> They presented their case to all the chief judges of Cairo, but the only one who agreed that they were right was the Mâlikî chief judge, Ibn Makhlûf.<sup>108</sup> An assembly was held, and one of the purchasers of land, al-Sâmarrî,<sup>109</sup> was summoned from Damascus, and shown that because of Bint al-Ashraf's incompetence his purchase was invalid. Ibn Makhlûf invalidated the sale from the very beginning, even though al-Sâmarrî had made the property into a waqf. Al-Sâmarrî had to pay back not only the purchase price, but also the revenues he had drawn from it over a period of thirty years. He had difficulty raising the money, and Ibn al-Maqdisî helped him by purchasing some shares of another

village which al-Sâmarri owned.<sup>110</sup> The result was that al-Sâmarri was left a poor man, but he was only one of many Damascenes who suffered the same fate.<sup>111</sup> It was not long before Ibn al-Maqdisi established that Bint al-Ashraf really was legally competent, and he and al-Shujâ'î forced her to sell these properties to them at a very reasonable price.<sup>112</sup> We do not know if Ibn Makhlûf was involved in the subsequent establishment of her legal competence.

This is not to say that the chief judges always cooperated. We have seen above that in 754 two of them managed to preserve the awqâf of Ibn Zanbûr, and even Ibn al-Maqdisi and al-Shujâ'î had to shop around before they found a judge favorable to their plans. In these cases the uncooperative judges did not suffer, but the Ḥanafî chief judge Ibn al-Ḥarîrî was less fortunate when he did not cooperate with the plans of Sultan al-Malik al-Nâsir Muḥammad to exchange some awqâf lands for non-awqâf lands. The sultan had approached the judge to authorize this transfer, because he had been told that the Ḥanafîs approved of such exchanges. However, Ibn al-Ḥarîrî said that he himself did not agree to the interpretation of the law which allowed this, and he refused to sanction the exchange. Sirâj al-Dîn al-Râzî heard of this, and he approached Karîm al-Dîn al-Kabîr promising a favorable verdict if he was given the chief judgeship. As a result, al-Râzî was made chief judge of Fustât, and Ibn al-Ḥarîrî was left with al-Qâhira. This arrangement continued for a few months until al-Râzî's death the same year (717), when Ibn al-Ḥarîrî was given back his full powers.<sup>113</sup>

Finally, in the year 780, there occurred what was, at least:

initially, the most dramatic confrontation between <sup>c</sup>ulamâ' and Mamlûks concerning awqâf. The future sultan Barqûq summoned the judges and fuqahâ' to an assembly in order to discuss the abolition of apparently all the awqâf of Egypt and (Greater) Syria, because these awqâf weakened the armies of the Muslims. Şirâj al-Dîn al-Bulqînî spoke up saying that the awqâf of the mosques, madâris and the like did not weaken the Muslims and could not be touched. Other awqâf, however, which had been purchased from the bayt al-mâl by trickery, could be revoked, if proper judicial procedure were followed to prove this charge. The Shâfi<sup>c</sup>î chief judge, Badr al-Dîn al-Subkî, also known as Ibn Abî al-Baqâ', took the most politically advantageous line by saying that all the land belonged to the sultan, and he could do whatever he liked. The qâdî al-askar disagreed, saying that the sultan was just like anyone else in this regard. This judge then added that (in any case) the umarâ' gave orders to the judges, and if the judges did not comply, then they would be deposed. The meeting finally broke up with the original aim of total abolishment of awqâf unfulfilled, but a number of awqâf were annulled and made into iqta<sup>c</sup>ât.<sup>114</sup>

The record of complicity between the chief judges and the Mamlûks in order to modify or annul awqâf is unmistakable. In spite of all this, however, most of the awqâf in the Mamlûk empire continued to exist and function throughout the Bahrî period, and they must have produced considerable income, otherwise the umarâ' would not have been so interested in seizing them in 780. The fact that the Mamlûks so often made an effort to adhere to proper legal procedure of some sort is significant.

Although the judges usually seemed eager to cooperate with the plans of the Mamlûks, occasionally there was successful opposition to these designs. Finally, we must remember that if there were no awqâf, there would be no religious life. These pious endowments supported teaching posts, students, mosque officials, hospitals, and many other offices and institutions connected to the maintenance and propagation of the religious life. To abolish all the awqâf would have led not only to massive unemployment, but also it would have undermined the status of Islam. I doubt if the Mamlûk umará' had seriously considered the ramifications of their proposal in 780, and either they were simply interested in establishing as many iqta'<sup>c</sup>ât as possible, or, having made such an outrageous proposal, they were willing to settle for a good deal less than they had originally demanded.

There were other ways in which the Mamlûks could acquire revenue with the help of the judiciary, but in the following cases the judges resisted attempts to take actions of which they did not approve. One example of this occurred in the year 697, during the sultanate of Lâjîn. The amîr Mankûtimur,<sup>115</sup> the sultan's nâ'ib, sent a message to the Shâfi'<sup>c</sup>i chief judge, Taqî al-Dîn Ibn Daqîq al-<sup>c</sup>Îd, informing him that a merchant had died and had left a brother as his only heir. Mankûtimur wanted his own word to suffice as evidence of the truth of the man's claim to be the merchant's brother and heir, but the chief judge would not approve this claim only with the amîr's testimony. When this initial contact failed, the amîr started sending messengers to the judge, and when even this proved fruitless, he sent the amîr Kurt, the hâjib,<sup>116</sup> to him. He tried to



persuade the judge to rely on Mankûtimur's testimony, but he was unsuccessful as well, and became exasperated, saying, "By God, this is Islam!" He returned to Mankûtimur and told him that he would have to work out this matter in the dâr al-<sup>c</sup>adl.

When it was the day for holding a session there, Ibn Daqîq al-<sup>c</sup>Îd was on his way to the citadel for it, and Mankûtimur saw him coming. The amîr started sending messengers to him, one after another, in order to arrange a meeting with him. This bothered the judge greatly, and he announced to the other judges that he was resigning from office. He returned to his home and sent word to his deputies and the binders of marriages to cease performing their duties until a new judge was appointed. When the sultan heard of this resignation, he became angry at Mankûtimur, and told him to stop interfering in the affairs of the judges. He then sent word to Ibn Daqîq al-<sup>c</sup>Îd, and finally persuaded him to come to the citadel, where the sultan cajoled him into resuming his duties.<sup>117</sup>

However, the sultans were not always that cooperative, nor were the judges always that successful in standing up against the Mamlûk state, especially when the infamous al-Nashw<sup>118</sup> was involved. The Mâlikî chief judge, Taqî al-Dîn al-Akhnâ'î was in charge of the money (i.e., legacy) of the children of the amîr Arghûn, the nâ'ib.<sup>119</sup> Al-Nashw came to this judge in the year 736 demanding some of this money. The judge refused, saying the sultan had no right to take the money of the orphans. Al-Nashw said that the sultan only wanted back the money which this judge's brother had stolen when he was nâzir khizânat

al-khâss, but the judge remained adamant. Al-Nashw was enraged and complained to the sultan, who, in turn, summoned the judge and ordered him to bring the money which his brother had stolen. When he appeared, the sultan rebuked the judge for his opposition. In the end the judge was forced to capitulate and allow al-Nashw to take the money.<sup>120</sup>

Three years later, in 739, al-Nashw confronted the Shâfi<sup>c</sup> chief judge, <sup>c</sup>Izz al-Dîn Ibn Jamâ<sup>c</sup>a. The incident began when the amîn al-hukm purchased property (milk) for some orphans from mawda<sup>c</sup> al-hukm.<sup>121</sup> A tax official, who was in charge of collecting a royal tax called al-Qarârîfî,<sup>122</sup> demanded this tax from the amîn, because of the purchase he had just made. This led to an argument in <sup>c</sup>Izz al-Dîn's court between the amîn al-hukm and the tax collector, which resulted in the judge reprimanding the latter. This tax official became very angry and complained to al-Nashw, who, in turn, brought the matter before the sultan. However, when al-Nashw told the story to the sultan he embellished it, and claimed that the tax official had shown the edict (marsûm) to the amîn al-hukm. The sultan's name was on the edict, but, according to al-Nashw, this did not impress the amîn, who took the document and threw it on the ground. The sultan became very angry at this, summoned the amîn al-hukm, and had him beaten in the presence of al-Nashw. Then he made him pay the tax.<sup>123</sup> Al-Nashw then turned on <sup>c</sup>Izz al-Dîn Ibn Jamâ<sup>c</sup>a, and told the sultan that this judge had inherited 80,000 dinars from his father, and a tax was due on this as well. The sultan would not agree to this, telling al-

Nashw that he had reached as far as the chief judge, and that was far enough.<sup>123a</sup> We have mentioned earlier this sultan's special fondness for <sup>c</sup>Izz al-Dīn, and this may be the real reason why he stopped al-Nashw. Judging from his remarks to Taqī al-Dīn al-Akhnā'ī, the sultan did not have a great respect for chief judges per se.

A year earlier (738) the sultan had forbidden the chief judges from approving any wills. At that time one of al-Nashw's henchmen was seizing the estates of deceased individuals and turning the funds over to al-Nashw. Although the practice became severe and the sultan even reprimanded al-Nashw for it, al-Nashw was able to give excuses for these activities. It was at this point that the sultan (al-Malik al-Nāṣir Muḥammad) began to aid al-Nashw's schemes, and the sultan forbade the endorsement of any wills except by his own decree. This left the way open for al-Nashw's agent, al-Ṭayyibī, to increase his efforts to seize the funds from such legacies.<sup>123b</sup> We do not know how long this edict lasted, but it was certainly no longer a problem in 759, when the Shāfi'ī chief judge, Bahā' al-Dīn Ibn <sup>c</sup>Aqīl, changed the mechanism for writing wills. Previously, notaries had been able to draw up wills only by permission of the (Shāfi'ī chief ?) judge. Ibn <sup>c</sup>Aqīl removed that restriction, saying that a man could die before such permission was obtained.<sup>124</sup> It is doubtful that there would have been such concern for the drawing up of wills if the earlier confiscations were still widespread.

In many of the cases above we have seen the chief judges

as the willing tools of the Mamlûks or registering unsuccessful protests against the actions of some amîr, court official, or sultan. This might lead us to believe that the chief judges were, for the most part, simply figureheads with no real power and whose principal role was to lend an air of legitimacy to such ceremonies as royal marriages,<sup>124a</sup> the installation of sultans and caliphs,<sup>125</sup> state funerals,<sup>126</sup> and the like. Certainly, the presence of the chief judges at official ceremonies is to be expected, but the incidents we have discussed in some detail may, in fact, be misleading. It was almost impossible for anyone to oppose the sultan or important Mamlûk or official once they had decided on a course of action, because such people were clearly the most powerful men in the empire. On the other hand, the real function of the chief judges and their assistants was to rule on litigations which arose among the masses of the people and to help these people with other legal problems. Why else were deputy judges placed in mosques and madâris through Cairo and the provinces? And why else were notaries and marriage registrars stationed in shops in the market places?

Unfortunately, one of the weaknesses of Arabic historical writings is the lack of attention it pays to the common people. Only rarely do we hear of judges involved in cases brought by ordinary citizens, and then only because the often bizarre circumstances surrounding these cases attracted the historian's attention. For example, in the year 742 a husband and wife, along with the wife's father, came before the Hanaffi chief judge, Ḥusām al-Dīn al-Ḡhūrī. The wife complained that her

husband was not living up to the marriage agreement as regards dowry and clothing. The dower was to be paid at the rate of one dinar per year. The judge told the woman to lower her veil, and after she had done so, the judge screamed at the father, calling him an idiot for letting his daughter marry for so little money, and then he called the husband a fool, because his wife was worth one hundred dirhems a night, not one dinar a year. Al-Maqrīfī says that al-Ghūrī usually sided with a woman against her husband, and was criticized for this attitude.<sup>127</sup> All this indicates that al-Ghūrī was not only different from other judges in his attitude towards such cases, but more importantly these cases were typical of the litigations over which he presided. This same qādī, again in 742, even judged a case in which workers from the sultan's kitchen were litigants. Unfortunately for the judge, they were not satisfied with his verdict, and as a consequence they wrecked his house at al-Ṣālihiyya and nearly killed him.<sup>128</sup> Not all of al-Ghūrī's dissatisfied litigants resorted to violence. In 740 Ṣalāḥ al-Dīn Yūsuf al-Maghribī brought a suit in al-Ghūrī's court demanding the sum of 10,000 dirhems from the awlād al-mulūk.<sup>129</sup> He had sold them some land, but he had never received payment, because al-Nashw had seized the money from the awlād al-mulūk. However, the money was still due to Ibn al-Maghribī, and this was the cause of his legal action. Al-Ghūrī would not agree with Ibn al-Maghribī, and an argument between the two of them developed. Both of them went separately to the sultan to complain about the other, but al-Ghūrī walked to the citadel, while Ibn al-Maghribī rode and thus arrived first. He told the sultan his

story, and, in the end, the sultan rebuked the judge, had Ibn al-Maghribi's case brought before the dâr al-<sup>C</sup>adl, and forced the awlâd al-mulûk to pay the money.<sup>130</sup>

On another occasion, in 753, some Persian merchants appealed to the hâjib, who was probably substituting for the sultan, in the dâr al-<sup>C</sup>adl, because the Hanaff judge (perhaps the chief judge Jamâl al-Dîn Ibn al-Turkumânî) had not satisfied them in their complaint against a group of Cairene merchants who owed them money. The hâjib took over the case and satisfied their demands.<sup>131</sup> Although the chief judges could be overruled by the sultan or someone sitting in his place in the dâr al-<sup>C</sup>adl, this was but a single court of appeal. On the other hand, the chief judges and their deputies had courts throughout the city of Cairo, and it was before such courts that almost all litigations must have been presented.

Finally, the chief judges did enjoy some real moral and legal power within the state. When taxes were levied on the shuhûd and uqqâd in the year 700 to support the Mamlûk campaigns against the Mongols in Syria, the Mâlikî chief judge, Ibn Makhlûf, worked on behalf of these judicial subordinates, and was able to have the tax removed.<sup>132</sup> At another time, in 699, the Shâf<sup>C</sup>î chief judge, Ibn Daqîq al-<sup>C</sup>Id, opposed a plan to levy a tax on the populace in order to distribute moneys (nafaqa) to the armies. Such a fatwâ had been issued by the fuqahâ' during the time of Qutuz (ruled 657-658), but Ibn Daqîq al-<sup>C</sup>Id refused to re-endorse it, saying that now the umarâ' had plenty of money, and therefore could make the payments without any help from the masses, whereas this earlier fatwâ had been

issued only after the umarâ' had exhausted all their own funds. The masses were spared this tax, but, instead, the money was extorted from the wealthy and merchants.<sup>133</sup> Finally, the Hanbali Muwaffaq al-Dîn al-Maqdisi headed an investigation into the forgeries of bills of debt (masâtir)<sup>134</sup> and the like. He had solicited the help of the amîr Shaykhû in this. Many houses were raided and such forged documents were found in great numbers.<sup>135</sup>

In conclusion, it is usually not possible to say why a given case came before a particular judge, but I believe that proximity to a certain judge's court or hope for a favorable verdict were important considerations. Of course, if both litigants were members of the same madhhab, they would probably seek a judge trained in that madhhab. On the other hand, we have seen Cairene judges becoming involved in cases which, it seems, should have been handled by a Damascene or Syrian for example, the cases of Ibn Taymiyya and Bint al-Ashraf. However, even these cases support rather than contradict my belief that there were no strict geographical boundaries to a qâdî's jurisdiction. Bint al-Ashraf's case was heard in Cairo because the conspirators in this swindle were in Cairo when they were hatching their plan. Ibn Taymiyya was charged in the Mâlikî chief judge's court in Cairo, and summoned before the sultan in that city, because his enemies knew they could win a verdict against him in Cairo. Of course, Ibn Taymiyya was a special case since he was a public figure, whose teachings aroused considerable emotion throughout the empire.

The numerous occasions when the Mamlûks were able to twist the provisions of the sharī<sup>c</sup>a to their own ends, usually with, but sometimes without, the cooperation of the chief judges are undeniable. However, the Mamlûks seem to have been generally concerned with adhering to the law in some form and consulting the ulamâ', including the chief judges, when making decisions. Most rulers or ruling elites want the support, or at least acquiescence, of their subjects, in any actions which these rulers take. Although the Mamlûk ruling elite was almost always eager to increase its wealth, it had to temper its greed by remembering that it was ruling a professedly Islamic state, where the religious law pervaded all areas of society and politics. The chief judges, who were the interpreters of this religious law, could not stand up against the ruling elite when this oligarchy was determined to have its way, but it could attempt to enforce some adherence to the sharī<sup>c</sup>a. The judges could also play on the insecurities of the Mamlûks. On one occasion an amîr who was in charge of some awqâf was being miserly in distributing their revenue to the fukahâ'. The Ḥanafî chief judge, Sirâj al-Dîn al-Hindî, rebuked him for this, saying that the umarâ' had earned vast amounts of money from their iqtâ<sup>c</sup>ât, while the fukahâ' had little. The amîr answered that he had earned his iqtâ<sup>c</sup> by jihâd, protecting the lands of the Muslims. The judge retorted, "And who taught you about jihâd, except the fukahâ'?" This humbled the amîr.<sup>136</sup> Finally, the Mamlûks needed the chief judges to satisfy the legal needs of the populace; a task which the Mamlûks did not have the time, inclination, nor ability to perform in any great detail. Thus the four chief judges



were the symbols of this Islamic state, and as such they were able to demand some adherence to the provisions of the sharī<sup>c</sup>a. They were also able to exert some moral influence on the ruling elite, although their record in this area was usually less than noteworthy. Nevertheless, as the principal interpreters of the Islamic law the chief judges filled important and necessary roles in the Mamlūk empire.

## Footnotes

1. See the monograph by E. Tyan, Le Notariat et les regime de la preuve par écrit dans la pratique du droit musulman (Beirut, 1954); also, M. Quatremère, Histoire des sultans mamlouks de l'Egypte (Paris, 1845), II, b, 111-13.
2. Sadeque, Baybars, p. 197.
3. Tyan, Histoire, p. 561, note 1. His reference to Quatremère is incorrect, and I have been unable to find the correct one.
4. Ibn al-Ṣābūnī, Takmilat, p. 234.
5. Inbā' al-ghumr, I, 29.
6. Al-<sup>C</sup>Aynī, Ahmet III 2912/4, fol. 181b.
7. Sulūk, I, 849.
8. See above, chapter I, p. 27.
9. Since there are no lists of deputy judges, as there are for chief judges, it would be necessary to read all the biographical literature and chronicles, and then details of their terms of office (e. g., how long they served in any one place) are usually lacking, as evidenced by what we know of one of the Shāfi<sup>C</sup>ī nuwwāb (see below note 12).
10. See Popper, Notes, I, 14, and EI-1, III, 110.
11. Sulūk, I, 602-603; al-Nuwayrī, Bibliothèque Nationale 1578, fols. 48a-b. This will be discussed in more detail in chapter V.
12. For the place names, see Popper, Notes, I, 13-14. For biographical details of the judge, see Shadharāt, VI, 70; Durār, V, 261-62; al-Adfuwī, Tāli<sup>C</sup>, pp. 729-33.
13. Al-Nuwayrī, Leiden Or. 20, fols. 106a-b. For his biography, see Durār, IV, 24; Ibn Ṭulūn, Qudāt, p. 247; Wāfi, II, 270. This mosque is described in Ali Mubārak, al-Khitāt al-jadīda, (Būlāq, 1305/1887), V, 37-38.
14. Al-Nuwayrī, Leiden Or. 20, fols. 106a-b; concerning this mosque, see Khitāt, II, 365.
15. Al-Nuwayrī, Leiden Or. 20, fol. 77b. This probably refers to the Ḥusayniyya quarter of Cairo; see Popper, Notes, I, 33.
16. Al-Adfuwī, Tāli<sup>C</sup>, p. 93. Here again this is probably not a mosque or college, but rather the district; see Popper, Notes, I, 36.
17. Al-<sup>C</sup>Aynī, Ahmet III 2912/4, fol. 148b.

18. Sulûk, II, 333.

19. Ibid., III, 400-401.

20. The relationship of the chief judges to this madrassa will be discussed in more detail in the next chapter.

20a. See, e.g., Raf<sup>c</sup> MS, fol. 105a.

21. Al-Maqrizî provides a description of the chief judge's court during the Fâtimid period (Khitat, I, 404). A description of the chief judge's court, and general judicial procedure, but from a much later period, is to be found in E. W. Lane, The Manners and Customs of the Modern Egyptians (London, 1954), pp. 116 ff.

21a. His full name was Ismâ'îl ibn Sa'îd al-Kurdî (Durar, I, 391-92; Sulûk, II, 212-13). Although this incident is related in several sources, the best account is al-Nuwayrî, Leiden Or. 20, fols. 117a-118b, and it is the one I have relied on here. A more meagre account is to be found in al-<sup>c</sup>Aynî, Ahmet III 2912/4, fol. 331a.

22. Sulûk, II, 212; Durar, I, 391.

23. Al-<sup>c</sup>Aynî, Ahmet III 2912/4, fol. 331a; Durar, I, 391.

24. This is Muḥammad ibn Nasr Allâh, who died in 736 (Durar, V, 44).

25. Al-Nuwayrî, Leiden Or. 20, fol. 117a.

26. Ibid., fol. 117b. See also Khitat, II, 382 concerning this madrassa.

27. This is the same as wâlî al-Qâhira, the governor and chief of police of al-Qâhira; Popper, Notes, I, 93.

28. Al-<sup>c</sup>Aynî, Ahmet III 2912/4, fol. 331a; EI-I, III, 53-54.

29. Al-<sup>c</sup>Aynî, Ahmet III 2912/4, fol. 331a; see also al-Nuwayrî, Leiden Or. 20, fol. 117b.

30. Durar, I, 329-33; Wâfî, VIII, 158-59.

31. Sulûk, I, 925; Quatremère, Histoire, II, p. 192. The Arabic text does not use the word Quran, but rather al-rab<sup>ca</sup>, which R. Dozy in his Supplément aux dictionnaires arabes (Leiden, 1967; I, 503) translates as "exemplaire du Coran," but which E. W. Lane in An Arabic-English Lexicon (London, 1867; I/3, 103) says is a chest in which volumes of the Quran were kept.

32. Sulûk, I, 925.

33. Durar, I, 329.

34. Ibid.; Ibn al-Dawādārī, Kanz al-durar (Cairo, 1960), IX, 77.

35. Sulūk, I, 925.

36. Ibn al-Dawādārī, Kanz al-durar, IX, 77; Durar, I, 329-30; Sulūk, I, 925; al-<sup>c</sup>Aynī, Ahmet III 2912/4, fol. 212a.

37. Durar, I, 332; al-<sup>c</sup>Aynī, Ahmet III 2912/4, fol. 212b.

38. Durar, I, 332-33; al-<sup>c</sup>Aynī, Ahmet III 2912/4, fol. 213a; Sulūk, I, 926.

39. Sulūk, loc. cit.; al-<sup>c</sup>Aynī, loc. cit.

40. Sulūk, loc. cit.; al-<sup>c</sup>Aynī, loc. cit.; Durar, I, 333.

41. Durar, I, 333.

41a. E. Strauss, in his article, "L'Inquisition dans l'état mamlouk" (Rivista degli Studi Orientali, XXV (1950), 11-26), has surveyed the prosecution of many cases of religious unorthodoxy and heresy throughout the Mamlūk era and in all parts of the Mamlūk empire. He claims (ibid., p. 24) that ordinarily the Mālikī chief judges in the principal cities (in Egypt this would be Cairo and Alexandria) passed judgement on cases of apostasy, although deputy judges could be authorized to deal with them. When such cases occurred in the provincial cities, the preliminaries were handled by the local (deputy) judge, but the accused was sent to the capital for final judgement.

Although the Mālikī chief judge is present in many of the cases we have met (see more below), it is apparent that he did not have exclusive jurisdiction. The opinions of the other chief judges were solicited, and the cases often came before other chief judges. As for the relationship between the chief judges and the nuwwāb, I do not have enough evidence from my study of the Cairene chief judges to either confirm or deny his assertions. The examples which Strauss gives (and which I have been able to check) refer to Syria not Egypt.

