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## **Zulm by Maḏālim? The Political Implications of the Use of Maḏālim Jurisdiction by the Mamluk Sultans**

### INTRODUCTION

“Maḏlūm, it’s unfair, by the people and by God, it’s unfair,” the man muttered in a weak voice when he was taken away into the holding cell. A stomach pump had just brought to light a considerable piece of hashish out of his intestines. The doctor and the police officer who had brought the drug user into the hospital were clearly convinced that the poor man would be punished for this crime. Both had been annoyed at first by the incident because they had been heavily smoking hashish themselves that evening before being interrupted by the call to duty. But now the officer’s pink eyes filled with joy. The crime was proven and the evidence was secured.<sup>1</sup>

Although this episode, taken from a short story by the modern Egyptian author Yūsuf Idrīs (d. 1991), is purely fictional and surely non-Mamluk, it clearly illustrates the ambiguity of the terms justice (*‘adl*) and injustice (*ẓulm* or *maḏālim*). Whether or not you are served and treated well often depends upon which side of the law you are standing on. Muslim societies have recognized from an early stage that there is a high probability of legal abuse by state officials. This was demonstrated by constant appeals for Muslim rulers to be just and wise. In addition to these exhortations, however, the institution of *maḏālim* courts emerged, where ideally those who were usually at the receiving end could complain about official wrongdoers. If one was prepared to take risks or was tired of life, one could even complain about the sultan himself at the *maḏālim* courts. However, the problem in the system lay in the fact that the *maḏālim* court sessions were run by public officials, i.e., the very people whose abuses one wanted to protest. Therefore legal complaints sometimes had to be carefully prepared using the rivalries between different factions at the Mamluk court. Finally, it depended on the willingness of the sultan to pursue the matter, and therefore the outcome was often unpredictable and arbitrary. In many cases, however, justice was served, and this upheld the image of Mamluk sultans as just rulers among their subjects. This was an ideal

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<sup>1</sup>Yūsuf Idrīs, *Arkhaṣ Layālī* (Cairo, n.d., first published in 1954), 186.



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image that no Mamluk ruler was prepared to give up, and the *mazālim* court sessions became an integral part of the Mamluk approach to governance.

#### THE JUST RULER AND MAZĀLIM IN THE MAMLUK CONTEXT

*Mazālim* denotes literally unjust or oppressive actions. From an early stage in the formation of Islamic institutions it became known, as Jørgen Nielsen puts it, as “the structure through which the temporal authorities took direct responsibility for dispensing justice.”<sup>2</sup> Initially the Prophet and the early caliphs had combined in themselves the roles of judge and ruler. Later on, the growth of the Muslim community led to the need for caliphs to delegate their judicial functions to specially appointed qadis. From the second/eighth century onwards the development of the shari‘ah law system, with the qadi in the center, established the religious scholars (the ulama) as legal authorities and rivals of the Muslim rulers in judicial affairs. There are hints that even the Umayyad caliphs started to hear *mazālim* petitions from their subjects. It is more certain, however, that the Abbasid caliphs al-Mahdī (r. 158–69/775–85) and al-Hādī (r. 169–70/785–86) did arrange for regular *mazālim* sessions under the supervision of the vizier. However, the institution remained controversial—the ulama in particular saw it as a rival to their shari‘ah jurisdiction.<sup>3</sup>

Nevertheless, holding these appeal sessions thereafter became a hallmark of a just ruler. The Abbasid author al-Māwardī (d. 450/1058) therefore included a long chapter on *mazālim* jurisdiction in his book on the ordinances of government (*al-aḥkām al-sultāniyah*). There he states:

the redress of wrongs involves persuading the contending parties by the awesome presence and dignity of the person in office to accept an equitable settlement and end their dispute. The official concerned must, therefore, be majestic, authoritative, and imposing, as well as manifestly honest, free of avarice, and eminently pious. Since his office calls for a combination of the charisma of those in power with the serenity of judges, he must enjoy the qualities proper to both categories, and show by his courtliness the ability to command the obedience due to each.<sup>4</sup>

Subsequent treatises on the duties of *mazālim* follow more or less the outline drawn by al-Māwardī and do not add anything substantially new. It was now

<sup>2</sup>Jørgen Nielsen, “Mazālim,” *The Encyclopaedia of Islam*, 2nd ed., 7:933.

