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## Mamluk Religious Policy

*Al-Islām dawlah wa-dīn*, runs a well-known adage in the Muslim world, one translated very imperfectly as “Islam is both a state and a religion.” The relationship between political and religious authority has been subject to distinctive pressures in the Muslim world, and it consequently has developed along a very different course than that with which most societies in the West are familiar. At the time of Muḥammad and the very early caliphs, there was probably little if any separation between the two. The subsequent history of the relationship between political and religious authority is, however, much more complex. With the gradual emergence of a distinctive group of religious scholars, the *ulama*, a locus of authority arose which challenged the undifferentiated character of the caliphs’ power. The failure of al-Maʾmūn’s *miḥnah* in the ninth century is sometimes, and with reason, taken to mark a fundamental turning point: that the *ulama* and not the caliphs (or, indeed, subsequent Islamic rulers who held different titles) were recognized as the ultimate arbiters of matters of doctrine. But the fallout of the *miḥnah* entailed nothing like a separation of church and state, and political authority remained deeply entwined with the religious authority exercised by the *ulama*. The power of caliphs, amirs, and sultans was conceptualized and justified in explicitly religious terms, and the fundamental purpose of any Islamic state was to implement the *shari‘ah*, the law articulated by the jurists.

By the time of the rise of the Mamluk regime in the middle of the thirteenth century, more than six hundred years had elapsed since the rise of Islam—more than six hundred years of complex development in the relationship between political and religious authority. From a certain standpoint (including that of the Salafists in the contemporary world), this development was largely one of linear decline. Each turn of Islamic history brought with it a further distancing from the norms and ideals established in the foundational narratives. The caliphs had adopted the trappings and attitudes of mere monarchs; the caliphs’ political authority was supplanted by that of amirs and sultans; finally the caliphs, who in at least residual form marked a sort of chain of “apostolic” authority, were swept away by the Mongol tide. In this view, the rise of the Mamluk regime became a benchmark for what we could almost call a “secularization,” unwanted and un-Islamic, of political authority. The Mamluks themselves were of non-Muslim origin; they frequently indulged in frankly un-Islamic behavior; and they had

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overthrown a regime (that of the Ayyubids) that many Muslims had come to revere for its services in restoring the religion and the political fortunes of Islam in the eastern Mediterranean.

In fact, of course, the religious character of the Mamluk regime, and the relationship between religious and political authority under its rule, was much more complex and nuanced. One of the dominant themes of scholarship about the Mamluks over the last three decades has been to assert and trace the close and in many cases symbiotic relations between the political and religious establishments. For all that they might complain about the behavior of individual Mamluks, the *ulama* were generally appreciative of the regime and its services to the faith—whether that meant protecting it from external enemies, such as the Mongols and Crusaders, or providing the infrastructure of religious life at home. Through those moments at which political and religious authority intersected, we can trace the outlines of the religious policies of the Mamluk state.

Religious *policies*—although not, perhaps, a religious policy. It is difficult to discern an overriding, clearly-defined religious objective of the Mamluk state, or a coordinated series of sustained activities designed to accomplish a broad religious goal. It is much easier to detect such a coordinated policy in the earlier Sunni regimes which, to some degree, provided models for the Mamluks. The Saljuqs in Iraq and Iran, for example, particularly under their vizier Nizām al-Mulk, deliberately sought to strengthen the institutional infrastructure and ideological matrix of Sunni Islam in the face of the challenge posed by both Isma‘ili and Twelver Shi‘ism. The Ayyubids in Syria and Egypt, a more proximate model for the Mamluks, also left evidence of a coordinated religious policy. Their construction and endowment of madrasahs, and their efforts to promote and extend the authority of jurists and the various schools of law (*madhāhib*), served both to revitalize a Sunni community which (in Egypt) had atrophied under Fatimid rule, and to circumscribe the aspirations of a renascent Christian population emboldened by the prominence of Christian officers and soldiers under the later Fatimids—and also, perhaps, to provide a symbolic response to the perceived threat of the Christian Crusaders.<sup>1</sup> In both the Saljuq and Ayyubid cases, the religious challenges were clear—whether they emanated from Twelver crowds in the city of Baghdad, or Isma‘ili Assassins in their redoubts in Iran and the Jazirah, or Crusader principalities in Syria, or Armenian warriors controlling the apparatus of the state in Fatimid Egypt. Consequently, the responses of the new Sunni regimes to those challenges were equally clear.

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<sup>1</sup> Ira M. Lapidus, “Ayyubid Religious Policy and the Development of the Schools of Law in Cairo,” *Colloque internationale sur l’histoire du caire* (Cairo, 1969), 279–86; Gary L. Leiser, “The *Madrasa* and the Islamization of the Middle East: The Case of Egypt,” *Journal of the American Research Center in Egypt* 22 (1985): 29–47.

By contrast, there is an ad hoc and pragmatic feel to the religious policies of the Mamluk sultans. Individual sultans responded to particular religious crises and questions, but continuity between the religious policies of one ruler and his successors was mostly fortuitous rather than planned. There are any number of reasons why this should have been the case. In part it simply reflects the limited and extemporaneous character of most pre-modern political structures. In part it reflects the long duration of Mamluk rule and the differing circumstances faced by Mamluk rulers over that long period of time. (A similar stretch at the beginning of Islamic history would lead from the state of the Prophet at Medina, through the rule of the “rightly-guided” caliphs, through that of the Umayyads and early Abbasids, to the time of the *miḥnah* and beyond. What “religious policy” could be discerned in that broad sweep of history?) Above all, perhaps, the absence of a continuous religious policy reflects the contentious and factional character of Mamluk politics. The overriding concern of individual Mamluks was to acquire and retain power; what we might call ideological or theoretical concerns were distinctly secondary.<sup>2</sup>