Strauss also says (ibid., p. 25) that the sultan sometimes had all the chief judges assemble to decide on cases of apostasy, but at other times the sultan would direct a deputy judge or a chief judge whose opinion was pleasing to the ruler to decide on the case. On occasion the sultan would even pronounce judgement himself. The cases which I have studied do not show the sultan taking such a prominent role; rather, these legal cases were handled by the judicial bureaucracy.

42. Inbā' al-ghumr, II, 229-30.

43. Sulūk, III, 481. Ibn Hajar (Inbā' al-ghumr, II, 102) says the argument was concerning al-Khashābiyya, which could refer to several different Muslim sects; see Ẓi-l, II, 917-18.

44. Sulūk, III, 481.

45. Inbâ' al-ghumr, II, 102.
46. Durar, III, 420-21.
47. This is Yâqût ibn <sup>C</sup>Abd Allâh, who died in 732 (Durar, V, 183; Ibn Kathîr, XIV, 159).
48. Sulûk, II, 408.
49. Al-<sup>C</sup>Aynî, Ahmet III 2911/c34, fol. 28a.
50. See J. S. Trimingham, The Sufi Orders in Islam (London, 1971), especially pp. 84-90.
51. See R. Nicholson and G. C. Anawati, "Ittihâd," EI-2, IV, 282-83; Durar, III, 420-21.
52. Al-<sup>C</sup>Aynî, Ahmet III 2911/c34, fol. 28a.
53. Ibid.; Durar, III, 421.
54. Al-<sup>C</sup>Aynî, Ahmet III 2911/c34, fols. 28a-b.
55. Ibid., fol. 28a; Sulûk, II, 408.
56. Sulûk, loc. cit.; al-<sup>C</sup>Aynî, Ahmet III 2911/c34, fol. 28a.
57. Muḥammad ibn Ishâq (Durar, III, 470); he was <sup>C</sup>Izz al-Dîn Ibn Jamâ'a's chief deputy as well as his son-in-law. In fact, al-Munâwî was the one who really handled the legal business, while <sup>C</sup>Izz al-Dîn performed the ceremonial duties and some teaching (Durar, II, 491).
58. Sulûk, II, 894.
59. Al-Nuwayrî, Leiden Or. 19b, fol. 101a.
60. Wâfî, VII, 395; Durar, I, 303-306.
61. Durar, I, 306.
62. Sulûk, I, 909-12. See also D. P. Little, "Coptic Conversion to Islam under the Bahrî Mamlûks, 692-755/1293-1354," Bulletin of the School of Oriental and African Studies, XXXIX/3 (1976); this incident is described on pp. 554-57.
63. Wiet, Manhal, no. 1463; Durar, III, 15-18.
64. Sulûk, II, 173. Al-Maqrîzî claims that this was the reason for his deposition from the judgeship of al-Qâhira, but this seems unlikely, because it is clear that the real reason for his deposition was his refusal to authorize the exchange of some awqâf lands for other lands; a transfer which the sultan wanted, and which another <sup>C</sup>âlim offered to approve in exchange for the

chief judgeship (*ibid.*, II, 173-74). This other <sup>C</sup>ālīm, Sirāj al-Dīn al-Rāzī, approached Karīm al-Dīn al-Kabīr with his proposition. The presence of this Coptic convert to Islam in both incidents probably explains why al-Maqrīzī linked the two events. However, it was Ibn al-Ḥarīrī's refusal to approve the transfer of lands which led to the loss of half his jurisdiction, not Karīm al-Dīn's opposition, which could not have been very great anyway, since Ibn al-Ḥarīrī regained his old power shortly thereafter when al-Rāzī died.

65. Durar, I, 323-24. Al-Ṣafadī (<sup>C</sup>A<sup>y</sup>ān, fol. 60b) calls him Ibn Mīrā.

66. Al-<sup>C</sup>Aynī, Ahmet III 2912/4, fol. 367a.

67. <sup>C</sup>A<sup>y</sup>ān, fol. 60b; concerning this mosque, see Khitat, II, 306.

68. <sup>C</sup>A<sup>y</sup>ān, fol. 60b; Durar, I, 323. G. Makdisi has shown that Ibn Taymiyya was not opposed to Sufism *per se*, but rather its excesses. I assume his disciple shared his views. See G. Makdisi, "Ibn Taymiyya: A Ṣūfī of the Qādiriyya Order," The American Journal of Arabic Studies, I (1973), 118-29.

69. Al-<sup>C</sup>Aynī, Ahmet III 2912/4, fol. 367b.

70. Ibid.; see also Durar, I, 323.

71. Al-<sup>C</sup>Aynī, Ahmet III 2912/4, fol. 367b.

72. Ibid.

73. Durar, I, 324.

74. Ibid.; Sulūk, II, 263.

75. Al-<sup>C</sup>Aynī, Ahmet III 2912/4, fol. 367b.

76. Ibid. Ibn Hajar (Durar, I, 324) says that after his beating he was released from jail, started preaching again, and was jailed again. Only then did someone intercede for him, and he was forced to leave Cairo.

77. Durar, I, 374.

78. Ibn Kathīr, XIV, 155.

78a. Ibn Taymiyya's career, and especially his relationship with the Mamlūk state, have been discussed in great detail elsewhere. See H. Q. Murād, "The Mihan of Ibn Taymiyya," (unpublished M. A. thesis, McGill University, 1968); hereafter cited as Murād. See also D. P. Little, "The Historical and Historiographical Significance of the Detention of Ibn Taymiyya," International Journal of Middle Eastern Studies, IV (1973), 311-27; and the works of H. Laoust, especially his Essai sur les doctrines sociales et politiques de Fakī-d-Dīn Ahmad Ibn Taymiyya

(Cairo, 1939), and "Le Hanbalisme sous les mamlouks bahrides," Revue des Etudes Islamiques, XXVIII (1960), 1-71.

79. Murâd, p. 92; al-Nuwayrî, Leiden Or. 20, fol. 27b; Ibn Kathîr, XIV, 38.

80. Murâd, p. 83.

81. Ibid., p. 82.

82. Al-Nuwayrî, Leiden Or. 20, fol. 29b. See also Murâd, pp. 94-96.

83. Al-Nuwayrî, Leiden Or. 20, fol. 30a.

84. Murâd, pp. 98-99.

85. Ibn Kathîr, XIV, 54; al-<sup>C</sup>Aynî, Ahmet III 2912/4, fol. 272b; Murâd, pp. 101-102.

86. Al-Nuwayrî, Leiden or. 20, fol. 30b. The Hanafî chief judge of those years, Shams al-Dîn al-Sarûjî, was also an opponent of Ibn Taymiyya, and even wrote tracts rebutting Ibn Taymiyya's views; see Sulûk, II, 94., and Laoust, "Hanbalisme," p. 21.

87. Sulûk, II, 185.

88. Al-Nuwayrî, Leiden Or. 20, fol. 29a.

89. Murâd, pp. 106-107.

90. Sulûk, II, 273.

91. Murâd, p. 108.

92. Ibid., p. 111.

93. See above, chapter I, pp. 23-24.

94. Al-<sup>C</sup>Aynî, Ahmet III 2912/4, fol. 346b.

95. Sulûk, II, 888.

96. Ibid., p. 82.

97. Durar, II, 305-306.

98. This is <sup>C</sup>Alam al-Dîn <sup>C</sup>Abd Allâh Ibn Zanbur (ibid., p. 345).

99. Sulûk, II, 888.

100. Ibid., p. 889; Raf<sup>C</sup>, II, 299-300.

101. Durar, III, 342-44.

102. Al-<sup>C</sup>Aynī, Ahmet III 2912/4, fol. 389b; Sulūk, II, 320-21.

103. Sulūk, II, 362. Al-Maqrizī says that the Hanbalī judge was Shāraf al-Dīn al-Ḥarrānī, which is impossible since al-Ḥarrānī died at the end of his term as chief judge in 709. Perhaps this refers to some deputy judge, or al-Maqrizī is simply in error.

104. See J. Sublet, "La Folie de la Princesse Bint al-Ashraf," Bulletin d'Etudes Orientales, XXVII (1974), p. 47, note 7.

105. See ibid., p. 48, note 1.

106. See ibid., p. 45, note 1.

107. Ibid., p. 48.

108. Haarmann, Quellenstudien, (Arabic text) pp. 90-91.

109. Sublet, "Folie," p. 48, note 2.

110. Ibid., p. 48.

111. Al-Nu<sup>C</sup>aymī, Dāris, I, 73.

112. Sublet, "Folie," p. 49.

113. Durar, IV, 159; Sulūk, II, 173-74; al-<sup>C</sup>Aynī, Ahmet III 2912/4, fols. 316b-317a.

114. Sulūk, III, 345-47; Inbā' al-ghumr, I, 273-74.

115. Wiet, Manhal, no. 2544.

116. Ibid., no. 1898.

117. Al-<sup>C</sup>Aynī, Ahmet III 2912/4, fols. 181b-182a; Sulūk, I, 848-49.

118. <sup>C</sup>Abd al-Wahhāb ibn Faḍl Allāh (Durar, III, 42-44).

119. Durar, I, 374.

120. Sulūk, II, 393-94.

121. Sulūk, II, 458; al-<sup>C</sup>Aynī, Ahmet III 2911/c34, fol. 116b.

122. See Sulūk, II, 458, note 2.

123. Al-<sup>C</sup>Aynī, Ahmet III 2911/c34, fols. 116b-117b; Sulūk, II, 458-59.

124. For example, the Ḥanafī chief judge, Shams al-Dīn Ibn al-Ḥarīrī, concluded the marriage contract between an amīr and one of the daughters of the Sultan al-Malik al-Nāṣir Muḥammad.



in the presence of all the chief judges (al-Nuwayrī, Leiden Or. 19b, fol. 119b); see also Sulūk, II, 237 for another such marriage. Another occasion is described in Sulūk (II, 612) where all four chief judges went to an amīr's house to conclude the marriage of the son of the amīr.

125. E. g., Sulūk, II, 502-503; ibid., p. 843; ibid., p. 603.

126. E. g., ibid., I, 744.

127. ibid., II, 611.

128. Raf<sup>c</sup>, I, 203; Durar, II, 128.

129. According to the editor of Sulūk, this term could refer either to the children of deceased sultans or the children of the Ayyūbid rulers (Sulūk, II, 474, note 3).

130. Al-<sup>c</sup>Aynī, Ahmet III 2912/4, fols. 177b-178a; Sulūk, II, 490-91.

131. Sulūk, II, 863-64. This is the case upon which later writers based their belief that the Mongol Yāsā had become part of the legal system of the Mamlūk empire, and that this legal code was administered by the hājib. Ayalon has shown that the Yāsā was not at all a part of the Mamlūk legal system in his series of articles, "The Great Yāsā of Chingiz Khān. A Reexamination," Studia Islamica, XXXIII (1971), 97-140; XXXIV (1972), 151-80; XXXVI (1972), 113-58; XXXVIII (1973), 107-56. Concerning this particular incidents, see ibid., XXXVIII (1973), p. 123.

132. Sulūk, I, 907.

133. Al-<sup>c</sup>Aynī, Ahmet III 2912/4, fols. 201a-b; Sulūk, I, 897-98.

134. Sulūk, II, 902, note 2.

135. ibid., p. 902.

136. Inbā' al-ghumr, I, 30-31.

## Chapter V

### Other Posts

#### A. Non-Teaching

In addition to holding the office of qâdî al-qudât, all the chief judges held other posts as well during their careers. They were all employed in one or more positions at the time they were raised to the rank of chief judge. Sometimes, they were allowed to keep their previous posts, sometimes they were forced to give up all or some of them, and at other times they were given a whole new batch of posts to replace the ones they had lost. In any case, it is impossible to make generalizations about the timing of additional appointments; it depended entirely on the individuals involved. Only two generalizations are valid. All the judges held teaching posts before and after they were appointed; and, of the four madhâhib, the Shâf<sup>c</sup>is were the most successful in acquiring posts, the Ḥanafis second (but not nearly so successful), the Mâlikis third, and the Ḥanbalis were far behind everyone else.

Before continuing, however, we must remember one important point; namely, we can never know all the posts which all the judges held during their careers. The really famous judges, such as Tâj al-Dîn Ibn Bint al-A<sup>c</sup>azz or Badr al-Dîn Ibn Jamâ<sup>c</sup>a, receive considerable attention in the sources, and their careers are described in considerable detail. On the other<sup>c</sup> hand, less famous judges, especially among the Ḥanbalis and Mâlikis, receive much less attention, and we usually have much less information on their careers. This may be the reason why it seems they held less posts, but this is still an open question.

I believe that the biographers and chroniclers were interested in the most important and dramatic personalities of their times. If a person really did hold a large number of posts it would certainly get reported. On the other hand, the biographers often have a tendency to generalize. Thus, if someone held, for example, ten different teaching posts in his lifetime, it would be unusual if we were to learn about all of them. Rather, it was customary to list a few teaching posts, usually the more prominent ones, as examples of the fact that the individual was a teacher of some prominence. The biographers had little patience to recite long lists of madâris. At the same time, many appointments are mentioned in the chronicles, but the presentation of these appointments is by no means consistent. Often there are gaps, when, for instance, no teaching appointments for a given madrasa will be mentioned for many years, thus preventing us from compiling a detailed list of teachers. By the same token, the sources do not always tell us what subjects a particular person taught at a given institution. They usually say "darrasa" or some variant construction of this verb, which is a general term for teaching, with no special technical meaning. In spite of these difficulties there is considerable information available concerning the bureaucratic and teaching posts which the chief judges held during their careers, and this information points up the wide variety of jobs which the qudât held.

#### Wazîr

The office of wazîr was among the highest ranking offices in the civil bureaucracy. It went through great changes in

the Bahrî period; at a time it disappeared and its duties were divided among four functionaries, and sometimes it was not even held by a civilian, but rather by a high ranking amîr. In the earlier years of the present study, this post was held by several of the Shâfi<sup>c</sup>î chief judges. Two of them were from the family of Ibn Bint al-A<sup>c</sup>azz and the other was Burhân al-Dîn al-Sinjârî.

Of these three Burhân al-Dîn enjoyed the shortest judicial career. In the years 659-660, prior to the establishment of the four chief judgeships, he and his brother had shared the judgeship of Egypt, Burhân al-Dîn being judge of Fustât. He did not return to the judgeship until the year of his death, 686, when he was appointed judge of al-Qâhira, but he lived for less than a month after assuming office. He held the post of wazîr twice. The first time was for about a year (677-678) after the death of Bahâ' al-Dîn Ibn Ḥannâ, but he was deposed at the instigation of al-Shujâ<sup>c</sup>î. He managed to return in 679-680, after the death of the wazîr al-Asfûnî,<sup>1</sup> but was forced out of office again by al-Shujâ<sup>c</sup>î. After both depositions, he and his son were jailed and beaten. In between times, he held one or more teaching posts.<sup>2</sup> Al-Sinjârî's problem was that he was never strong enough to overcome his opponents, Ibn Ḥannâ and al-Shujâ<sup>c</sup>î, both of whom managed to control the wazirate and other high offices for much longer periods than al-Sinjârî ever could.

Tâj al-Dîn Ibn Bint al-A<sup>c</sup>azz, the first in the line of Shâfi<sup>c</sup>î chief judges in the present study, might be seen as a more successful version of al-Sinjârî. According to Ibn Kathîr,

he held fifteen different offices in his lifetime.<sup>3</sup> He had been wazîr during the Ayyûbid period under al-Malik al-Kâmil<sup>4</sup> and during the Mamlûk period for the years 655-657,<sup>5</sup> which roughly coincides with the reign of Sultan al-Mansûr Nûr al-Dîn <sup>C</sup>Alî. Ibn Bint al-A<sup>C</sup>azz never stayed very long in any one post, but he was able to stay at the top, and his shifting about among various posts was always at the highest levels. However, the important events in Tâj al-Dîn's career occurred before the period under study, and even before the Mamlûk era. Ibn Taghrî Birdî, looking back at the bureaucratic history of Egypt, considered him one of the great wuzarâ'.<sup>6</sup>

A much more interesting case, and one that falls entirely within the framework of the present study, is that of one of Tâj al-Dîn's sons, Taqî al-Dîn. He managed to hold seventeen posts in his lifetime,<sup>7</sup> but even this does not reflect the high status he achieved under Sultan Qalâ'ûn, because he held the posts of chief judge, wazîr, and nâzîr al-khizâna (see more below on this last office) all at the same time. As we have mentioned earlier, Taqî al-Dîn had assumed the judgeship of Fustât in 685 after the death of Wajîh al-Dîn al-Bahnasî, and worked to get the judge of al-Qâhira, Ibn al-Khuwayyî, transferred to Syria, so that he could become chief judge of all Cairo. His plans were thwarted by the appointment of Burhân al-Dîn al-Sinjârif to replace Ibn al-Khuwayyî, but he finally achieved his goal when al-Sinjârif died. He was first offered the wazirate in 687, but refused it, and the amîr Baydarâ took it instead. However, Taqî al-Dîn was the real power. Not only did he still hold the office of nâzîr al-khizâna, but the new wazîr depended

on him for advice. He used to go to Baydarâ every Thursday to decide with him what to do.<sup>8</sup> Eventually Baydarâ appointed Diyâ' al-Dîn<sup>c</sup> Abd Allâh al-Nashshâ'f<sup>9</sup> as his deputy and he helped him instead. Soon thereafter Taqî al-Dîn replaced Baydarâ as wazîr (same year, 687) in addition to his other duties. However, according to al-Maqrîzî, he kept himself too involved with the affairs of the sharî<sup>c</sup>a, and the wazirate became burdensome to him, so it was returned to Baydarâ.<sup>10</sup> Thus he was even more successful than his father, because he did not hold these high posts in rotation, but rather, incredibly, at the same time. It is most interesting that Taqî al-Dîn, an ambitious man who had probably grown up in court circles, should want to avoid the office of wazîr. He was single-minded and resolutely determined to become chief judge of all Cairo, even working to get Ibn al-Khuwayyî out of the way so he could advance more easily. Yet he was reluctant to become wazîr, and even resigned after only a brief term. He must have had considerable power, because even after his deposition as chief judge of Cairo in 690, Ibn Sal<sup>c</sup>ûs, the wazîr of the the new sultan, al-Ashraf Khalîl, was afraid to allow Taqî al-Dîn to become chief judge of Damascus, lest he regain his old position and power.<sup>11</sup> Apparently, Ibn Bint al-A<sup>c</sup>azz felt himself powerful enough without the honorific of wazîr. On the other hand, the eleven year reign of Qalâ'ûn saw the appointment of six different wuzarâ',<sup>12</sup> and perhaps the explanation of Taqî al-Dîn's actions lies in his desire to avoid a too prominent and too insecure office.

There was an opportunity for a Mâlikî judge to become wazîr during the sultanate of Qalâ'ûn, but Zayn al-Dîn Ibn

Makhlûf, who was Mâlikî chief judge from 685 to 718, refused out of fear of 'Alam al-Dîn al-Shujâ'î,<sup>13</sup> qalâ'ûn's sometime wazîr.

Nâzir al-khizâna, nâzir al-khizâna al-kubrâ, nâzir al-khâss, nâzir khizânat al-khâss, nâzir al-amlâk al-sultâniyya, et. al.

In the year 729, al-Malik al-Nâsir Muḥammad Ibn Qalâ'ûn abolished the wazirate, and "the function of the vizier, passed to four lower officials, nâzir al-mâl, shâdd al-dawâwîn, nâzir al-khâss, and kâtib al-sirr. However, this division of power seems to have been merely theoretical. In practice, most of it was concentrated in the hands of the nâzir al-khâss, who was the head of the dîwân al-khâss, and thus became the most important official in the Mamlûk sultanate."<sup>14</sup> "All the financial resources which had formerly flowed into al-khizâna al-kubrâ, that is, bayt al-mâl (the treasury), were diverted to the khizânat al-khâss, the private sultani treasury controlled by the nâzir al-khâss, so that only minor financial matters were still subject to the authority of al-khizâna al-kubrâ."<sup>15</sup>

The point to be made here is that before 729, the nâzir al-khizâna was of great importance, apparently controlling the funds of the treasury. The nâzir bayt al-mâl seems to have been charged with the more mundane duties of collection and distribution of revenue.<sup>16</sup> After that date, the nâzir al-khâss, a post which had existed even earlier, became even more powerful, and most revenue went to the sultan's treasury, over which the nâzir al-khâss was in control. The nâzir al-khizâna gradually lost influence, and was left in charge of the robes of honor.

He began to be called nâzir al-khizâna al-kubrâ, but the more grandiose title was, in fact, hollow.<sup>17</sup> Another official, the nâzir khizânat al-khâss, was a subordinate of the nâzir al-khâss.<sup>18</sup>

No judge is described as having held the post of nâzir al-khâss, but several of them were appointed to the other posts. Sharaf al-Dîn al-Ḥarrânî al-Ḥanbalî (in office 696-709) held the post of nâzir al-khizâna for a long time, and upon his appointment to the chief judgeship combined both offices,<sup>19</sup> and apparently held both of them until he died. Taqî al-Dîn Ibn <sup>C</sup>Awad al-Ḥanbalî (in office 712-738) was appointed nâzir al-khizâna in 716, and thus held the two posts concurrently.<sup>20</sup> Our information on the holders of this office in the years between al-Ḥarrânî's death and Ibn <sup>C</sup>Awad's appointment is somewhat sketchy. Diyâ' al-Dîn al-Nashshâ'î<sup>21</sup> held it from 714 until his death in 716, and he had assumed it at the death of Sa<sup>C</sup>d al-Dîn Muḥammad al-Aqfahsî in 714,<sup>22</sup> but we do not know who held it after al-Ḥarrânî died, and before al-Aqfahsî took over. There is no evidence that Sa<sup>C</sup>d al-Dîn or Diyâ' al-Dîn were Ḥanbalîs. Ibn <sup>C</sup>Awad was deposed from the chief judgeship in 738, but there is no indication if he was still nâzir al-khizâna at that time, nor who succeeded him as nâzir.

At an earlier date the Mâlikîs were also given access to this office. Ibn Makhlûf (in office 685-718) was already nâzir al-khizâna at the time of his appointment as chief judge, and there is reason to believe that he gained that post very soon after Qalâ'ûn became sultan in 678 and held it until he died.<sup>23</sup> He was also nâzir al-amlâk al-sultâniyya. This was a most privileged position, since it involved the administration of some



of the sultan's personal properties.<sup>24</sup> In his role as nâzir al-amlâk Ibn Makhlûf was responsible for organizing the finances which would support the madrasa the sultan was building, al-Nâsiriyya, which was completed in 703.<sup>25</sup>

We have mentioned above in our discussion of the wazirate that at one time, in the year 687, Taqî al-Dîn Ibn Bint al-A<sup>c</sup>azz held three posts simultaneously: qâdî al-quḍat, wazîr, and nâzir al-khizâna.<sup>26</sup> This would mean that Ibn Makhlûf, whom we have been told was nâzir al-khizâna at the time of his becoming Mâlikî qâdî al-quḍat in 685, probably gave it up around the time he became chief judge. However, al-Nuwayrî had indicated that he held both posts until he died. Also, this post of nâzir al-khizâna is sometimes called nâzir al-khizâna al-sultâniyya in the biographies of Taqî al-Dîn Ibn Bint al-A<sup>c</sup>azz,<sup>27</sup> and Sharaf al-Dîn al-Harrânî.<sup>28</sup> Is this simply an elaborate way of saying nâzir al-khizâna or does it refer to the nâzir al-khâss or an early version of the nâzir al-khâss? Taqî al-Dîn Ibn Awaḍ is called nâzir al-khizâna al-kubrâ,<sup>29</sup> which we know to be what the nâzir al-khizâna was called after 729. These inconsistent uses of titles are confusing, and leave us in doubt as to what offices these judges really held and what duties they performed in them.

Also, in the year 680 al-Maqrizî records that Taqî al-Dîn Ibn Bint al-A<sup>c</sup>azz was put in charge of the madrasa and al-turba al-Ṣâlihiyya, which posts his brother Ṣadr al-Dîn was forced to relinquish when he became Shâfi<sup>c</sup> chief judge in that year. These posts were to be in addition to the post he already held, that of nâzir al-khazâ'in al-ma<sup>c</sup>mûra.<sup>30</sup> This post is not mentioned

in any of the secretarial literature. Quatremère, in a footnote to his translation of al-Sulûk, mentions al-makhzan al-ma<sup>c</sup>mûr, which he translates as "les magasins du prince,"<sup>31</sup> and this may mean, therefore, that Taqî al-Dîn was the overseer of some of the sultan's warehouses. However, later we learn that in the year 690, Taqî al-Dîn was stripped of all his posts. There had been seventeen of them, including teaching posts, and all except these teaching posts are listed, but only the office of nâzir al-khizâna is mentioned, not that of nâzir al-khazâ'in al-ma<sup>c</sup>mûra.<sup>32</sup> Does this mean that the two titles were synonymous? The question, unfortunately, must remain unanswered until someone has classified all the bureaucratic titles of the Bahrî period.

