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Symbiotic Relations: Ulama and the Mamluk Sultans

Introduction: Issues and Methodology

The ulama played a vital role in the political and social life of the Mamluk state. Ira Marvin Lapidus, for example, makes the following observation about the urban society of the Mamluk period:

> In Mamlūk cities no central agency for coordination or administration of the affairs of the whole existed. There were no municipalities, nor communes, nor state bureaucracies for urban affairs. Rather the cohesion of the city depended not on any particular institutions but on patterns of social activity and organization which served to create a more broadly based community, and this community was built around the religious elites.

The "religious elites" referred to above are identified by Lapidus as ulama who, in his words, "were that part of the Muslim community learned in the literature, laws, and doctrines of Islam. They were judges, jurists, prayer-leaders, scholars, teachers, readers of Koran, reciters of traditions, Sufis, functionaries of mosques, and so on." The whole aim of the somewhat awkward phrase "that part of the Muslim community learned in" is to avoid the term "class" when referring to the ulama. Lapidus is very explicit about his perception of the ulama: "the ʿulamāʾ were not a distinct class, but a category of persons overlapping other classes and social divisions, permeating the whole of society."[1] I would argue that the ulama must be perceived as a class and not as a category. What distinguished ulama from other classes was their religious learning but, like other classes, they were divided according to wealth, status, and occupation. If we speak about merchants, administrators or the military in term of classes the same must be applied to the ulama.

Another approach has been adopted by Carl F. Petry, who perceives the social structure of Cairo, and by extension that of the Mamluk state, as based on a threefold division: the ruling military caste, "a civilian administrative elite, the majority of whom were designated ʿulamāʾ," and the masses. The term "civilian elite" is broader than ulama and also contains notables who were not necessarily ulama.[2] Petry's administrative elite, or "le milieu des administrateurs civils," is at

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[1] Ira Lapidus, *Muslim Cities in the Later Middle Ages* (Cambridge, Mass., 1967), 107.

[2] Carl F. Petry, *The Civilian Elite of Cairo in the Later Middle Ages* (Princeton, 1981), 3–4.

the heart of Bernadette Martel-Thoumian's study of the Mamluk administration of the fourteenth and fifteenth centuries. The professional administrators as typified by the *kātib* are extensively discussed by Martel-Thoumian, who makes the following observation: "Nous avons parlé de milieu civil par opposition aux milieux militaires et religieux. Ce sont donc essentiellement les personnages ayant fait carrière dans l'administration qui sont l'objet de cette étude, même s'il est arrivé à certains d'entre eux d'exercer des fonctions classées, par les recueils de chancellerie, comme militaires ou religieuses."[3] However, a neat distinction between ulama and people employed in the administration *(kuttāb)* is rather difficult to make.

With respect to the Mamluk political system, Petry poses three pertinent questions: were civilians able to exert influence on the rulers, and secondly, "did the ʿ*ulamāʾ* serve primarily as mediators between the Mamlūks and the general population . . . ?" Petry goes on by asking "does the concept of mediation fail to do justice to the complexities of civilian elite status during this period?"[4] The notion that the ulama acted as mediators between the Mamluk rulers and the population has gained wide acceptance among scholars.[5] However, in her study of Zangid-Ayyubid Syria, Daniella Talmon-Heller takes a step beyond the notion of ulama as mediators. She writes: "Rulers cooperated closely with ʿulamāʾ, bolstering their role as guardians of the religious law, and as propagators of Islamic norms in wider social circles."[6] I would like to go even farther by arguing that the relations between rulers and ulama were symbiotic.

ULAMA AND RULERS: A SHORT HISTORICAL SURVEY

During the two first centuries of Islam, as has been convincingly shown by Patricia Crone and Martin Hinds, the tendency for religious legitimization of political power was strong and persistent, and the Umayyad and early Abbasid caliphs adopted the evocative title *khalīfat Allāh* (deputy of God).[7] The full ramifications

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[3] Bernadette Martel-Thoumian, *Les civils et l'administration dans l'etat militaire mamlūk (IXe/XVe siècle)* (Damascus, 1992), 11–12.

[4] Petry, *Civilian Elite,* 201.

[5] Linda S. Northrup, *From Slave to Sultan: The Career of al-Manṣūr Qalāwūn and the Consolidation of Mamlūk Rule in Egypt and Syria (678–689 A.H./1279–1290 A.D.)* (Stuttgart, 1998), 230; Stefan Leder, "Damaskus: Entwicklung einer islamischen Metropole (12.–14. Jh.) und ihre Grundlagen," in *Alltagsleben und materielle Kultur in der arabischen Sprache und Literatur,* ed. Thomas Bauer and others (Wiesbaden, 2005), 241 (I owe the reference to Leder's article to the kindness of Stefan Heidemann of the University of Jena).

[6] Daniella Talmon-Heller, "Religion in the Public Sphere: Rulers, Scholars, and Commoners in Syria Under the Zangid and Ayyubid Rule (1150–1260)" in *The Public Sphere in Muslim Societies,* ed. Miriam Hoexter and others (Jerusalem, 2002), 59.

[7] Patricia Crone and Martin Hinds, *God's Caliph* (Cambridge, 1986), 4, 6, 27, 80–83.

of the doctrine that the caliphs are God's deputies are discussed by Wadād al-Qāḍī.[8] On the practical level, it endowed the caliphs with a paramount role in the religious life of the state and implied that obedience to caliphal rule is God's command. The first three centuries of Islam also saw the emergence of the so-called "Arabic sciences," including jurisprudence, and the formation of the ulama class.[9] The jurists *(fuqahāʾ)* were an integral part of the ulama class, but they developed a professional distinction as experts in the intricacies of the law.[10] The relations between rulers and ulama were complex, and the issue of whether the ulama divested the caliphs of religious authority and left them with only political power is beyond the scope of the present article. Lapidus, for example, has argued that since the *miḥnah* of the ninth century religious and political life in medieval Islam developed separately.[11] In my discussion, I follow Muhammad Qasim Zaman's view that there was no separation between politics and religion in the early Abbasid period and that: "A difference of function between the caliphs and the ʿ*ulamāʾ* in and by itself does not necessarily signify a separation of state and religion." He, however, leaves open the question whether there was ever "a divorce of religion and the state."[12]

The basic meaning of the term ʿ*ilm* is knowledge. The ulama, therefore, were the possessors of ʿ*ilm*. The broad meaning of the term must not obscure the fact that when we speak about ulama of the Mamluk period we mean people versed in the Arabic religious sciences. When the political relations between the ulama and rulers are examined, not all groups of the ulama class are equally important.

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[8]Wadād al-Qāḍī, "The Religious Foundation of Late Umayyad Ideology and Practice," in *Saber Religioso y Poder Político en el Islam* (Madrid, 1994), 231–73, esp. 241–56.

[9] By "Arabic sciences" I mean Arabic language-oriented sciences such as grammar, *tafsīr,* and jurisprudence, in contrast to medicine, which is referred to as the "science of the ancients" (i.e., the Greeks) and is written in both Arabic and Persian.

[10] The literature on these topics is vast, and my references go only to some of the most recent publications. Although the following references focus on *mawālī,* they also offer valuable insights into the development of the Arabic sciences. See John Nawas, "The Emergence of Fiqh as a Distinct Discipline and the Ethnic Identity of the Fuqahāʾ in Early and Classical Islam," in *Studies in Arabic and Islam,* ed. Stefan Leder and others (Leuven, 2002), 491–501; Monique Bernards, "The Contribution of Mawālī to the Arabic Linguistic Tradition," in *Patronate and Patronage in Early and Classical Islam,* ed. Monique Bernards and John Nawas (Leiden, 2005), 426–53; John Nawas, "A Profile of the Mawālī ʿUlamāʾ," in ibid., 454–85.

[11] Ira Lapidus "The Separation of State and Religion in the Development of Early Islamic Society," *International Journal of Middle East Studies* 6 (1975): 364, 383. For a more complex approach, see Crone and Hinds, *God's Caliph,* 97.

[12] Muhammad Qasim Zaman, "The Caliphs, the ʿUlamāʾ, and the Law: Defining the Role and Function of the Caliph in the Early Abbasid Period," *Islamic Law and Society* 4 (1997): 36; idem, *Religion and Politics Under the Early Abbasids* (Leiden, 1997), 213.