<sup>3</sup>Ibid., 933–34.

<sup>4</sup>Ali ibn Muḥammad al-Māwardī, *The Ordinances of Government: A Translation of al-Aḥkām al-Sultāniyya w’ al-Wilāyāt al-Dīniyya*, trans. Wafaa H. Wahba (Reading, UK, 1996), 87; al-Māwardī, *Al-Aḥkām al-Sultāniyah*, ed. ‘Abd al-Raḥmān ‘Umayrah (Cairo, 1994), 1:194.



clearly established that hearing *mazālim* cases was part of the definition of a Muslim ruler. Ibn Shaddād (d. 632/1235), the biographer of the famous Ayyubid sultan Ṣalāḥ al-Dīn (r. 567–89/1171–93), praises him with the following words regarding his *mazālim* practice: “Everyone who had a grievance was admitted—great and small, aged women and feeble men, . . . and he always received with his own hand the petitions that were presented to him, and did his utmost to put an end to every form of oppression that was reported.”<sup>5</sup>

Mamluk rulers continued this long-standing legacy. Their rise to power was not undisputed, as they had been slaves before. Al-Maqrīzī (d. 845/1442) quotes an Arab Bedouin shaykh who commented in the year 651/1253 about the rise to power of the Mamluks: “We are the lords of the land. We are more worthy to rule than the Mamluks. It was enough to serve the Ayyubids, who were outlaws and took the land by force, and the Mamluks are only the slaves of these outlaws.”<sup>6</sup>

Mamluk sultans therefore had an interest in appearing as just and ideal rulers. Ibn ‘Abd al-Zāhir (d. 692/1292), who wrote a biography of Sultan Baybars I (r. 658–76/1260–77), describes him in several chapters as the ideal ruler who restored the *dār al-‘adl* (Palace of Justice), abolished uncanonical taxes, and helped the oppressed. In one instance Ibn ‘Abd al-Zāhir reports how Baybars allowed a *mazālim* case against himself to be heard. The background of the story was that Baybars had started the building of a well when he was still just an amir. He could not finish the work, though, because he went into exile for a time. The well was then completed by an ordinary soldier who demanded as compensation for his work the ownership of the well from Baybars, who meanwhile had risen to the office of sultan. Baybars set up a public legal process before the chief judge. When the soldier appeared, “the *atābak* [commander-in-chief] said to the sultan, ‘Let my lord betake himself to the Holy Law.’ So the sultan rose, ungirt his sword, and placed himself on an equal level with his opponent, standing before the chief judge, who was seated.” Finally, the legal decision stated that Baybars was still the owner of the well but should pay the soldier for his efforts in the construction work.<sup>7</sup>

The hearing of *mazālim* cases became an integral part of the Mamluk system

<sup>5</sup>Bahā’ al-Dīn ibn Shaddād, *The Life of Saladin*, by Behā ad-Dīn, trans. C. W. Wilson and Lieutenant-Colonel Conder (London, 1897), 15; here cited after Linda T. Darling, “Medieval Egyptian Society and the Concept of the Circle of Justice,” *Mamlūk Studies Review* 10, no. 2 (2006): 5.

<sup>6</sup>Al-Maqrīzī (d. 845/1442), *Kitāb al-Sulūk li-Ma‘rifat Duwal al-Mulūk*, ed. Muḥammad Muṣṭafā Ziyādah (Cairo, 1934–73), 1:386; Peter M. Holt, “The Sultan as Ideal Ruler: Ayyubid and Mamluk Prototypes,” in *Sulayman the Magnificent and His Age: The Ottoman Empire in the Early Modern World*, ed. Metin Kurt and Christine Woodhead (London, 1995), 130.