The office of nâzir khizânat al-khâss, supposedly one of the subordinates of the nâzir al-khâss, was held by three Mâlikî chief judges at some stage in their career; all of them were members of the al-Akhnâ'î family. Tâj al-Dîn al-Akhnâ'î (in office 750-763) was first made nâzir khizânat al-khâss in 753, when he was already a qâdî al-quḍāt, but he resigned as nâzir the same year, and was replaced by Tâj al-Dîn al-Jawjarî.<sup>33</sup> In 756 he was removed very briefly as chief judge, and was replaced by Nûr al-Dîn al-Sakhâwî. Al-Akhnâ'î was then returned to the office of nâzir khizânat al-khâss and his brother, the future chief judge Burhân al-Dîn, was made his assistant.<sup>34</sup> When al-Sakhâwî died a few months later, Tâj al-Dîn al-Akhnâ'î was returned to the chief judgeship, and he held both posts until his death in 763.<sup>35</sup> Although Burhân al-Dîn (in office 763-777) had been his brother's assistant as nâzir, he lost that post

when he himself became chief judge.<sup>36</sup> Burhân al-Dîn's nephew, Bâdr al-Dîn, who succeeded his uncle as chief judge in 777 (in office 777-778; 779), had also been nâzir khizânat al-khâss early in his career, but we do not know the exact date, although I believe it was sometime prior to 772, when he became muftî in the dâr al-<sup>c</sup>adl.<sup>37</sup>

Yet even with the office of nâzir khizânat al-khâss the biographers and historians create some confusion. For example, al-Maqrîzî says that Tâj al-Dîn al-Akhnâ'î was nâzir khizânat al-khâss, and even gives the dates of his appointments.<sup>38</sup> However, Ibn Hajar al-<sup>c</sup>Asqalânî calls him nâzir al-khizâna al-sultâniyya in this judge's biography in Raf<sup>c</sup> al-isr.<sup>39</sup> and simply nâzir al-khizâna in al-Durar al-kâmina.<sup>40</sup> Once again, the matter is extremely confusing, and the combination of a tendency in the biographies to abbreviate titles plus the lack of data in the chronicles every time a new candidate occupied a bureaucratic post makes a final solution of the problem of such titles impossible.

Finally, there is the case of <sup>c</sup>Izz al-Dîn Ibn Jamâ'a, who is described by al-Asnawî as having been wakîl al-khâssa wa-al-<sup>c</sup>amma.<sup>41</sup> This is apparently another way of saying that he had held the posts of wakîl both in the dîwân al-khâss and in the bayt al-mâl. In 731 he succeeded a certain al-Tâj Ishâq as wakîl bayt al-mâl.<sup>42</sup> He seems to have lost this post prior to 734, but was reinstated in 737.<sup>43</sup> This reappointment in 737 was in addition to his earlier appointment as wakîl al-khâss, but the original date of this latter appointment is unknown. Probably, the wakîl al-khâss was also a subordinate

of the nâzir al-khâss, although the secretarial encyclopaedias do not mention it. These appointments were made prior to his assuming office as chief judge, and there is no indication if he continued to hold them afterwards. It is interesting to note that also in 731 he was appointed nâzir of the mosque of Ibn Tûlûn and al-madrasa al-Nâsiriyya.<sup>44</sup> Ibn Jamâ<sup>c</sup> was well thought of by Sultan al-Malik al-Nâsir Muḥammad, and all these appointments, culminating in his appointment to the chief judgeship in 738, were undoubtedly signs of approval.<sup>45</sup>

#### Nâzir al-awqâf

The title of this section should be taken in its most general meaning, so as to include the management or controllership (nazar) of any sort of awqâf, including those used to support mosques, colleges, etc. As with the posts previously discussed, an individual might have held one or more of these posts before, after, or during his judgeship,

The first time we hear of the post of controller of the funds of the orphans (al-nazar fî mâl al-aytâm) is with Tâj al-Dîn Ibn Bint al-A<sup>c</sup>azz at the time of the establishment of the four chief judgeships, although this was probably the office of nâzir al-ahbâs.<sup>46</sup> This particular office was lost to the Shâfi<sup>c</sup> chief judge at this judge's death, but Lâjîn gave the Shâfi<sup>c</sup> chief judge a special fund for orphans later, as we have mentioned in chapter I. Later in the Bahrî period, two Ḥanafî chief judges attempted to upgrade the status of the Ḥanafî chief judgeship, and one of the new areas over which they sought jurisdiction was the control of the funds of the Ḥanafî

orphans. The Ḥanafīs had no lasting success in these attempts, and thus the Shāfi<sup>c</sup>ī chief judge controlled a special fund for the orphans throughout most of the Bahrī period.

After the restoration of the mosque of Ibn Ṭūlūn in the sultanate of al-Mālik al-Nāṣir Muḥammad, it was managed both by <sup>c</sup>ulamā' and uḥarā'. However, at certain times it was assigned exclusively to the Shāfi<sup>c</sup>ī qādī al-quḍāt. The first nāzir was Sultan Lājīn's dawādār,<sup>48</sup> <sup>c</sup>Alam al-Dīn Sinjār al-Jawālī, and he was followed by the Shāfi<sup>c</sup>ī chief judge, Badr al-Dīn Ibn Jamā<sup>c</sup>a.<sup>49</sup> We do not know the date of Badr al-Dīn's appointment, but it could not have been earlier than 702, because he was living in Damascus during the sultanate of Lājīn (696-698), and did not return to Egypt until he was summoned to the chief judgeship of Cairo at the death of Ibn Daqīq al-<sup>c</sup>Id in Ṣafar, 702.<sup>50</sup> He was followed in this controllership by another amīr, at whose death Badr al-Dīn's son, <sup>c</sup>Izz al-Dīn, was made its nāzir.<sup>51</sup> <sup>c</sup>Izz al-Dīn lost the post to Karīm al-Dīn al-Kabīr, but when the latter fell out of favor, the post was returned to the office of the Shāfi<sup>c</sup>ī chief judge, where it remained until the days of Sultan al-Nāṣir Ḥasan (ruled 748-752, 755-762).<sup>52</sup> During his sultanate the amīr Ṣarghitmish became nāzir,<sup>53</sup> apparently at the expense of the new chief judge, <sup>c</sup>Izz al-Dīn Ibn Jamā<sup>c</sup>a (in office 738-766), but the amīr was imprisoned in 759.<sup>54</sup> After this, the Shāfi<sup>c</sup>ī chief judge became nāzir again, until the year 792, when Sultan Barqūq appointed an amīr.<sup>55</sup> This would mean that all the chief judges from 759 until the end of the Bahrī period (except for the year 764-766 when <sup>c</sup>Izz al-Dīn Ibn Jamā<sup>c</sup>a lost it)<sup>56</sup> held this post.<sup>57</sup> Thus Bahā' al-Dīn al-

Subkī (in office 766-773), Burhān al-Dīn Ibn Jamā<sup>c</sup>a (773-779, 781-784) and Badr al-Dīn al-Subkī (in office 779-781) were also controllers of the mosque of Ibn Tūlūn while they held the office of Shāfi<sup>c</sup>ī qādī al-quḍāt.

Such detailed chronicles of the controllership of other mosques and colleges are not so readily available. However, the evidence is clear that the judges did hold the controllerships of others of them. One such college was the madrasa Zayn al-Tujjār.<sup>58</sup> Tāj al-Dīn Ibn Bint al-A<sup>c</sup>azz had been a mu<sup>c</sup>fid there under its teacher and nāzir, al-Armāwī. He substituted for al-Armāwī as its nāzir while the latter was on the pilgrimage, but this appointment never became permanent.<sup>59</sup> This occurred while Tāj al-Dīn was still quite young, and before he had held any other posts. Burhān al-Dīn al-Sinjārī (in office for a few weeks in 686) became both nāzir and professor at the madrasa al-Shāfi<sup>c</sup>īyya (i.e., al-madrasa al-Nāsiriyya bi-al-Qarāfa) in 682.<sup>60</sup> This appointment came after his second deposition from the wazirate, and may have been some sort of consolation for its loss. Ṣadr al-Dīn Ibn Bint al-A<sup>c</sup>azz had been teacher and nāzir at the qubba and madrasa al-Ṣālihiyya, and in the year 680 when he died, these posts went to his brother, Taqī al-Dīn,<sup>61</sup> who lost them when he lost the chief judgeship himself in 690.<sup>62</sup> These appointments certainly did not belong to the Shāfi<sup>c</sup>ī chief judge by custom, and in fact, a eunuch became nāzir at the mausoleum at al-Ṣālihiyya for a brief period between the controllerships of Ṣadr al-Dīn and Taqī al-Dīn.<sup>63</sup> Ṣadr al-Dīn also lost the controllership of al-mashhad al-Ḥusaynī<sup>64</sup> at that time, and it passed first to one of the

chancery scribes, and then to the ustādār.<sup>65</sup>

The Mālikī chief judge Ibn Makhlūf (in office 685-718) was instrumental in the establishment of the madrasa al-Nāṣiriyya, which was built by al-Malik al-Nāṣir Muḥammad. In fact, he drew up the deed, and made himself its nāzir for life, in addition to holding the teaching post in fiqh in the section reserved for the Mālikīs. The controllership and the teaching post were supposed to remain in his family, and if it died out, it was to pass to the Mālikī chief judge. However, he had earned the enmity of Shihāb al-Dīn Ibn <sup>C</sup>Uḇāda, whom he had put to work as his assistant in drawing up the awqāf to support this madrasa and as deputy judge.<sup>66</sup> Shihāb al-Dīn was angry that he himself had not received any post in the new madrasa and told the sultan that Ibn Makhlūf had done all this work for himself and his progeny, not for the sultan. The sultan was sympathetic to this argument and changed the waqf, giving the controllership to one of his eunuchs, to be followed by others like him in the future.<sup>67</sup>

<sup>C</sup>Izz al-Dīn Ibn Jamā<sup>C</sup>a was also the nāzir of the awqāf for the madrasa al-Nāṣiriyya bayn al-Qaṣrayn (i.e., the one just discussed; obviously eunuchs did not monopolize the post of nāzir there) and at jāmi<sup>o</sup> al-Qal<sup>C</sup>a.<sup>68</sup> He lost both these posts in the year 743, because some of the sultan's eunuchs (khuddām) slandered him for his administration of awqāf, and he lost the offices to eunuchs appointed by the sultan. <sup>C</sup>Izz al-Dīn was very upset at this, and appealed to the amīr Arghūn al-<sup>C</sup>Alā'f for help, but to no avail.<sup>69</sup>

The judges were controllers of other funds as well, but references to these are very scattered. In 749 <sup>C</sup>Izz al-Dīn

Ibn Jamā<sup>c</sup>a, still holding the office of chief judge, authorized the expenditure of funds from the māl al-haramayn for the construction of a well at Mecca.<sup>70</sup> In our discussion of the establishment of the four chief judgeships, we mentioned the complaint of the amīr of Medina against Tāj al-Dīn Ibn Bint al-A<sup>c</sup>azz, who controlled some waqf from which the amīr wanted to draw some funds.<sup>71</sup> Obviously, in both cases the chief judge was the nāzīr of these funds, and they may have been under the permanent jurisdiction of the Shāfi<sup>c</sup>ī qādī al-quḍāt. The Ḥanbalī chief judge was also in charge of a number of awqāf for the benefit of orphans and others, and apparently their controllerships were part of his duties as chief judge.<sup>72</sup> Taqī al-Dīn Ibn Bint al-A<sup>c</sup>azz was the controller of the will (tarikā) of Sultan al-Zāhir Baybars as regards the (legacies) of his children, awqāf, and properties. The only reason we know this is because it is contained in the list of posts which he lost in 690, when he was deposed from the chief judgeship.<sup>73</sup> Similarly, the Mālikī chief judge Taqī al-Dīn al-Akhnā<sup>c</sup>ī was in charge of the funds which the amīr Arghūn had left his children.<sup>74</sup> Although these must have been extremely large and lucrative estates, there is no indication of the original appointments in the chronicles.

#### qādī al-askar

The qādī al-askar was responsible for handling judicial cases which arose while the army was on campaign. All but the Ḥanbalīs were allowed to have such judges in Egypt, and when not travelling with the army, these judges would attend the sessions.



of the dâr al-<sup>c</sup>adl, sitting a rank below the chief judges.<sup>74a</sup>  
 A few of the chief judges held this post at some time in their careers, and in one case, even concurrently with the chief judgeship. This post was held by Sirâj al-Dîn al-Hindî al-Ḥanafî, who originally acquired it through the aid of the amîr Ṣarghitmish, when the previous holder of the office died. He had first sought the help of Shaykhû, but was offered an iqṭâ<sup>c</sup> instead. He was not satisfied with this, and managed to gain Ṣarghitmish's help instead.<sup>75</sup> We do not know if this post was financially lucrative, but certainly its holder came into close contact with the sultan and important umarâ', and this may explain why al-Hindî preferred it to an iqṭâ<sup>c</sup>. He held this office until he became chief judge in 769.<sup>76</sup> At that time, he passed this lesser judgeship to Ṣadr al-Dîn Ibn al-Turkumânî (in office 773-776), who held it until he too became chief judge.<sup>77</sup>  
 The next Ḥanafî to hold this post was Sharaf al-Dîn Ibn Mansûr (in office 777-778), who also gave it up when he became chief judge.<sup>78</sup> He was the last of the three who held the Ḥanafî chief judgeship for extremely brief terms after the death of Ṣadr al-Dîn Ibn al-Turkumânî.

Ṣadr al-Dîn al-Adhra<sup>c</sup>f (in office 663-677) is another Ḥanafî who seems to have held this post, but he is only rarely called qâdî al-<sup>c</sup>askar.<sup>79</sup> Rather, the sources say that the sultan allowed him to judge wherever the army dismounted.<sup>80</sup> All this may simply be a circumlocution amounting to the same thing, but we do know that there was not an official Ḥanafî qâdî al-<sup>c</sup>askar until 749, at least according to al-Maqrîzî.<sup>81</sup>

Mu<sup>c</sup>izz al-Dīn al-Khatībī al-Ḥanafī (in office 677-692) was qādī al-<sup>c</sup>askar in al-Mansūra in Lower Egypt<sup>82</sup> and qādī al-juyūsh in Damascus.<sup>83</sup> Apparently qādī al-juyūsh was a synonym for qādī al-<sup>c</sup>askar, but this term does not appear in any of the secretarial literature. References to the post of qādī al-<sup>c</sup>askar in rural Egypt are rare, but it did exist in rural Syria, being part of the revenue of the local governor.<sup>84</sup> He held both these posts after he left the chief judgeship of Cairo.<sup>85</sup> Here again a Ḥanafī held this post prior to the date which al-Maqrīzī has given for the installation of the first Ḥanafī qādī al-<sup>c</sup>askar. These examples point to at least some form of this office being in existence prior to 749.

Obviously this judgeship was more important towards the end of the Bahrī period than earlier, and three future Ḥanafī chief judges held it immediately prior to their assumption of the chief judgeship. For at least a brief time it seems to have competed with the post of nā'ib as the best office for a candidate for the Ḥanafī chief judgeship to hold.

The only Shāfi<sup>c</sup>ī to have held this post was Jamāl al-Dīn al-Zar<sup>c</sup>ī (in office 710-711). Although we do not know the date of his original appointment, he was holding this judgeship when he became chief judge, and continued to hold it during and after his term as chief judge,<sup>86</sup> relinquishing it only in 713 when he became chief judge of Damascus.<sup>87</sup> He lost this post in Damascus to Jalāl al-Dīn al-Qazwīnī,<sup>88</sup> and eventually returned to Egypt and the post of qādī al-<sup>c</sup>askar, which he held until his death.<sup>89</sup>

In general, there is thus no evidence that any training and experience an individual might have gained as qādī al-<sup>c</sup>askar

would help him advance to the chief judgeship, an office which drew candidates from elsewhere.

### Khatib

A few of the chief judges also held the post of khatib at some point in their careers, but this occurred only rarely in Cairo. The Hanaffi chief judge, Zayn al-Dīn al-Bisṭāmī (in office 742-748) was khatib at the mosque of Ibn Ṭūlūn at the time of his death in 771,<sup>90</sup> but we are ignorant of the date of his appointment. Similarly, Tāj al-Dīn Ibn Bint al-A<sup>c</sup>azz (in office 663-665) held the post of khatib somewhere at some time, but details are lacking.<sup>91</sup> One of his sons, Taqī al-Dīn (in office 685-686, 686-690, 693-695) was khatib at al-Azhar during first term as chief judge of Cairo, but lost it with his other posts in 690.<sup>92</sup>

Badr al-Dīn Ibn Jamā<sup>c</sup>a (in office 690-694, 702-710, 711-727) took over Taqī al-Dīn's post at al-Azhar when he himself became chief judge in 690.<sup>93</sup> During his second term (in 708) he was khatib of the mosque in the citadel, but lost it a year later, because, says al-Maqrīzī, the sultan had turned against him.<sup>94</sup> There is no indication that he regained this post after the beginning of his third term, but he was made khatib of al-jāmi<sup>c</sup> al-jadīd al-Nāsiri in 712.<sup>95</sup> During the periods when he was judge in Jerusalem and Damascus, he also held the post of khatib concurrently with the judgeship. In Damascus, the post of khatib was at the Umayyad mosque, and he added to it that of shaykh al-shuyūkh.<sup>96</sup> His son, Izz al-Dīn (in office 738-759; 759-766) had been assistant khatib to his father at al-jāmi<sup>c</sup>

al-jadid, and eventually gained that post for himself.<sup>97</sup>

Jalāl al-Dīn al-Qazwīnī al-Shāfi<sup>c</sup>ī (in office 727-738) held the post of khatīb at the Umayyad mosque when he was chief judge in Damascus, and even before.<sup>98</sup> When he came to Cairo in 726, he was given a share in the post of khatīb in the mosque in the citadel, and apparently held this post throughout his term as chief judge.<sup>99</sup>

The post of khatīb was undoubtedly a prestigious one, since it placed the individual who held it in the public view, and could easily work to his advantage in furthering or strengthening his career. However, there was no special relationship between the chief judgeship and the office of khatīb in any institution, even though some of those under study held the two posts simultaneously.

#### Miscellaneous Posts

There are a number of other posts which the chief judges held at some point in their careers. References to them are few and scattered, and indicate no special patterns. The Mālikī chief judge, Burhān al-Dīn al-Akhnā'ī was made muhtasib of al-Qāhira in 762,<sup>100</sup> but was forced to relinquish it, as well as the controllership of the hospital (nazar al-māristān),<sup>101</sup> when he became chief judge in 763.<sup>102</sup> His nephew, Bādr al-Dīn al-Akhnā'ī (in office 777-778, 779), had been appointed the muftī in the dār al-<sup>c</sup>adl in 772,<sup>103</sup> perhaps with his uncle's help.<sup>104</sup> According to Ibn Taghrī Birdī, the Ḥanafī Sirāj al-Dīn al-Hindī (in office 769-773) took the post of Ḥanafī muftī in the dār al-<sup>c</sup>adl, as well as the chief judgeship from

Jamāl al-Dīn Ibn al-Turkumānī (in office 750-769).<sup>105</sup> Finally, on a different note, Bahā' al-Dīn al-Subkī al-Shāfi<sup>c</sup>ī (in office 766-773) was made amīn al-hukm after he lost the chief judgeship. This post was concerned with accounting and investing the funds and endowments reserved for orphans.<sup>106</sup> The Mālikī Zayn al-Dīn Ibn Makhlūf had also held this post early in his career.<sup>107</sup> Tāj al-Dīn Ibn Bīn al-A<sup>c</sup>azz also held the post of nāzīr al-dawāwīn, which was the same as nāzīr al-dawla, at some point in his career. This officer was the wazīr's aide, and was even authorized to use his signature.<sup>108</sup>

Thus the chief judges served in a wide variety of posts during their careers, and often held such bureaucratic posts in conjunction with the chief judgeship. The more political posts such as wazīr or nāzīr al-dawāwīn generally fell only to the Shāfi<sup>c</sup>ī chief judges during the early Bahrī period, while posts relating to governmental or royal (sultānī) finances can be found scattered throughout the time period under study. Prominent judicial or religious posts, like qādī al-<sup>c</sup>askar or khatīb, were of little help, as a rule, for someone interested in acquiring a chief judgeship in Cairo. In short, aside from the office of deputy judge which we discussed in an earlier chapter, there is no significant relationship between any non-teaching post and the chief judgeship of Cairo.

## B. Teaching Posts

The information available on the teaching posts which the judges held is quite abundant. However, the aim of the historians and biographers does not seem to have been comprehensive, but rather to indicate the highlights of their teaching careers. Thus, we can never be sure that we know all the teaching posts which the judges held in their lifetimes, and it is impossible to know the order in which they held all their appointments, and, in most cases, their duration. Nevertheless, the considerable data which are available do allow us to gain some insight into their careers and perhaps discern some pattern in the system of appointments to the various colleges and mosques.<sup>109</sup> It seems that the chief judges were often in competition with other ʿulamâ for these teaching appointments and neither their personal status nor that of their high office was any guarantee of a teaching appointment.

### al-Ṣâlihiyya

The madrassa al-Ṣâlihiyya was the principal college in Egypt, especially during the early Bahrî period. It had been built by al-Malik al-Ṣâlih Najm al-Dîn Ayyûb, who had made the unique provision of establishing in it a chair of fiqh for each of the four madhâhib. When the four chief judgeships were established, it was apparently the four professors of fiqh at this madrassa who were selected to fill the newly created positions, in addition to their teaching duties. They lived in quarters at al-Ṣâlihiyya, and held court there as well. Their successors in the chief judgeship seem almost always to have held

the teaching posts there, but the information is often spotty.

The sources indicate that the Ḥanbalī chief judges managed to hold onto their teaching post more consistently than the judges of the other schools of law. After the Ḥanbalī judge, Shams al-Dīn Ibn al-<sup>c</sup>Imād, was put in jail in 670, his nā'ib, <sup>c</sup>Izz al-Dīn Ibn <sup>c</sup>Awad, took his place, unofficially, as chief judge, finally receiving formal appointment in 679.<sup>110</sup> He may have taken his teaching post as well, but some sources say that Ibn al-<sup>c</sup>Imād taught there until his death.<sup>110a</sup> In any case, it finally passed to the third Ḥanbalī chief judge, Sharaf al-Dīn al-Ḥarrānī, who took over in 696.<sup>111</sup> He probably held the post for life, and was followed in it by the next chief judge, Sa<sup>c</sup>d al-Dīn al-Ḥārithī (in office 709-711).<sup>112</sup> There is no indication that any of the three other Ḥanbalī chief judges of the Baḥrī period taught at al-Ṣālihiyya, but one of them, Muwaffaq al-Dīn al-Maḡdisī (in office 738-769), was living there, at least in 742,<sup>113</sup> and this probably means that he was teaching there also. On the other hand, we do not know of any other Ḥanbalī <sup>c</sup>ulamā' teaching there in that period, and it may very well be that the appointment to the teaching post there, and a residence in this madrasa as well, became such a normal procedure that mention of it was dropped from the sources.

References to the Mālikī professors there are almost non-existent. Sharaf al-Dīn al-Subkī (in office 663-669) was the first and only Mālikī I have found who held the post there.<sup>114</sup> Others may have followed him, but there is no information about them.

The first Ḥanafī chief judge, Ṣadr al-Dīn al-Adhra<sup>c</sup>f

(in office 663-677), evidently held the teaching post at al-Şâlihiyya throughout his term of office. There is no indication that his successor, Mu<sup>c</sup>izz al-Dîn al-Khaṭībī, taught there, although I suspect he did, because the next judge, Shams al-Dîn al-Sarūjī (in office 692-696), certainly did.<sup>115</sup> After Husâm al-Dîn al-Râzī (in office 696-698) came from Damascus to replace al-Sarūjī as chief judge and received his robe of honor, he went to al-Şâlihiyya and found al-Sarūjī still living there. Instead of evicting him, al-Râzī went to another madrasa to live and to hold his court.<sup>116</sup> When Shams al-Dîn Ibn al-Ḥarīrī (in office 710-717) came to Cairo from Damascus to be chief judge, he was assigned the teaching post at al-Şâlihiyya among others.<sup>117</sup> Al-Sarūjī, who had returned to office in 698, was not so lucky this time, and Ibn al-Ḥarīrī drove him out.<sup>118</sup> There is no further reference to Ḥanafīs teaching at al-Şâlihiyya after this, but we do know that Jamāl al-Dîn Ibn al-Turkumânī (in office 750-769) resided there from the time of his installation as chief judge until his death in 769; his family lived there with him. Ibn Taghrī Birdī says that his residence there was according to custom,<sup>119</sup> and we are probably safe to say that all the Ḥanafī judges lived there, even if we do not have verification of this fact for each and every one of them.