Not surprisingly, the clearest evidence of a deliberate religious policy can be found in accounts of the earliest Mamluk sultans, especially Baybars (r. 1260–77). It is possible that this is an optical illusion, generated by the fact that Baybars’ reign has been studied more thoroughly than that of any other Mamluk ruler. But more likely it reflects Baybars’ response to the particular circumstances he faced, which required a more conscious and deliberate religious policy. Baybars was not the first Mamluk to rule, but he was in many ways the effective founder of the Mamluk state and was responsible for justifying the Mamluk seizure of power; the policies he adopted continued, often simply through inertia, to serve his successors thereafter. Moreover, external religious challenges were still palpable in the mid and late thirteenth century, in the form of Christian Crusaders and pagan Mongols. Most importantly, Baybars operated under the shadow of Ayyubid rulers (the memory of whom was still fresh), and many of his religious policies can be viewed as building upon those of his predecessors.

Baybars cemented the centrality of jihad as a foundation of his state—a stance that was of course consistent with that of most medieval Sunni regimes. For Baybars, as for the Ayyubids, the principal threats were both external and religious: Christian Crusaders and pagan Mongols. That fortuitous combination tended to sharpen the ideological importance of jihad—that is, to mark this religious duty as an aspect of state policy. As one of the heroes of the Mamluk victory over the Mongols in Syria, Baybars stood out as a *mujāhid*. It was he who set in motion the series of campaigns which ultimately resulted in the final expulsion of the Crusaders from

<sup>2</sup> See Robert Irwin, “Factions in Medieval Egypt,” *Journal of the Royal Asiatic Society* (1986): 228–46, esp. 236–37.

Palestine. His status as a holy warrior made the defense of Islam through jihad one of the principal pillars of Mamluk legitimacy, which it remained to the end of the regime. The language of both the literary record, especially chronicles of the period, and also official documents and decrees, reinforced the ideal of the sultan as *mujāhid*. Subjects of the Mamluks were reminded of their rulers' status as wagers of jihad in myriad ways. As Stephen Humphreys has speculated, even the external decoration of the congregational mosque constructed by Baybars in the northern suburbs of Cairo, which reminds the observer less of a mosque than a fortress, may have been intended to link the Mamluk regime with the fortunes of "Sunni Islam militant and triumphant."<sup>3</sup>

But jihad was as broad and malleable a principle in the thirteenth, fourteenth, and fifteenth centuries as it is in the twenty-first, and the Mamluk regime's rhetorical and ideological commitment to it should not suggest that they engaged in a continuous policy of fighting Islam's external enemies. When threats appeared, the Mamluks responded to them. Qalāwūn continued and all but brought to fruition Baybars' campaign against the remaining Crusader forces in Palestine (he died just as the Mamluk army that would conquer Acre was leaving Cairo)—an event which the Muslim historians trumpeted as full of religious import, although from Qalāwūn's perspective the campaign may have loomed larger for its commercial significance and its strategic relationship to the Mamluk war against the Ilkhanids.<sup>4</sup> Even after the Crusaders had been driven from Palestine, the possibility of a new Crusader threat loomed over the Mamluks and their subjects—a threat that was not entirely fanciful, as the attack of Peter of Lusignan on Alexandria in 1365 would make clear. Concern over this perceived threat was one factor driving Barsbāy's invasion of Cyprus in 1426. But with the slow evaporation of the Crusader threat, and with the conversion of the Ilkhanids to Islam, the powerful and convenient concatenation of military and religious threats was broken. The strategic rivals of the later Mamluks were mostly Muslims—the Ak-Koyunlus, for example, or the Ottomans. In this altered environment, the obligation of struggling on behalf of religion might be understood differently—as confronting internal Muslim challenges to accepted Sunni norms or doctrines, for example, or even simply supporting the institutions and scholars who propagated the faith.<sup>5</sup>

<sup>3</sup> R. Stephen Humphreys, "The Expressive Intent of the Mamluk Architecture of Cairo: A Preliminary Essay," *Studia Islamica* 35 (1972): 89–90.

<sup>4</sup> Donald Little, "The Fall of Akka," in *Studies in Islamic History and Civilization in Honour of Professor David Ayalon*, ed. Moshe Sharon (Leiden, 1986), 159–81; Linda Northrup, *From Slave to Sultan: The Career of al-Manṣūr Qalāwūn and the Consolidation of Mamluk Rule in Egypt and Syria (678–689 A.H./1279–1290 A.D.)* (Stuttgart, 1998), 126–58, esp. 156–57.

<sup>5</sup> Cf. the remarks of Stephen Humphreys concerning the Ayyubids, "Ayyubids, Mamluks, and the Latin East in the Thirteenth Century," *Mamlūk Studies Review* 2 (1998): 1–17.

A more concrete policy adopted by Baybars to legitimate his rule was his decision to recognize a member of the Abbasid family and refugee from the Mongol destruction of Baghdad as caliph in Cairo—or more accurately, to recognize in rapid succession two such Abbasid refugees. These two individuals, al-Mustansir and then al-Hākim, were the first of a series of Abbasids who reigned as caliphs in Cairo until its conquest by the Ottomans in 1517, although few outside Egypt recognized their authority. (There were some exceptions, foreign rulers who sought formal investiture from the caliphs, including the sultans of Delhi.) Few within Egypt took their authority seriously either, beyond recognizing the caliphs as titular heads of the Islamic community. For the most part, the caliphs of Cairo wielded no power; some lived under what amounted to house arrest. The historian al-Maqrīzī painted a dismissive portrait of the caliphs of Cairo, deprived of real power and reduced to flitting on holidays from the houses of the Mamluk amirs to those of the chief scribes and judges.<sup>6</sup> Their anomalous and marginal political position has given rise to a well-developed scholarly literature analyzing the historical significance of the Abbasid caliphate of Cairo.