<sup>7</sup>Ibn ‘Abd al-Zāhir, *Al-Rawḍ al-Zāhir fī Sirat al-Malik al-Zāhir*, ed. ‘Abd al-‘Azīz al-Khuwayṭir (Riyadh, 1976), 84–86; Holt, “Sultan,” 132.



of government in the following years, and it was clear that it was the sultan's prerogative to decide how a case should be classified and that he had the last word in judicial matters. In a memorandum of Sultan Qalāwūn (r. 678–89/1279–90) for his son al-Malik al-Šāliḥ on how to govern Egypt during the absence of his father on campaign, it states: “The Prince knows that justice is the profitable capital of the kings and an act that brings them success. . . . If the case be of religious nature, he sends it back to the judges whom We have appointed to separate between the lawful and the forbidden. If the case concerns maliciousness, the Prince himself exacts punishment, for He is a man of pertinent thought and clever mind. . . . If a judgement is delivered on a man of importance and high rank in favour of someone weak or insignificant, let the Prince give the wronged the fullest redress against the wrongs, for the Sultan was created to make a weak one win over his oppressor and to strengthen the hand of the poor and powerless against his litigant.”<sup>8</sup>

#### THE VENUES OF MAZĀLIM COURTS

In order to hear *mazālim* cases, one needed a venue. Often this would be the place where the presiding official already conducted his general duties.<sup>9</sup> But sometimes special structures were built to serve this purpose. Inside the palace of the Abbasid caliphs in Samarra was situated the Dome of Complaints (*qubbat al-mazālim*), where the caliph al-Muhtadī (r. 255–56/869–70) tried to revive older traditions of public access to the ruler in 256/870.<sup>10</sup> Still, it does not seem that this was common practice, and therefore it apparently was considered an innovation when Nūr al-Dīn Zankī (r. 541–69/1146–74) established a special house of justice (*dār al-ʿadl*), sometimes also known as *dār kashf al-mazālim* (house of *mazālim*'s inquest) around 558/1163 in Damascus in order to provide a specific setting for his bi-weekly *mazālim* sessions.<sup>11</sup> The Ayyubids took this innovation further and built two additional *dār al-ʿadls*, one in Aleppo in 585/1189 by al-Zāhir Ghāzī, the son of Šalāḥ al-Dīn, and one by al-Kāmil Muḥammad at the citadel of Cairo

<sup>8</sup>Paulina Lewicka, “What a King Should Care About: Two Memoranda of the Mamluk Sultan on Running the State's Affairs,” *Studia Arabistyczne i Islamistyczne* 6 (1998): 13, 15 (English text), 12, 14 (Arabic text).

<sup>9</sup>Nielsen, “Mazālim,” 934.

<sup>10</sup>Hugh Kennedy, *The Court of the Caliphs: The Rise and Fall of Islam's Greatest Dynasty* (London, 2004), 146.

<sup>11</sup>Nasser O. Rabbat, “The Ideological Significance of the Dār al-ʿAdl in the Medieval Islamic Orient,” *International Journal of Middle East Studies* 27, no. 1 (1995): 3, 6, 7; for the *dār al-ʿadl* in Damascus, see also William M. Brinner, “Dar al-Saʿada and Dar al-ʿAdl in Mamluk Damascus,” in *Studies in Memory of Gaston Wiet*, ed. Myriam Rosen-Ayalon (Jerusalem, 1977), 235–47.



around 603/1207.<sup>12</sup> Rabbat has argued that these Ayyubid *dār al-ʿadls* represented an “original innovation of an extraordinary time.” He sets them in the context of the Islamic ideological revival which accompanied the counter crusade against the Franks and the threat of the Mongols in the thirteenth century. In this period rulers had to appear as just rulers who adhered to proper Islamic codes. Once the immediate threat had dissipated in the fourteenth century, the *dar al-ʿadls* were no longer used in their primary function.<sup>13</sup> I might agree with the first part of his reasoning, but as we will see the *maḏālim* sessions did not stop in the fourteenth century. Only the venue of the sessions in the citadel changed, but this might have been a matter of the individual taste of the rulers rather than the end of an ideological approach to proper Islamic rule.