Tâj al-Dîn Ibn Bint al-A<sup>c</sup>azz passed the Shâfi<sup>c</sup>ī teaching post at al-Şâlihiyya to his son, and future judge, Şadr al-Dîn (in office 678-679) in 665, at his death, and Şadr al-Dîn continued teaching there until he died in 680.<sup>120</sup> It is interesting that he was able to keep this post even after he left the chief judgeship, and his is the only such case we have met.



His brother Taqī al-Dīn, probably took the post when he first assumed office as chief judge in 685, if not earlier, but this is difficult to prove. Badr al-Dīn Ibn Jamā<sup>c</sup>a was awarded the post when he became chief judge for the first time in 690,<sup>121</sup> but had to give it up when he left office in 694, but he regained it at the beginning of his third term in 711.<sup>122</sup> Jalāl al-Dīn al-Qazwīnī, Ibn Jamā<sup>c</sup>a's successor (in office 727-738), received this teaching appointment at the time he became chief judge and apparently held it throughout this term.<sup>123</sup>

After al-Qazwīnī there is no mention of any chief judge holding a teaching post in al-Ṣālihiyya. There are a number of possible explanations for this. One is that the teaching posts fell vacant, or were handled by mu<sup>c</sup>fidūn or the like due to a lack of funds. On the other hand, the sources might have lost interest in this madrasa, because it had lost status to another madrasa, and since they had never reported every teaching post which an individual held anyway, other madāris took al-Ṣālihiyya's place of prominence. It is more likely, however, that this teaching post became identified with the office of chief judge, since the judges' residences were there, and it was not necessary to report what was common knowledge: that the chief judge also held the teaching post of his madhhab at al-Ṣālihiyya. This seems the most likely explanation, since al-Ṣālihiyya was still flourishing throughout the eighth and ninth centuries. In 730 new endowments were established for the posts of khatīb and imām, and al-Maqrīzī considered it one of the wealthiest madāris of his day.<sup>124</sup>

# Al-Nâsirîyya bayn al-Qaṣrayn

This madrassa was completed by al-Malik al-Nâsir Muḥammad in the year 703, and all four schools of law were represented there. At the time of its foundation, three of the four chief judges, but not the Shâfi<sup>c</sup>î, took the respective posts for the teaching of fiqh, while Ṣadr al-Dîn Ibn al-Murâḥḥil,<sup>125</sup> a noted âlim, took the post which logically should have gone to the Shâfi<sup>c</sup>î chief judge, Badr al-Dîn Ibn Jamâ<sup>c</sup>a. The other three were Ibn Makhlûf for the Mâlikîs (he was supposed to have been the nâzir as well, and he organized the awqâf for the college's maintenance, as we have noted above; in office 658-718), Sharaf al-Dîn al-Ḥarrânî for the Ḥanbalîs (in office 696-709), and Shams al-Dîn al-Sarûjî for the Ḥanafîs (in office 692-696, 698-710).<sup>126</sup> There is no mention of which other Mâlikîs followed Ibn Makhlûf as the Mâlikî professor there, but we do know that the terms of the original charter established him and his descendants as the holders of both the controllership and the Mâlikî teaching post, and if the family died out, it was to pass to the Mâlikî chief judge.<sup>127</sup> He and his family lost the controllership, and may well have lost the teaching post after Ibn Makhlûf's death, but we do not know the names of the later Mâlikî teachers there. Sharaf al-Dîn al-Ḥarrânî's successor as Ḥanbalî qâdî al-quḍât, Sa<sup>c</sup>d al-Dîn al-Ḥârithî (in office 709-711), also taught at al-Nâsirîyya, probably by virtue of his appointment as chief judge,<sup>128</sup> but he is the last Ḥanbalî we know to have taught there. Al-Sarûjî's successor to the chief judgeship and the Ḥanafî chair of fiqh at al-Nâsirîyya was Shams al-Dîn Ibn al-Ḥarfî (in office 710-728).<sup>129</sup> He was appointed to

several teaching posts, including this one, at the time of his appointment to the chief judgeship. Here again he is the last of his madhhab whom we know to have held this post. Ibn Murāḥḥil's appointment to the Shāfi<sup>c</sup>ī teaching post can probably be explained by his high status as an <sup>c</sup>ālim; during his residency in Damascus he had had many debates with Ibn Taymiyya.<sup>131</sup> He died in 716,<sup>132</sup> but the only successor of his that we know is Jalāl al-Dīn al-Qazwīnī, the Shāfi<sup>c</sup>ī chief judge from 727 to 738, who received this post when he became chief judge, and probably held it throughout his term.<sup>133</sup> Since the first Shāfi<sup>c</sup>ī teacher there was not a chief judge, there is no reason to suppose that this teaching post necessarily followed the office of chief judge. This madrasa survived into the Burjī period, and al-Maqrīzī considered it an important one.<sup>134</sup> Finally, it may very well be that here again what we have said about the teaching posts at al-Ṣālihiyya probably going to all the chief judges by custom may also apply, and this is why information on the later teachers there is lacking.

#### Al-Nāṣiriyya bi-al-Qarāfa

This madrasa, located near the tomb of the Imām al-Shāfi<sup>c</sup>ī, was built by al-Nāṣir Ṣalāḥ al-Dīn Yūsuf ibn Ayyūb (Saladin; ruled 564-589) for the teaching of Shāfi<sup>c</sup>ī fiqh exclusively. From the end of the Ayyūbid period until 678, the professorship remained vacant, and teaching duties were carried out by mu<sup>c</sup>fidūn. In that year Taqī al-Dīn Ibn Razīn (in office 665-676, 676-678) was appointed professor of fiqh there; this was after his deposition from the chief judgeship. When he died in 680, the

job went to Ibn Daqīq al-<sup>c</sup>Īd, who would serve as chief judge from 695 to 702. He lost it in 682 to Burhān al-Dīn al-Sinjārī (in office 686), who apparently held the post until he died in 686.<sup>135</sup> Taqī al-Dīn Ibn Bint al-A<sup>c</sup>azz (in office 685-686, 686-90, 693-695) was the next teacher about whom we know, but he did not begin his duties there until 690, after his deposition from the judgeship. During the years 690 to 693 Taqī al-Dīn was constantly being harassed by the wazīr Ibn Sal<sup>c</sup>ūs, and it was only through the influence of the amīr Baydarā, whom Taqī al-Dīn had helped when the amīr was wazīr, that he was able to obtain this post.<sup>136</sup> For approximately the next sixty years the tenure of this post is vague. We know that Diyā' al-Dīn Muḥammad ibn Ibrāhīm al-Munāwī (d. 764) followed (Shams al-Dīn) Ibn al-Qummāh (d. 741).<sup>137</sup> At al-Munāwī's death, Shams al-Dīn Muḥammad Ibn al-Labbān was able to secure the post at this madrasa with the help of some umarā', including Jankalī Ibn al-Bābā.<sup>138</sup> There had been a struggle as to who would succeed Diyā' al-Dīn al-Munāwī, and the Shāfi'ī chief judge, <sup>c</sup>Izz al-Dīn Ibn Jamā'a, had worked to get his own deputy (and Diyā' al-Dīn's nephew), Tāj al-Dīn al-Munāwī, installed in the post. Ibn Jamā'a was briefly successful in this, but Ibn al-Labbān's powerful friends finally won him the post.<sup>139</sup> Bahā' al-Dīn Ahmad al-Subkī was appointed here at some point,<sup>140</sup> and in 763 the post went to his brother, Tāj al-Dīn <sup>c</sup>Abd al-Wahhāb, along with several other offices which his brother had held.<sup>141</sup> The teaching post at this madrasa continued to stay with the al-Subkī family, when another of its members, Bahā' al-Dīn

Muhammad al-Subkī (chief judge 766-773), took this post in 773, after his deposition from the chief judgeship.<sup>142</sup> In the middle of his term as chief judge, in 775, Burhān al-Dīn Ibn Jamā<sup>c</sup>a (in office 773-779) became professor of fiqh there when his predecessor, al-Subkī, went to Damascus.<sup>143</sup> In 779 Sirāj al-Dīn al-Bulqīnī received the teaching post there,<sup>144</sup> and held it until 781 when Burhān al-Dīn Ibn Jamā<sup>c</sup>a, who had now started serving his second term as chief judge (781-784) persuaded him to give it up in exchange for the controllership of two awqāf.<sup>145</sup> In short, this was a minor teaching post for most of the Bahrī period, rarely held by a chief judge in office. Most of the time it was held by people who had lost high offices, such as Taqī al-Dīn Ibn Bint al-A<sup>c</sup>azz and Ibn Razīn after they had been deposed from the chief judgeship, and Burhān al-Dīn al-Sinjārī, after he lost the wazirate. The frequent mention of this post in the late Bahrī period is probably due to the fact that it was held by so many members of the Subkī family. On the other hand, it may have become a more prestigious or lucrative post towards the end of the Bahrī period, when Burhān al-Dīn Ibn Jamā<sup>c</sup>a was willing to buy it from al-Bulqīnī, and Ibn al-Labbān and Tāj al-Dīn al-Munāwī competed for it.

#### The Mosque of Ibn Tūlūn

This mosque was one of the oldest in Cairo and was renovated in 697 during the sultanate of Lājīn. Provisions were made for the teaching of fiqh according to all four schools of law, as well as for professorships in Quran, hadīth, and medicine.

In the year 767 the amir Yalbughâ al-Khâssakî al-<sup>c</sup>Umarî established seven Hanafi teaching posts there, which, according to al-Maqrizî, induced many Shâfi<sup>c</sup>is to change madhhab.<sup>146</sup> Even before this, however, the Hanafis seemed to have had a special fondness for this institution, and most of the references to it among the individuals we are studying are to the Hanafi chief judges.

Shams al-Dîn al-Sarûjî (in office 692-696, 698-710) was the first of these Hanafis to hold a teaching post there, probably in fiqh. This was one of a number of teaching posts which he held during his career,<sup>147</sup> and although we do not know the exact dates he held it, we do know that he lost all his teaching posts when he was deposed from the chief judgeship in 710; he died the same year.<sup>148</sup> Zayn al-Dîn al-Bistâmî (in office 742-748) is the next chief judge to have held this post. He received the appointment as teacher of Hanafi fiqh there in 750, two years after his deposition from the chief judgeship, when Jamâl al-Dîn Ibn al-Turkumânî (in office 750-769), the current chief judge, assigned al-Bistâmî this post. Ibn al-Turkumânî may have been holding this post at the time he transferred it to al-Bistâmî, but the matter is not clear, although Ibn Hajar al-<sup>c</sup>Asqalânî praises Ibn al-Turkumânî, calling it a sign of Jamâl al-Dîn's nobility.<sup>149</sup> Sirâj al-Dîn al-Hindî (in office 769-773) succeeded al-Bistâmî in that post when the latter died in 771.<sup>150</sup> Although Jamâl al-Dîn Ibn al-Turkumânî may or may not have taught fiqh there, he certainly did teach tafsîr at the mosque, and perhaps he had found the two teaching posts burdensome,

and thus gave it to his predecessor.<sup>151</sup> Al-Hindī served for two years, and when he died in 773, he was followed by Shams al-Dīn Ibn Ṣāyigh, an <sup>c</sup>ālim of some repute.<sup>152</sup> Finally, Jār Allāh (in office 778-782) succeeded Ṣadr al-Dīn Ibn al-Turkumānī (in office 773-776) in a teaching post there when the latter died in 776.<sup>153</sup> Both Ibn Ṣāyigh and Ṣadr al-Dīn Ibn al-Turkumānī died in 776, thus vacating two chairs of fiqh. This was possible only because of the additional endowments for Ḥanafī teachers established by the amīr Yalbughā.

Sa<sup>c</sup>d al-Dīn al-Ḥārithī, the Ḥanbalī chief judge from 709 to 711, taught fiqh there.<sup>154</sup> Badr al-Dīn Ibn <sup>c</sup>Aqīl, chief Shāfi<sup>c</sup>ī judge for a few months in 759, taught tafsīr there for a good many years.<sup>154a</sup> As we can easily see, the teaching posts in this mosque, though apparently numerous, are not very well documented, even though it was obviously a favorite of the Ḥanafīs. About one-third of the Ḥanafī chief judges of the Bahrī period held a post there at some time during their careers, but, beyond this, there is no special relationship between the teaching posts here and the chief judgeship.

#### The College and Shrine (qubba) of al-Manṣūriyya

Both these structures were built by Sultan al-Malik al-Manṣūr Qalā'ūn, and were finished in 684. Fiqh according to the four madhāhib was taught in both places; hadīth and Quran were taught at the tomb. There was also a hospital and a free school for orphans (maktab al-sabīl) in this complex.<sup>155</sup> Jār Allāh (in office 778-782) became teacher of Ḥanafī fiqh in the madrasa, replacing Sirāj al-Dīn al-Hindī (in office

769-773), but this was almost five years before Jār Allāh (in office 778-782) was appointed to al-Manṣūriyya when he first came to Egypt from Syria.<sup>156</sup> Sharaf al-Dīn Ibn Manṣūr spent some time in Cairo prior to becoming chief judge in 777,<sup>157</sup> and maybe then he received the post at al-Manṣūriyya. This post does not seem to have been that of professor of fiqh, but rather some sort of lesser position concerned with verifying the recitation of the students in the subjects of fiqh and usūl al-fiqh.<sup>158</sup> The Ḥanbalī chief judge, Saʿd al-Dīn al-Ḥārithī (in office 709-711), held a post at al-Manṣūriyya at some point in his career.<sup>159</sup> Later, in 761, Muwaffaq al-Dīn al-Maqdisī (in office 738-769) assumed the teaching post there in the middle of his term as chief judge, after the death of Ṣadr al-Dīn Muḥammad Ibn ʿAwad, the son of the chief judge, Taqī al-Dīn Ibn ʿAwad (in office 712-738).<sup>160</sup> This may, however, refer to the post of professor of ḥadīth in the Qubba al-Manṣūriyya, which, according to another source, he also held at some time.<sup>161</sup> What is especially interesting about this appointment is that Ṣadr al-Dīn vacated two posts by his death, but only one of them went to the then Ḥanbalī chief judge; the other went to his son-in-law and successor, Naṣr Allāh (in office 769-795).<sup>162</sup> Most likely, Muwaffaq al-Dīn helped secure the job for his son-in-law. The only Mālikī chief judge to have taught there was Taqī al-Dīn Ibn Shās (in office 680-685), but it is not certain at what point in his career he held the post.<sup>163</sup>

#### Al-Shaykhūniyya

This complex of khānqāh and mosque was completed by the amīr



Shaykhû in 756, and all four schools of law were represented.<sup>164</sup> The Mâlikî chief judge, Nûr al-Dîn al-Sakhâwî (in office briefly in 756), was a protégé of this amîr, and he was appointed teacher of Mâlikî fiqh in this mosque in 753. (Obviously, classes started here before all construction had ceased.) Al-Sakhâwî was thus one of the original appointees.<sup>165</sup> Muwaffaq al-Dîn al-Maqdisî (in office 738-769) was the first Hanbalî professor of fiqh in the khânqâh.<sup>166</sup> His son-in-law and successor, Naṣr Allâh (in office 769-795) also taught in the Shaykhûniyya complex, probably succeeding his father-in-law.<sup>167</sup> The Shâfi'î post went to a junior member of the Subkî family, Bahâ' al-Dîn Aḥmâd, and the Ḥanafî post, combined with that of shaykh of the khânqâh, went to a non-judge, Akmal al-Dîn Muḥammad ibn Maḥmûd.<sup>168</sup> Clearly, the Ḥanafî madhhab was the favored one in this khânqâh, but the chief judges were not especially well represented in this complex. Neither had the judges been very well represented in al-Manṣûriyya, but there do not seem to be any particular reasons for this poor representation in either complex, and such evidence merely points up the fact that the chief judges, even in office, had to compete with other ulamâ' for teaching posts.

#### Al-Jamâliyya

This institution was a combination of a Ḥanafî madrasa and Sufî khânqâh, and was founded by the amîr 'Alâ' al-Dîn Mughlâtây al-Jamâlî in 730. The posts of teacher of Ḥanafî fiqh and shaykh of the khânqâh stayed in the family of Ibn al-Turkumânî. The first was 'Alâ' al-Dîn Ibn al-Turkumânî (in office 748-750), who passed it to his son Jamâl al-Dîn (in office

750-769), who passed it in turn to his son, Ṣadr al-Dīn (in office 773-776). It then went to one of their relatives (garībuhum), Ḥamīd al-Dīn, who eventually passed it to his own son.<sup>169</sup> Apparently 'Alā' al-Dīn Ibn al-Turkumānī was given this post before he became chief judge, since the madrassa was built almost twenty years before he became chief judge, but we do not know the exact date he took the post. We cannot be sure if it were the prestige of the office of chief judge or nepotism which allowed this post to be passed from father to son for several generations, but after a while this madrassa seems to have become the fief of the Ibn al-Turkumānī clan.

#### Other Teaching Posts

There are numerous other teaching posts which the chief judges in our study held, sometimes by virtue of the fact that they held this high office, and other times for no special reason that we know. In 703 the famous mosque of al-Ḥākim was renovated, and provisions made for the teaching of fiqh according to all four schools of law, as well as instruction in ḥadīth and Quran. The four chief judges of the time were appointed to the teaching posts in fiqh: Badr al-Dīn Ibn Jamā'a al-Shāfi'ī, Shams al-Dīn al-Sarūjī al-Ḥanafī, Zayn al-Dīn Ibn Makhlūf al-Mālikī, and Sharaf al-Dīn Ḥarrānī al-Ḥanbalī. Sa'd al-Dīn al-Ḥārithī was named professor of ḥadīth, and this may well have been the future Ḥanbalī judge (in office 709-711).<sup>170</sup> Shams al-Dīn Ibn al-Ḥarfī followed al-Sarūjī as teacher of Ḥanafī fiqh at the latter's death.<sup>171</sup>

On the other hand, when Sultan Baybars finished his Zāhiriyya

madrasa in 662, he only established professorships of fiqh there for the Shāfi<sup>c</sup>is and the Ḥanafīs. The future chief judge Ibn al-Razīn received an appointment there at the time of the college's founding.<sup>172</sup> The Shāfi<sup>c</sup> chief judge Bahā' al-Dīn Ibn Aqīl was the first to teach fiqh at the mosque in the citadel, but this was in 731, long before he became chief judge, and after the mosque itself had been completed.<sup>173</sup> He also taught at al-madrasa al-Quthbiyya, having been appointed there in 734, and was still teaching there in 745, when Khalīl ibn Ayybak al-Ṣafadī received an ijāza from him.<sup>174</sup> He also taught at al-Khashshabiyya, which was located in the mosque of Ibn Ṭūlūn; he had taken this post from ʿIzz al-Dīn Ibn Jamā<sup>c</sup>a and continued to hold it until his own death in 769.<sup>175</sup>

Shams al-Dīn al-Sarūjī al-Ḥanafī (in office 692-696, 698-710) taught at al-Suyūfiyya. It received its name from a nearby market, which existed at the time Ṣalāḥ al-Dīn Ibn Ayyūb (Saladin) established it as an exclusively Ḥanafī madrasa. We do not know the exact dates during which al-Sarūjī taught there, but he died there in 710.<sup>176</sup> Saladin established another madrasa called al-Qamhiyya, completed in 566, but devoted exclusively to the Mālikīs. Taqī al-Dīn Ibn Shās (in office 680-685), was appointed there near the end of his term of office in 684,<sup>177</sup> and ʿAlam al-Dīn al-Bisāṭī (in office 778-779, 779-783) also taught there for an unknown period of time, but he was teaching there at the time of his death, some three years after he lost the chief judgeship.<sup>178</sup> Similarly, Zayn al-Dīn al-Bistāmī (in office 742-748) taught Ḥanafī fiqh at al-Azhar at some point in his career.<sup>179</sup>

The mass of information which the literary sources provide on the teaching careers of the chief judges is impressive and almost overwhelming. Since the aim of the present study is to examine the careers of the chief judges, we could not ignore such teaching appointments, which, in many cases, judges held for long terms. However, there is little correlation between teaching careers and judicial careers. Unlike the Ottoman case where an aspirant to the chief judgeship had to have held a graded series of teaching appointments before he was even considered for the chief judgeship, there was no cursus honorum for a would-be chief judge of Cairo during the Mamlûk period. Once appointed to office, however, the chief judge seems to have always held a number of teaching posts. Often he would simply take over the post vacated by his predecessor, and, if a new madrasa were inaugurated during his tenure, for example, he would often, though not always, be awarded the professorship of fiqh in his madhhab there. I believe that the teaching posts at al-Şâlihiyya madrasa, where the chief judges normally held court, were usually reserved for the chief judges. However, the limits which I must place on even these generalizations point up the fact that in spite of their status as the leading judicial arbitrators in the capital, the chief judges had to compete with other <sup>c</sup>ulamâ for teaching appointments. All this may indicate that the chief judges did not really enjoy much prestige, and this is why they seem to have been treated pretty much like other <sup>c</sup>ulamâ when a teaching position fell vacant. Yet the judges did enjoy a certain status, at least, because of their roles as judicial arbitrators among the masses of the

people. A simpler explanation is probably called for; namely, that the <sup>c</sup>ulamâ' of Cairo did not form a stratified institution where teaching posts were strictly ranked. Although it is likely that certain teaching posts were more prestigious than others, we should not search too deeply for a structured religious institution where every teaching appointment carried some special significance. Rather, teaching, especially the teaching of fiqh, was an important part of a judge's career, both before and after he assumed the chief judgeship, but there is no evidence that the location of such appointments was critical.

#### The Qâdî as Shaykh

The term shaykh is, of course, a common term of respect in Arabic, but in the period under study one of its technical meanings was the individual who was in charge of a group of Sufis; in particular, the leader of a Sufi khânqâh. A number of the judges held such positions, and several of them also held the post of shaykh al-shuyûkh. This last title referred, at first, to the shaykh of the khânqâh Sa<sup>c</sup>îd al-Su<sup>c</sup>adâ', also known as al-Şalâhiyya, then later to the shaykh of the khânqâh at Siryâqûs built by al-Malik al-Nâsir Ibn Qalâ'ûn; eventually it lost its specific meaning, and simply became an honorific for the shaykh of any khânqâh.<sup>180</sup> According to al-Qalqashandî, the shaykh al-shuyûkh, in its strictest sense, also had a general jurisdiction over all the khawâniq and Sufis of Egypt.<sup>181</sup> This post, which then meant shaykh of Sa<sup>c</sup>îd al-Su<sup>c</sup>adâ' as well, was held by the Shâfi'î Tâj al-Dîn Ibn Bint al-A<sup>c</sup>azz (in office 663-665),<sup>182</sup> and later by his son, Taqî al-Dîn, who lost it along with his

other appointments in 690.<sup>183</sup> The Hanbalî chief judge, Shams al-Dîn Ibn al-<sup>C</sup>Imâd (in office 663-670), also held this post after Tâj al-Dîn Ibn Bint al-<sup>C</sup>Azz died in 665.<sup>184</sup> Much later in the Bahrf period the Hanafî Jâr Allâh (in office 778-782) was also shaykh of this khânqâh, but he was forced from office by its residents in 778, prior to his becoming chief judge.<sup>185</sup> He never returned to it, but did manage to have his nephew appointed instead.<sup>186</sup> By the time Jâr Allâh had become shaykh, this khânqâh had already fallen into second place behind the one at Siryâqûs, and its shaykh did not have the wide powers of an earlier day.