For Baybars, the recognition of the Abbasid caliphs was a deliberate choice, taken with very specific objectives in mind. Most importantly, of course, it represented an effort to confer legitimacy on the new Mamluk regime in accordance with the tenets of traditional Islamic political theory—that is, to make the new regime more palatable in the eyes of the ulama and a pious public. Not only had the Mamluks only recently come to power by overthrowing the respected Ayyubids, but Baybars himself was responsible for the murder of his Mamluk predecessor, Qutuz—a violent seizure of power which might well be attenuated by a stamp of caliphal approval. On this point most recent studies agree, although they differ on how significantly Baybars' recognition of the caliph figured in his broader effort to legitimize his regime. But a caliph sitting in Cairo could serve Baybars in more immediate ways, too, particularly in helping to draw the newly-converted ruler of the Golden Horde, Berke Khan, into an alliance against his Mongol cousins and the Mamluks' principal strategic rival, the Ilkhanids.<sup>7</sup> After this, however, the caliphs played little political role. Baybars' recognition of the Abbasid caliph was a decision which, once taken, became for later sultans simply part of the background fabric of political life in Mamluk Egypt—a product of political inertia, rather than a matter for conscious policy-making.

On the other hand, that inertia was not something the Mamluks could ignore, for all that they ignored the particular holders of the caliphal office. Chroniclers

<sup>6</sup> Al-Maqrīzī, *Al-Sulūk li-Ma'rifat Duwal al-Mulūk* (Cairo, 1934–73), 1:41.

<sup>7</sup> P. M. Holt, "Some Observations on the 'Abbasid Caliphate of Cairo,'" *Bulletin of the School of Oriental and African Studies* 47 (1984): 501–50; Reuven Amitai-Preiss, "The Fall and Rise of the 'Abbasid Caliphate,'" *Journal of the American Oriental Society* 116 (1996): 492.

of the period often mark the beginning of each reign, or each year, by listing the chief holders of political and religious offices, and the caliph routinely appears at the top of the list.<sup>8</sup> Some contemporary writers dismissed the traditional insistence of Islamic political theory that the authority of a Muslim government depended on the delegation of power from an imam or caliph of the Quraysh tribe—that is, that the only legitimate source of political authority was a Qurashī caliph, which the Abbasids were.<sup>9</sup> But others did not. The Shafi‘i jurist Badr al-Dīn Ibn Jamā‘ah, author of one of the most important Mamluk-era treatises on political authority, recognized that the caliphs might in fact have delegated all effective authority to the sultans; nonetheless he retained, at least as an ideal, the ancient principle that that authority should be properly delegated from a Qurashī imam.<sup>10</sup> After Baybars’ re-establishment of the Abbasid line in Cairo, future sultans would mark their accession with a formal ceremony during which the caliph would delegate his powers to the new ruler and bestow on him a robe of investiture.<sup>11</sup> The residual hold of the idea of the caliphate on the Mamluks’ Muslim subjects was profound—witness, for example, the historical writings of Jalāl al-Dīn al-Suyūṭī, who even at the end of the Mamluk period could insist on the imperative of caliphal authority.<sup>12</sup> In the end, the position of the caliphs under the Mamluks was inherently anomalous: no Mamluk sultan could even contemplate a policy of completely dispensing with the caliph, but neither did any Mamluk sultan feel compelled to pay the caliph much attention.

A more proactive and innovative policy of Baybars concerns his decision to

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<sup>8</sup> For one example among many, see Ibn Taghribirdī, *Al-Nujūm al-Zāhirah fī Mulūk Miṣr wa-al-Qāhirah* (Cairo, 1929–72), 15:222.

<sup>9</sup> Wilferd Madelung, “A Treatise of the Imamate Dedicated to Sultan Baybars I,” *Proceedings of the 14<sup>th</sup> Congress of the Union européenne des arabisants et islamisants* (Budapest, 1995), Part 1:91–102.

<sup>10</sup> Badr al-Dīn Ibn Jamā‘ah, *Taḥrīr al-Aḥkām fī Tadbīr Ahl al-Islām*, ed. Hans Kofler, “Handbuch des islamischen Staats- und Verwaltungsrechtes von Badr-ad-Din Ibn Ġama‘ah,” *Islamica* 6 (1934): 349–414 and 7 (1935): 1–64. See esp. 6:355–65.

<sup>11</sup> For one example of such a ceremony, see Ibn Taghribirdī, *Al-Nujūm al-Zāhirah*, 10:4–5. However, the subordinate political position of the caliphs is often evident in the ceremonies of investiture, or in the language with which the historians describe them—in which, for example, the caliphs, along with the qadis and others, were “summoned” to participate. See, for example, *ibid.*, 15:526.