However, after the Ayyubids, Sultan Baybars I decided to install his own *dār al-ʿadl* just below the citadel in 662/1264. He used it for holding *maḏālim* sessions and for inspecting the Mamluk army. The structure became known later as the *dār al-ʿadl al-qadimah* (the old *dār al-ʿadl*) and by the time of al-Maqrizī in the fifteenth century it was used as a performance venue for the military band (*tablkhānah*).<sup>14</sup> It seems that the successors of Baybars I found this building not representative enough, and therefore its function as *dār al-ʿadl* was apparently moved inside the citadel by Sultan Qalāwūn (r. 678–89/1279–90) to the *iwān*, a large columned room used as the principal audience hall, which he had rebuilt. His son Sultan al-Ashraf Khalīl (r. 689–93/1290–93) renovated this structure, before finally his brother, another son of Qalāwūn, Sultan al-Nāṣir Muḥammad (r. 693, 698–708, 709–41/1293, 1299–1309, 1310–41), had the building torn down and built his impressive *iwān/dār al-ʿadl* in the citadel, whose remains were still encountered by European visitors of the early nineteenth century.<sup>15</sup> (See figs. 2 and 3.)

At first, al-Nāṣir Muḥammad held his *maḏālim* sessions in his new *dār al-ʿadl* once a week on Mondays, before he switched to a bi-weekly scheme on Mondays and Thursdays.<sup>16</sup> During the time of his weak Qalāwūnid successors, the *dār al-ʿadl* retained mainly representational functions, as the real powers were with the high-ranking Mamluk amirs. Al-Shujāʿī (d. after 756/1356) reports how the amirs sat before Sultan al-Nāṣir Aḥmad (r. 742/1342) and told him what to do. He said to them: “Do things as you understand them. Whatever you think is right, I

<sup>12</sup>Rabbat, “Ideological Significance,” 3.

<sup>13</sup>Ibid., 4.

<sup>14</sup>Ibn ʿAbd al-Zāhir, *Al-Rawḍ*, 182; al-Maqrizī, *Al-Mawāʿiḏ wa-al-Iʿtibār fī Dhikr al-Khiṭaṭ wa-al-Āthār*, ed. Ayman Fuʾād Sayyid (London, 2002), 3:655; idem, *Al-Sulūk*, 2:236.

<sup>15</sup>Al-Maqrizī, *Khiṭaṭ*, 3:659; idem, *Al-Sulūk*, 2:107; Rabbat, “Ideological Significance,” 13.

<sup>16</sup>Al-Maqrizī, *Khiṭaṭ*, 3:660, 665; idem, *Al-Sulūk*, 2:103.



consent.”<sup>17</sup> However, this might have been a trick. To great general astonishment, he summoned a surprise *mazālim* session for the first time in his reign in Dhū al-Qa‘dah 742/May 1342 in the *dār al-‘adl*, where he heard petitions and signed documents. He then ordered the selling of some of his own cattle in order to collect the money awarded to deserving plaintiffs, before he went into exile at al-Karak some days later.<sup>18</sup>

By this time, however, holding *mazālim* sessions in the *dār al-‘adl* seems to have been exceptional; in the second half of the fourteenth century *mazālim* sessions were usually held at the palace of the powerful viceroys, the *dār al-niyābah*, in the citadel. The viceroys had the power to administer justice among the people at a barred stand (*shubbāk*) at their palace.<sup>19</sup>

Once Sultan Barqūq (r. 784–91, 792–801/1382–89, 1390–99) had restored the authority of the Mamluk sultanate, it seems that at first he revived the *mazālim* sessions in the *dār al-‘adl iwān*, but in order to underline the uniqueness of his sultanate, he then transferred the hearing of the petitions to some place in the royal stables in 789/1387 (see fig. 4). Moreover, the bi-weekly sessions were switched to Sundays and Wednesdays and some time later changed to Tuesday, Saturday, and Friday afternoons.<sup>20</sup> According to Linda Darling the new setting was not degrading, as “in Turkish practice stables were often places of political sanctuary.”<sup>21</sup>