Quite obviously, grammarians, for example, were a more marginal group than jurists, while qadis, in contrast to what might be called academic jurists, stood at the very focal point of these relations. The relations between qadis and rulers were unique from the beginning, due to the centrality of law in all aspects of the private and communal life of medieval Muslims. The appointment of judges preceded the development of Muslim schools of law; early qadis implemented caliphal law and relied on their own judgment (*raʾy*).[13] From the early days of the Muslim state, it was clear that qadis were appointed, paid, and dismissed by the state. The development of Muslim sacred law (shariʿah) only enhanced the communal role of the qadis. Judging from the judicial history of eighth- and ninth-century Egypt, some of the qadis displayed great zeal in executing their task and greatly expanded the sphere of their responsibilities. For instance, the qadi ʿAbd al-Raḥmān ibn Muʿāwiyah, appointed as qadi in 86/705 in Fusṭāṭ, was the first to take over the control of orphans' money. He supplanted the tribal *ʿarīfs* as the managers of this sort of funds. Orphans' money also attracted the attention of the authorities, and the qadi Khayr ibn Nuʿaym yielded to the demand of the caliph al-Manṣūr (754–75) to transfer orphans' money to the Treasury. This intervention, however, set no precedent and failed. Qadis continue to play a key role in the management of orphans' money. In 118/736, another Egyptian qadi, Tawbah ibn Nimr, was the first to assume supervision of the revenues of pious endowments. He created a powerful and lasting precedent and, in many cases, qadis were responsible for the supervision of *waqf*s.[14] The definition of the qadi's sphere of judicial and managerial responsibilities was a two-way process. It came from below as a result of actions by some assertive qadis and from above in the form of letters of appointment issued by the rulers. The most powerful precedents were created during the Fatimid period when Ismaʿili qadis of the Nuʿmān family received wide judicial powers combined with administrative responsibilities and supervision over religious rites. The Fatimids envisaged the qadi as an official with executive authority, and this was symbolized by the sword a qadi carried during the investiture ceremony. During the Fatimid period another precedent was also created: the melding of judicial and vizierial authority. The Fatimids also paid the ulama. In 406/1015–16, jurists, Quran reciters, muezzins, and probably others as well received a total of 71,733 dinars. The Fatimid payroll included both Cairo and Fusṭāṭ, meaning Ismaʿili and Sunni ulama. The Fatimid imam al-Ḥākim abolished these payments, but his policies were idiosyncratic and it must have been only a temporary nullification.[15]

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[13] For *raʾy,* see Muḥammad ibn Yūsuf al-Kindī, *The Governors and Judges of Egypt,* ed. Rhuvon Guest (Leiden, 1912), 312–13. For caliphal law, see Crone and Hinds, *God's Caliph,* 44–45.

[14] Al-Kindī, *Governors and Judges,* 325, 346, 350, 383, 394–95.

[15] Aḥmad ibn ʿAlī al-Maqrīzī, *Ittiʿāẓ al-Ḥunafāʾ bi-Akhbār al-Aʾimmah al-Fāṭimīyīn al-Khulafāʾ,* ed.

The impact of the Fatimid precedents on the Zangid, Ayyubid, and Mamluk periods is visible, though in an unsystematic way. Under Nūr al-Dīn members of the Shahruzūrī family occupied the key judicial posts in the state. Kamāl al-Dīn served as qadi of Damascus while his son served in Aleppo and other relatives served as qadis in Ḥamāh and Homs.[16] In a quite similar fashion, relations of trust and cooperation evolved between Saladin and the Kurdish qadi ʿĪsá ibn Dirbās (d. 605/1209). His first appointment as qadi took place in 566/1170–71 in Egypt. After 1174, as Saladin extended his rule over Syria and beyond, he was nominated as qadi of the Syrian towns and was responsible for the management of pious endowments; he executed his responsibilities by appointing many deputies. ʿĪsá ibn Dirbās' career under al-Malik al-ʿAzīz, Saladin's son, was marked by many ups and downs. However, when appointed, he was entrusted with supervisory responsibilities over the markets and the mint, as well as preaching at the mosques.[17] These appointments typified Fatimid policies. Whether all these cumulative precedents guided Baybars when he appointed Ibn Khallikān as the qadi of Syria in 659/1260–61 remains an open question. Ibn Khallikān (1211–82), the author of a famous biographical dictionary, was appointed as the qadi of Syria with responsibility stretching from the town of al-ʿArīsh in southern Palestine to Salamyah in the north. He was authorized to nominate deputies as he pleased, and he controlled the pious endowments of many mosques, charitable institutions, and law colleges. In addition, he was charged with teaching law in seven law colleges.[18] It remains unclear whether he was expected to teach in them or simply authorized to appoint teachers on his behalf. Whether guided by precedents or not, Baybars' nomination was in line with the traditional view of the qadi and his role in society. Long before the Mamluk period, the qadi came to be perceived as more than just a judge. He became responsible for the administration of various trust funds unconnected with state administration and, occasionally, was entrusted with additional supervisory powers.

Inevitably, there was also a political dimension to the relations between qadis and rulers, and critique of a regime by a qadi was taken seriously. Ibrāhīm ibn

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Muḥammad Aḥmad (Cairo, 1971), 2:112; Yaacov Lev, "The Qadi and the Urban Society: The Case Study of Medieval Egypt, 9th–12th Centuries," in *Towns and Material Culture in the Medieval Middle East,* ed. Yaacov Lev (Leiden, 2002), 98–99, 100–1.

[16] ʿAbd al-Raḥmān ibn Ismāʿīl Abū Shāmah, *Kitāb al-Rawḍatayn fī Akhbār al-Dawlatayn,* ed. Ibrāhīm Zaybaq (Beirut, 1997), 2:157–58.

[17] Ibn Ḥajar al-ʿAsqalānī, *Rafʿ al-Iṣr ʿan Quḍāt Miṣr,* ed. Ḥāmid ʿAbd al-Majīd and others (Cairo, 1957–61), 2:368–70.

[18] Abū Shāmah, *Tarājim Rijāl al-Qarnayn al-Sādis wa-al-Sābiʿ* (Beirut, n.d.). He was dismissed from his post in 609/1212–13. See ʿIzz al-Dīn ibn Shaddād, *Tārīkh al-Malik al-Ẓāhir*, ed. Aḥmad Ḥuṭayṭ (Beirut, 1983), 236.

Isḥāq was an outspoken critic of the authorities. In 204/819, he was appointed as qadi with the responsibility for preaching by Sarī ibn al-Ḥakam, the governor of Egypt. Ibrāhīm ibn Isḥāq used to reprove the authorities by saying: "You punish for illicit sex while you yourself indulge in it, you execute a thief while you yourself steal, you put (people) to death because of wine while you yourself consume it." He was a severe judge who relinquished his post because of Sarī ibn al-Ḥakam's attempt to influence his judicial decisions. The governor asked him to resume his duties, but he refused by saying: "no intercession (is allowed) in the judicial process."[19] Any criticism of the authorities had political implications, but that of Ibrāhīm ibn Isḥāq was unfocused and couched in moral terms. The defiance of other qadis was overtly and unmistakably political. In 217/832, the Abbasid caliph al-Maʾmūn came to Egypt to suppress rural rebellions and to launch an investigation into their causes. The hearings took place in Fusṭāṭ at the Ancient Mosque where the qadi Ḥārith ibn Miskīn referred to the two tax collectors in Egypt as oppressors, using the strong term *ẓulm*. The hearing broke into an uproar and al-Maʾmūn, who was told that the qadi enjoyed popular support and that his view reflected that of the people, invited Ḥārith ibn Miskīn to a private session. The qadi was asked whether he had been in any way wronged by these two tax collectors and he said no. Then he was asked how he could accuse them of oppression. His answer touched at the very core of the debate about legitimization of political power. Ḥārith ibn Miskīn said that he had never met al-Maʾmūn but nevertheless testifies that he is the caliph; he had not participated in his raids (meaning apparently the summer raids on Byzantium), but he bears witness that they took place. He was immediately imprisoned and later exiled to Baghdad. The case of Ḥārith ibn Miskīn implies that when a regime presents itself as legitimate and pretends to rule properly it bears the burden of evidence. Legitimacy is not accorded but won, and a regime must earn it for itself in order to be beyond reproach. Rather surprisingly, in 237/851, the Abbasid caliph al-Mutawakkil re-appointed Ḥārith ibn Miskīn as judge in Fusṭāṭ. He proved to be as strict and unyielding as ever, even when the personal economic interests of the Abbasid family in Egypt were at stake. Eventually, he was dismissed for the second time.[20] Al-Mutawakkil's nomination of Ḥārith ibn Miskīn reflected a permanent dilemma of rulers as to whom to appoint to judgeships. On the one hand, the regime was interested in people of integrity who would be respected both personally and as

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[19] Al-Kindī, *Governors and Judges,* 427; Ibn Ḥajar, *Rafʿ al-Iṣr,* 1:22.

[20] Ḥārith ibn Miskīn was also known for his extensive non-judicial activities. He was involved in the building of a congregational mosque, digging a water canal, and supervision of religious rites. Al-Kindī, *Governors and Judges,* 469–70, 472–73; Ibn Ḥajar, *Rafʿ al-Iṣr,* 1:168–69, 171–72. For the wider context of the ninth century rebellions and the Abbasid response, see Kosei Morimoto, *The Fiscal Administration of Egypt in the Early Islamic Period* (Kyoto, 1981), 158–63.

representatives of the regime. An honest judge meant an honest government, since such people were not easily manipulated.