<sup>12</sup> Especially in *Tārīkh al-Khulafā’* (Cairo, 1964) and *Ḥusn al-Muḥāḍarah* (Cairo, 1967). Cf. Jean-Claude Garcin, “Histoire, opposition politique et piétisme traditionaliste dans le *Husn al-muhadarat* de Suyuti,” *Annales islamologiques* 7 (1967): 33–89. On the continuing resonance of the *idea* of the caliphate with both the ulama and the common people, see Lutz Wiederhold, “Legal-Religious Elite, Temporal Authority, and the Caliphate in Mamluk Society: Conclusions Drawn from the Examination of a ‘Zahiri Revolt’ in Damascus in 1386,” *International Journal of Middle East Studies* 31 (1999): 203–35.

appoint four qadis, one for each of the principal schools of Islamic law—a policy which has also generated considerable discussion in the secondary literature. In this matter, it is again possible to trace continuity between Baybars' action and developments under the Ayyubids and even earlier Sunni rulers. We are accustomed to thinking of the mutual recognition of the four *madhāhib* and their acknowledgement of the legitimacy of each as characteristic of Sunni Islam, although in fact it only gradually emerged as such over the medieval period.<sup>13</sup> Already in the twelfth century, the sultan Nūr al-Dīn had appointed qadis belonging to the four *madhāhib* in the territories he ruled in Syria.<sup>14</sup> The Ayyubid ruler al-Malik al-Ṣāliḥ (r. 1240–49) established a madrasah in Cairo with provisions for the instruction of jurisprudence according to all four of the *madhāhib*—the first of its kind in Egypt, although many of those constructed and endowed by the Mamluks followed this pattern as well. Before formally appointing qadis according to all four schools, Baybars had instructed the Shafi'ī qadi Ibn Bint al-A'azz to appoint three deputies, one for each of the Hanafi, Maliki, and Hanbali *madhāhib*. Al-Maqrīzī saw Baybars' decision to appoint four chief qadis as a defining moment, the culmination of a long process through which the four Sunni schools emerged as the only acceptable forms of normative Sunni Islam.<sup>15</sup> After the formal appointment of the four chief qadis in Cairo, the pattern was extended to Damascus and other provinces in the Mamluk empire. Baybars' action did not end all tension between the *madhāhib*—the endowment deed of one Damascene madrasah stipulated that “no Jew, Christian, Magian, or Hanbali” should enter it, which certainly put the Hanbalis in their place.<sup>16</sup> But it did mark an important step in the emerging pattern of roughly equal status among the schools of law, if only because of the importance of the Mamluk capital of Cairo as a center of Islamic culture in the post-Mongol period.

Beyond fitting into an evolving pattern of mutual recognition among the four Sunni schools of law, what did Baybars' decision mean? Sherman Jackson has argued convincingly that the sultan's action had (again) a very specific and immediate goal: namely, overcoming the reluctance of Ibn Bint al-A'azz, in his capacity as Shafi'ī qadi, to implement decisions according to the other schools

<sup>13</sup> In the early medieval period, competition between the adherents of the different Sunni schools sometimes turned violent, as Richard Bulliet showed concerning the city of Nishapur in eastern Iran. *The Patricians of Nishapur: A Study in Medieval Islamic Social History* (Cambridge, Mass., 1972).

<sup>14</sup> Nikita Elisséef, *Nur al-Din: un grand prince musulman de Syrie au temps des croisades (511–569h/1118–1174)* (Damascus, 1967), 3:826.

<sup>15</sup> Al-Maqrīzī, *Al-Mawā'iz wa-al-I'tibār bi-Dhikr al-Khīṭaṭ wa-al-Āthār* (Bulaq, 1853–54), 2:344.

<sup>16</sup> Michael Chamberlain, *Knowledge and Social Practice in Damascus, 1190–1350* (Cambridge, 1994), 169.

of law. The Shafi'i chief judge was too esteemed and powerful to be dispensed with, but his refusal to respect the rulings of the non-Shafi'i *madhāhib* was a source of disruptive contention, and so Baybars' action served to unify the ulama belonging to the different schools of law and to attract their support for the new Mamluk regime.<sup>17</sup> More recently, Yossef Rapoport has pointed out that making judges of the four schools roughly equal in authority<sup>18</sup> had the effect of providing flexibility to an increasingly rigid legal system. As the authority of the *madhāhib* became more firmly established, and as the legal principle of *taqlid* narrowed the scope of ruling acknowledged as acceptable according to the consensus of the jurists, a degree of flexibility in the outcome of legal disputes could be retained by judiciously selecting which judge (Shafi'i, Hanafi, Maliki, or Hanbali) heard a particular case—although whether Baybars' reform of the judicial system deliberately “aimed” at this result is perhaps less clear.<sup>19</sup>

No later Mamluk sultan attempted any reform of the judicial system so sweeping as Baybars' action, but they did routinely intervene in matters judicial; moreover, Rapoport's analysis points to a broader conclusion, that under the Mamluks “the state was more actively involved in the legal sphere than is commonly assumed.”<sup>20</sup> It is only to be expected that the Mamluks would keep a close watch on judicial matters: even if the formulation of the law was exclusively the preserve of the ulama, its application was a matter of intense interest to the political authorities. At the most obvious level, of course, the sultans retained the right to appoint the chief qadis of the different schools, and over the course of the Mamluk period they exercised their authority to appoint (or dismiss) qadis for a variety of reasons: competence, personality issues, policy differences.

But sultans also exercised a kind of supreme judicial authority of their own. The prerogative of the ruler to hold judicial sessions for those seeking redress of grievances is of course a very old one in the Middle East, one that was well-established at the rise of Islam, and one that was recognized by the early Muslim jurists under the rubric of *mazālim*, that is, “the [righting of] wrongs.” The pre-eminent historian of *mazālim* under the Mamluks, J. S. Nielsen, is skeptical of the direct connection between the Mamluk sultans' administration of justice

<sup>17</sup> Sherman Jackson, “The Primacy of Domestic Politics: Ibn Bint al-A'azz and the Establishment of Four Chief Judgeships in Egypt,” *Journal of the American Oriental Society* 115 (1995): 52–65.

<sup>18</sup> Their positions after Baybars' reforms were not entirely equal. The Shafi'i qadi remained a sort of *primus inter pares* and retained certain prerogatives, such as the responsibility of supervising the property of orphans.