It seems that Barqūq occasionally did administer justice on the *maydān* below the citadel, as happened in 792/1390, but the royal stable represented the usual place for the wronged to go even after Barqūq’s reign.<sup>22</sup> The *dār al-‘adl/iwān* was still in use, but no longer for *mazālim* sessions. Crowds would gather there for very formal events, like the reception of foreign guests. However, some occasional judicial sessions still took place there. Sultan Barsbāy (r. 825–41/1422–38) held one there in 831/1428; Ibn Taghribirdī (d. 874/1470) notes that that had not happened for a very long time.<sup>23</sup>

The royal stable apparently represented the main *mazālim* venue before a new location was introduced in the time following Barsbāy, the so-called *dikkah* (platform) in the sultan’s park (*ḥawsh*). It was a wooden platform with an imperial

<sup>17</sup>Al-Shujā‘ī, *Tārīkh al-Malik al-Nāṣir Muḥammad ibn Qalāwūn al-Ṣāliḥi wa-Awlādihi*, ed. and trans. Barbara Schäfer (Wiesbaden, 1985), 1:205 (Arabic text), 2:241 (German translation).

<sup>18</sup>Ibid., 1:217 (Arabic text), 2:252 (German translation).

<sup>19</sup>Ibid., 1:255 (Arabic text), 2:288 (German translation); al-Maqrizī, *Khiṭaṭ*, 3:696.

<sup>20</sup>Al-Maqrizī, *Khiṭaṭ*, 3:662, 666.

<sup>21</sup>Darling, “Circle of Justice,” 14.

<sup>22</sup>Ibn Taghribirdī, *Al-Nujūm al-Zāhirah fi Mulūk Miṣr wa-al-Qāhirah*, ed. William Popper (Berkeley, 1936), 5:520; William Popper, *History of Egypt 1382–1469 A.D* (Berkeley, 1954), 1:115.

<sup>23</sup>Ibn Taghribirdī, *Al-Nujūm*, 6:632; Popper, *History of Egypt*, 4:55.



tent above it. Ibn Taghribirdī reports for the year 871/1466: “[In this year] the sultan [Khushqadam (r. 865–72/1461–67)] began to hold Saturday and Tuesday sessions in the sultan’s stable to adjudicate cases among men as had been the custom of the rulers of the past. This had not occurred since the day he became sultan; for the sultans of our time have sat on the platform of the sultan’s park in the citadel and dispensed justice there among men.”<sup>24</sup> Apparently the platform had been in use long before that date. This means that, at least from the middle of the fifteenth century onwards, it had become the usual location to hear petitions. In any case, the former locations were still held in high esteem. Sultan Qāyrbāy (r. 872–901/1468–96) apparently invested a large amount of money in the restoration of the *īwān* in order to use it like in the old days.<sup>25</sup> It does not seem, however, that he really used it for *maẓālim* sessions. It is more probable that he continued to sit in the park, where he had a special throne erected beside the *dikkah*.<sup>26</sup>

Qāyrbāy is also reported to have administered the usual legal hearings in the royal stable in Rajab 876/December 1471.<sup>27</sup> Therefore it is likely that the royal stable was used during the winter months and the *dikkah* in the park during the rest of the year in the time of Qāyrbāy.

The arrangements around the *dikkah* in the park seem to have been very impressive for foreign visitors. The German pilgrim Arnold von Harff, who visited Cairo in 1496, tells us that he came through eight doors before he was brought to a large square. He saw 16,000 men standing there, all of whom had to come there three times a week with the full sun on their necks. The sultan al-Nāṣir Muḥammad (r. 901–4/1496–98) himself sat high on a platform on nice carpets and he had his legs crossed like tailors in Germany. In this manner he would sit there three times a week to hear complaints of his subjects and to dispense justice.<sup>28</sup> (See fig. 5.)