Aḥmad ibn Ṭūlūn (868–84), the semi-independent ruler of Egypt, was faced with open defiance of his policies and political ambitions by the qadi Bakkār ibn Kutaybah. In 882, Aḥmad ibn Ṭūlūn suggested to the caliph al-Muʿtamid that he relocate the caliphate to Egypt in order to be free of the tutelage of his brother al-Muwaffaq. Aḥmad ibn Ṭūlūn ordered that al-Muwaffaq be cursed publicly and sought the approval of the qadis of Damascus and Fusṭāṭ who, with the exception of Bakkār ibn Kutaybah, yielded to his demand. Aḥmad ibn Ṭūlūn dismissed and imprisoned Bakkār ibn Kutaybah, but the conditions of his imprisonment were rather soft. By demanding that the qadi return the salary he had been paid, Aḥmad ibn Ṭūlūn revealed his complete lack of understanding of the complex relations between qadis and rulers. He received back 16,000 dinars, since the qadi had not used the 1,000 dinars paid to him annually as salary.[21] Aḥmad ibn Ṭūlūn should have known better. Among the ulama an ethos of independence from the corruptive powers of the government had evolved, and qadis of Ḥārith ibn Miskīn's or Bakkār ibn Kutaybah's stature could not be bought with money. This overview has direct relevance for the relations between the ulama and the rulers. I will argue that patterns typifying these relations had evolved long before the Mamluk period. For example, Mamluk sultans of the fourteenth century had many difficulties with the chief Shafiʿi qadi Burhān al-Dīn ibn Jamāʿah (d. 1388) and, in 1382, Barqūq dismissed him. No one, however, attempted to buy him off.[22] The evidence suggests that the Mamluk sultans had to come to terms with the ulama more than the ulama had to come to terms with the sultans.

The fusion between politics and religion brought about two parallel developments within the ulama class, one that advocated estrangement from the state and another that sought cooperation with it.[23] Although state intervention in

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[21] Al-Kindī, *Governors and Judges,* 477–78; Ibn Ḥajar, *Rafʿ al-Iṣr,* 1:151–52, 154.

[22] Joseph Drory, "Jerusalemites in Egyptian Society During the Mamlūk Period," in *Governing the Holy City,* ed. Johannes Pahlitzsch and Lorenz Korn (Wiesbaden, 2004), 110–13. For other aspects of jurists' relations with the rulers, see B. Jokisch, "Socio-Political Factor of Qaḍāʾ in Eight/Fourteenth Century Syria," *Al-Qanṭara* 20 (1999): 503–30, esp. 512–13.

[23] The literature dealing with the *miḥnah* is extensive. Nimrud Hurvitz, for example, perceives the *miḥnah* as a culmination of the struggle between the *mutakallimūn* and *muḥaddithūn.* See his "Who is the Accused? The Interrogation of Aḥmad Ibn Ḥanbal," *Al-Qanṭara* 22 (2001): 359–73. For other views, see Michael Cooperson, "Two Abbasid Trials: Aḥmad b. Ḥanbal and Ḥunayn Ibn Isḥāq," *Al-Qanṭara* 22 (2001): 375–93; Tayeb el-Hibri, "The Image of the Caliph al-Wāthiq: A Riddle of Religious and Historical Significance," *Quaderni di Studi Arabi* 19 (2001): 41–60; John N. Nawas, "The Moral Imperative in Contemporary Islamic Movements: An Early Expression in the Structure of al-Maʾmūn's Inquisition (Miḥna), 833 C.E.," in *Strategies of Medieval Communal Identity: Judaism, Christianity and Islam,* ed. Wout J. van Bekkum and Paul M. Cobb (Leuven,

doctrinal disputes as it took place during the *miḥnah* was rare,[24] various Sunni and Shiʿi regimes declared certain doctrines as official creeds and conferred patronage on a chosen school of law. Furthermore, the ulama involved the state in their doctrinal disputes and expected the rulers to take firm action against those whom they labeled as deviating from orthodoxy or as heretics. People considered to be heretics were executed, but rulers, at the behest of the ulama, also intervened in disputes concerning religious rites and practices.

The emergence of the law college (madrasah) as a major educational institution also played a role in the creation of close relations between the state and the ulama. The role of the Seljuk vizier Niẓām al-Mulk (1040–92) in the spread of the madrasah as the educational institution that enjoyed the highest patronage was crucial and manifold. Niẓām al-Mulk established the Niẓāmīyah network of endowed law colleges, which were dedicated to the teaching of the Shafiʿi school of law. Niẓām al-Mulk's deeds were emulated by Nūr al-Dīn, who established many law colleges (if not an actual network thereof) in the Syrian towns under his rule.[25]

The spread of the madrasah in the Muslim Middle East from the eleventh century onwards was phenomenal. It opened many employment opportunities, especially for the jurists and transmitters of Prophetic traditions. Law colleges also offered teaching positions in the field of Arabic language, as well as other posts for religious functionaries such as prayer leaders, preachers, and Quran reciters. Students received stipends and food rations, and some law colleges became large institutions with hundreds of affiliated people, including manual workers, administrative staff, religious functionaries, teachers, and students. Joan E. Gilbert, who has studied medieval Damascus, points out that 121 religious-educational institutions, offering 400 positions, were set up in the town between 1076 and 1260. She perceives the years of Zangid-Ayyubid rule as the period when the integration of the ulama into the fabric of the state took place.[26] Michael

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2004), 75–87. For the persecution of heretics in the Abbasid period, see Zaman, *Religion and Politics,* 63–69. For the involvement of the Zangid and Ayyubid rulers in religious disputes, see Talmon-Heller, "Religion in the Public Sphere," 49–63; Roxanne D. Marcotte, "Suhrawardī al-Maqtūl, the Martyr of Aleppo," *Al-Qanṭara* 22 (2001): 395–419. For the persecution of heretics in the Mamluk period, see Yossef Rapoport, "Legal Diversity in the Age of Taqlīd: The Four Chief Qadis Under the Mamlūks," *Islamic Law and Society* 10 (2003): 223–26.

[24] Christopher Melchert, for example, has pointed out that most of the ninth-century Abbasid caliphs ". . . were content to follow religious trends, not to set them." See his "Religious Policies of the Caliphs from al-Mutawakkil to al-Muqtadir (A.H. 232–295/A.D. 847–908)," *Islamic Law and Society* 3 (1996): 342.

[25] Yaacov Lev, "Politics, Education, and Medicine in Eleventh Century Samarkand: A Waqf Study," *Wiener Zeitschrift für die Kunde des Morgenlandes* 93 (2003): 130–34.

[26] See Joan E. Gilbert, "Institutionalization of Muslim Scholarship and Professionalization of the

Chamberlain makes the following observation: "By founding *madrasa*s, powerful households could insert themselves into the cultural, political, and social life of the city and turn existing practices and relationships to their own benefit. This was how charitable foundations became instruments of politics."[27]

Early madrasahs were built for one particular *madhhab,* but later on, madrasahs were built for two and eventually all four Sunni schools of law. The spread of the madrasah did not undermine the fact that the medieval Muslim world of learning, in and outside the madrasah system, was independent both in terms of its subject matter and in the fact that the ulama acted as a self-governing body. The topics that were at the heart of Muslim learning, such as the Quran and its exegeses, the transmission of Prophetic traditions, law, and Arabic language and poetry, embodied the development of a culture that was shared by the ulama and the rulers who acted as their patrons and of the literati. Even non-Arab rulers such as Nūr al-Dīn and Saladin adapted themselves to the culture of the ulama.[28]

Recently, Devin Stewart, elaborating upon earlier works by George Makdisi, has shown that the ulama of the Mamluk period regulated their academic affairs entirely independently of the regime. Academic certificates issued by them, especially the *ijāzat al-futyā wa-al-tadrīs* served "as a credential that established qualification for employment in judicial and teaching posts."[29] Stewart's findings tally with those of Leonor Fernandes and must be seen in the wider context of the ulama as a body that regulated its own affairs.[30] This phenomenon has a long history in medieval Islam. The debate about the qualifications of the mufti and who can serve as a mufti, for instance, began prior to the Mamluks and continued into the Mamluk period. To take another example, jurists of the Mamluk period discussed and defined their internal hierarchy, which was based on the scope

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ʿUlamāʾ in Medieval Damascus," *Studia Islamica* 52 (1980): 118, 127.

[27] See Michael Chamberlain, *Knowledge and Social Practice in Medieval Damascus, 1190–1350* (Cambridge, 1994), 52.

[28] For the ʿālim-like image of some of the Abbasid caliphs, see Zaman, *Religion and Politics,* 120–21, 123, 128–30, 135–36. For Nūr al-Dīn's titles referring to ʿilm, see Nikita Elisséeff, "La titulature de Nūr al-Dīn d'après ses inscriptions," *Bulletin des Études Orientales* 14 (1952–54): 157–58. For Saladin's participation in hadith sessions, see Yaacov Lev, *Saladin in Egypt* (Leiden, 1999), 36. The evidence for the participation of mamluks in the world of learning is more complex. See Jonathan Berkey, *The Transmission of Knowledge in Medieval Cairo* (Princeton, 1992), 146–60; idem, "'Silver Threads Among the Coal': A Well Educated Mamlūk of the Ninth/Fifteenth Century," *Studia Islamica* 73 (1991): 109–35.

[29] See Devin Stewart, "The Doctorate of Islamic Law in Mamlūk Egypt and Syria," in *Law and Education in Medieval Islam: Studies in Memory of Professor George Makdisi,* ed. Joseph E. Lowry and others (London, 2004), 63.