<sup>19</sup> Yossef Rapoport, “Legal Diversity in the Age of *Taqlid*: The Four Chief *Qādis* under the Mamluks,” *Islamic Law and Society* 10 (2003): 210–28. The comment about the deliberate nature of the reform is found on page 226.

<sup>20</sup> *Ibid.*, 228.



and the theory of *mazālim* as developed by earlier writers such as al-Māwardī.<sup>21</sup> But two things about the *mazālim* as administered by the Mamluks are clear. In the first place, while the *mazālim* has been viewed as a kind of “secular justice” (in Nielsen’s phrase) and the prerogatives of the sultan’s court allowed him to sidestep some of the niceties of Islamic law (involving, for example, rules of evidence), there was an unmistakably religious flavor to the proceedings, and the sultan’s obligation to use them to administer justice was an important part of the ideological underpinnings of the Mamluk state. Ibn Jamā‘ah cited the responsibilities of the ruler in dispensing justice, along with his obligation to wage jihad, as the most important duties of the sovereign.<sup>22</sup> Following Ayyubid precedent, the Mamluks at first supervised judicial sessions in a *madrakah*, an institution devoted to instruction in Islamic jurisprudence, although later they were transferred to a “house of justice” (*dār al-‘adl*) constructed explicitly for this purpose.<sup>23</sup> Wherever they were held, the presence of the qadis and other religious scholars lent them a religious imprimatur.

In the second place, the Mamluks on the whole took their judicial responsibilities quite seriously. To be sure, there was a kind of bureaucratization of the sultan’s responsibility to administer justice under the Mamluks.<sup>24</sup> But the highly-organized character of the process by which a subject might petition the ruler, and by which the ruler or his delegated subordinates would respond, could be read as a mark of the importance they attached to the subject. Not all Mamluk rulers took a keen personal interest in supervising *mazālim* sessions—some, of course, especially those whose reigns were abortive either because of the ruler’s youth or because of the brevity of his rule, had little opportunity to demonstrate an interest in the process—but others certainly did. Qāyṭbāy (r. 1468–96), for instance, cleverly used his *mazālim* sessions to cultivate a reputation for delivering firm, swift, compassionate justice, and so to build a following among the masses. Despite his occasional public criticism or humiliation of a scholar or jurist, even the *ulama* on the whole were impressed by Qāyṭbāy’s commitment to justice and to Sunni orthodoxy. Even al-Ghawri (r. 1501–16), while not as politically nimble as Qāyṭbāy, understood the importance of his judicial responsibilities and actively

<sup>21</sup> Jørgen S. Nielsen, *Secular Justice in an Islamic State: Mazālim Under the Bahri Mamluks, 662/1264–789/1387* (Istanbul, 1985), 35.

<sup>22</sup> Ibn Jamā‘ah, *Tahrir al-Ahkām*, 6:369–74.

<sup>23</sup> The institution of the *dār al-‘adl* itself had an ideological significance, giving concrete expression to the understanding of the medieval jurists (such as Ibn Jamā‘ah) that the administration of justice—and a justice conceived in explicitly Islamic terms—was the fundamental purpose of the Muslim state. See Nasser O. Rabbat, “The Ideological Significance of the *Dār al-Adl* in the Medieval Islamic Orient,” *International Journal of Middle East Studies* 27 (1995): 3–28.

<sup>24</sup> Nielsen, *Secular Justice*, passim, esp. chapters 5 and 6.

exploited them.<sup>25</sup> Twice-weekly formal processions of the sultan and the officials who advised him to the madrasah or other institution where the *maẓālim* sessions were held were among the most prominent public spectacles in Mamluk Cairo. Clearly, the active and successful administration of their judicial responsibilities was a persistent cornerstone of Mamluk religious policy.

Given limitations on both their time and interest, the Mamluks seem not to have intervened across the broad gamut of matters regulated by the law. As a general rule, only those questions that had political ramifications regularly captured their attention—the malfeasance of officials, for example. But where the established order was threatened, the Mamluks were ready and willing to intervene. One of the more famous examples involves the ever-controversial Ibn Taymīyah, who in 1320 was arrested and imprisoned as a consequence of fatwas he had issued on the subject of divorce and oaths by which husbands would repudiate their wives. At first sight, such matters would seem to fall within a sphere of doctrine—the law of personal status—over which the political authorities had little or no authority. Ibn Taymīyah, however, had espoused positions on the force and legitimacy of oaths of repudiation which threatened the established order, either by brazenly challenging the jurisprudential consensus of the ulama, or possibly by implicitly undermining the oaths which the Mamluks themselves had sworn to obey the reigning sultan. The sultan’s efforts to muzzle Ibn Taymīyah, therefore, served both to protect his own throne and to reinforce the authority of the ulama as a whole—that is, to defend the established order.<sup>26</sup> Sometimes the intervention itself became the issue—when, that is, the sultan’s reputation and public responsibility as enforcer of the shari‘ah needed reinforcement. So, for example, al-Ghawrī, not generally reckoned the most pious and scrupulous of Mamluk sultans, furiously rebuked all four of the chief qadis in a case involving adultery—again an apparently apolitical matter. The jurists had recommended lenience to the adulterers. Their reluctance to prescribe the *shar‘i* penalty, stoning, allowed al-Ghawrī to pose as defender of the shari‘ah and reinforce his authority over the judicial sphere.<sup>27</sup>

Not surprisingly, many if not most of those legal cases in which the state intervened directly concerned issues involving theoretically inalienable

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<sup>25</sup> Carl F. Petry, “Royal Justice in Mamluk Cairo: Contrasting Motives of Two Sultans,” in *Saber Religioso y Poder Politico en el Islam*, ed. Manuela Marin and Mercedes Garcia Arenal (Madrid, 1994), 197–211.