As one might assume, the wooden *dikkah* was not going to last. Sultan Qānṣawh al-Ghawrī (r. 906–22/1501–16) had it removed in 916/1511. Instead he erected

<sup>24</sup>Ibn Taghribirdī, *Al-Nujūm*, 7:745; Popper, *History of Egypt*, 7:71.

<sup>25</sup>Finally the roof and the *qubbah* of the *īwān* were set on fire at the beginning of 923/1517 by the Ottomans shortly after the conquest, under the pretext that Sultan Ṭūmān Bāy had been there during the war. This led to the collapse of the *qubbah* in 928/1522, and it was never restored. Ibn Iyās (d. around 930/1524), *Badāʾiʿ al-Zuhūr fī Waqāʾiʿ al-Duhūr*, ed. Muḥammad Muṣṭafā (Wiesbaden, 1963), 5:155, 441.

<sup>26</sup>Ibid., 3:60 ,61; al-Ṣayrafī, *Inbāʿ al-Ḥaṣr bi-Abnāʾ al-ʿAṣr*, ed. Ḥasan Ḥabashī (Cairo, 1970), 295, 339.

<sup>27</sup>Ibn Iyās, *Badāʾiʿ*, 3:66; al-Ṣayrafī, *Inbāʿ*, 391.

<sup>28</sup>Arnold von Harff, *Die Pilgerfahrt des Ritters Arnold von Harff von Cöln durch Italien, Syrien, Aegypten, Arabien, Aethiopien, Nubien, Palästina, die Türkei, Frankreich und Spanien, wie er sie in den Jahren 1496 bis 1499 vollendet, beschrieben und durch Zeichnungen erläutert hat*, ed. Eberhard von Groote (Hildesheim, 2004), 89, 90.



a richly decorated marble platform (*maṣṭabah*) at the same site. According to Ibn Iyās the people were sad that the *dikkah* was gone, as so many kings had sat on it—its removal was perceived as a bad omen.<sup>29</sup>

It seems that Qānṣawh al-Ghawrī very much liked the *mazālim* proceedings to be public. Some of his *mazālim* sessions were held on the racecourse (*maydān*) just underneath the citadel, maybe following the example set by Barqūq, but Qānṣawh even ordered the building of a special throne and a house on the racecourse in 909/1503 in order to administer justice there.<sup>30</sup>

One reason for this could be that more people could attend to witness the justice of the ruler on the *maydān*. In Shawwāl 921/November 1515 he summoned a Jewish merchant, who originally came from the lands of the Franks but had already stayed for a while in the Mamluk Empire, to the *maydān* and had him tortured right in front of him because the Jew apparently had stolen a considerable amount of money. Asked about the whereabouts of the money, the merchant would not divulge its location, but instead he recited aloud the *shahādah* to show that he had become a Muslim. The crowd started to shout *Allāhu akbar*, but the sultan ordered further torture, saying: “There are many Muslims and Islam does not need this one.”<sup>31</sup>

After Qānṣawh al-Ghawrī had died in battle in Syria, his ill-fated nephew Sultan Ṭūmān Bāy (r. 922–23/1516–17) tried to revive flagging Mamluk spirits and, despising al-Ghawrī’s theatrical opulence, he had the stone *maṣṭabah* in the park destroyed and replaced with the wooden *dikkah* of Qāyṭbāy. Ibn Iyās remarked: “The *dikkah* of justice came back and the *maṣṭabah* of injustice was destroyed.”<sup>32</sup> It did not really save Ṭūmān Bāy, who was hanged after the Ottoman conquest in 923/1517.

What can be stated in general about the *mazālim* venues is that the shifting of the locations all around the citadel throughout the Mamluk period provided an individual Mamluk sultan with the opportunity to reinvent himself in matters of representation and leave his particular stamp on the administration, while still adhering to the general notion of the just ruler who caters to the wronged in *mazālim* sessions.

#### LEGAL PROCEDURES IN THE MAZĀLIM COURT

The procedures of the *mazālim* sessions were highly formalized. An account of the court ceremonies is given by Ibn Faḍl Allāh al-ʿUmarī (d. 749/1349), who served

<sup>29</sup>Ibn Iyās, *Badāʾiʿ*, 4:203.