[30] Leonor Fernandes, "Between Qadis and Muftis: To Whom Does the Mamluk Sultan Listen?" *Mamlūk Studies Review* 6 (2002): 96–99.

of the jurist's legal education.[31] Furthermore, in some cases during the Mamluk period, the ulama were those who defined the parameters of orthodoxy. Quite independently of the regime, they initiated hearings against heretics and sentenced them to death.[32]

The issue of whether madrasahs served as the institution for training administrative staff or, rather, madrasah graduates sought employment in state administration, is much debated. Although during the Zangid-Ayyubid period the career patterns of the ulama and bureaucrats remained largely separate, both classes, as has been pointed out by R. Stephen Humphreys, shared a common set of values.[33] The readiness of the ulama of the Zangid-Ayyubid period to unhesitatingly serve sultans such as Nūr al-Dīn and Saladin was a result of the convergence of attitudes between rulers and ulama. Both sultans are depicted as the embodiment of the Sunni orthodoxy of the age and defenders of Islam against external enemies and, therefore, rulers whom one could serve without demur. The realities of the Zangid-Ayyubid period have a direct relevance for our discussion, since they set the parameters of the relations between the ulama and rulers during the Mamluk period. Twelfth- and thirteenth-century ulama expected the rulers to defend Islam as a territorial and political entity *(dār al-Islām)* and as a social organism *(ummah)* and to adhere to the principles of Sunni Islam.

Sultan Baybars and the Ulama

The Ulama and the Islamic Content of the Mamluk State

The relations between the ulama and the early Mamluk sultans evolved in a period dominated by the Mamluk-Mongol war, when a vigorous defense of Islam was much needed. Following the Mamluk victory at the Battle of ʿAyn Jālūt, the ulama, typified by the qadis and chief qadi, played a crucial role in both providing legitimacy for Baybars' rule and shaping the Islamic identity of the Mamluk regime. Ibn Wāṣil (1208–98) was at that time on a diplomatic mission to Sicily, and his account is of limited value. More important is Muḥyī al-Dīn ibn ʿAbd al-Ẓāhir (1223–92) who, from 1259, served in the chancery and gained the confidence of Baybars. During 1263–64, he wrote several official letters on behalf of Baybars, and his history of Baybars' reign is considered to be an official biography. Some

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[31] For the issue of mufti, see Wael B. Hallaq, "Iftāʾ and Ijtihād in Sunnī Legal Theory: A Developmental Account," in *Islamic Legal Interpretation,* ed. Muhammad Khalid Masud and others (Cambridge, Mass., 1996), 33–45; Norman Calder, "Al-Nawawī's Typology of Muftīs and its Significance for a General Theory of Islamic Law," *Islamic Law and Society* 3 (1996): 137–64.

[32] For a notable case, see Stefan S. Winter, "Shams al-Dīn Muḥammad ibn Makkī 'al-Shahīd al-Awwal' (d. 1384) and the Shiʿah of Syria," *MSR* 3 (1999): 149–83.

[33] See R. Stephen Humphreys, *From Saladin to the Mongols* (Albany, 1977), 377–81.

of the documents quoted by Ibn ʿAbd al-Ẓāhir are also reproduced by Baybars al-Manṣūrī (1247–1325).

The first report to be discussed deals with the arrival of Abū al-ʿAbbās Aḥmad, the future caliph al-Mustanṣir billāh, on 9 Rajab 659/8 June 1261, from Iraq to Cairo. The reasons behind Sultan Baybars' re-establishment of the Abbasid caliphate in Cairo are well known and need no elaboration. I would like to focus on the caliph's investiture ceremony and its meanings. After the arrival of Abū al-ʿAbbās Aḥmad in Cairo, the leading military commanders, the vizier, the chief qadi and other judges, the jurists and ulama, the righteous, the leading mystics, the merchants, and civilians *(al-nās)* were assembled at the citadel for the verification of Abū al-ʿAbbās Aḥmad's pedigree. This verification was necessary, as Baybars was eager to re-establish the caliphate, believing that prophetic qualities were perpetually passed on among the Abbasid offspring. Baybars' beliefs tallied well with the popular esteem for the caliphate. The question of whether Baybars was driven only by political considerations or whether his attitude reflected the mood of his time or was even directly inspired by it, remains unsolvable.[34]

The investiture ceremony took place after the identity of Abū al-ʿAbbās Aḥmad was satisfactorily established and approved by the chief qadi. He was invested as caliph and designated Imām Aḥmad al-Mustanṣir billāh, and Baybars pledged his allegiance to him, stating his commitment to the Quran, the Prophetic tradition *(sunnah), al-amr bi-al-maʿrūf,* holy war, and the lawful collection of God's money and its expenditure among those entitled to it. Following Baybars' pledge of allegiance to the caliph, the latter appointed Baybars to rule the Muslim lands held by him and those he would conquer in the future from the unbelievers, with God's help. The ceremony was concluded with the people swearing allegiance to the caliph.[35]

The accounts dealing with Baybars' oath to the caliph reveal the Islamic content of the regime established by him. Although these accounts deal with the declarative level only, the oath was entirely in line with the political norms and ethical values of the Middle Eastern Muslim world of the high Middle Ages. The

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[34] The popular admiration for the caliphate is epitomized by the account of Abū Shāmah (1203–68). Abū Shāmah lived in Damascus when the news about the re-establishment of the caliphate by Baybars was proclaimed in the city. He writes that the people rejoiced, and thank God for that (*Tarājim,* 213–14). There are a number of studies dealing with the establishment of the Abbasid caliphate in Mamluk Egypt. See, for example, Stefan Heidemann, *Das Aleppiner Kalifat (A.D. 1261)* (Leiden, 1994), esp. 91–104.

[35] Baybars al-Manṣūrī, *Zubdat al-Fikrah fī Tārīkh al-Hijrah,* ed. Donald S. Richard (Beirut, 1998), 60–61; Ibn Muḥyī al-Dīn Ibn ʿAbd al-Ẓāhir, *Sīrat al-Malik al-Ẓāhir,* ed. and translated into English by Fatima Sadeque, *Baybars I of Egypt* (Dacca, 1956), 35–36; Muḥammad ibn Sālim Ibn Wāṣil, *Mufarrij al-Kurūb fī Akhbār Banī Ayyūb,* vol. 6, ed. ʿUmar ʿAbd al-Salām al-Tadmurī (Beirut, 2004), 312–13.

references to the Quran and *sunnah* are self-explanatory and have a long tradition as political slogans in medieval Islam. Equally obvious is the reference to holy war, which must be seen against a twofold background. During the twelfth century the issue of holy war against the Franks came to dominate the political life of the Zangid and Ayyubid states, and the destruction of Baghdad by the Mongols added a new dimension to it. Baybars' achievements in fighting the Mongols were well known, and all were aware that the ceremony at the citadel was possible only thanks to the victory at ʿAyn Jālūt.

As the work of Michael Cook has shown, the maxim *al-amr bi-al-maʿrūf wa-al-nahy ʿan al-munkar,* commanding right and forbidding wrong, evolved into a doctrine that became deeply ingrained into Islamic thought and ethics. It was the great sage al-Ghazālī (d. 1111) who equated the doctrine of *al-amr bi-al-maʿrūf* and its implementation with the institution of *ḥisbah.* Ibn Tūmart (d. 1130), the founder of the Almohad state, personally practiced *al-amr bi-al-maʿrūf,* and it became part of the ideological make-up of the state.[36] In the words of Mercedes Garcia-Arenal, the adoption of the doctrine by the state meant that "the precept is no longer the engine of social reform, but acts as a mere reminder of prohibitions on wine, gambling, or musical instruments, suggesting that the *hisba* loses its radical character when it is exercised, or rather appropriated by the powerful. . . ."[37] The same can be argued for the Mamluk state and its adoption of *al-amr bi-al-maʿrūf* as a political manifesto.

The somewhat awkward phrase: "The lawful collection of God's money and its expenditure among those entitled to it" must be understood as referring to the issue of legal taxation. Abbasid caliphs and Zangid and Ayyubid sultans frequently abolished illegal taxes, and Baybars, so it seems, committed himself to the collection solely of taxes allowed by the law. The reference to the expenditure of the money "among those entitled to it" remains enigmatic. This aspect of the financial policy of medieval Muslim states was never fully clarified.

Whatever the Islamic education acquired by the young Mamluk cadets during their military training was, the shaping of their Muslim identity took place later in their lives when they lived within Muslim society and were exposed to its values and ethos.[38] Baybars' career before becoming a sultan was in the service of the Ayyubid rulers of Syria, where the notion of caliphal suzerainty was at the center of the political system. Ayyubid sultans, like their Zangid predecessors,

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[36] Michael Cook, *Commanding Right and Forbidding Wrong in Islamic Thought* (Cambridge, 2000), 427–50, esp. 447–50.

[37] Mercedes García-Arenal, *Messianism and Puritanical Reform,* translated into English by Martin Beagles (Leiden, 2006), 176.