<sup>26</sup> Yossef Rapoport, *Marriage, Money and Divorce in Medieval Islamic Society* (Cambridge, 2005), 96–105, and idem, “Ibn Taymiyya on Divorce Oaths,” in *The Mamluks in Egyptian and Syrian Politics and Society*, ed. Amalia Levanoni and Michael Winter (Leiden, 2004), 191–217.

<sup>27</sup> Petry, “Royal Justice in Mamluk Cairo,” esp. 207ff; idem, *Protectors or Praetorians? The Last Mamluk Sultans and Egypt’s Waning as a Great Power* (Albany, 1994), 149–58.

endowments (*awqāf*, sing. *waqf*).<sup>28</sup> This was a matter of vital concern to the Mamluk state, for two inter-related reasons. On the one hand, *waqfs* posed a potential threat to the fiscal health of the state, either by reducing the tax base or by threatening the economic productivity of the property included in the endowment. On the other hand, sultans and other Mamluks made extensive use of the Islamic law of *waqf* to protect their own property for themselves and for their heirs, and also to legitimize their rule—a point we will return to shortly. At the same time, endowments mattered tremendously to the ulama, both because the shari‘ah was quite explicit about how *waqfs* were to be treated, and also because endowments provided the funds that supported the mosques and other religious institutions in which the ulama worked. The history of endowments under the Mamluks is essentially a balancing act, in which the competing religious and material pressures compelled Mamluks and ulama to negotiate solutions suiting the shifting contingencies of the moment.<sup>29</sup> It illustrates the fundamentally pragmatic character of Mamluk religious policies as clearly as any issue does.

Law was one area of religious concern where the sultan (and the political establishment) had a prescribed and necessary role. But over other religious matters, the Mamluks’ authority was limited at best. This reflects, among other things, one practical consequence of the resolution of the ninth-century *miḥnah*—that the ulama, and not the rulers, were responsible for judging what was properly Muslim. Consequently, the Mamluks were generally reluctant to intervene in disputes over questions of a spiritual or doctrinal nature. Occasionally, accusations of blasphemy or other heretical behavior were brought to the sultan’s attention. He might, for example, be asked to adjudicate disputes among the ulama themselves over the behavior of some mendicant Sufi, or the sermons of some controversial preacher.<sup>30</sup> Where an individual’s offending behavior drew upon him a judgment of apostasy, the political authorities might be called upon to intervene, either to resolve differences among the qadis, or, more practically, simply to carry out a sentence of execution. Not infrequently, however, one senses a tired, almost exasperated reluctance on the part of the ruling authorities to involve themselves in complicated doctrinal issues.<sup>31</sup>

<sup>28</sup> As numerous scholars have observed. See, for instance, Joseph Escovitz, *The Office of the Qādī al-Qudāt in Cairo under the Bahrī Mamlūks* (Berlin, 1984), 148–54, and Nielsen, *Secular Justice*, 45. Cf. Muḥammad M. Amīn, *Al-Awqāf wa-al-Ḥayāh al-Ijtimā‘iyah fī Miṣr, 638–923/1250–1517* (Cairo, 1980), 125ff.

<sup>29</sup> One particularly clear moment of such negotiations occurred in a meeting of leading Mamluk amirs, including the future sultan Barqūq, and prominent ulama in 1379. See al-Maqrizī, *Al-Sulūk*, 3:345–47.

<sup>30</sup> Escovitz, *Office*, 134–47, surveys a number of such incidents.

<sup>31</sup> Consider, for example, the case of Shihāb al-Dīn Aḥmad ibn Murrah, a disciple of Ibn Taymiyah

With regard to religious communities that lay outside the Sunni norm, in particular various Shi‘i groups, Mamluk policies were more tolerant than has sometimes been supposed, or at least more indifferent and inconsistent. Whether or not there was such a thing as a “Sunni renaissance,” that is, a sharpening of Sunni identity fostered by the predominantly Turkish regimes which came to power in the later Islamic Middle Period in response to the Shi‘i regimes (such as the Buyids and Fatimids) which had dominated the Middle East in the tenth and eleventh centuries, it is difficult to discern anything approaching an “inquisition” under the Mamluks.<sup>32</sup> To be sure, there were occasions when the Mamluks took measures, including violent measures, to oppose or suppress various manifestations of Shi‘ism. This was especially true in Syria—not surprisingly, since Syria contained a larger proportion of Shi‘is than other provinces of the Mamluk empire. For the most part, however, these episodes resulted not from a systematic campaign to expunge Shi‘ism from the realm, but from the perception of an immediate political threat—a rebellion by Shi‘is in conjunction with a Mongol invasion, for example.<sup>33</sup> At other times, Shi‘is moved reasonably freely in Mamluk society. Their number included prominent *ashrāf* in Damascus, and even the famous Shi‘i jurist Muḥammad ibn Makki, executed under sultan Barqūq and known therefore to Shi‘is as *al-shahīd*, “the martyr,” had traveled widely within the Mamluk realm, encountering, befriending, and studying with Sunni ulama.<sup>34</sup>

Indeed, the Mamluks themselves were often drawn to expressions of Islam that were not entirely kosher in the eyes of the leading Sunni ulama. Individual Mamluks submitted themselves to the spiritual direction of controversial religious figures—mendicants, renunciants, preachers, and others whose teaching or practices generated considerable skepticism and criticism from the more established religious elite. Many of those religious figures revered by the Mamluks, of course, were Sufis, and the devotion of the Mamluks to Sufism generally is by now well established. Their Sufi inclinations were not, however, in any way unusual, since

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whose attacks on Sufis aroused the anger of both leading religious scholars and their supporters among the ranks of the amirs. Ibn Murrah was brought before a council presided over by the sultan for judgment, at which Ibn Murrah’s accusers and defenders almost came to blows. The sultan, according to the sources, unable to resolve the dispute, simply referred it to the *nā‘ib* (deputy) for resolution. See al-Maqrizī, *Al-Sulūk*, 2:263; Ibn Ḥajar al-‘Asqalāni, *Al-Durar al-Kāminah fī A‘yān al-Mi‘ah al-Thāminah* (Cairo, 1966–67), 1:323.