Other chief judges also became shuyûkh of khawâniq. We have noted above the domination of al-Jamâliyya complex by the Hanafî Ibn al-Turkumânî clan. Each of them combined the post of teacher in the madrassa and shaykh of the Sufis in its khânqâh.<sup>187</sup>

Before leaving the discussion of this title, there are two questions which must be answered, at least in part. First, what were the responsibilities of the shaykh of a khânqâh, and, secondly, were any of the chief judges Sufis? It is not possible to answer these questions in detail without a great deal of research on the institution of the khânqâh (and other Sufi institutions) in Egypt, as well as an in-depth study of Sufism in the Mamlûk Empire during the Bahrf period. This is obviously impossible within the limits of the present study, but we do have some answers. The shaykh may have been, but was not necessarily, the nâzir of the khânqâh. In the description of the khânqâh of Shaykhû it is explicitly stated that the duties of shaykh and nâzir al-awqâf would go to one man.<sup>188</sup> In the

earlier case of al-Jamâliyya, the nâzir is not even mentioned, and the shaykh may have assumed these duties as well. The data are insufficient for generalization, but in the case of the khângâh of Shaykhû, its founder was probably afraid that an amîr might be made nâzir, and the awqâf would be dissipated; in fact, Sultan al-Malik al-Nâsir Faraj did exactly that in the Burjî period.<sup>189</sup> Was the shaykh of a khângâh necessarily also a Sufi? Perhaps, but this aspect of the judges' interests is not well documented. Only Badr al-Dîn Ibn Jamâ'a was known to have been well versed in the ways of the Sufis,<sup>190</sup> but he was never the shaykh of a khângâh in Egypt, only in Syria, where the Sufis of a particular khângâh requested he be appointed their shaykh.<sup>191</sup> We must also remember that when Ibn Taymiyya's disciple, Ibn Murrâ, was arrested in Cairo for, among other things, criticizing Sufism, Ibn Jamâ'a was one of his adversaries; this may indicate some support for Sufism, but the matter is hardly decisive. If we interpret the post of shaykh of a khângâh or shaykh al-shuyûkh as basically an administrative one, to oversee awqâf and see that the Sufis were cared for, then it certainly was not necessary for the shaykh to be a Sufi, and this can be seen as just another administrative appointment. Since information on the judges as Sufis is virtually non-existent, we are led to assume that these posts were mainly administrative, and did not mean that their holders were Sufis.

Obviously the judges held quite a number of posts besides that of chief judge during their career. All of them held teaching posts, and most of them held other posts in the bureaucracy

and the judicial administration. We might have expected that a chief judge of Cairo would have been kept so busy by his official and ceremonial duties that he would not have had any spare time for teaching. Of course, we cannot know their schedule of lectures, and the judges may have lectured only rarely. However, there is evidence that they really did lecture, because when Sirâj al-Dîn al-Hindî arrived in Cairo in 743, he attended the lectures of the Hanafî chief judge, Zayn al-Dîn al-Bisṭāmî (in office 742-748) and later those of <sup>c</sup>Alâ' al-Dîn Ibn al-Turkumânî (in office 748-750).<sup>192</sup> Undoubtedly it was an honor to receive a teaching post in a madrasa, and it is logical to assume that students of fiqh would want to study with the highest ranking jurist in the capital.

Nevertheless, we must never forget that the chief judgeship and the teaching posts were paid positions. According to al-Maqrîzî, the salary of the chief judge was fifty dinars per month,<sup>193</sup> which, assuming an average ratio of twenty dirhems<sup>194</sup> to the dinar, was equal to 1,000 dirhems per month. The average monthly salary of a teacher of fiqh in a madrasa was ten dinars,<sup>195</sup> but many professors earned more. Burhân al-Dîn al-Sinjârî earned forty dinars a month when he was made mudarris at al-Nâṣiriyya bi-al-Qarâfa, although earlier the Shâf'îs Taqî al-Dîn Ibn Razîn and Ibn Daqîq al-<sup>c</sup>Îd had earned only one-half and one quarter of that amount respectively.<sup>196</sup> At al-Nâṣiriyya bayn al-Qaṣrayn the professors earned 200 dirhems (approximately ten dinars) per month,<sup>197</sup> as did the professors at al-Mansûriyya.<sup>198</sup> At the mosque of Ibn Ṭūlūn the professors received only 100 dirhems (i.e., approximately five dinars) for their teaching duties.<sup>199</sup>



In addition we have seen that many of the chief judges held the controllerships of awqâf, for which they also received a salary. For example, when Burhân al-Dîn al-Sinjârî was receiving forty dinars per month as teacher at al-Nâsiriyya bi-al-Qarâfa, but as the nâzir of the same institution he received only ten dinars plus a ration of bread and water.<sup>200</sup> Assuming the difference between the two salaries to be typical, the nâzir of such an institution was clearly a more poorly paid official. Of course, we know that the chief judges were the overseers of other awqâf and the executors of estates, for which services they must have received salaries. We have learned that the Shâfi<sup>c</sup>î chief judge was also the controller of a special fund for orphans, and the other judges probably had some similar fund, although perhaps not as large a one. The Mâlikî chief judge, Zayn al-Dîn Ibn Makhlûf had been an amîn al-hukm, an official who helped administer a mawda<sup>c</sup> al-hukm on behalf of orphans and others,<sup>201</sup> and the Hanbalî chief judge, Taqî al-Dîn Ibn <sup>c</sup>Awad was deposed, in part, because he mishandled the awqâf reserved for orphans and others.<sup>202</sup> Although two of the later Hanaffi chief judges worked unsuccessfully to have a permanent special fund for orphans like the Shâfi<sup>c</sup>î chief judge, it is reasonable to assume that they controlled some sort of awqâf for orphans, since the Hanbalî and Mâlikî chief judges evidently did.

Although we do not know the salaries which the chief judges received as controllers of such awqâf or funds, it is not the question of salaries which should concern us, but rather the problem of corruption. I would not say that all the chief judges were corrupt in their dealings with the awqâf, but there are

many hints as well as strong evidence in the sources that personal enrichment at the expense of the awqâf was a recurring problem. The Shâfi<sup>C</sup> chief judge, Jamâl al-Dîn al-Zar<sup>C</sup>î (in office 710-711), is pointedly lauded by Ibn Ḥajar al-<sup>C</sup>Asqalânî, who says that during his tenure the awqâf flourished, profits increased, and the profits were transferred to the proper beneficiaries of the awqâf.<sup>203</sup> The major cause for the deposition of three of the four chief judges in 738 was the mishandling of awqâf funds. Before the Shâfi<sup>C</sup> chief judge al-Qazwîni, who was deposed that year, could leave Cairo he had to pay back the sum of 230,000 dirhems (see next chapter for more details). Obviously the controllerships of awqâf which went along with the chief judgeship could prove to be extremely lucrative. Unfortunately, we do not know of all the awqâf which the qudât controlled; e.g., Ibn <sup>C</sup>Awad, the Ḥanbalî chief judge who was deposed in that year, was accused of selling the awqâf of orphans and others, but we have no details concerning these awqâf. Possibilities for such corruption probably help explain al-Sakhâwî's charge that Badr al-Dîn al-Subkî al-Shâfi<sup>C</sup> became chief judge through bribery.<sup>204</sup> It is highly unlikely that he would have spent money to become chief judge, unless he had hopes of acquiring even more money once he held that office. Of course, accepting bribes might have been another way in which a chief judge could enrich himself, but here the evidence is quite indirect; the Ḥanaffī Shams al-Dîn al-Sarûjî is praised for never having accepted a bribe.<sup>205</sup> If he were singled out for such praise, obviously other judges did accept bribes.

However, the weight of evidence points to corruption in

the administration of awqâf. In 713 the amîr Badr al-Dîn Ibn al-Wazîrî became nâ'ib in the dâr al-<sup>c</sup>adl and shâdd al-awqâf.<sup>206</sup> A petition reached the dâr al-<sup>c</sup>adl concerning some matter relating to awqâf and the amîr started demanding an accounting of the awqâf for the previous twenty years, as well as (an accounting of the) mawâdi<sup>c</sup> al-hukm. He was harsh on the awqâf secretaries, beating them because of the corruption of their accounts. The (chief) judges became very upset at this, and the Shâfi<sup>c</sup>î chief judge, Badr al-Dîn Ibn Jamâ<sup>c</sup>a, managed to get some influential people, such as the nâzir al-jaysh<sup>207</sup> and the kâtib al-sirr,<sup>208</sup> to join him to stop these inquiries. Finally, the sultan put an end to the investigation, saying that it was an insult to the judges and the people of knowledge. Not everyone was happy with the sultan's decision, but the investigation of the awqâf ceased.<sup>209</sup> Obviously, if the accounts had been in order, and there was no danger of high ranking officials, including the chief judges, being accused of corruption, Ibn Jamâ<sup>c</sup>a and the others would not have been so adamant in their opposition. It is interesting to note that a few years after this incident Ibn Jamâ<sup>c</sup>a stopped accepting a salary for his services as chief judge. He had become so wealthy that he no longer needed this salary.<sup>210</sup>

In short, we have seen that many of the chief judges were honest and righteous men who suffered chastisement and even loss of part or all of their jurisdiction out of defense for their beliefs. Yet many other chief judges took advantage of their high office and their controllership of awqâf for the sake of personal enrichment. It seems almost unbelievable that any awqâf survived the attacks from without by the Mamlûks

and the pilfering from within by the chief judges (and probably others). It may have been the case, sometimes, that the chief judges cooperated with the Mamlûks in the modification or annulment of certain awqâf so that they, the judges (or certain judges), could do as they pleased with other awqâf. However, there is no evidence of such coordinated plotting. Rather, the extent of the awqâf in the Mamlûk empire must have been so great that both Mamlûks and civilians could chip away at them for their own benefit, and still leave enough of these endowments untouched so that most of the personnel and institutions which benefited from the awqâf could still be supported. Although there is some evidence that the chief judges could increase their personal wealth by accepting bribes for favorable verdicts, the access to the wealth of the awqâf which the chief judgeship afforded was probably an even stronger incentive for many individuals to seek this office. Similarly, some men who had led pious and apparently frugal lives prior to becoming chief judge of Cairo, such as Jalâl al-Dîn al-Qazwînî, who had gone into debt as a result of his charity, seem to have been overwhelmed and easily led astray by the enormous possibilities and ease of corruption once in office. Numerous judges, and perhaps even a majority of them, did not indulge in corrupt practices, but there is no doubt that such illegal manipulations provided a considerable supplement to the salaries of many of the chief judges.

## Footnotes

1. See Rabie, Financial System, p. 139 and references there.
2. Manhal MS, fols. 299b-300a.
3. Ibn Kathîr, XIII, 250.
4. Al-Asnawî, I, 148.
5. Raf<sup>c</sup>, II, 337.
6. As quoted in Popper, Notes, I, 96.
7. Sulûk, I, 773.
8. Ibid., p. 741.
9. Perhaps this should read Diyâ' al-Dîn Abû Bakr ibn <sup>c</sup>Abd Allâh al-Nashshâ'f (Durar, I, 474-75).
10. Sulûk, I, 742.
11. For details, see chapter VI.
12. Rabie, Financial System, p. 140.
13. Al-<sup>c</sup>Aynî, Ahmet III 2912/4, fol. 321b. See also al-Nuwayrî, Leiden Or. 20, fols. 103a-b.
14. Rabie, Financial System, p. 143.
15. Ibid., p. 144.
16. Ibid., p. 147.
17. Al-qalqashandî, Subh, IV, 31, which is on the authority of Masâlik al-absâr by Ibn Fadl Allâh al-<sup>c</sup>Umarî (d. 748).
18. La Syrie, p. LXXI.
19. Al-<sup>c</sup>Aynî, Ahmet III 2912/4, fol. 273b; Wâfî, Aya Sofya MS, XIX, 35a-b.
20. Sulûk, II, 169. Al-Ṣafadî (A'yân, fol. 46b) calls him nâzîr al-khizâna al-kubrâ.
21. See note 9. This time it is definitely Abû Bakr ibn <sup>c</sup>Abd Allâh.
22. Sulûk, II, 142; this is Muḥammad ibn <sup>c</sup>Abd Al-Majfîd. (Durar, IV, 145).
23. Al-Nuwayrî, Bibliothèque Nationale 1579, fol. 87a.

24. La Syrie, p. LXXIV.
25. Sulûk, I, 1040. This is actually a section from al-Nuwayrî, which the editor of Sulûk has appended to al-Maqrizî's chronicle.
26. Sulûk, I, 742.
27. Wâfî, Ahmet III 2920/18, fol. 64b.
28. Raf<sup>C</sup>, II, 365; Ibn Rajab, II, 358.
29. A'yân, fol. 46b.
30. Sulûk, I, 687.
31. Quatremère, Histoire, I, a, 22.
32. Sulûk, I, 773.
33. Sulûk, II, 885.
34. Sulûk, III, 19.
35. Sulûk, III, 74.
36. Sulûk, III, 73.
37. Raf<sup>C</sup>, II, 384; Sulûk, III, 191.
38. See above notes 33, 34, and 35.
39. Raf<sup>C</sup> MS, fol. 126a.
40. Durar, V, 12.
41. Al-Asnawî, I, 389.
42. Sulûk, II, 340; La Syrie, LXXVII.
43. In 737 he succeeded Najm al-Dîn al-As<sup>C</sup>ardî as wakîl bayt al-mâl (Sulûk, II, 424). Al-As<sup>C</sup>ardî had taken over the post in 734 from a third party, whose date of appointment is unknown (Sulûk, II, 375).
44. Sulûk, II, 337.
45. Cf. the comments on Ibn Jamâ<sup>C</sup>a by the sultan when he appointed him (Sulûk, II, 242).
46. Sulûk, I, 1534. See chapter I, p. 27.
47. See chapter I, p. 28.
48. La Syrie, pp. LVII-LVIII; Popper, Notes, I, 92.

49. Khitat, II, 269.

50. Sulūk, I, 828, 889, 929; Ibn Kathīr, XIV, 21, 27.

51. Khitat, II, 269.

52. This chronology is based on Khitat, II, 269, but there seems to be something wrong with it. Karīm al-Dīn al-Kabīr was apparently made nāzīr in 721, but fell from favor, was jailed in 723, and was soon afterwards sent into exile (Durar, I, 430-31). Al-Maqrīzī (Sulūk, II, 337) says that <sup>C</sup>Izz al-Dīn became nāzīr in 731, long after Karīm al-Dīn's departure. I think that it was not <sup>C</sup>Izz al-Dīn who became nāzīr after the death of the amīr, but rather Badr al-Dīn, and it was he who lost the post to Karīm al-Dīn. Badr al-Dīn was chief judge from 711 to 727. His son, <sup>C</sup>Izz al-Dīn, became a teacher in the Mosque of Ibn Ṭūlūn in 719, but he was only twenty-three years old at the time. This still leaves a gap between Karīm al-Dīn's departure in 723 and <sup>C</sup>Izz al-Dīn's alleged assumption of the post in 731. Perhaps his father transferred the controllership to him at that date. In any case, this is the best hypothesis I can produce in light of the sketchy evidence.

53. Khitat, II, 269.

54. Durar, II, 305-306.

55. Khitat, II, 269.

56. Sulūk, II, 99.

57. Khitat, II, 269.

58. It was also known as al-Nāṣiriyya and al-Sharīfiyya (Khitat, II, 363-64). In the index and notes to Sulūk, the editor has mentioned these various names, but he has made some mistakes. He has classified al-madrasa al-Nāṣiriyya (Ṣalāh al-Dīn) bi-jiwār qabr al-imām al-Shāfiʿī, madrasa Zayn al-Tujjār, and madrasa al-Shāfiʿiyya as one and the same institution.

There were several madāris known as al-Nāṣiriyya, and he has confused them. The madrasa known as Zayn al-Tujjār was also known as al-Nāṣiriyya and al-Sharīfiyya, but it was not located in the neighborhood of the tomb of al-Shāfiʿī, but rather near al-jāmiʿ al-<sup>C</sup>atīq or the Mosque of <sup>C</sup>Amr ibn al-<sup>C</sup>Ās as Khitat clearly states. The madrasa al-Nāṣiriyya located near the tomb of al-Shāfiʿī is listed separately in Khitat as al-madrasa al-Nāṣiriyya bi-al-Qarāfa, and is described as "bi-jiwār qubbat al-imām ... al-Shāfiʿī" (Khitat, II, 400-401). It is not referred to as al-Shāfiʿiyya here, but I am sure that the two were identical. Al-Jazarī's description of al-Shāfiʿiyya in al-Qarāfa, the salaries, and persons who taught there is identical to Khitat's description of al-Nāṣiriyya near the tomb of al-Shāfiʿī (Haarmann, Quellenstudien, Arabic text, p. 20).

59. Raf<sup>C</sup>, II, 376.

60. The version in Raf<sup>c</sup> al-isr is wrong; it says 681, and the salaries are reversed (Raf<sup>c</sup>, II, 222). See also Ibn al-Furât, Târikh, VII, 272; Khitat, II, 401; Haarmann, Quellenstudien, Arabic text, p. 20.

61. Ibn al-Furât, Târikh, VII, 208.

62. Sulûk, I, 773.

63. Ibid., p. 687; Ibn al-Furât, loc. cit.

64. Khitat, I, 427-30.

65. Ibn al-Furât, loc. cit. On the ustâdâr, see Popper, Notes, I, 93.

66. Sulûk, I, 955.

67. Ibid., p. 1041.

68. Khitat, II, 325.

69. Sulûk, II, 624. For his original appointment, see Sulûk, II, 337. A brief biography of this amîr is to be found in Durar, II, 376.

70. Sulûk, II, 766.

71. See chapter I, p. 24.

72. Al-<sup>c</sup>Aynî, Ahmet III 2911/c34, fol. 65b; Durar, II, 404.

73. Sulûk, I, 773.

74. Ibid., II, 393.

74a. La Syrie, p. LXVII; Popper, Notes, I, 100.

75. Inbâ' al-ghumr, I, 30; See also Sulûk, III, 33.

76. Sulûk, III, 158.

77. Manhal MS, fol. 695b.

78. Inbâ' al-ghumr, I, 152-53.

79. Al-Lakhnawî, al-Fawâ'id, pp. 80-81.

80. Wâfî, Bibliothèque Nationale 2065, fol. 67b; al-Nu<sup>c</sup>aymî, Dâris, I, 532. Al-Lakhnawî (loc. cit.) quotes al-Şafadî on this point, but apparently summarizes, rather than quotes verbatim.

81. See chapter II, note 49.



82. Ibn Abi al-Wafâ, al-Jawâhir, II, 201.
83. Wâfi, British Museum MS Add. 23359, fol. 147b.
84. La Syrie, pp. 161-62, 209, 224, 231.
85. Wâfi, British Museum MS Add. 23359, fol. 147b.
86. A<sup>c</sup>yân, fol. 201b; Manhal MS, fol. 336a.
87. Durar, II, 256.
88. Ibid.
89. Ibn Taghrî Birdî, al-Nujûm al-zâhira, IX, 304.
90. Durar, III, 245.
91. Al-Asnawî, I, 148.
92. Sulûk, I, 773.
93. Raf<sup>c</sup> MS, fol. 104a.
94. Sulûk, II, 43, 83.
95. Sulûk, II, 114.
96. Al-Asnawî, I, 386-87; Durar, III, 367-68.
97. Al-Asnawî, I, 389; Durar, II, 489.
98. Ibn Kathîr, XIV, 185.
99. Sulûk, II, 283.
100. Sulûk, III, 60; La Syrie, pp. LXXVII-LXXVIII; Popper, Notes, I, 101.
101. La Syrie, p. LXXX; Popper, Notes, I, 101.
102. Sulûk, III, 73.
103. There were four muftûn there, and they sat a rank below the qudât al-askar; La Syrie, p. LXXVII; Popper, Notes, I, 101.
104. Sulûk, III, 191.
105. Manhal MS, fol. 542b.
106. Inbâ' al-ghumr, I, 11.
107. Raf<sup>c</sup>, II, 405; Durar, III, 202; al-Nuwayrî, Bibliothèque Nationale 1579, fol. 80b.

108. Ibn Kathîr, XIII, 249; La Syrie, pp. LXXII, LXVIII.
109. Here again I am concentrating on the teaching appointments in Cairo, not elsewhere in the Mamlûk empire.
110. Sulûk, I, 657.
- 110a. Ibn Kathîr, XIII, 277; al-Yûnîni, III, 280.
111. Raf<sup>C</sup>, II, 365.
112. A<sup>C</sup>yân, fol. 589a.
113. Sulûk, II, 591.
114. Al-Yûnîni, II, 461.
115. A<sup>C</sup>yân, fol. 21b; Durar, I, 96.
116. Ibn Tûlûn, Qudât, p. 191.
117. A<sup>C</sup>yân, fol. 484a; Durar, IV, 158; al-<sup>C</sup>Aynî, Ahmet III 2912/4, fol. 275b; Ibn Kathîr, XIV, 58.
118. Raf<sup>S</sup>, I, 51.
119. Manhal MS, fol. 422b; See also Sulûk, II, 797, and Raf<sup>C</sup>, II, 286.
120. Shadharât, V, 367; al-Yûnîni, II, 362; al-Asnawî, I, 150; al-Nuwayrî, Bibliothèque Nationale 1578, fol. 36a.
121. Raf<sup>C</sup> MS, fol. 104a.
122. Sulûk, I, 771; Durar, III, 368.
123. Al-Nuwayrî, Leiden or. 19b, fol. 121b; Sulûk, II, 283.
124. Khitat, II, 382.
125. Muḥammad ibn <sup>C</sup>Umar (Durar, IV, 234-41).
126. Khitat, II, 382.
127. Sulûk, I, 1041. This is an edition of part of al-Nuwayrî.
128. A<sup>C</sup>yân, fol. 589a; Raf<sup>C</sup> MS, fol. 133a.
129. Durar, IV, 158; Ibn Kathîr, XIV, 58; al-<sup>C</sup>Aynî, Ahmet III 2912/4, fol. 275b.
130. A<sup>C</sup>yân, fol. 484a.
131. Durar, II, 234.
132. Ibid., p. 241.

133. Sulûk, II, 283; al-Nuwayrî, Leiden Or. 19b, fol. 121b.
134. Khitat, II, 382.
135. Ibid., pp. 400-401; Ibn al-Furât, Târikh, VII, 272.  
See also note 58 above.
136. Sulûk, I, 773.
137. Durar, III, 372. Shams al-Dîn's biography can be found in Durar, III, 391.
138. Sulûk, II, 691.
139. Durar, III, 470.
140. Sulûk, III, 74-75.
141. Ibid.
142. Ibid., p. 199.
143. Ibid., p. 223.
144. Ibid., p. 320.
145. Inbâ' al-ghumr, I, 297.
146. Khitat, II, 268-69.
147. A<sup>c</sup> yân, fol. 21b.
148. Raf<sup>c</sup>, I, 51.
149. Raf<sup>c</sup>, II, 286.
150. Inbâ' al-ghumr, I, 30.
151. Durar, II, 381.
152. Sulûk, III, 198; a biography of Shams al-Dîn is to be found in Durar, IV, 119-20.
153. Inbâ' al-ghumr, II, 38.
154. Al-<sup>c</sup> Aynî, Ahmet III 2912/4, fol. 295a.
- 154a. Durar, II, 373.
155. Khitat, II, 379-80; Sulûk, I, 997-1001.
156. Sulûk, III, 198-99.
157. Raf<sup>c</sup>, I, 89.

158. Raf<sup>c</sup>, I, 90-91.
159. Ibn Rajab, Dhayl, II, 363.
160. Sulûk, III, 56.
161. Durar, II, 404.
162. Sufûk, III, 56.
163. Raf<sup>c</sup>, I, 205.
164. Khitat, II, 313-14.
165. Sulûk, II, 864.
166. Khitat, II, 421.
167. Shadharât, VI, 343.
168. Khitat, II, 421.
169. Ibid., p. 392.
170. Ibid., p. 278. Al-<sup>c</sup>Aynî (Ahmet III 2912/4, fol. 295a) says that al-Ḥarrânî was shaykh of the dâr al-ḥadîth at this mosque. Al-Nuwayrî (Leiden gr. 20, fol. 15b) calls him Ibn Mas<sup>c</sup>ûd, but his own ism was Mas<sup>c</sup>ûd; see Durar, V, 116.
171. Ibn Kathîr, XIV, 58; al-<sup>c</sup>Aynî, Ahmet III 2912/4, fol. 275b.
172. Al-Yûnînî, I, 551.
173. Wâfî MS, Sulaymâniyya, XVII, 38b. It was completed by al-Malik al-Nâsir Muhammad in 718 (Khitat, II, 325).
174. Wâfî MS, Sulaymâniyya, XVII, 39b.
175. Durar, II, 373.
176. Manhal, I, 191; Khitat, II, 365-66.
177. Raf<sup>c</sup>, I, 205.
178. Sulûk, III, 513.
179. Durar, III, 245.
180. Khitat, II, 415; La Syrie, p. LXXIX. See also Sulûk, III, 273-74 for an example of how this title was used in the later Bahrî period.
181. Al-Qalqashandî, Subh, IV, 193; La Syrie, p. 163.