<sup>30</sup>Ibid., 4:56.

<sup>31</sup>Ibid., 4:481.

<sup>32</sup>Ibid., 5:107.



as an official in the chancery of Sultan al-Nāṣir Muḥammad. This source is only slightly modified in the famous chancery manual of al-Qalqashandī. According to these descriptions, the sultan came to the *dār al-ʿadl/īwān* in the citadel on Monday mornings (except in Ramaḍān) to hear petitions. He sat on a seat so high his feet barely touched the ground, to the side of the royal throne which resembled a *minbar* (pulpit). The eschewing of the royal throne during the sessions symbolized that the sultan was almost equal to the rest of the society. The slightly higher seat, though, meant that he still had a slightly higher standing. To his right were seated the four chief judges (*quḍāt al-quḍāt*) of the four law schools, who were accompanied later in the fourteenth century by newly created officials, the special *muftīs* (legal counsellors) of the *dār al-ʿadl* for each law school. Behind the ulama sat the controller of the treasury (*wakīl bayt al-māl*) and then the market inspector (*muḥtasib*) of Cairo. To the sultan's left were seated his privy secretary (*kātib al-sirr*), followed by the army supervisor (*nāẓir al-jaysh*). The circle was completed by the scribes of the bench (*kuttāb al-dast*), who wrote down the proceedings. If a vizier was in office he would stand between the sultan and the *kātib al-sirr*. Behind the seats of the circle on the side of the sultan there were special guards (*silāḥdāriyah*). On the left and the right side of the hall behind the circle were places reserved for the eminent Mamluk amirs. In front of the circle stood the chamberlains (*ḥujjāb*) and the *dawādār*s (the so-called bearers of the inkwell) in order to receive written petitions (*qīṣaṣ*) from the plaintiffs among the people. The petitions then were read to the sultan and he decided who should deal with them. If he thought it should be the qadis, they received it. Matters concerning the army were brought to the attention of the chamberlains and the privy secretary, and so on.<sup>33</sup>

Of course, this arrangement must have impressed the ordinary citizen, and even more so as the proceedings were highly formalized and contained theatrical elements. We have already heard of the incident when Sultan Baybars I left his throne during a session in order to go down to the level of a man who complained about him.<sup>34</sup> In 879/1475 Sultan Qāyṭbāy was holding a court session in the royal stable where the petitions were being read to him by the *kātib al-sirr*, when a man entered and complained about Yashbak the *dawādār*. The sultan ordered that Yashbak should go down to the man and stand in front of him and stay there as

<sup>33</sup>Ibn Faḍl Allāh al-ʿUmārī, *Masālik al-Aḥsār fī Mamālik al-Amṣār, Dawlat al-Mamālik al-Ulā*, ed. Dorothea Krawulsky (Beirut, 1986), 100–2; al-Qalqashandī (d. 821/1418), *Ṣubḥ al-Aʿshā fī Ṣināʿat al-Inshāʿ*, ed. Muḥammad Ḥusayn Shams al-Dīn (Beirut, 2000), 4:45–47; al-Maqrīzī, *Khīṭaṭ*, 3:666–68; see also Rabbat, “Ideological Significance,” 15–18, and S. M. Stern, “Petitions from the Mamlūk Period: Notes on the Mamlūk Documents from Sinai,” *Bulletin of the School of Oriental and African Studies* 29, no. 2 (1966): 265–66.

<sup>34</sup>Ibn ʿAbd al-Zāhir, *Al-Rawḍ*, 84–86; Holt, “Sultan,” 132.



long as it would take to reach a verdict. The same happened when another man complained about another dignitary.<sup>35</sup>