<sup>32</sup> As Eliyahu Ashtor famously did in “L’inquisition dans l’état mamlouk,” *Rivista degli studi orientali* 25 (1950): 11–26.

<sup>33</sup> Henri Laoust, “Remarques sur les expéditions du Kasrawan sous les premiers Mamluks,” *Bulletin du Musée de Beyrouth* 4 (1940): 93–115.

<sup>34</sup> A history of Shi‘ism under the Mamluks is an important *desideratum* of the field. For now, see Stefan Winter, “Shams al-Dīn Muḥammad ibn Makki ‘al-Shahīd al-Awwal’ and the Shi‘ah of Syria,” *Mamlūk Studies Review* 3 (1999): 149–82.

Sufism itself was widely accepted among Sunni Muslims in the Middle East by the fourteenth and fifteenth centuries. What was perhaps more notable about the Mamluks was the particular nature of some of the Sufis and other religious figures whom they admired. Baybars himself had a famous and psychologically complex attachment to a somewhat bizarre shaykh, Khāḍir al-Mihrānī, known especially for his divinatory powers.<sup>35</sup> Divination, in fact, was a common fascination of the Mamluks—perhaps, some have speculated, a legacy of the shamanism to which many were exposed as children and youth in the Central Asian homelands.<sup>36</sup>

But the Mamluks' attraction to marginal religious figures may reveal less about them as a distinctive cultural group than it does about the widespread and remarkable diversity of Islam in medieval Middle Eastern society. Take, for instance, Barak Baba, a flamboyant, antinomian Turkish ascetic whose appearance in Damascus in the early fourteenth century generated controversy. Donald Little has seen in the inconsistent reaction of the Mamluks to Barak Baba—the viceroy in the city at first welcomed him, other amirs were offended by the dervish's unruly asceticism, the sultan in Cairo finally forbade him from approaching that city—an ambivalence in their attitude toward religion: on the one hand they allied themselves with the normative Islam of the urban ulama, on the other they retained a more-than-vestigial interest in religious ideas and practices associated in a general way with Central Asian shamanism. But the truth is Barak Baba had followers among local Muslims as well.<sup>37</sup> Similarly, toward the end of the Mamluk period, several Mamluks, including the sultan Qāyṭbāy, became embroiled in a controversy over the legacy of the Sufi poet Ibn al-Fāriḍ. Some of the ideas expressed in Ibn al-Fāriḍ's verse were subjected to scathing criticism from scholars such as Ibn Ḥajar al-ʿAsqalānī, who saw in them an un-Islamic monism. But the Mamluks who defended Ibn al-Fāriḍ were not alone: they took their cues from other local ulama, including the historian al-Suyūṭī and the esteemed jurist Zakariyā al-Anṣārī.<sup>38</sup>

Whatever peculiar proclivities and sensibilities the Mamluks may or may not have brought to Islam as experienced under their rule, the most consistent feature of the relations of the Mamluk state with the religious establishment—the thing that came closest to a permanent religious policy—was the symbiotic relationship

<sup>35</sup> Louis Pouzet, "Hadir ibn Abi Bakr al-Mihrani (m. 7 muh. 676/11 juin 1277) ṣayh du sultan mamelouk al-Malik az-Zahir Baibars," *Annales islamologiques* 30 (1978): 173–83.

<sup>36</sup> See, for example, Northrup, *From Slave to Sultan*, 67, note 15.

<sup>37</sup> Compare Donald P. Little, "Religion under the Mamluks," *The Muslim World* 73 (1983): 165–81, and Ahmet T. Karamustafa, *God's Unruly Friends: Dervish Groups in the Islamic Later Middle Period, 1200–1550* (Salt Lake City, 1994).

<sup>38</sup> Th. Emil Homerin, *From Arab Poet to Muslim Saint: Ibn al-Fāriḍ, his Verse, and his Shrine* (Columbia, SC, 1994), 55–75.

they cultivated with the ulama. Each group was able to supply the other with something it needed. The Mamluks provided the ulama with the physical and financial infrastructure for their professional and religious activities. Not all mosques, madrasahs, and *khānqāhs* constructed in Cairo and other cities during the Mamluk period were constructed by the sultans and amirs, but the vast majority of them, and almost all of the largest institutions, were the product of Mamluk largesse.<sup>39</sup> Both within and beyond the world of religious institutions, patronage of the ulama by the ruling authorities constituted a central feature of their professional lives. Michael Chamberlain has brilliantly illustrated how the competition for the “monetized honors” offered by religious institutions shaped the social world of the ulama, and also how their social relations paralleled those within the Mamluk elite itself.<sup>40</sup> But there was a vertical as well as horizontal character to the struggle for place, position, and money, and patronage of individual scholars by individual Mamluks played an important role, particularly in the competition for positions at the disposal of the government, such as appointments as qadis.<sup>41</sup> This patronage was not necessarily venal—it was rather a natural by-product of the fact that the articulation and enforcement of Islamic law required the cooperation of both the ulama and the ruling authorities.<sup>42</sup>

In exchange, the Mamluks received a good deal from their relationship with the ulama. In the first place, and not to be dismissed as a motivating factor, there were perceived spiritual benefits to the relationship and to the ruling elite’s patronage of the ulama and their institutions. Some Mamluks may have been only superficially Islamicized, but many others were sincerely committed to their adopted faith. Moreover, the benefits that might accrue as a result of being buried next to a mosque or madrasah—and many such institutions included tombs intended for the burial of their founders—were available to anyone, pious or not (although the efficacy of such benefits is not something that historians can measure!). In addition, of course, there were material advantages to establishing a foundation to support a religious institution, since by it a Mamluk could preserve at least a portion of his wealth from confiscation and pass on to his heirs that part of a foundation’s income not committed to the institution’s upkeep and expenses.