[38] For a different view, see Donald P. Little, "Religion Under the Mamlūks," *The Muslim World* 73 (1983): 168, 174.

acknowledged Abbasid caliphs as their overall lords and sought letters of appointment from them. These letters were an essential element in a broader system of political legitimization that the Zangid and Ayyubid sultans created for themselves. Baybars' allegiance to the caliph is well attested by his title and the epigraphic evidence studied by Reuven Amitai.[39]

The events that followed the ceremony at the citadel were a conscious attempt to re-enact the Zangid-Ayyubid system of political legitimization. The name of the caliph was publicly proclaimed and inscribed on coins. On Friday 17 Rajab 659/16 June 1261, the caliph delivered a sermon at the congregational mosque in the citadel and, on 24 Shaʿbān/23 July, another ceremony took place at the Bustān al-Kabīr outside the citadel. Baybars, clad in the black Abbasid insignia, held a public audience and bestowed robes of honor on the amirs, the vizier, the chief qadi, and the chief of the chancery, and the caliphal letter of appointment *(taqlīd)* was publicly read. The ceremony at the Bustān al-Kabīr was concluded by a procession through the town with the *taqlīd* being publicly displayed. The *taqlīd* is a fascinating document but outside the scope of this article. It adds two significant points to Baybars' public pledge of allegiance to the caliph. The document states Baybars' commitment to ʿ*adl,* justice, and *iḥsān,* good moral deeds or, in the narrower sense, charity. The *taqlīd* was written by ʿAlāʾ al-Dīn ibn ʿAbd al-Ẓāhir, a professional *kātib* entitled as *rāʾis* and the author of a number of official letters. He was not an ʿ*ālim* in the strict sense of the term, and his religious education is dismissed in a disparaging remark about his insufficient study of Prophetic tradition. Although he exemplifies the administrators studied by Martel-Thoumian, he also epitomizes Humphreys' observation that administrators and ulama shared a common set of values.[40] The significance of ʿ*adl* and *iḥsān* as components of what constitutes good government was as clear to him as to any other ʿ*ālim.*[41]

On 2 Muḥarram 661/16 November 1262, following the killing of the caliph al-Mustanṣir during an expedition to Iraq, a new caliph, al-Ḥākim bi-Amr Allāh, was installed. In this case, Ibn Wāṣil's account of these events proves to be detailed and valuable. Baybars swore to the caliph, expressing his commitment to the Quran, the *sunnah, al-amr bi-al-maʿrūf,* holy war, the lawful collection of God's money and its expenditure among those entitled to it, the execution of the penalties laid

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[39] See Reuven Amitai, "Some Remarks on the Inscription of Baybars at Maqām Nabi Musa," in *Mamlūks and Ottomans: Studies in Honour of Michael Winter,* ed. David J. Wasserstein and Ami Ayalon (London, 2006), 47–48, 50–51.

[40] See nn. 3 and 31 for these references.

[41] Baybars al-Manṣūrī, *Zubdat al-Fikrah,* 61–63; Ibn ʿAbd al-Ẓāhir, *Sīrat al-Malik al-Ẓāhir,* 36–41, esp. 38; Ibn Ḥajar al-ʿAsqalānī, *Al-Durar al-Kāminah fī Aʿyān al-Miʾah al-Thāminah,* ed. ʿAbd al-Wārith ʿAlī (Beirut, 1997), 3:64–65.

down by God *(ḥudūd),* the implementation of religious policy to which the imam is obliged, and the protection of Muslims.[42] This document shows a conscious evolution in defining the Islamic content of Baybars' state. ʿAlāʾ al-Dīn inserted the commitment to ʿadl and iḥsān into the *taqlīd* document of 659/1261, while somebody else added the commitment to the holy law (shariʿah), meaning the implementation of the *ḥudūd,* and the protection of Muslims to Baybars' oath of allegiance to the caliph al-Ḥākim bi-Amr Allāh. The accounts dealing with the investiture of the caliphs al-Mustanṣir and al-Ḥākim are invaluable for the topic under discussion, as they show that ulama were integrated into the fabric of the state and endowed it with its Islamic content, and having done so, they could serve the state without hesitation.

The Reform of the Judicial System

In 663/1264–65, Baybars introduced a major change in the administration of justice by appointing four chief qadis. This change is extensively discussed by both medieval chroniclers and modern scholars. Joseph H. Escovitz, for example, perceives Baybars' deed as the culmination of a process of change toward the recognition of the four Sunni schools of law as equal.[43] In Jorgen S. Nielsen's view, Baybars' action aimed at creating a better balance in the way the different legal schools were represented in the judicial system.[44] Sherman A. Jackson explains Baybars' deed as a response "to the exclusivist policies (i.e. Shāfiʿī preferences) of chief justice Ibn Bint al-Aʿazz." He also points out that Baybars secured the support of jurists of the other legal schools and that his policy tallied with their interests. Baybars, in his words, "showed himself to be the consummate Mamlūk politician."[45] Recently a significant contribution to the ongoing discussion of Baybars' judicial reforms has been made by Yossef Rapoport. He points out that, beginning with the twelfth century, the doctrine of *taqlīd* insisted that qadis belonging to a certain *madhhab* should adhere to the precedents of their school rather than exercise their own independent judgment *(ijtihād).* Therefore, from the point of view of the public, the appointment of four chief qadis added flexibility to the judicial system and was welcomed by both the jurists and the people. Rapoport's conclusion is

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[42] Ibn Wāṣil, *Mufarrij al-Kurūb,* ed. Tadmurī, 350–51; Baybars al-Manṣūrī, *Zubdat al-Fikrah,* 78–79.

[43] Joseph H. Escovitz, "The Establishment of the Four Chief Judgeships in the Mamlūke Empire," *Journal of the American Oriental Society* 102 (1982): 53.

[44] Jorgen S. Nielsen, "Sultan Baybars and the Appointment of the Four Chief Qadis," *Studia Islamica* 60 (1984): 167–76.

[45] Sherman A. Jackson, "The Primacy of Domestic Politics: Ibn Bint al-Aʿazz and the Establishment of the Four Chief Judgeships in Mamlūk Egypt," *JAOS* 115 (1995): 57, 65.

powerfully stated: "The state and its jurists shared a common vision of the social good."[46]

One can agree with Jackson that the confrontation between Baybars and Ibn Bint al-Aʿazz was also a clash of personalities between a powerful sultan who was no stranger to violence and a stern self-made jurist. Ibn Bint al-Aʿazz came from a highly respected provincial ulama family. He lost his father at a young age and devoted his boyhood to study. Ibn Ḥajar al-ʿAsqalānī (1372–1449) characterizes him as a loner who had missed his childhood. He studied with the luminaries of his age and was certified to teach law and to issue legal opinions. Rather surprisingly for a scholar trained in the traditional sciences, Ibn Bint al-Aʿazz also studied the art of administrative writing *(kitābah)* and accounting *(ḥisāb)*. Ibn Bint al-Aʿazz was very much the product of the Ayyubid age and the cooperation between the ulama and the rulers. He owed his first appointment as a witness in the Treasury to his reputation as a person of integrity and, probably, to his study of accounting. Ibn Ḥajar claims that he tried to avoid this appointment, but this sounds like an unconvincing cliché. The sultan al-Ṣāliḥ Ayyūb (1240–49) appointed him supervisor *(nāẓir)* of governmental offices *(dawāwīn)* and, in 654/1256, during the sultanate of Aybak, he received his first nomination as qadi. A year later, he was appointed vizier while the former vizier took over his judicial position. In 657/1259, Sultan Quṭuz dismissed him from his post, but Baybars re-appointed him (659/1261).

There was nothing exceptional in Ibn Bint al-Aʿazz's career. He was a local man who earned a name for himself and moved between judicial and administrative appointments, epitomizing the interdependence between the ulama and rulers. Ibn Bint al-Aʿazz is described as a just qadi who extended the authority of the shariʿah, firmly controlled the court witnesses, and successfully managed the pious endowments under his authority. A just and efficient qadi was an asset for the ruler who appointed him. As the glory of the qadi was projected onto the ruler, Baybars might have been very satisfied with the way Ibn Bint al-Aʿazz executed his office. However, the latter was an unyielding person who adhered strictly to the letter of the law and refused to give preferential treatment to either local notables *(akābir)* or Mamluk amirs. He also appeared to be a kind of protector of the local population against financial extortion by the rulers. As vizier he abolished the practice of taking the revenues of two months from property owners, which was done under the pretext that this money was needed to face the Mongol menace. But, from the point of view of the sultan, perhaps the greatest trouble with Ibn Bint al-Aʿazz was that he was a Shafiʿi zealot. Although the terms *mutaʿaṣṣib* (bigot) and *taʿaṣṣub* (fanatical adherence to one's legal school) are not mentioned

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[46] Yossef Rapoport, "Legal Diversity in the Age of Taqlīd: The Four Chief Qadis Under the Mamlūks," *Islamic Law and Society* 10 (2003): 210–28, esp. 227.

when referring to Ibn Bint al-Aʿazz, he was in fact a Shafiʿi zealot who displayed disregard for other legal schools. *Taʿaṣṣub* and adherence to *taqlīd* of one's legal school were different manifestations of the same phenomenon which had a long history.[47]