182. Al-Asnawī, I, 148; Khitat, II, 415.
183. Raf<sup>c</sup>, II, 328; Sulūk, I, 773.
184. Al-Nuwayrī, Bibliothèque Nationale 1578, fol. 36a.
185. Inbā' al-ghumr, I, 191.
186. Ibid., p. 269.
187. Khitat, II, 392.
188. Ibid., p. 421.
189. Ibid.
190. Durar, III, 369.
191. Ibn Kathīr, XIV, 14.
192. Inbā' al-ghumr, I, 29.
193. Khitat, II, 224.
194. Popper, Notes, II, 52; E. Ashtor, Histoire des prix et des salaires dans l'orient medieval (Paris, 1969), p. 275.
195. Ashtor, Histoire, p. 377.
196. Khitat, II, 400-401; the rate of exchange at that time was thirteen and one-third dirhems to the dinar.
197. Sulūk, I, 1049.
198. Ibid., p. 1001.
199. Al-Nuwayrī, Leiden Or. 20, fol. 15b.
200. Khitat, II, 400.
201. See al-Nuwayrī, Bibliothèque Nationale 1579, fol. 86b.
202. Al-<sup>c</sup>Aynī, Ahmet III 2911/c34, fol. 65b.
203. Raf<sup>c</sup>, II, 250.
204. Al-Sakhāwī, al-Daw', IX, 89.
205. Durar, I, 97.
206. See Rabie, Financial System, pp. 150 ff.
207. La Syrie, p. LXII; Popper, Notes, I, 97.
208. Popper, loc. cit.; La Syrie, p. LXIX.

209. Sulûk, II, 126.

210. Durar, III, 368; Sulûk, II, 181.

225.

## Chapter VI

### The Judge Out of Office

The chief judgeship was the highest religious office to which an <sup>c</sup>âlim could aspire. Thus it often involved a lifetime of effort to reach this post. It will not be surprising, therefore, to find that most of the judges we have been studying died while in office. In addition, corruption and political machinations played a part in bringing a judge's term of office to an end.

#### Ḥanbalīs

The Ḥanbalī madhhab has been described as the most stable of the four in Egypt, because its chief judges, on the average, managed to stay in office longer than their contemporaries. The fact that there are fewer of them to discuss is a possible indicator of the lack of competitiveness for this office. This supposition is buttressed by the sparsity of evidence of their political involvement, unlike, for example, the Shāfi'īs. These generalizations hold true under closer scrutiny. Five of the seven Ḥanbalī judges died in office, and the last three were in office for more than twenty-five years each: Taqī al-Dīn Ibn <sup>c</sup>Awaq (in office 712-738) and Naṣr Allāh (in office 769-795), both for twenty-six years, while Muwaffaq al-Dīn al-Maqdisī (in office 738-769) held the record with thirty-one years as chief judge.<sup>1</sup> There is a direct correlation here between the lengths of their terms in office and their personal longevity. Taqī al-Dīn Ibn <sup>c</sup>Awaq died at the age of

seventy-six and the other two at the age of seventy-eight. By the same token, the judge with the shortest term, Sa<sup>c</sup>d al-Dīn al-Ḥārithī (in office 709-711) died the youngest at the age of fifty-nine. Sharaf al-Dīn al-Ḥarrānī (in office 696-709) is a sort of intermediate case; he died at the age of sixty-three after thirteen years in office. His predecessor, 'Izz al-Dīn Ibn <sup>c</sup>Awad (in office 679-696), presents a problem for the statistician. Although his death at the age of eighty-six and his formal term of office of seventeen years would lead us to classify him as a case similar to that of al-Ḥarrānī, we must not forget that he was de facto chief judge after Shams al-Dīn Ibn al-<sup>c</sup>Imād's deposition in 670, which would make his full term twenty-five years. Thus, four of the seven Ḥanbalī judges did manage to hold office for twenty-five years or more.

The case of the first Ḥanbalī qādī al-quḍāt is the most interesting case of all. Shams al-Dīn Ibn al-<sup>c</sup>Imād was deposed from office in 670 after only seven years in office and jailed for mishandling funds. The scandal arose strictly out of a personal grievance. During the first years after the establishment of the four chief judgeships, each of the judges was allowed to appoint deputies in the provinces of Egypt. One such deputy, in the town of Maḥalla,<sup>2</sup> was Najm al-Dīn Ahmad ibn Ḥamdān,<sup>3</sup> the brother of the poet Taqī al-Dīn Shabīb ibn Ḥamdān.<sup>4</sup> When the chief judge Ibn al-<sup>c</sup>Imād dismissed his brother from his post, Shabīb became angry and wrote a letter to the sultan claiming that the judge had deposits of



money (wadâ'i<sup>c</sup>) in his possession belonging to merchants from Baghdad, Harrân and Damascus who had died.<sup>5</sup> The sultan summoned the judge and asked him about this, but he denied it; so the sultan had his house searched and found most of what Shabîb had claimed would be there. Some of the funds belonged to people who had died and left heirs, while others to people who were still alive.<sup>6</sup> The sultan levied the zakât for several years on what was found, and returned the deposits to those who were still living. He then ordered the judge jailed and his house confiscated.<sup>7</sup>

Shabîb was apparently not satisfied with this punishment and tried to have Ibn al-<sup>c</sup>Imâd punished more severely, perhaps, even executed. Later the same year the sultan was in Syria, and Shabîb brought official charges against Ibn al-<sup>c</sup>Imâd that he was the member of some heretical sect and that he had slandered the sultan.<sup>8</sup> This matter came before the nâ'ib al-sultân, who ordered the convocation of an assembly to settle the matter. However, some of the witnesses withdrew their testimony, and the nâ'ib soon learned that Shabîb was prejudiced against Ibn al-<sup>c</sup>Imâd. He became very angry at that, jailed Shabîb and confiscated his property. Ibn al-<sup>c</sup>Imâd was no better off; he was returned to jail in the citadel, where he remained for two years.<sup>9</sup> After his release from prison, he stayed at his home in al-Şâlihiyya madrasa teaching until he died.

The sultan's judgement against him had been personal and severe. No majlis of <sup>c</sup>ulamâ' was convened, apparently because

it was a matter of financial and not religious misconduct. The severity of the punishment is difficult to explain, and it was certainly the most severe punishment any judge suffered at the hands of any sultan in the Bahri period. The sultan had taken his side in earlier plots against him, but perhaps his lying had made the sultan extremely angry.

In the year 738 three of the four chief judges were deposed, almost at the same time. One of these was <sup>c</sup>Izz al-Dīn Ibn <sup>c</sup>Awad. The amīr Jankalī Ibn al-Bābā, who was a Ḥanbalī himself, denounced Ibn <sup>c</sup>Awad and the Shāfi<sup>c</sup>ī chief judge, al-Qazwīnī, and especially their children, for bribery and corruption in the selling of awqāf.<sup>11</sup> The sultan summoned <sup>c</sup>Izz al-Dīn and asked him about the money from the sale of awqāf which had belonged to orphans<sup>12</sup> and others.<sup>13</sup> The judge gave some excuses and the sultan ordered that he be beaten until he produced the money. Ibn <sup>c</sup>Awad also lost whatever teaching posts he held at this time, and may have suffered a brief imprisonment, but the matter is not certain. He died very soon after his deposition.<sup>14</sup>

In conclusion, the Ḥanbalī chief judges were generally a sober and upright group. Although two of the seven were brought down by scandal, the rest enjoyed very long terms in office, and the political in-fighting, which was part of the struggle to secure the favor of umarā' and sultans, does not seem to have touched them.

#### Mālikīs

All but two of the eleven Mālikī chief judges of the

Bahrî period died in office, generally at an advanced age. Yet they cannot be categorized and described as simply as the Ḥanbalîs. In order to discuss them more easily, I have divided the Mâlikî chief judges into four groups.

The first group consists of the first three Mâlikî judges. All of them died in office, at a reasonably advanced age and after having served as judge for a respectable length of time. Unlike the Ḥanbalîs, there is no correlation with this group between the age at the time of death and the length of their terms. In fact, Nafîs al-Dîn Ibn Shukr who served the longest of the three, died at the earliest age. Ibn Shukr was dismissed with two of the other chief judges in 678, but he was returned to office the next year, when Qalâ'ûn became sultan. There is no evidence that anyone else was appointed during that interval.<sup>15</sup>

The second group consists of only two individuals, <sup>c</sup>Alî Ibn Makhlûf and Taqî al-Dîn al-Akhnâ'î, who are noteworthy not only for their personal longevity, eighty-five and ninety years respectively, but also for the length of their service as judges, thirty-three and thirty-two years respectively. Both men died in office.

Ibn Makhlûf was deposed from office briefly in 711, but the circumstances surrounding this deposition are not perfectly clear. Ibn Ḥajar says that it happened because Ibn Makhlûf hesitated to certify a letter or deed (maktûb) at the sultan's request,<sup>16</sup> whereas al-<sup>c</sup>Aynî says that the judge refused to allow the sultan to tear down some building.<sup>17</sup>

The account in al-Nuwayrî is even less clear, but the point is that the judge would not reverse a decision he had made, in spite of the sultan's protests, and he was deposed.<sup>18</sup> According to al-Nuwayrî, no one replaced Ibn Makhlûf.<sup>19</sup> In another version, we are told that the sultan ordered the Shâfi'î qâdî al-quḍât Badr al-Dîn Ibn Jamâ'a to find a Mâlikî judge and make him his nâ'ib, thus abolishing the Mâlikî chief judgeship. He chose Badr al-Dîn Muhammad Ibn Rashîq, who had been judge in Alexandria from 692 to 708, but this did not last more than a few days, and Ibn Makhlûf was returned to office.<sup>20</sup> In Raf' al-isr Ibn Hajar claims that Ibn Makhlûf was also deposed the previous year for support of Baybars II.<sup>21</sup> I have found no other evidence that Ibn Makhlûf was deposed at that time, and even in his other work, al-Durar al-kâmina, Ibn Hajar only mentions the deposition of 711.<sup>22</sup> Therefore, I have ignored the allegation in Raf' al-isr.

Taqî al-Dîn al-Akhnâ'î enjoyed a less dramatic tenure, and finally died in the plague of 750. It should also be noted that he was the only chief judge who survived the purge of 738, when the other three judges were deposed because of corruption.

The next three judges, Tâj al-Dîn al-Akhnâ'î, Nûr al-Dîn al-Sakhâwî, and Burhân al-Dîn al-Akhnâ'î, form the third group. These two members of the al-Akhnâ'î family were brothers and both served for almost the same length of time, Tâj al-Dîn for thirteen years from 750 to 763, except for a few months in 756, and Burhân al-Dîn for fourteen years from

763-777. We do not know their ages at the time of their deaths, but both died in office. Nûr al-Dîn al-Sakhâwî served for only a few months, and died at the age of eighty, at which time Tâj al-Dîn al-Akhnâ'î, who had been transferred to the post of nâzir khizânat al-khâss, when al-Sakhâwî was appointed, returned to the chief judgeship.<sup>23</sup>

The fourth and last group consists of the three remaining Mâlikî judges, all of whom had short and stormy careers. The first of these judges was Badr al-Dîn <sup>C</sup>Abd al-Wahhâb al-Akhnâ'î, who served from 777 to 778, and for a few months in 779. He was the nephew of both Tâj al-Dîn and Burhân al-Dîn al-Akhnâ'î, and the last and weakest of this extended family to hold office.<sup>24</sup> He was on the pilgrimage with al-Ashraf Sha<sup>C</sup>bân, when this sultan was murdered at <sup>C</sup>Aqaba, but unlike the Shâfi<sup>C</sup>î qâdî al-quḍât, Burhân al-Dîn Ibn Jamâ<sup>C</sup>a, and the Ḥanbalî judge, Sharaf al-Dîn Ibn Mansûr, both of whom retreated to Jerusalem until the ensuing power struggle was resolved, al-Akhnâ'î sided with the amîr Ṭashtamur.<sup>25</sup> Unfortunately, this was not the winning side, and he was forced from office the same year. He managed to regain the office for a few months the next year (779), but this came to nothing, and he died in 784 at the age of sixty-four without ever regaining a major post.<sup>26</sup> His successor, <sup>C</sup>Alam al-Dîn al-Bisâtî, would remain in office for about seven years, losing his post only for those few months in 779. Al-Bisâtî was finally deposed because of an argument he had with Burhân al-Dîn Ibn Jamâ<sup>C</sup>a, who was then Shâfi<sup>C</sup>î chief judge.

The circumstances of this dispute are not clear. One version is that some clerks presented a will (wasīyya) to al-Bisâtî, and he approved it before Ibn Jamâ<sup>c</sup>a had seen it. The latter was angry at al-Bisâtî's arrogance and worked to have him deposed.<sup>27</sup> Another story is that an argument arose between them during a majlis which was convoked to discuss a waqf. In any case the sultan sided with Ibn Jamâ<sup>c</sup>a, deposed al-Bisâtî, and allowed Ibn Jamâ<sup>c</sup>a to choose the new Mâlikî chief judge.<sup>28</sup> He chose Ibn Khayr al-Anṣārî, whose three year term ended with his deposition in 786. Al-Maqrîzî says that he was deposed because he would not judge a case that he considered outside the knowledge of Mâlikî fuqahâ.<sup>29</sup>

The most striking feature of the Mâlikî chief judges as we are studying them in this chapter is that they suffered so many depositions from office. This is in sharp contrast to the Ḥanbalîs whose judges usually enjoyed long terms of office and, despite two noteworthy scandals, provided stable regimes. The Mâlikî chief judgeships were more hectic and the Mâlikîs were clearly more politically ambitious. Badr, al-Dîn al-Akhnâ'î lost the chief judgeship because he backed the wrong side in the struggle for the sultanate following the murder of al-Ashraf Sha<sup>c</sup>bân. We have seen in the earlier chapter on appointments how al-Bisâtî became chief judge through the influence of an amîr and perhaps he thought that this backing would allow to challenge the Shâfi<sup>c</sup>î chief judge. His miscalculation led to his dismissal. Ambition may also have played a large part in persuading members of the Akhnâ'î family to leave their native Shâfi<sup>c</sup>î madhhab to seek power within the less crowded Mâlikî madhhab, even though most of

them managed to hold office until they died. Thus we find at the termination of their careers as chief judge, as we found at the beginning, at least some evidence of the political manipulations and ambitions of these Mâlikî qudât. Most of them died in office, but their frequent depositions show that this fact is not an indicator of the stability of the Mâlikî chief judges in office as it had been for the Hanbalîs.

#### Hanaffs

Although half again the number of Hanaffs held their respective chief judgeship as did Mâlikîs, it is even easier to describe the end of their careers as qâdî al-qudât. Half of them died in office, and most of the others resigned to return to teaching careers outside Egypt. Scandal and changes in the political climate occasionally affected the termination of a Hanaff judgeship, but these were not very important factors.

Those judges who died in office provide us with no special trends. Some had served for long terms while others died after only a short tenure. Mu<sup>c</sup>izz al-Dîn al-Khatîbî died after having served fifteen years (677-692)<sup>29a</sup> as the Hanaff chief judge and Shams al-Dîn Ibn al-Ḥarîrî died at the age of seventy-three after an eighteen year term (710-728). Sirâj al-Dîn al-Hindî (in office 769-773), Jalâl al-Dîn Jâr Allâh (778-782) and Ṣadr al-Dîn Ibn Maṣṣûr (782-786) all died after having served four year terms; the last two were eighty and seventy-nine years of age respectively at the time of their deaths. Similarly, 'Alâ' al-Dîn Ibn al-Turkumânî (in office

748-750) and Ṣadr al-Dīn Ibn al-Turkumānī (in office 773-776) had only served two and three years respectively, and Sirāj al-Dīn al-Rāzī died in 717 after a term of only a few months. The aforementioned Ṣadr al-Dīn Ibn al-Turkumānī was only thirty-two years of age when he died, the youngest of any chief judge to die in office. It is interesting to note that the Hanafī qādī al-quḍāt with the longest term of office also died at a very early age; this was Jamāl al-Dīn Ibn al-Turkumānī, who died at the age of fifty after a nineteen year term (750-769). If he had lived, he might well have enjoyed the longest tenure of any chief judge of the Bahrī period, regardless of madhhab.

Burhān al-Dīn Ibn <sup>c</sup>Abd al-Ḥaqq (in office 728-738) fell from power in the purge of 738, when three of the four chief judges were deposed. Ibn <sup>c</sup>Abd al-Ḥaqq was deposed because of the misconduct of his children.<sup>30</sup> He, like the deposed Shāfi<sup>c</sup> judge, al-Qazwīnī, returned to Damascus, but whereas al-Qazwīnī became chief judge, Ibn <sup>c</sup>Abd al-Ḥaqq had to content himself with a teaching position. He died six years later in Damascus.<sup>31</sup> Zayn al-Dīn al-Bisṭāmī (in office 742-748) was deposed after a six year term under rather mysterious circumstances. His successor, <sup>c</sup>Alā' al-Dīn Ibn al-Turkumānī (in office 748-750), was appointed by the Sultan al-Muẓaffar Ḥajjī ibn al-Nāṣir (ruled 747-748), but he was given the post before al-Bisṭāmī had been notified of his dismissal. When Ibn al-Turkumānī appeared before al-Bisṭāmī in his robe of honor, the latter was dumbfounded.<sup>32</sup> Apparently the sultan wanted to avoid any opposition to his new appointment, but



the sources do not supply any details. We do know that al-Malik al-Nâsir Ibn Qalâ'ûn had disliked Ibn al-Turkumânî because of his friendship with umarâ;<sup>33</sup> but there is no evidence that al-Bistâmî enjoyed such connections. Yet in light of the curious way in which Ibn al-Turkumânî was appointed, perhaps al-Bistâmî really did have powerful friends. In any case, his subsequent career was rather non-descript. Some sources say that he stayed at home teaching until he died some twenty-three years later in 771,<sup>34</sup> while others credit him with the post of khatîb at the mosque of Ibn Tûlûn, to which he was appointed sometime after his deposition, perhaps in 752.<sup>35</sup> Judging from his subsequent behavior, it seems that Ibn Hajar al-<sup>c</sup>Asqalânî was correct in saying that al-Bistâmî was happy when his appointment as judge ended.<sup>36</sup>

The term of Husâm al-Dîn al-Rûmî was roughly coterminous with the sultanate of Lâjîn (696-698). When Lâjîn was assassinated, al-Rûmî was deposed by al-Malik al-Nâsir upon his return from Kerak. He returned to Damascus and resumed his old post as chief judge, which he had left in the care of his son.<sup>37</sup> He was lost and apparently killed soon after in the battle with the Mongols at Wâdî Khazandâr near Damascus.<sup>38</sup> The story is also told that he was not killed, but rather captured, sold as a slave to the Franks in Cyprus who were aware of his medical knowledge, and further that he managed to send word to his son Jalâl al-Dîn in the year 735 that he was alive in Cyprus and wanted to be rescued from his captivity.

The story was not believed, especially since he would have been one hundred and four years old at that time!<sup>39</sup>

The two terms of Shams al-Dīn al-Sarūjī came before (692-696) and immediately after (698-710) that of Ḥusām al-Dīn al-Rūmī. He lost the post the first time because Lājīn brought his old friend al-Rūmī to Egypt to be in his administration. When al-Nāṣir returned from Kerak in 710, he deposed al-Sarūjī from the judgeship and all his teaching posts because of his support of Baybars II. After his first deposition, his successor had been kind enough to allow him to keep his residence at the Ṣālihiyya madrasa, but he was not so fortunate the second time, and was driven out. He died a few months later.<sup>40</sup> We have traced the controversial career of Ḥusām al-Dīn al-Ghūrī (in office 738-742) in an earlier chapter. Although he managed to gain the support of some umarā', he had angered the other chief judges<sup>41</sup> as well as other people at court,<sup>42</sup> and he was finally forced to leave Egypt. He went first to Damascus, and then to his native Baghdād, where he taught in the mausoleum of Abū Ḥanīfa.<sup>43</sup>

All the remaining Ḥanafī judges resigned from office and returned to Damascus. Ṣadr al-Dīn al-Adhra<sup>cī</sup> (in office 663-677) resigned his post at the age of eighty-three to become chief judge of Damascus.<sup>44</sup> He had been on extremely close terms with Sultan Baybars, who died in 676. Perhaps the sultan's death and a desire to spend his last years with his sons, who held teaching posts in Damascus, prompted his resignation. The last three Ḥanafī chief judges served

a combined term of little more than a year (777-778). After Ṣadr al-Dīn Ibn al-Turkumānī died in office, the judgeship remained vacant for two and a half months while the authorities tried to attract someone to fill the post.<sup>45</sup> The first of the three to be appointed was Najm al-Dīn Ibn Abī al-<sup>c</sup>Izz, also known as Ibn al-Kishk. He lasted only one hundred days in 777 before he resigned and returned to Damascus.<sup>46</sup> He eventually became chief judge in Damascus in 792 and was assassinated by a mad man in 799 for no apparent reason.<sup>47</sup> He was followed by his cousin, Ṣadr al-Dīn <sup>c</sup>Alī Ibn Abī al-<sup>c</sup>Izz, who lasted about as long in office as his cousin before returning to Damascus, also to become chief judge there after a number of years.<sup>48</sup> He, in turn, was followed by Sharaf al-Dīn Ibn Manṣūr, who remained in office less than a year (777-778) before resigning and returning to Damascus. As chief judge he was pressured by some of the people at court to nullify certain awqāf, but he refused and eventually resigned rather than continue to be forced to resist their pressure.<sup>49</sup> On the other hand, al-Maqrīzī says that the sultan deposed him for not acting as the sultan wished,<sup>49a</sup> maybe concerning these awqāf.

Certainly this comparatively large number of resignations makes the Ḥanafī chief judges of the Bahrī period different from their contemporaries in the other madhāhib. Perhaps the pressures of being a chief judge in the capital drove them to resigning. Scandal and political machinations also had their effects, yet about one-half of these judges managed to hold office until they died.

Shâfi<sup>C</sup>îs

In the discussion of these three madhâhib we have seen the careers of the chief judges ended by death, scandal, political intrigue and resignation. All these explanations exist for the termination of the Shâfi<sup>C</sup>î chief judgeship as well plus one more, which can be seen as an indication of the Shâfi<sup>C</sup>î madhhab's superior status: retirement with a pension. The existence of all these factors plus the division of the Shâfi<sup>C</sup>î judgeship between two judges, one with jurisdiction over al-Qâhira and the other over Fustât, makes this madhhab the most variegated and complex of all to discuss.

Almost half the Shâfi<sup>C</sup>î chief judges died in office. Tâj al-Dîn Ibn Bint al-A<sup>C</sup>azz (in office 663-665) was the first Shâfi<sup>C</sup>î judge after the system of the four judgeships was established. His death at the age of sixty-one ended a brilliant career, which had included the offices of wazîr as well as the chief judgeship of Egypt several times prior to 663. Tâqî al-Dîn Ibn Razîn was one of the two judges who divided the judicial authority following the death of Ibn Bint al-A<sup>C</sup>azz. He was first judge of al-Qâhira (665-676) and then promoted to full authority over Egypt (676-678). His career in Egypt was a second one, since he had been a successful faqîh in Damascus, but fled because of the invasion of Hûlâgû. He died at the age of seventy-seven. The career of Wajîh al-Dîn al-Bahnasî was somewhat the reverse of Ibn Razîn's. He had been made chief judge of all Egypt (680-681), but found the duties too tedious, probably because of his

advanced age, and asked to be relieved of the judgeship of al-Qâhira. This was granted and he remained judge of Fustât (681-685) until he died.