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<sup>39</sup> For one study of this phenomenon, see Jonathan Berkey, *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education* (Princeton, 1992).

<sup>40</sup> Chamberlain, *Knowledge and Social Practice*, passim.

<sup>41</sup> See, for example, Joseph Escovitz, “Patterns of Appointment to the Chief Judgeships of Cairo During the Bahri Mamluk Period,” *Arabica* 30 (1983): 147–68.

<sup>42</sup> The fact of such patronage is well known, but the overall parameters and consequences for Mamluk society of what the Ottomans would later call *intisap* await fuller study. On the Ottoman case, see Norman Itzkowitz, “Eighteenth-Century Ottoman Realities,” *Studia Islamica* 16 (1962): 73–94.

Especially under the later Mamluks, religious endowments were employed not simply to preserve private wealth but to provide the sultan with the financial means to carry out political policies.<sup>43</sup> More generally, and more importantly, the ulama granted the Mamluks a sort of seal of approval. The scholars' willingness to receive appointments to remunerative posts as professors, prayer leaders, preachers, etc., in institutions founded by the Mamluks, and very often housing their tombs as well, worked to legitimate the regime itself as well as the rule and reputations of the individual Mamluk benefactors. There are signs that the Mamluks understood quite explicitly the political benefits their munificence promised—hence, for example, Qalāwūn soon after his accession as sultan embarked on a program of constructing and repairing religious institutions in the sacred towns of Medina, Jerusalem, and Hebron as a way of solidifying support for his new regime.<sup>44</sup>

This is not to say that the interests of the Mamluks and of the ulama were perfectly aligned. The political priorities of the Mamluks could trump the spiritual or material concerns of the ulama—as, for instance, when al-Nāṣir Muḥammad closed the recently-constructed *khānqāh* of his rival Baybars al-Jashankīr.<sup>45</sup> For all his devotion to Khāḍir al-Mihrānī, Baybars allowed himself to be persuaded that state security required the shaykh's imprisonment. At their accessions, Mamluk sultans sometimes announced plans to enforce shari'ah rules—for example, the suppression of non-*shar'ī* taxes, or enforcement of legal restrictions on the behavior of the *dhimmīs*—although the repetition of such proclamations over time suggest that the ruling authorities did not follow through consistently and whole-heartedly. One of the most important points of conflict between the interests of the Mamluks and the ulama concerned the religious minorities whom the Mamluks had reason to protect, especially those Copts who served in the government bureaucracies.<sup>46</sup> For all that they might admire and venerate the ulama, the Mamluks also feared them for their potential to mobilize opposition to the Mamluk regime. Upon the death of the respected shaykh Ibn 'Abd al-Salām, Baybars is said to have remarked that only now was his kingdom secure, since Ibn 'Abd Salām could have led the people to drive him from his throne.<sup>47</sup> The late-Mamluk/early-Ottoman Sufi and scholar al-Sha'rānī recalled that his master, the illiterate but revered shaykh Ibrāhīm al-Matbūlī, so frequently opposed Qāyṭbāy on various matters that the sultan finally remarked, quite literally, that Egypt was

<sup>43</sup> A process outlined insightfully in Petry, *Protectors or Praetorians?*, esp. 190–210.

<sup>44</sup> Northrup, *From Slave to Sultan*, 85–86.

<sup>45</sup> On which see Leonor Fernandes, “The Foundation of Baybars al-Jashankīr: Its Waqf, History, and Architecture,” *Muqarnas* 4 (1987): 21–42.

<sup>46</sup> See D. S. Richards, “The Coptic Bureaucracy under the Mamluks,” *Colloque internationale sur l'histoire du caire* (Cairo, 1969), 373–81.

<sup>47</sup> Ibn al-ʿImād, *Shadharāt al-Dhahab fī Akhbār Man Dhahab* (Cairo, 1931), 5:302.

not big enough to hold both of them.<sup>48</sup>

Such moments of conflict, however, did little to affect the larger pattern of cooperation between the Mamluks and the ulama. Their tacit alliance lay at the foundation of contemporary justifications for Mamluk rule and appreciations of the Mamluks' place in history. As David Ayalon famously pointed out, no less an authority than Ibn Khaldūn understood the nature of their contribution and acknowledged their role in saving Islam, in particular from the Mongol onslaught.<sup>49</sup> But the Mamluks' service to Islam went well beyond military valor, to embrace the active and munificent support of the ulama establishment. In exchange, the ulama validated the Mamluk regime generally and the rule of individual sultans in particular. Like any good relationship, this one had its difficult moments, but it lasted for more than two and half centuries and may have helped to shape the character of relations between political and religious authorities in the Sunni Islamic Middle East long after the Mamluks themselves were gone.

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<sup>48</sup> Al-Sha'rānī, *Al-Ṭabaqāt al-Kubrā* (Cairo, 1965), 2:80.

<sup>49</sup> David Ayalon, "Mamlukiyyat: A First Attempt to Evaluate the Mamluk Military System," *Jerusalem Studies in Arabic and Islam* 2 (1980): 321–49.