In the Iranian world and the Middle East of the high and late Middle Ages, regimes favored the legal school of their choice. The Ghaznavids, for example, preferred the Shafiʿi school, while the Seljuk rulers adhered to the Hanafi *madhhab* and Ashʿari theology. In line with Seljuk policies, the Hanafis enjoyed preponderance under Nūr al-Dīn. This policy was reversed by Saladin, who backed the Shafiʿi school but continued to adhere to the Ashʿari doctrine. Saladin's policies, however, were far more balanced than those of the Seljuk rulers, including Nūr al-Dīn. Some Hanafi scholars maintained their positions, and Saladin also established law colleges for the Malikis and Hanafis. The Ayyubid rulers, with the exception of al-Malik al-Muʿaẓẓam (1218–27), adhered to the Shafiʿi legal school. Al-Malik al-Muʿaẓẓam was a Hanafi zealot who systematically favored the Hanafis. However, as the only Hanafi of the Ayyubid ruling family, he had to compromise to some extent. In Damascus he built two law colleges: one for the Hanafi *madhhab,* which also served as his family burial shrine, and one for the Shafiʿis, where his paternal grandmother was buried.[48]

In Egypt, al-Ṣāliḥ Ayyūb adopted a different approach: the law college he established in 641/1243–44 in Cairo was dedicated to the teaching of the four Sunni schools of law. To what extent he was influenced by the establishment of al-Mustanṣirīyah law college in 1233 in Baghdad remains unknown—in al-Mustanṣirīyah all four schools of law were taught. On the other hand, one can regard al-Ṣāliḥ Ayyūb's act as a culmination of a local tradition that began with Saladin, who built law colleges not only for the Shafiʿis but also for the Hanafis and Malikis, and continued with al-Qāḍī al-Fāḍil, who built a law college for both the Shafiʿis and Malikis in 580/1184–85. Al-Qāḍī al-Fāḍil, a former Fatimid administrator and a member of Saladin's inner circle, was an Egyptian in the full sense of the term who acknowledged the Maliki presence in Egypt and their role in the religious life of the country. During Aybak's reign, al-Ṣāliḥ Ayyūb's law college served as the seat for the court of complaints *(al-nāẓir fī maẓālim).* More significantly, in 677/1278–79, during his short reign (1277–79), Baybars' son Berke Khān provided the madrasah with a rich endowment that supported

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[47] Al-Subkī writing about the muftis is critical of both *taʿaṣṣub* and lack of commitment to any legal school. See Daniella Talmon-Heller, "Fidelity, Cohesion, and Conformity Within Madhhabs in Zangid and Ayyubid Syria," in *The Islamic School of Law: Evolution, Devolution, and Progress,* ed. Peri Bearman and others (Cambridge, Mass., 2005), 107.

[48] Ibn Wāṣil, *Mufarrij al-Kurūb fī Akhbār Banī Ayyūb,* vol. 5, ed. Ḥasanayn Muḥammad Rabīʿ (Cairo, 1977), 211–12, 219–20; Lev, *Saladin,* 4, 131–32.

the four teachers of law and their assistants and students. Other beneficiaries of the endowment were the muezzins and imams of the law college. The overall supervision over Berke Khān's *waqf* was entrusted to the Shafiʿi chief qadi, but he appointed the Maliki chief qadi to be the actual manager of the endowment.[49] On the symbolic level, Berke Khān's deed meant to convey his commitment to continuing his father's ecumenical policies which, in the world of learning, had Ayyubid precedents.

Ibn Ḥajar writes that it was Baybars' prerogative to appoint a Hanafi, Maliki, and Hanbali qadi to serve as Ibn Bint al-Aʿazz's deputies. Eventually, Baybars nominated four chief qadis but maintained the privileged position of the Shafiʿi chief qadi, who supervised pious endowments and various funds and ratified legacies and pious endowment deeds. Ibn Ḥajar's remark highlights a completely different context against which Baybars' policy must be examined. Jonathan P. Berkey has dealt extensively with the question of the Muslim identity of the Mamluks and made the following observation: "There was nothing to prevent the Mamlūks, as well as any other social group, from participating in the dynamic process of constructing and reconstructing Islam."[50] When one argues that the ulama endowed Baybars' regime with Islamic content, one must not forget the power of the sultan—a foreign military slave—to define Islam and the way it was practiced. The appointment of four chief qadis was more than just a procedural innovation. It shaped intra-*fuqahāʾ* relations and the relations of the jurists and ulama with the state. In conclusion, Rapoport's statement that "the state and its jurists shared a common vision of the social good" reflects the fact that, as much as the ulama shaped the Islamic identity of the Mamluk state, it was also shaped by the deeds of the rulers.

ULAMA AS SPIRITUAL GUIDES

IN THE SHADOW OF THE PLAGUE

The outbreak of the plague cast its grim shadow over the people's lives in the year 833/1429–30. On 4 Jumādá I/28 January 1430, the daily death toll in Cairo was as high as 1,200 people. In the second half of Jumādá II/March, as the plague intensified, Barsbāy convened a meeting with the ulama and asked for their opinions on how to ward off the plague. Earlier attempts had failed. These had

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[49] Al-Maqrīzī, *Al-Mawāʿiẓ wa-al-Iʿtibār fī Dhikr al-Khiṭaṭ wa-al-Āthār,* ed. Ayman Fuʾād Sayyid (London, 2003), 4:2:490. For law colleges in Ayyubid Egypt, see Gary La Viere Leiser, "The Restoration of Sunnism in Egypt: Madrasas and Mudarrisūn 495–647/1101–1249 (Ph.D. diss., University of Pennsylvania, 1976), 187–405, esp. 334–61.

[50] See "The Mamlūks as Muslims: The Military Elite and the Construction of Islam in Medieval Egypt," in *The Mamlūks in Egyptian Politics and Society,* ed. Thomas Philipp and Ulrich Haarmann (Cambridge, 1998), 173.

involved a three-day fast followed by public prayers in the desert on the fourth day. At the meeting, the sultan asked what kind of supplication prayers, *qunūt* or *duʿāʾ,* should be performed to end the plague, and what had been prescribed by the ulama of the earlier generations. They all agreed that *duʿāʾ* prayers, imploring of God, and repentance are legally suitable means for putting an end to the plague. However, repentance, the cessation of oppression *(maẓālim),* and the implementation of the dictum *al-amr bi-al-maʿrūf* take precedence over supplication prayers. They were divided, according to *madhhab* lines, about the *qunūt* prayers. The sultan, to whom the fatwa issued by the ulama was read, inquired about the reference to *maẓālim* and its meaning. Several grievances against government policy were mentioned, and the sultan declared that he would abolish innovations introduced after Barqūq's reign. At this point the meeting took an unexpected turn when the chief Shafiʿi qadi specifically referred to policies introduced by Barsbāy in 833/1429–30. He mentioned the compulsion of the Kārimī merchants to sell spices only to the sultan, the forced purchase *(ṭarḥ)* of natron, and the edict permitting the growing of sugar cane only on the lands of the sultan. Barsbāy, who was notorious for his monopolies, chose to ignore this remark but instructed the qadis and amirs to command people to repent and refrain from sinning. The meeting ended with one practical decision: to forbid women from appearing on the streets, on pain of death.

In 841/1437, a new outbreak of the plague took place, and Barsbāy again consulted the ulama, some of whom suggested that it was due to the spread of *zināʾ*. Usually, the term refers to illicit sex, but in this context, it means the presence of women in the public space. The ulama explained that women adorn themselves and frequent the streets and markets day and night. In the ensuing discussion, it was hotly debated whether all women should be banned or just those who offend public morals by adorning themselves, and the sultan became obsessed with the idea that a total ban should be issued. Some exceptions were allowed: elderly women and maids and slave girls on urgent errands were allowed to use the streets. Ibn Shāhīn (1440–1514) writes that the ban was taken seriously by the women and obeyed.[51]

There is no church structure in Islam, and the ulama were not clergy able to grant absolution to sinners, but clearly their advice was sought on religious matters. In the cases discussed above, the ulama appear as interpreters of the spiritual dimension behind a cataclysm that had befallen humanity. In contrast to this approach stands Barsbāy's spurning of their advice concerning *maẓālim*. The evidence is too flimsy to discuss Barsbāy's inner religious world, but he was not irreligious. Quite the contrary, his religiosity reflected the mood of the time.

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[51] See Abd al-Bāsiṭ ibn Khalīl Ibn Shāhīn, *Nayl al-Amal fī Dhayl al-Duwal,* ed. ʿUmar ʿAbd al-Salām Tadmurī (Beirut, 2002), 5:28.