Taqî al-Dîn Ibn Bint al-A<sup>C</sup>azz succeeded Wajîh al-Dîn al-Bahnasî as judge of Fustât in 685 and worked for the deposition of the judge of al-Qâhira, Shihâb al-Dîn Ibn al-Khuwayyî (in office 681-686). He was successful in so far as Ibn al-Khuwayyî was transferred to Damascus, but he was unsuccessful in gaining full jurisdiction over Egypt, because Burhân al-Dîn al-Sinjârî was chosen to replace Shihâb al-Dîn. However, al-Sinjârî died in office after only a few months, and Ibn Bint al-A<sup>C</sup>azz had his wish. His first term as qâdî al-quḍât of Egypt (686-690) ended when the new sultan, al-Ashraf Khalîl, appointed Ibn Sal<sup>C</sup>ûs his wazîr. The new wazîr greatly disliked Ibn Bint al-A<sup>C</sup>azz and had him deposed from the judgeship as well as from every other post he held. There are several different reasons given for the wazîr's dislike of Ibn Bint al-A<sup>C</sup>azz, depending on the source. Al-Nuwayrî says that during the reign of al-Ashraf's father, al-Malik al-Manṣûr Qalâ'ûn, Ibn Bint al-A<sup>C</sup>azz had shown a preference for al-Malik al-Ṣâlih<sup>C</sup> Alf, the brother of al-Ashraf, over al-Ashraf Khalîl himself. After Ibn Sal<sup>C</sup>ûs became wazîr, he told the new sultan about this, so he deposed Taqî al-Dîn from the chief judgeship.<sup>50</sup> Al-Aḡnawî says that Ibn Sal<sup>C</sup>ûs and al-Ashraf had been friends prior to the latter's assumption of the sultanate, and that Ibn Bint al-A<sup>C</sup>azz, who was then chief judge, said nasty things about Ibn Sal<sup>C</sup>ûs to Sultan Qalâ'ûn and the sultan prevented Ibn Sal<sup>C</sup>ûs from

meeting with his son Khalîl.<sup>51</sup> Al-<sup>C</sup>Aynî, quoting al-Yûsufî, supplies a different story. He says that Ibn Sal<sup>C</sup>ûs was the sâhib al-dîwân<sup>52</sup> of al-Ashraf in Damascus. When Ibn Sal<sup>C</sup>ûs sent greetings to Ibn Bint al-A<sup>C</sup>azz, the latter asked the messenger, "Who is Ibn Sal<sup>C</sup>ûs?" When he was told that he was al-Ashraf's sâhib al-dîwân, he referred to him in a derogatory manner, and when Ibn Sal<sup>C</sup>ûs learned of this he became angry and never forgot it.<sup>53</sup> All three sources were contemporaries of the events, and I am reluctant to trust one more than another, although al-<sup>C</sup>Aynî's account is the longest and most detailed. Still another version is supplied by Ibn Hajar al-<sup>C</sup>Asqalânî who places the blame for the enmity between the two on the fact that Ibn Sal<sup>C</sup>ûs recommended someone for an office, and Ibn Bint al-A<sup>C</sup>azz had opposed it.<sup>54</sup> In any case, the important point is that Ibn Sal<sup>C</sup>ûs had a long standing grudge against Taqî al-Dîn Ibn Bint al-A<sup>C</sup>azz, and once in power Ibn Sal<sup>C</sup>ûs made several attempts to humiliate and destroy Ibn Bint al-A<sup>C</sup>azz.

At first the amîr<sup>C</sup> Alam al-Dîn al-Shujâ<sup>C</sup>î interceded with the sultan to have Taqî al-Dîn made chief judge of Damascus.<sup>55</sup> When Ibn Sal<sup>C</sup>ûs heard of this he became afraid that Taqî al-Dîn would retain too powerful a position, so the wazîr arranged for some people to testify against Ibn Bint al-A<sup>C</sup>azz in regards to his sinful character and the like, and even that he was really a Christian.<sup>56</sup> The sultan believed this, and the wazîr jailed him, and even wanted to have him beaten.<sup>57</sup> He also fined him 120,000 dirhems.<sup>58</sup>

Soon after this, Baydarâ the nâ'ib was persuaded to intervene on Taqî al-Dîn's behalf and he was freed from jail.<sup>59</sup> He was forced to reside in a zâwiya outside al-Qâhira until he completed paying what he owed, and then he was able to gain a teaching post at al-Nâsirîyya mâdrasa near the tomb of al-Shâfi<sup>c</sup>f.<sup>60</sup> Sometime after that, perhaps in 691,<sup>61</sup> he was brought before the sultan and the chief judges again, but some umarâ' intervened and asked the sultan if they could judge Ibn Bint al-A<sup>c</sup>azz instead. The sultan agreed, and in this next majlis Taqî al-Dîn denied all the charges against him, including that he was a Christian or was descended from Christians. He was then acquitted, the sultan was informed, and Ibn Bint al-A<sup>c</sup>azz was freed.<sup>62</sup> In 693 he went on the pilgrimage, not returning to Cairo until he had learned of the deaths of al-Ashraf Khalîl and Ibn Sal<sup>c</sup>ûs, and the establishment of the new dawla.<sup>63</sup> He was returned to the chief judgeship, where he remained until his death in 695. Like his father he died a fairly young man at the age of fifty-seven, after a very successful career, despite his harsh treatment at the hands of Ibn Sal<sup>c</sup>ûs.

He was followed by Ibn Daqîq al-<sup>c</sup>Id (in office 695-702) who enjoyed a high reputation for piety and scholarship. He resigned several times, but was always persuaded to return.<sup>64</sup> We have mentioned earlier the dispute between him and the amîr Mankûtimur over a deceased merchant's will. Ibn Daqîq al-<sup>c</sup>Id became so distressed by this pressure that he locked himself in his house and sent word to the sultan that he had

resigned. When the sultan heard what had happened he censured Mankûtimur and finally persuaded the judge to come to the citadel to talk about the problem. When he arrived the sultan went to him and sat next to him. He pleaded with him to stay and he finally relented.<sup>65</sup> Ibn Daqiq al-<sup>C</sup>Îd died in office at the age of seventy-seven.

All the remaining judges except two, who retired with pensions, were deposed from the chief judgeship of Egypt and never returned to it, although several of them became chief judges of Damascus. These judges constitute about one half of the Shâfi<sup>C</sup> judges of the Bahrî period. Muhyî al-Dîn Ibn <sup>C</sup>Ayn al-Dawla (judge of Fustât, 665-676) was one of the two judges who shared the Shâfi<sup>C</sup> judgeship of Egypt following the death of Tâj al-Dîn Ibn Bint al-A<sup>C</sup>azz. He became partially paralyzed and was unable to write. One of his secretaries let this be known, and he was deposed in 676, two years before his death.<sup>66</sup> There is some question about how the term of Sadr al-Dîn Ibn Bint al-A<sup>C</sup>azz (in office 678-679) ended. One source says that he resigned,<sup>67</sup> while others claim that he was deposed at the accession of the new sultan.<sup>68</sup>

Shihâb al-Dîn Ibn al-Khuwayyî was judge of al-Qâhira (681-686) at the same time that Wajîh al-Dîn al-Bahnasî was judge of Fustât (681-685). Taqî al-Dîn Ibn Bint al-A<sup>C</sup>azz took over al-Bahnasî's post at the latter's death and worked to gain both halves of the jurisdiction for himself. He saw his chance when Ibn Zakî, Shâfi<sup>C</sup> judge of Damascus, died in 686 and he worked to have Ibn al-Khuwayyî appointed to that post.<sup>69</sup>



He was successful. Ibn al-Khuwayyî became chief judge of Damascus and received a number of teaching posts there at the same time; he served until his death seven years later.<sup>70</sup> Jamâl al-Dîn al-Zar<sup>c</sup>f (in office 710-711) served only a brief term while Badr al-Dîn Ibn Jamâ<sup>c</sup>a was out of favor. When he lost his high office, he was made qâdî al-<sup>c</sup>askar, and given a number of teaching posts, until the chief judgeship of Damascus became available. He was transferred there two years later, and received, in addition, a few teaching posts. He had only a brief tenure of one year in Damascus, at which time he was replaced by Jalâl al-Dîn al-Qazwînf, but he managed to keep one teaching post and the office of shaykh al-shuyûkh. He lost the judgeship because he was so bold as to ask the managers of the awqâf of the madâris for an accounting of their financial activities.<sup>71</sup> He eventually lost even those two posts in 726, and returned to Egypt where he became qâdî al-<sup>c</sup>askar along with the professorships of several madâris. He held these offices until he died of a stroke in 734.<sup>72</sup>

Jalâl al-Dîn al-Qazwînf (in office 727-738) would also return to Damascus as chief judge after his humiliating deposition from office in the purge of 738. He was deposed because of the the misconduct of his son in the handling of awqâf. The background and circumstances of this scandal are given in some detail by al-Maqrîzî and al-<sup>c</sup>Aynî.<sup>73</sup> The cause of this scandal was al-Qazwînf's son, Jamâl al-Dîn <sup>c</sup>Abd Allâh. He was greedy and frivolous, took bribes and generally lived above his means; he even bought horses, hired jockeys,

and staged races. Jamâl al-Dîn was exiled to Syria twice because of the petitions brought to the sultan against him, but through the mediation of his father and the amîr Baktimur al-Sâqî,<sup>74</sup> his first exile lasted only about a year. He was exiled a second time, but the father appealed to the sultan personally, and his son returned.<sup>75</sup> However, the son had not learned his lesson. He had a house built on the Nile, near that of his father, for which the judges of the provinces were assigned the supplying of marble and other things. He went to great lengths in constructing it, even summoning artisans from Syria to work on it. The cost came to more than 500,000 dirhems. When the sultan heard about this he rebuked the judge for his son's actions, especially since Jamâl al-Dîn had to borrow the money for the construction, but the father explained that living in Cairo was not suitable for them, and they needed to live (outside Cairo) on the Nile. Incredibly enough, it was not long before Jamâl al-Dîn bought a house in Cairo, which he renovated at great expense. His father was also being criticised at this time for appointing nuwwâb only after consultation with his children. It was alleged that in order to become a (deputy) judge, it was necessary to pay a bribe of 5,000 (dirhems) or more.<sup>76</sup> The complaints against the family became so intense that the sultan deposed al-Qazwînî from the chief judgeship of Egypt, and sent word that he should return to his former post as chief judge of Damascus ; he also ordered him to make his son pay all his debts. In addition he was required to produce the taxes due for the waqf of al-turba al-Ashrafiyya, which amounted to 230,000

dirhems. In order to do this he had to sell all his properties as well as those of his children, and their furniture, but at only one quarter of the value. Then he sold Chinese goods and vessels for 40,000 dirhems; cooking utensils for 600 dirhems; pearls, jewelry, gold and silver brocades for more than 120,000 dirhems; a house in Cairo for 35,000 dirhems; and his son <sup>C</sup>Abd Allâh sold eleven slave girls for varying amounts. Finally, he was able to discharge his debt to the orphans and others, and he was allowed to depart for Damascus to take up his new duties.<sup>??</sup> He died in Damascus the next year.

What is interesting here is not only the huge sums of money involved, but also that the sultan delayed so long before taking decisive action against al-Qazwîni. He finally acted only under great pressure and numerous complaints. We have mentioned earlier his personal fondness for the judge and his exile to Syria was comparatively mild punishment. We should not forget that at a much earlier period Sultan Baybars had imprisoned the Hanbalî qâdî al-quḍât Shams al-Dîn Ibn al-<sup>C</sup>Imâd over a much milder financial indiscretion, and that al-Qazwîni's fellow Hanbalî judge was beaten to pay back money that he owed. Finally, we see here a clear example of the enormous wealth which the Shâfi<sup>Cî</sup> chief judge could acquire, although some of it, at least, was gained illegally.

Bahâ' al-Dîn Ibn <sup>C</sup>Aql was chief judge for only eighty days (759) in the middle of <sup>C</sup>Izz al-Dîn Ibn Jamâ'a's long term of office (738-766). He had become chief judge through

the instigation of the amîr Şarghitmish, and when the amîr was imprisoned, Ibn <sup>c</sup>Aqîl also lost his post, and returned to teaching until he died in 769.<sup>78</sup> Ibn Jamâ<sup>c</sup>a was followed by Bahâ' al-Dîn al-Subkî (in office 766-773). He was deposed by the sultan at the instigation of some court notables (akâbir al-dawla), because he refused to allow the sale of some awqâf lands.<sup>79</sup> Afterwards, he remained in Egypt for a while. He was good friends with the amîr Mankalî Bughâ, who tried to get him to accept the post of chief judge of Damascus. He refused, much to the amîr's chagrin, and opted instead for the post of amîn al-hukm. He found its duties tedious, and passed them off to an aide. Eventually he became chief judge of Damascus, in which office he died in 777.<sup>80</sup>

Burhân al-Dîn Ibn Jamâ<sup>c</sup>a served two terms as chief judge (773-779; 781-784). Halfway through the first term he resigned, because several umara', including the nâzir al-jaysh, opposed one of his judgements.<sup>81</sup> Another source blames his resignation on the interference of some unnamed people at the court (ahl al-dawla) in a legal affair.<sup>82</sup> Ibn Jamâ<sup>c</sup>a obviously resented the interference and resigned. The sultan tried to get him to return, but he refused initially, agreeing only after he had imposed some conditions on the sultan, probably his help in keeping the notables and umarâ' at bay.<sup>83</sup> He tried to resign several more times, but was always persuaded to remain.<sup>84</sup> In 779 he left the chief judgeship of Egypt to go to Jerusalem to be khatîb and to teach.<sup>85</sup> There is some question in the sources whether he voluntarily resigned in disgust at the struggle for the sultanate<sup>86</sup> or whether he was deposed through the

instigation of the amir Tashtamur and Sirâj al-Dîn al-Bulqîni, who worked for the installation of Badr al-Dîn al-Subkî (in office 779-781).<sup>87</sup> In another place we are told that Burhân al-Dîn spoke rudely to Tashtamur following the deposition of al-Ashraf Sha<sup>C</sup>bân II, blaming him for the dissension; Tashtamur remembered this insult, and eventually worked for Ibn Jamâ<sup>C</sup>a's deposition.<sup>88</sup> The end of his second term falls in the Burjî period, and is thus beyond the scope our topic. Badr al-Dîn al-Subkî held the chief judgeship for the three years between Ibn Jamâ<sup>C</sup>a's two terms (779-781), and he would return for two more terms in the Burjî period (784-789; 791-792). Al-Subkî lost his post when the amir Baraka<sup>89</sup> and the future sultan Barqûq decided to bring back Burhân al-Dîn Ibn Jamâ<sup>C</sup>a, but the reasons behind this decision are lacking.<sup>90</sup>

The two judges who finally retired with a pension were Badr al-Dîn and Izz al-Dîn Ibn Jamâ<sup>C</sup>a. Badr al-Dîn served three terms as chief judge: 690-693, 702-710, and 711-727. His first term was as a replacement for Taqî al-Dîn Ibn Bint al-A<sup>C</sup>azz. Ibn Jamâ<sup>C</sup>a had been friendly with Taqî al-Dîn's enemy, Ibn Sal<sup>C</sup>ûs, who, when he became wazîr, summoned Ibn Jamâ<sup>C</sup>a to take over the chief judgeship.<sup>91</sup> When the Sultan al-Ashraf Khalîl was killed and Ibn Sal<sup>C</sup>ûs jailed and beaten to death in 693, Ibn Jamâ<sup>C</sup>a lost the judgeship to Ibn Bint al-A<sup>C</sup>azz, but he was allowed to keep several teaching posts. Later the same year he became chief judge of Damascus at the death of Shihâb al-Dîn Ibn al-Khuwayyî.<sup>92</sup> He returned to the judgeship of Cairo in 702 after the death of Ibn Daqîq al-<sup>C</sup>îd, but was deposed when al-Malik al-Nâsir Muḥammad returned from Kerak, because of

his support for Baybars II.<sup>93</sup> This deposition lasted only about a year, and he returned to office until he asked to be discharged in 727 because of eye trouble and old age; he was then eighty-eight years old. His request was granted, and he was given a pension of 1,000 silver dirhems per month and ten ardebs of wheat, but he still kept one teaching post.<sup>94</sup> He died six years later in 733.

The other member of this family to retire with a pension was Badr al-Dīn's son, <sup>c</sup>Izz al-Dīn. He held office from 738 to 766, except for those few months in 759, when he was replaced by Ibn <sup>c</sup>Aql. <sup>c</sup>Izz al-Dīn Ibn Jamā<sup>c</sup>a was not very knowledgeable in fiqh, and the real legal difficulties were handled by his nā'ib, Tāj al-Dīn al-Munāwī. When al-Munāwī died in 765, Ibn Jamā<sup>c</sup>a was incapable of continuing on his own, so he resigned.<sup>95</sup> Various umarā' urged him to continue in office, but he was adamant. He was left with the office of nāzir at the mosque of Ibn Ṭūlūn as well as the teaching posts of fiqh (!) and hadīth there, plus 1,000 dirhems per month from the treasury.<sup>96</sup> He died the next year at the age of seventy-three.

In conclusion, it is not surprising to see that such a large proportion of the chief judges died in office. Usually, this high post was reached after many years, and in spite of the political maneuvering which often played a part in the appointment process, a certain amount of judicial knowledge was generally required. On the other hand, the same political machinations which could bring one man to the chief judgeship could force another man from it. Resignation from office was not common, except with the Ḥanafis for a brief period, but threat of

resignation was sometimes used with a resultant strengthening of the judge's position. Retirement from office with a pension was a luxury reserved for only two Shâfi<sup>C</sup>is; otherwise, a chief judge, even if he had become feeble, normally stayed at his job until he died.

### Chart III

#### Reasons for End of Tenure

	Died in Office	Resigned	Deposed	Retired
Hanbalîs	5	0	2	0
Mâlikîs	9	0	2	0
Hanafîs	9	4	5	0
Shâfi <sup>C</sup> is	6	0	8*	2
Total	29	4	17	2

N.B. The above table indicates the reasons for the terminations of the judges' last tenure as chief judge. Threats of resignation and the reasons for the end of earlier terms of office as chief judge are not included.

\* I have included Şadr al-Dîn Ibn Bint al-A<sup>C</sup>azz under this classification, but it is an open question whether he resigned or was deposed.

## Footnotes

1. Unless otherwise stated the data on age and terms of office have been drawn from Salibi's "Listes". Excessive documentation on these points is unnecessary, since all the sources usually give the same information. I shall revert to a more detailed system of notation only in those cases where there is a serious conflict in the sources.
2. Sulūk, I, 602.
3. For biographical details, see Shadharāt, V, 428-29, and Ibn Rajab, II, 331-37.
4. Wiet, Manhal, no. 1170.
5. Sulūk, I, 602-603. See also Yūnīnī, II, 470-71; Ibn al-Furāt, Tārīkh MS, fols. 209a-b; al-Nuwayrī, Bibliothèque Nationale 1578, fols. 48a-b.
6. Al-Yūnīnī, H, 470.
7. Sulūk, I, 603.
8. This group was known as Ḥashwiyya. The name originally was used for a group of muḥaddithūn who recognized certain anthropomorphic aḥādīth as genuine (EI-2, III, 269). The editor of Sulūk says it refers to Zāhirīs who believed in tajsīm (Sulūk, I, 603).
9. Sulūk, I, 603; al-Yūnīnī, II, 471.
10. Al-Nuwayrī, Bibliothèque Nationale 1578, fol. 98b.
11. Raf<sup>C</sup>, I, 91-92; Durar, I, 239-40.
12. Sulūk, II, 442-43.
13. Al-<sup>C</sup>Aynī (Ahmet III 2911/c34, fol. 65b) places the blame on the father, whereas al-Maqrīzī and Ibn Hajar blame the son (see two previous notes). In any case, it was the father who suffered.
14. Raf<sup>C</sup>, I, 92.
15. Ibn Shukr was deposed along with the Ḥanafī and Shāfi<sup>C</sup>ī chief judges in Rabi<sup>C</sup>a II, but the circumstances are obscure. Ibn Kathīr (XIII, 288) and following him al-<sup>C</sup>Aynī (Bibliothèque Nationale 1543, fol. 231a) say that they were deposed because of (their) hesitation in bestowing the robe of honor on Sultan al-Malik al-Sa<sup>C</sup>īd. However, these depositions occurred during the short reign of Salāmish, at a time when it might have been more likely to see such hesitation rewarded instead of penalized. Even Ibn Kathīr does not have much confidence in this explanation, and says, "wa-allāhu a<sup>C</sup>lam." See also al-Yūnīnī, IV, 7; Sulūk, I



657. Ibn Shukr was returned to office at the same time as the Hanafi chief judge, sometime during Ramaḍān, 679 (al-Yūnīnī, IV, 52), when the Shāfi'ī Ṣadr al-Dīn Ibn Bint al-A'azz was deposed and replaced by Taqī al-Dīn Ibn Razīn, who had held office previously. According to Ibn Kathīr (XIII, 292) all these installations occurred in Ramaḍān, 679.

16. Raf<sup>c</sup>, II, 406.

17. Al-<sup>c</sup>Aynī, Ahmet III 2912/4, fol. 283b.

18. Al-Muwayyri, Leiden Or. 20, fol. 55b-56a.

19. Ibid. Al-<sup>c</sup>Aynī (Ahmet III 2912/4, fol. 283b) simply says he was returned to office after a few days. See also Sulūk, II, 103.

20. Durar IV, 292 and III, 202. See also A<sup>c</sup>yān, fol. 347b; Raf<sup>c</sup>, I, 406.

21. Raf<sup>c</sup>, I, 406.

22. Durar, III, 202.

23. Sulūk, III, 19, 21.

24. Manhal (Ms, fol. 478b) calls him da<sup>c</sup>if.

25. Sulūk, III, 285; Inbā' al-ghumr, I, 197.

26. Raf<sup>c</sup>, II, 384-85.

27. Ibid., p. 249.

28. Sulūk, III, 443.

29. Ibid., p. 517.

29a. Al-Khatībī's term of office was apparently interrupted in 678-79; see note 15 above.

30. Raf<sup>c</sup>, I, 37; al-<sup>c</sup>Aynī, Ahmet III 2911/c34, fol. 65a; Sulūk, II, 442.

31. Ibn Kathīr, XIV, 212; Raf<sup>c</sup>, I, 37; Durar, I, 48.

32. Durar, III, 157; Raf<sup>c</sup>, II, 401; A<sup>c</sup>yān, fol. 33b.

33. Sulūk, II, 813.

34. Ibn Abī al-Wafā', Jawāhir, I, 391; Manhal MS, fol. 547a.

35. Durar, III, 245; Sulūk, II, 851.

36. Durar, III, 245.

37. Durar, II, 91; Raf<sup>C</sup>, I, 184.
38. Al-Nu<sup>C</sup>aymī, dâris, I, 516.
39. Durar, II, 91.
40. Manhal, I, 189-90; Raf<sup>C</sup>, I, 51; Durar, I, 96-97. See also Ibn Kathīr, XIV, 85, and Sulūk, II, 86.
41. Sulūk, II, 611.
42. Raf<sup>C</sup>, I, 203.
43. Ibid.; Durar, II, 128-29.
44. Ibn Ṭūlūn, qudāt, p. 190.
45. Raf<sup>C</sup>, I, 90.
46. Inbâ' al-ghumr, I, 152.
47. Raf<sup>C</sup>, I, 55; Ibn Ṭūlūn, qudāt, p. 202.
48. Ibn Ṭūlūn, qudāt, p. 201.
49. Raf<sup>C</sup>, I, 90.
- 49a. Sulūk, III, 436-47.
50. Al-Nuwayrī, Bibliothèque Nationale 1579, fol. 96a.
51. Al-Asnawī, I, 50-51.
52. According to Rabie (Financial System, p. 155), "he was a kind of auditor, who had to countersign every account or register signed by the nâzir." The nâzir "was the responsible chief of each dîwân" (ibid., p. 154). We cannot be sure which dîwân is meant in the source, but probably it refers to the control of finances in general.
53. Al-<sup>C</sup>Aynī, Ahmet III 2912/4, fol. 158a.
54. Raf<sup>C</sup>, II, 328.
55. Sulūk, I, 772.
56. Ibid.; Raf<sup>C</sup>, II, 328.
57. Sulūk, I, 772.
58. Al-<sup>C</sup>Aynī, Ahmet III 2912/4, fol. 158b.
59. Sulūk, I, 773; al-Nuwayrī, Bibliothèque Nationale 1579, fols. 96a-b. This is the same Baydarā whom Taqī al-Dīn had helped when the amīr was wazīr. See also Ibn al-Ṣuqāṭī, Tālif, no. 88.