In 833/1429–30, prior to his meeting with the ulama, Barsbāy distributed pure silver coins as charity for the recovery of his son. The notion that charity delivers one from death was deeply embedded in the minds of medieval people, and distribution of charity during sickness was widely practiced. In 841/1437–38, the sultan himself was sick (he suffered from colic), and he tried to cure himself by distributing charity and visiting holy sites in the Qarāfah cemetery. The sultan's sickness coincided with the outbreak of the plague, and it is possible that in his perception, the public calamity merged with his personal affliction. Probably his obsession with the need to ban women from the streets reflected his understanding that a moral reorientation was required both for his personal salvation and the well-being of the public. Barsbāy's conduct was not irreligious but pietistic. He, in contrast to the ulama, perceived no link between his economic policies and the plague. His world view differed only in details from that of the ulama. His thinking was dominated by the need to restore public morals and pietism or, to put it differently, by *al-amr bi-al-maʿrūf*. This was the proper response to afflictions at both the communal and personal level.[52]

Harmonizing Theology and Social Practice

When faced with calamities, rulers and ulama acted in unison. In 822/1419, two events took place: a solar eclipse and an outbreak of the plague. The solar eclipse occurred on 29 Ṣafar/27 March, and special prayers for its termination were performed at Azhar. The ulama knew exactly what should be done, and the prayers were conducted by the mosque's preacher, who admonished the people and mentioned the name of God. The *muḥtasib* (market supervisor, a post held in the Mamluk period by jurists) was responsible for bringing the people to the mosque to attend prayers. Al-Maqrīzī (1364–1442), who narrates these events, is quick to offer his own observation, commenting that when people came to the mosque in a state of humility and implored God for forgiveness, their prayers were answered. This was an affair handled solely by the ulama, though; in the fight against the plague, the involvement of the regime was necessary.

The efforts to stave off the plague took the form of a great public spectacle in which the *muḥtasib* was most instrumental. He proclaimed that the people should fast for three days and go with the sultan to perform supplication prayers in the desert on the fourth day. The call was obeyed, and on the fourth day a great crowd, led by the ulama, the jurists, the heads of the Sufi *khānqāhs*, and mystics, went to the mausoleum of Barqūq. The vizier and the *ustādār* made the preparations for the arrival of the sultan, who came dressed in woolen garments riding a horse with simple riding gear with no gold or silk adornments. The sultan

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[52] Ibid., 5:19–20, 24–25.

was accompanied by the chief qadi, notables, ulama, and the caliph. He performed the supplication prayers and implored God for forgiveness. The high point of the event was the offering of sacrifices to God by the sultan, who slaughtered the animals himself. The sacrificial meat and bread were divided among mosques, Sufi *khānqāhs,* mausoleums, and the poor. Supplication prayers led by leading ulama were also performed in these places.

The three-day fast and the offering of sacrifices were preceded by the attempts of the *muḥtasib* to impose moral behavior in Cairo. Although al-Maqrīzī makes no connection between these two events, his account is highly suggestive. The *muḥtasib* was personally engaged in these actions: he destroyed jars of wine and forbade women to weep over the dead. Public consumption of hashish was prohibited, and prostitutes were banned from soliciting customers in the markets. Other steps were taken against non-Muslims, who were obliged to wear distinctive signs as prescribed by law. One cannot escape the impression that these deeds aimed at bringing society in line with a moralistic outlook of how society should conduct itself. Moral reorientation was a prerequisite for meaningful repentance and solicitation of God for the termination of the plague. Since the Mamluk state officially adopted the doctrine of *al-amr bi-al-maʿrūf,* the responsibility for imposing morals in the public domain fell on the regime. The sources are always evasive about the motives behind the attempts to impose morals in the public domain. In 664/1265–66, Baybars ordered a ban on alcohol and prostitution, but whether it was somehow related to his campaign against the Franks in Syria and Palestine remains unknown.[53]

Al-Maqrīzī refers to the supplication prayers and the sacrifices performed by the sultan as a memorable event, but he adds that it was in contrast to the conduct of the righteous ancestors. They perceived the plague as mercy from God and those who died in it as martyrs. Al-Maqrīzī refers to the famous tradition about the ʿAmawās plague which asserts that the plague was God's mercy, and he ends his account with a mild criticism of his contemporaries whose conduct was unlike that of the ancestors. Although he refrains from describing the events that took place as a *bidʿah,* a reprehensible innovation, his allusion to what appears to be a dissonance between theology and social practice is fascinating.[54]

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[53] Baybars al-Manṣūrī, *Zubdat al-Fikrah,* 102; Li Guo, "Paradise Lost: Ibn Dāniyāl's Response to Baybars' Campaign Against Vice in Cairo," *Journal of the American Oriental Society* 121 (2001): 219–36, esp. 225. For Ibn Dāniyāl's influence on how these events were depicted by fifteenth-century Mamluk historiography, see Amila Buturović, "'Truly, This Land is Triumphant and its Accomplishment Evident!' Baybars's Cairo in Ibn Dāniyāl's Shadow Play," in *Writers and Rulers,* ed. Beatrice Gruendler and Louise Marlow (Wiesbaden, 2004), 149–69, esp. 157.

[54] For the tradition concerning the ʿAmawās plague, see Josef van Ess, "Text and Contexts: Heroes of the Plague," in *Text and Context in Islamic Societies,* ed. Irene A. Bierman (Reading, 2004),

The gap between theology and social practice was bridged by the ulama. As has been pointed out by Michael W. Dols, the notion that plague is a punishment from God was prevalent in Muslim thinking, but the social response at the personal and communal level was channeled toward pietistic behavior. The ulama shaped social conduct and co-opted the rulers to fall in with their vision of what should be done under such circumstances. The cooperation between the ulama and the rulers turned into a truly symbiotic relationship in which the ulama served as guides to both the rulers and people by interpreting the meaning of events and guiding the social response.[55]

Consultations Between Sultans and Ulama

In the Face of the Mongol Menace

Although relations between the ulama and the state were symbiotic, friction did occur, and such incidents are reported by the sources, especially in the context of consultations between the sultans and ulama. The first recorded consultation between a sultan and the ulama took place early in the history of the Mamluk state. In 657/1259, an emissary of the Ayyubid sultan of Damascus, al-Malik al-Nāṣir Yūsuf, arrived in Cairo, asking for help against the Mongols. Quṭuz consulted the jurists, qadis, and aʿyān (civilian notables) about the Mongol menace and the permissibility of taking money from the population for the "holy war against God's enemies." The two leading ulama present at the consultation were ʿIzz al-Dīn ibn ʿAbd al-Salām and the chief qadi of Egypt, Badr al-Dīn Yūsuf. ʿIzz al-Dīn presented a legal opinion that was supported by the ulama which permitted the taking of people's money, provided that the Treasury was exhausted and the rulers had sold their gold and luxury items. The same was demanded of the troops; they needed to sell their luxury items and to keep only their gear and arms. The troops and people had to share the financial burden of the holy war equally, and only then was the taking of people's money allowed.

ʿIzz al-Dīn's legal opinion is what one might have expected: cooperation with the regime in the face of grave external danger. What is more surprising is that it was a conditional cooperation. The language of the legal opinion holds the key to understanding the approach of the ulama. The text begins by saying: "When the enemy attacks Muslim territory, then it is the duty of every ʿālim to fight the enemy, and you are allowed to take the money of the people for your holy war. . . ."[56] ʿIzz al-Dīn's departure point is the legal injunction that when Muslim

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[55] Michael W. Dols, "The Comparative Communal Response to the Black Death in Muslim and Christian Societies," *Viator* 5 (1974): 275, 277, 279; idem, *The Black Death in the Middle East* (Princeton, 1977), 244–54.

[56] Ibn Wāṣil, *Mufarrij al-Kurūb,* ed. Tadmurī, 262.

territory is attacked, the participation in the holy war becomes a personal duty and the ulama are not exempt. The most striking aspect of the text is, however, the dichotomy between "you," meaning "you the rulers," and the "people" (referred to in the text as *al-ʿāmmah* and *al-raʿīyah*), meaning "we the subjects." The ulama were part of "we the subjects," and their conditional cooperation was an outcome of their self-image as to which segment of society they belonged. Even if one might argue that the text is not a direct quotation but a paraphrase, it eloquently captures the deeply rooted distinction between rulers and subjects. Although this distinction evolved prior to the Mamluk period, it remained relevant and powerful throughout the whole span of the late Middle Ages. The division between rulers and subjects, and the ulama's perception of themselves as belonging to the subjects, did not preclude symbiotic relations between ulama and rulers, but it put much strain on them.[57]

The Struggle Over Pious Endowments

In 780/1379, the amir Barqūq, before becoming sultan, convened a meeting attended by qadis, ulama, and civilian notables and asked them about the possibility of nullifying the pious endowments of mosques, law colleges, and Sufi institutions and those dedicated to the sons of sultans and amirs. He also mentioned *al-rizaq al-aḥbāsīyah* and asked why it was legal to buy the tax-yielding agricultural lands of Egypt and Syria from the Treasury. In the course of the meeting, the deeds of *waqf*-supported institutions in Egypt and Syria were presented, and it became clear that vast revenues were tied up in these foundations. According to Ibn Ḥajar, Barqūq said: "The weakness of the Muslim army is only because of these pious endowments, and it is right to reclaim them." Akmal al-Dīn spoke with Barqūq and the amir Barakah in Turkish, and they got angry with him; Sirāj al-Dīn was asked for his opinion. His view was uncompromising: under no circumstances could the pious endowments for mosques, law colleges, and the Sufi institutions that benefit the ulama, the jurists, the muezzins, and the leaders of prayer be dissolved. Furthermore he claimed that: "If the rights (*ḥaqq*, meaning financial rights) of Muslims are not paid them, you should establish an office that will pay our rights until it will become clear to you that what we deserve exceeds what is endowed for us." Concerning the pious endowments of Fāṭimah and ʿĀʾishah, Sirāj al-Dīn claimed that it must be established whether the endowed properties were bought legally from the Treasury and that nullification would be permitted only in case of illegal acquisition of properties from the Treasury.

　　Three sayings are attributed to the chief qadi Badr al-Dīn al-Biqāʿī, and they

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[57] For another perception of the relations between the ulama and rulers, based on a different type of sources, see Louis Marlow, "Kings, Prophets and the ʿUlamāʾ in the Mediaeval Islamic Advice Literature," *Studia Islamica* 81 (1995): 101–21.

reflect a completely different mood. He is quoted as saying: "O amirs, you have the power and authority," and: "The land belongs to the sultan and he can do with it whatever he wishes." Although he was sharply rebuked by Sirāj al-Dīn, he had his reasons and drew from experience to make the following observation: "O amirs, you appoint the qadis, and if they do not do what you instruct them, you dismiss them. So it was with Sharf al-Dīn ibn Manṣūr and al-Malik al-Ashraf (1363–77), who removed him when he did not do what he wanted." The meeting ended with no dramatic results, and only a few pious endowments were dissolved and the vacant land distributed as *iqṭāʿ* among the soldiers.[58]

Iɴ ᴛʜᴇ Fᴀᴄᴇ ᴏғ ᴛʜᴇ Oᴛᴛᴏᴍᴀɴ Mᴇɴᴀᴄᴇ

Following a humiliating defeat of the Mamluk army in 872/1468 by Shāh Suwār, the sultan convened an assembly that was attended by the caliph, the four chief qadis, Shaykh al-Islām Amīn al-Dīn al-Afṣarī, leading ulama, and the amirs. The sultan was represented by his *kātib al-sirr* (confidential secretary), who explained at length that the Treasury was empty. He referred to Shāh Suwār as an oppressor who conquered lands and killed the worshippers, emphasizing that an army must be sent to protect "the lands of the sultan," and that money was needed for this purpose. He pointed out that many people *(al-nās)* had surplus incomes and that pious endowments for mosques had multiplied. The *kātib al-sirr* said that the sultan was determined to leave enough funds for the proper running of the mosques but to transfer any surplus income to the Treasury. The qadis and the caliph, who earlier had been divested of some of his *iqṭāʿ* lands by the sultan, were inclined to approve this proposal, but Amīn al-Dīn strongly objected. He said that the sultan was allowed to take money from the people *(al-nās)* only by legal means and, in a case like this, money should be collected from the amirs, the troops, and women, who should give their jewelry (he meant apparently women of the Mamluk class i.e., daughters and wives of the Mamluks). Only if this collection were insufficient would the people *(al-muslimūn)* be assessed according to what the law allowed. Amīn al-Dīn went on by saying that this was God's religion *(dīn Allāh)* and, if the sultan obeyed, he would be rewarded by God. If not, the sultan could do whatever pleased him. In a somewhat defensive tone, Amīn al-Dīn declared that he was afraid of God asking him on the Day of Judgment why he neither forbade this nor explained to the sultan what was right. This semi-apologetic utterance was followed by the much more assertive question of why the sultan bothered

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[58] Ibn Ḥajar al-ʿAsqalānī, *Inbāʾ al-Ghumr bi-Anbāʾ al-ʿUmr,* ed. Ḥasan Ḥabashī (Cairo, 1969), 1:178–79; al-Maqrīzī, *Kitāb al-Sulūk li-Maʿrifat Duwal al-Mulūk,* ed. ʿAbd al-Fattāḥ ʿĀshūr (Cairo, n.d.) 3:1:345–46. For other attempts to seize pious endowments, see Kosei Morimoto, "What Ibn Khaldūn Saw: The Judiciary of Mamluk Egypt," *MSR* 6 (2002): 114–19; Joseph H. Escovitz, *The Office of Qāḍī al-Quḍāt in Cairo Under the Baḥrī Mamlūks* (Berlin, 1984), 149–53.

to assemble them at all if he intended to act against the law. Amīn al-Dīn went on by declaring that God would protect them from this calamity through the supplication prayers of a humble, righteous man (Amīn al-Dīn was apparently referring to himself). The assembly dispersed, accomplishing nothing, but the people, including the amirs, were very grateful to Amīn al-Dīn.

In a meeting between the sultan and the qadis that took place in 873/1468, Qāytbāy informed them about his intention to stop paying salaries to old soldiers and women. The sultan complained sorely about the lack of funds, the destruction of the provinces, and his personal distress because of the situation. The possible causes for the deteriorating situation were discussed at length, but no practical conclusions were reached. In any case, the sultan carried out his intentions and arbitrarily stopped paying salaries to old soldiers, orphans, and women. It is quite clear that the sultan aimed his policy at the weaker segments of the Mamluk military society and, therefore, met no opposition from the qadis. They, it appears, regarded themselves as the protectors of the indigenous Muslim population and, of course, their own class interests. [59]

In a meeting that took place in 896/1491 between Qāytbāy and the qadis, he bitterly complained about hostile Ottoman intentions, the destruction of the Aleppo region, merchants abstaining from trading with Egypt, and the need to pay the *julbān* to avoid their violence in the capital. He emphasized that the army, which was to be dispatched to Aleppo, needed to be paid while the Treasury stood empty. Qāytbāy declared that he would take the yearly income generated by pious endowments and the income from properties such as bathhouses and mills, including ships in the capital. Following a discussion with the qadis, it was decided that income of only five months would be collected, since two months' income had already been taken by the state. In any case, during 896/1491, pious endowments and property owners lost seven months' income. [60]

CONCLUSIONS

The description of the ulama as mediators between the Mamluk regime and the local population is too narrow and diminishes their role. The relations between the state and the ulama were symbiotic. This symbiosis enabled the Mamluks to rule and endowed their regime with its Islamic content. To put it differently, the Mamluk rulers acculturated themselves to the religious-cultural world of the ulama, and having done so, they won the acceptance and cooperation of the ulama. The gains of the ulama were enormous. They preserved their position as the class that embodied Islam and defined and protected its values. The qadis

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[59] Ibn Iyās, *Badāʾiʿ al-Zuhūr fī Waqāʾiʿ al-Duhūr,* ed. Muḥammad Muṣṭafá (Cairo, 1960–75), 3:12–14, 24.

[60] Ibid., 3:278–79.

applied Islamic law and maintained their position as judges and administrators of funds and pious endowments. The narrow class gains of the ulama preserved and perpetuated the Islamic identity of the society. On the other hand, the ulama were those who empowered the Mamluks to rule, and the ulama-Mamluk symbiosis made Mamluk rule religiously and culturally meaningful to the subjects.

The ulama-Mamluk symbiosis did not mean the obliteration of the separate identity of the ulama or of the frictions between ulama and rulers. These frictions concerned economic issues: taxation and control of pious endowments. The events of 657/1259 and 872/1468 indicate that, in issues pertaining to taxation, the ulama played the role of advocates/protectors of the subjects. The cases discussed in this article are too few to allow any sweeping conclusions as to what extent the ulama were successful in their endeavors. This issue needs further study, but it is clear that the ulama were unable to influence broad economic policies of the Mamluk rulers such as the monopoly system.

The issue of pious endowments was quite different. Here the narrow class interests of the ulama were involved, and their professional integrity was at stake too. Due to the phenomenal spread and success of the pious endowment system, many ulama and many religious and charitable institutions came to be dependent on the system. The Mamluk ruling establishment, sultans and amirs, created *waqf*s on a massive scale and, in order to procure land for new endowments, old *waqf*s had to be nullified. To do so, the laws of the *waqf* were bent, and the qadis and jurists found themselves in an impossible situation. Many qadis and jurists, but by no means all of them, cooperated with the rulers in the nullification and expropriation of old pious endowments and the creation of new ones. Undoubtedly, the jurists who cooperated were somehow rewarded for their efforts. These were simple cases in which the self-interests of both the Mamluk ruling establishment and the jurists tallied, and what was demanded from the jurists was some legal flexibility.

Far more serious were the cases when the jurists were asked to nullify pious endowments for the distribution of these lands as *iqṭāʿ* among the troops. Here state interests, and not just the narrow interests of the ruling establishment, were at stake. Ostensibly, the jurists had every reason to be sympathetic to these requests, since state interests tallied with those of society as a whole. However, matters were never that simple. The jurists had every reason to be suspicious of the rulers and their motives. Furthermore, the political interests of the Mamluk rulers did not always correspond to those of the subject population. I doubt if we can speak about a typical ulama response in such cases. It seems that it was a matter of circumstances and, to some extent at least, the personalities of the people involved.

The qadis, because of the social network within which they operated, were

able, if they so chose, to resist the rulers. The dismissal of a qadi did not mean the end of his career. Qadis also occupied other posts, and cases of reappointment of qadis took place frequently. Within the overall symbiotic scheme, the balance of power between Mamluks and ulama heavily tilted in favor of the rulers, but the ulama were not entirely powerless.