60. Ibid., p. 285. The description of the rest of this incident is based on al-Aynî, Ahmet III 2912/4, fol. 158b. It seems that both sources are discussing the same majlis.
62. Al-<sup>C</sup>Aynî, op. cit., fols. 158b-159a; Raf<sup>C</sup>, II, 328.
63. Al-<sup>C</sup>Aynî, op. cit., fol. 167a; al-Asnawî, I, 152. See also Raf<sup>C</sup>, I, II, 329.
64. Wâfî, IV, 194.
65. Sulûk, I, 848-49.
66. Wâfî, Ahmet III 2920/7, fol. 153a.
67. Shadharât, IV, 367.
68. Ibn Kathîr, XIII, 292; Sulûk, I, 683.
69. Al-Nuwayrî, Bibliothèque Nationale 1579, fols. 63b-64a.
70. Ibn Kathîr, XIII, 337; Ibn Tulun, qudât, p. 79.
71. Durar, II, 256.
72. Ibid.; Ibn Kathîr, XIV, 167-68; A<sup>C</sup>yân, fol. 201b.
73. Sulûk, II, 439-42; al-<sup>C</sup>Aynî, Ahmet III 2911/c34, fols. 63a-b.
74. Durar, II, 19-21. Only Sulûk (II, 440) speaks of a second exile.
75. Sulûk, II, 440.
76. Al-<sup>C</sup>Aynî, Ahmet III 2911/c34, fol. 62a.
77. Ibid., fols. 63a-64a.
78. Raf<sup>C</sup>, II, 285.
79. Raf<sup>C</sup> MS, fol. 110a.
80. Inbâ' al-ghumr, I, 11, 184.
81. Durar, I, 39; Raf<sup>C</sup>, I, 32.
82. Sulûk, III, 241. Al-Maqrîzî says that Burhân al-Dîn prevented some judicial scribes from al-tawqî<sup>C</sup>, and a few people of the court pressed him to permit it. Burhân al-Dîn became angry at their objection. Perhaps this means that the scribes were signing or placing their own signatures (sing. tawqî<sup>C</sup>) on verdicts or official documents, thus assuming judicial responsibilities. Still another source (Inbâ' al-ghumr, I, 95) says it was specifically the umara' who were pestering Burhân al-Dîn over the

matter of some scribes.

83. Inbâ' al-ghumr, I, 95.

84. Durar, I, 40.

85. Inbâ' al-ghumr, I, 239.

86. Ibid.

87. Ibid., pp. 239-40.

88. Raf<sup>c</sup>, I, 33-34. All three versions are supplied by Ibn Hajar al-<sup>c</sup>Asqalânî, and he has obviously contradicted himself. In Inbâ' al-ghumr (I, 239) he states that Ibn Jamâ<sup>c</sup>a resigned, while in Raf<sup>c</sup> (I, 33) he clearly states that he was deposed. The other story (Inbâ' al-ghumr, I, 239-40) does not exactly say that he was driven from office by Tashtamur, but it certainly implies a conspiracy, which resulted in the judge's deposition. Al-Durar al-kâmina (I, 40) says that he was dismissed from office.

89. Baraka ibn <sup>c</sup>Abd Allâh (d. 782; Inbâ' al-ghumr, II, 23-24).

90. Raf<sup>c</sup>, I, 34.

91. Sulûk, I, 771.

92. Ibid., p. 803; Durar, III, 368.

93. Al-Asnawî, I, 386; Ibn Tûlûn, Qudât, p. 81.

94. Sulûk, II, 283; Ibn Tûlûn, loc. cit.

95. Durar, II, 490-91. According to al-Maqrîzî (Sulûk, II, 893), Tâj al-Dîn al-Munâwî actually became chief judge in 754, when Ibn Jamâ<sup>c</sup>a was allowed to resign and make the pilgrimage to Mecca. Ibn Jamâ<sup>c</sup>a nominated this son-in-law of his as his successor. However, there were complaints against al-Munâwî, and Ibn Jamâ<sup>c</sup>a was forced to resume his duties very shortly thereafter. In fact, al-Asnawî (II, 467) says his appointment lasted only one day. There is considerable doubt that he was even formally installed in the chief judgeship, because he is not mentioned in Raf<sup>c</sup>, and this brief appointment does not appear in Durar (III, 470).

96. Sulûk, III, 99.

## Chapter VII

### Conclusion

The existence of judicial arbitrators for the Muslim community goes back to the very beginnings of Islam. Government appointed judges were established under the Umayyads and a hierarchy emerged under the <sup>C</sup>Abbāsids. A major innovation emerged in the early Bahrī Mamlūk period when a chief judge was established for each of the four generally recognized schools of law. Although it seems that the Shāfi<sup>C</sup>ī chief judge enjoyed a certain pre-eminence, the other three schools of law gained an enhanced status at this time. This judicial reorganization probably was not so much a radical departure from the previous system, but rather should be seen as the product of an evolutionary process which had begun with the establishment of four professorships of fiqh at al-Ṣālihiyya madrasa during the late Ayyūbid period.

The careers of the chief judges did not vary much from one madhhab to another. All the judges held teaching posts before, during, and, usually after their terms as chief judge. However, there is no evidence that an aspirant for the chief judgeship had to have held a set number or type of posts before being considered for that office. A large number of the individuals under study had served as deputy judges under their predecessors before rising to the higher judicial post. Many a deputy judge fortified his relationship to his superior by marrying the latter's daughter, while other deputies enjoyed some sort of blood relationship to a chief judge.

A blood or marital relationship to a chief judge and experience as a deputy judge, alone or in combination, seem to have been important factors behind the selection of a candidate for the chief judgeship. On the other hand, friendship with or patronage by an important Mamlûk or court official was also important for such a candidate. The goal of anyone interested in becoming chief judge was to become known well enough in court circles so that when a vacancy occurred his name would be proposed as the new qâdî al-qudât. The three factors of nepotism, nâ'ib succession, and patronage seem to have been of considerable significance in such appointments. Merit, that is to say excellent qualifications or a pious reputation, does not seem to have counted for much by itself. Although many of the chief judges came from important families of ulamâ', such connections did not guarantee access to high office, and many sons of chief judges never held any important posts. The factors I have mentioned were important considerations in selecting a chief judge, but the evidence points to personal initiative as a matter of prime importance for any would-be judge. The majority of Cairene chief judges were born and raised within the Mamlûk empire, but a good number of these were Syrians and not Egyptians, let alone native Cairenes. In addition, many came from outside the Mamlûk territories. This willingness and ability to move from place to place in an attempt to improve one's career is another example of the importance of personal initiative for an aspirant to the chief judgeship. Since attaining the chief judgeship often involved many years of effort, it is not surprising to see that most of the chief judges clung to their offices until

they died. Others lost the chief judgeship through political intrigue or, having attached their fortunes to those of an important Mamlûk or notable, lost it when that individual lost power or influence.

At the beginning of this study I said that a discussion of the careers of the chief judges was important not only to study the activities of these judges within the framework of Mamlûk society and politics, but also to assess their role and functions as officers of an Islamic state. Clearly the primary function of the chief judges was to administer the law among the masses of the populace, both personally and through subordinates. Although these activities are not always very well documented, the existence of a judicial bureaucracy is unmistakable, and it could have served no other purpose. These judicial responsibilities also involved dealings with the Mamlûk oligarchy, and the record of these activities is more fully documented.

It was at such times that the chief judges were under the greatest pressure to uphold the highest standards of the sharf<sup>a</sup>, both in letter and spirit. Unfortunately, the judges were often found lacking. In many cases they readily acceded to the plots of the Mamlûks at the expense of Islamic institutions like the awqâf, although in numerous cases the judges did impose the letter of the law on these arrangements. On the other hand, we must remember that the judges had only moral power with which to oppose the designs of the Mamlûks. This was occasionally an adequate weapon, but we have seen numerous instances when a chief judge lost all or part of his jurisdiction in an unsuccessful attempt to oppose a Mamlûk sultan. Finally, we must not forget

that many of the chief judges were themselves corrupt, either accepting bribes or, more often, abusing the trust which they enjoyed as superintendents of awqāf for their own enrichment. Many judges strove to fulfill the highest ideals as the chief judicial officers of an Islamic state by strictly adhering to the details ~~and~~ spirit of the sharī<sup>c</sup>a, but they often suffered for this devotion and were too often unable or unwilling to oppose the Mamlūk oligarchy. Many chief judges even compounded the difficulties of the Islamic community by adding their own varieties of corruption and fraud to the baser designs of the Mamlūks.



## Bibliography

## A. Primary Sources

Al-Adfuwī, Kamāl al-Dīn Ja<sup>c</sup>far. Al-Tāli<sup>c</sup> al-sa<sup>c</sup>īd. Cairo: al-Dār al-miṣriyya li-al-ta'lif wa-al-tarjama, 1966.

Al-Asnawī, Jamāl al-Dīn <sup>c</sup>Abd Allāh. Tabaqāt al-shāfi<sup>c</sup>īyya. Baghdad: Maṭba<sup>c</sup>at al-irshād, 139091/1970-71. 2 vols.

Al-<sup>c</sup>Aynī, Badr al-Dīn Maḥmūd. Iqd al-jumān fī tārikh ahl al-zamān. Photographic copies of MSS Ahmet III 2912/4 and 2911/334.

\_\_\_\_\_. Iqd al-jumān. Hand copy of Dār al-Kutub MS 1584.

\_\_\_\_\_. Iqd al-jumān. Bibliotheque Nationale MS Arabe 1543.

Ibn <sup>c</sup>Abd al-Zāhir, Muḥyī al-Dīn <sup>c</sup>Abd Allāh. Al-Rawḍ al-zāhir fī sīrat al-malik al-zāhir. Riyāḍ, 1976.

\_\_\_\_\_. Baybars I of Egypt. Edited and translated by S. F. Sadeque. Pakistan: Oxford University Press, 1956.

Ibn Abī al-Wafā', Muḥyī al-Dīn <sup>c</sup>Abd al-Qādir. Al-Jawāhir al-muḍī'a fī tabaqāt al-banafiyya. Hyderabad: Majlis dā'irat al-ma<sup>c</sup>ārif al-uthmāniyya, 1332/1913.

Ibn al-Dawādārī, Abū Bakr. Kanz al-durar wa-jāmi<sup>c</sup> al-ghurar. Vols. 9-11. Cairo: al-Maḥad al-almānī li-al-āthār, 1960-71.

Ibn al-Furāt, Najm al-Dīn Muḥammad. Tārikh. Beirut: American University Press, 1936-38. 3 vols.

\_\_\_\_\_. Tārikh. Photographic copy of (Vienna) Flügel MS 814.

Ibn Hajar al-<sup>c</sup>Asqalānī, Shihāb al-Dīn Aḥmad. Al-Durar al-kāminā fī a<sup>c</sup>yān al-mi'a al-thāminā. Cairo: Dār al-kutub al-hadītha, 1966-67. 5 vols.

\_\_\_\_\_. Inbā' al-ghumr bi-abnā' al-<sup>c</sup>umr fī al-tārikh. Hyderabad: Majlis dā'irat al-ma<sup>c</sup>ārif al-uthmāniyya, 1967-4 vols. to date.

\_\_\_\_\_. Raf<sup>c</sup> al-iṣr <sup>c</sup>an quḍāt miṣr. Cairo: al-Hay'a al-amma fī shu'un al-maṭabi<sup>c</sup> al-amiriyya, 1957-. 2 vols. to date.

\_\_\_\_\_. Raf<sup>c</sup> al-iṣr. Bibliotheque Nationale MS Arabe 2149.

Ibn <sup>c</sup>Imād al-<sup>c</sup>Akārī, <sup>c</sup>Abd al-Hayy. Shadharāt al-dhahab. Cairo: Maktabat al-quḍā, 1931-32. 8 vols.

Ibn Kathîr, <sup>c</sup>Imâd al-Dîn Ismâ'îl. Al-bidâya wa-al-nihâya fî al-târikh. Cairo; Maṭba'at al-sa'âda, 1932-39. 14 vols.

Ibn Rajab, Zayn al-Dîn <sup>c</sup>Abd al-Rahmân. Dhayl tabaqât al-hanâbila. Cairo; Maṭba'at al-sunna al-muḥammadiyya, 1952. 2 vols. in one.

Ibn al-Ṣâbûnî, Jamâl al-Dîn Muḥammad. Takmilat ikmâl al-ikmâl fî al-ansâb. Baghdad; Majma' al-<sup>c</sup>ilmi al-<sup>c</sup>irâqî, 1377/1957.

Ibn al-Ṣuqâ'î, al-Muwaffaq Faḍl Allâh. Tâli kitâb wafayât al-a<sup>c</sup>yân. Ed. and trans. by J. Sublet. Damascus; Institut Français, 1974.

Ibn Taghrî Birdî, Abû al-Maḥâsin. Les Biographies du Manhal Sâfi. Summary outline by Gaston Wiet. Cairo, 1932.

\_\_\_\_\_. Al-Manhal al-sâfi. Cairo; Dâr al-kutub, 1956- . 1 vol. to date.

\_\_\_\_\_. Al-Manhal al-sâfi. Photographic copy of MS Ahmet III 3018.

Ibn Tûlûn, Shams al-Dîn. Quḍât dimashq. Damascus; al-Majma' al-<sup>c</sup>ilmi al-<sup>c</sup>arabî, 1956.

Al-Jazarî, Shams al-Dîn Muḥammad. La chronique de Damas d'al Jazarî, années 689-698 H. Paris; Librairie Ancienne Honoré Champion, 1949.

\_\_\_\_\_. Jawâhir al-sulûk fî al-khulafâ' wa-al-mulûk. Photographic copy of Bibliothèque Nationale MS Arabe 6739.

Lakhnawî, <sup>c</sup>Abd al-Ḥayy. Al-Fawâ'id al-bahiyya fî tarâjim al-ḥanafiyya. (Cairo); Maṭba'at al-sa'âdah, 1324/1906.

al-Maqrîzî, Taqî al-Dîn Aḥmad. Histoire des sultans mamlouks de l'Egypte. Translated by M. Quatremère. Paris; Oriental Translation Fund, 1837-45. 2 vols.

\_\_\_\_\_. Kitâb al-sulûk li-ma<sup>c</sup>rifat duwal al-mulûk. Cairo; Maṭba'at lajnat al-ta'liif wa-al-tarjama wa-al-nashr, 1934-73. 4 vols.

\_\_\_\_\_. Al-Mawâ'iz wa-al-i<sup>c</sup>tibâr bi-dhikr al-khiṭaṭ wa-al-âthâr. Bulâq; Dâr al-ṭibâ'a al-miṣriyya, 1853. 2 vols.

Al-Nu<sup>c</sup>aymî, Muḥyî al-Dîn <sup>c</sup>Abd al-Qâdir. Al-Dâris fî târikh al-madâris. Damascus; Maṭba'at al-taraqqî bi-dimashq, 1948.

Al-Nuwayrî, Shihâb al-Dîn Aḥmad. Nihâyat al-arab fî funûn al-adab. Photographic copies of Bibliothèque Nationale MSS Arabes 1578 and 1579.

\_\_\_\_\_. Nihâyat al-arab. Photographic copies of Leiden or. MSS 196 and 20.

Al-Qalqashandî, Shihâb al-Dîn Ahmad. Subh al-a<sup>c</sup>shâ fi sina<sup>c</sup>at al-inshâ'. Cairo: Wizârat al-thaqâfa wa-al-irshad al-qawmi, 1963. 14 vols.

Al-Şafadî, Khalîl ibn Aybak. A<sup>c</sup>yân al-asr wa-a<sup>c</sup>wân al-naşr. Photographic copy of MS Emine Hazine 1217.

\_\_\_\_\_. Al-Wâfi bi-al-wafayât. Istanbul, Damascus, and Wiesbaden, 1931-. 9 vols. to date.

Shâfi<sup>c</sup> ibn Alî. Kitâb husn al-manâqib al-sirriyya al-muntaza<sup>c</sup>a min al-sîrat al-zâhiriyya. Riyâd; Maṭabi<sup>c</sup> al-quwât al-musallaha al-su<sup>c</sup>ûdiyya, 1396/1976.

Al-Subkî, Tâj al-Dîn Abd al-Wahhâb. Tabaqât al-shâfi<sup>c</sup>yya. (Cairo): al-Maṭba<sup>c</sup>a al-ḥusayniyya al-miṣriyya, 1906. 6 vols.

Al-Suyûtî, Jalâl al-Dîn Abd al-Rahmân. Husn al-muhâḍara fî akhbâr mişr wa-al-qâhira. Cairo, 1897. 2 vols. in one.

Al-<sup>c</sup>Umarî, Shihâb al-Dîn Ahmad. Al-Ta<sup>c</sup>rîf bi-al-muṣṭalah al-sharîf. (Cairo); Maṭba<sup>c</sup>at al-<sup>c</sup>âşima, 1894.

Yâqût ibn Abd Allâh al-Ḥamawî. Kitâb mu<sup>c</sup>jam al-buldân. Leipzig: F. A. Brockhaus, 1866-73. 6 vols.

Al-Yûnînî, Quṭb al-Dîn Mûsâ. Dhayl mir'ât al-zamân. Hyderabad; Majlis dâ'irat al-ma<sup>c</sup>ârif al-<sup>c</sup>uthmâniyya, 1954-. 4 vols. to date.

\_\_\_\_\_. Dhayl mir'ât al-zamân. Ahmet III MS 5803.

Al-Zâhirî, Khalîl. Kitâb zubdat kashf al-mamâlik. Paris; Imprimerie nationale, 1894.

## B. Secondary Sources.

Ashtor, E. Histoire des prix et des salaires dans l'orient medieval. Paris; S. E. V. P. E. N., 1969.

Ayalon, David. "Names, titles, and 'nisbas' of the Mamlûks," Israel Oriental Studies, V (1975), 189-232.

\_\_\_\_\_. L'Esclavage du Mamelouk. Jerusalem; The Israel Oriental Society, 1951.

\_\_\_\_\_. "The Great Yâsa of Chingiz Khân. A Reexamination," Studia Islamica, XXXIII (1971), 97-140; XXXIV (1972), 151-180; XXXVI (1972), 113-158; XXXVIII (1973), 107-156.

\_\_\_\_\_. "Studies on the Structure of the Mamlûk Army," Bulletin of the School of Oriental and African Studies, XV (1953), 203-28, 448-76; XVI (1954), 57-90.

Baqlī, Muhammad Qandīl. Fahāris kitāb subḥ al-a<sup>c</sup>shā.  
Cairo: <sup>c</sup>Ālam āl-kutub, 1972 (?).

Brockelmann, Carl. Geschichte der arabischen Litteratur.  
2 vols and 3 supplements. 2nd edition. Leiden: E. J. Brill,  
1945-49.

Coulson, N. J. A History of Islamic Law. Edinburgh: Edinburgh  
University Press, 1964.

Encyclopaedia of Islam. Edited by Thomas Houtsma et al.  
4 vols. and supplement. Leiden: E. J. Brill, 1913-38.

Encyclopaedia of Islam. Edited by J. H. Kramers et al.  
2nd revised edition. 4 vols. to date. Leiden: E. J. Brill,  
1960- .

Escovitz, Joseph H. "A Lost Arabic Source for the History  
of Early Ottoman Egypt," Journal of the American Oriental Society,  
XLVII (1977), 513-18.

\_\_\_\_\_. "A Study of al-Durar al-kāmina as a Source for the  
History of the Mamlūk Empire," Unpublished M. A. thesis,  
McGill University, 1974. \*

\_\_\_\_\_. "Vocational Patterns of the Scribes of the Mamlūk  
Chancery," Arabica, XXIII (1976), 42-62.

Gabrielli, Giuseppi. "Indice alfabetico di tutte le biografie  
contenute nel Wāfi bi-l-wafayāt di al-Safadī," Rendiconti della  
Accademia dei Lincei, Ser. V, XXII (1913), 547-77, 580-620;  
XXIII (1914), 191-208, 217-65; XXIV (1915), 551-615; XXV (1916),  
341-98.

Gottheil, R. J. (ed.). The History of the Egyptian Cadis  
...by...al-Kindi. Paris, 1908.

Guest, R. W. The Governors and Judges of Egypt. Leiden:  
E. J. Brill, 1912.

Haarmann, Ulrich. Quellenstudien zur frühen Mamlukenzeit.  
Freiburg: D. Robischon, 1969.

Humphrey, R. S. "The Emergence of the Mamlūk Army," Studia  
Islamica, XLV (1977), 67-99; XLVI (1977), 147-82.

Lane-Poole, Stanley. A History of Egypt in the Middle Ages.  
London: Methuen and Co., 1901.

Laoust, Henri. Essaie sur les doctrines sociales et politiques  
de Takī-d-dīn Ahmad ibn Taimiyya. Cairo: Institut Français  
d'Archéologie Orientale, 1939.

\_\_\_\_\_. "Le Hanbalisme sous les Mamlouks Bahrides," Revue  
des Etudes Islamiques, XXVII (1960), 1-71.

Lapidus, Ira. Muslim Cities in the Later Middle Ages. Cambridge, Mass.: Harvard University Press, 1967.

Little, Donald P. "An Analysis of the Relationship between Four Mamlūk Chronicles for 737-745," Journal of Semitic Studies, XIX (1974), 252-68.

\_\_\_\_\_. "Coptic Conversion to Islam under the Bahri Mamlūks," 692-755/1293-1354," Bulletin of the School of Oriental and African Studies, XXXIX (1976), 552-69.

\_\_\_\_\_. "Did Ibn Taymiyya have a Screw Loose?" Studia Islamica, XLI (1975), 93-111.

\_\_\_\_\_. "The Historical and Historiographical Significance of the Detention of Ibn Taymiyya," International Journal of Middle Eastern Studies, IV (1973), 311-27.

\_\_\_\_\_. An Introduction to Mamlūk Historiography. Montreal, McGill-Queen's Press, 1970.

\_\_\_\_\_. "The Recovery of a Lost Souce for Bahri Mamlūk History," Journal of the American Oriental Society, XLIV (1974), 42-54.

\_\_\_\_\_. "Al-Ṣafadī as Biographer of His Contemporaries," in Essays on Islamic Civilization Presented to Niyazi Berkes. Edited by D. P. Little. Leiden, E. J. Brill, 1976.

Mandaville, Jon. "The Muslim Judiciary of Damascus in the Late Mamlūk Period." Unpublished Ph. D. dissertation, Princeton University, 1969.

Murād, Hasan Q. "Miḥan of Ibn Taymiyya: A Narrative Account Based on a Comparative Analysis of Sources." Unpublished M. A. thesis, McGill University, 1970.

Northrup, Linda S. "Muslim-Christian Relations during the Reign of the Mamlūk Sultan al-Malik al-Manṣūr Qalā'ūn (678/1279-689/1290)." Unpublished M. A. thesis, McGill University, 1974.

Petry, Carl. "Geographic Origins and Residence Patterns of the 'ulamā' of Cairo in the Fifteenth Century." Unpublished Ph. D. dissertation, University of Michigan, 1974.

Petry, Carl and Stanley Mendenhall. "Geographic Origins of the Civil Judiciary of Cairo in the Fifteenth Century," Journal of the Economic and Social History of the Orient, XXI (1978), 52-74.

Popper, William. Egypt and Syria under the Circassian Sultans, 1382-1468 A. D., Systematic Notes to Ibn Taghri Birdi's Chronicles of Egypt. Berkeley, California, University of California Press, 1955-57/ 2 vols.

Rabie, Hassan. The Financial System of Egypt; A. H. 564-741 / A. D. 1169-1341. London: Oxford University Press, 1972.

Salibi, K. S. "The Banû Jamâ'a, a Dynasty of Shafiite Jurists in the Mamlûk Period," Studia Islamica, IX (1958), 97-109.

\_\_\_\_\_. "Listes chronologiques des grands cadis de l'Egypte sous les Mamelouks," Revue des Etudes Islamiques, XXV (1957), 71-112.

Sauvaget, Jean. "Noms et surnoms de Mameloukes," Journal Asiatique, CCXXXVIII (1950), 31-58.

Schimmel, A. "Kalif und Kadi im spätmittelalterlichen Aegypten," Die Welt des Islams, XXIV (1942), 1-128.

Sourdel, Dominique. Le Vizirat Abbaside de 749 à 936 (132 à 324 de l'Hegire). Damascus: Institut Français, 1960. 2 vols.

Sublet, Jacqueline. "La Folie de la princesse Bint al-Ashraf," Bulletin d'Etudes Orientales, XXVII (1974), pp. 45-50.

Tyan, E. Histoire de l'organisation judiciaire en pays d'Islam. Leiden: E. J. Brill, 1960.