The *mazālim* sessions not only provided the sultan with an opportunity to excel as a just ruler, but moreover they helped him to control his entourage and to keep them busy at least twice a week. In the memorandum of Sultan Qalāwūn for his son, it therefore states that the prince should preside over the sessions, provide justice to the wronged, and especially take care that everybody who should be there was indeed there. “Nobody presents a petition directly to the Prince and nobody participates in handling the petitions, if it is not his customary duty. Nobody talks on matters that do not concern him; nobody stands in a place other than his own; and nobody stands by the Sultan’s side, if it is not his customary duty. Everyone who participates in the court session performs his duties in a place and location assigned to him. Let the Prince’s eyes be open for this and His thoughts concerning those important matters [be] pertinent.”<sup>36</sup> Absentees certainly should have a good legal excuse.<sup>37</sup> Assembling the amirs at a certain time in the week in the *dār al-ʿadl* could come in very handy. In 786/1384 Sultan Barqūq sat in the *dar al-ʿadl* and bestowed robes of honor on some amirs while he had others taken away and imprisoned in the same session.<sup>38</sup>

The sultan and the amirs went to *dār al-ʿadl* sessions in public procession (*mawkib*), and after hearing the cases an official banquet (*simāt*) followed, and the whole ceremony became known as *khidmah* (service).<sup>39</sup> In a matter of time it seems that the two parts of the ceremony, i.e., the hearing of complaints and the formal audience, were sometimes separated from each other. The *dār al-ʿadl/iwān* continued to be used occasionally for formal events like receiving foreign guests, whereas the location of the *mazālim* sessions moved to different locations within the citadel.

In contrast to the ideal, we have to observe that during the time of the Mamluk sultanate the bi-weekly aspect of the sessions was not always strictly upheld. First of all, there were of course usually no sessions in Ramaḍān, and in troubled times they were cancelled altogether. However, Mamluk historians clearly note the suspension of *mazālim* sessions, for instance when they praise Sultan al-Nāṣir Muḥammad for restarting the sessions in 710/1310, after his power was firmly established.<sup>40</sup> In 871/1466 Sultan Khushqadam (r. 865–72/1461–67) held *mazālim*

<sup>35</sup>Ibn Iyās, *Badāʾiʿ*, 3:102.

<sup>36</sup>Paulina Lewicka, “What a King Should Care About,” (English text) 19, 21, (Arabic text) 16, 18.

<sup>37</sup>Ibid., (English text) 31, (Arabic text) 30.

<sup>38</sup>Al-Maqrīzī, *Al-Sulūk*, 3:768.

<sup>39</sup>Nielsen, “Mazālim,” 935.

<sup>40</sup>Al-Maqrīzī, *Al-Sulūk*, 1:103.



sessions for the first time after six years in office. Criers went through the streets to invite the wronged to come on Saturdays and Tuesdays to the citadel. Apparently people had to be reminded about the *mazālim* session. Ibn Iyās, however, states that this was the last sign of justice displayed by this sultan, as he died a year later.<sup>41</sup>

In any case, sessions were held most of the time throughout the Mamluk period, and the written petition (*qiṣṣah*) played a central role.<sup>42</sup> Al-Qalqashandī describes six ways in which such a petition should be presented to the authorities.<sup>43</sup> The first way would be to come on a normal day to the citadel and leave it there. If the sultan decided on it, then the clerks would issue a decree. How successful such a “petition by chance” was, is hard to say, but sultans were given petitions on a regular basis once they descended from the citadel.<sup>44</sup> In the memorandum of Qalāwūn for his son it states that: “If petitions were presented to Him while riding (on processions outside the citadel), let Him help the one who presents them, treat him justly and give redress against the wrongs. He should investigate the injustice personally and not entrust the case to those who delays things.”<sup>45</sup>

The second possibility was to address the petition to the chancery, where it would be decided if the sultan should hear the case or not. The third way was to present oneself on the *mazālim* days in the *dār al-‘adl* and give the petition to the *kātib al-sirr*, who would then read a selection to the sultan. The fourth way was to present it to a high representative of the sultan, called the plenipotentiary governor (*al-nā‘ib al-kāfil*) by al-Qalqashandī. This might be a representative of the sultan when he was away. The fifth way consisted of the presentation of the petition to the army commander, the *atābak*. This was especially the case if the sultan was a minor. Finally, contacting a chamberlain directly constituted the last of the possibilities.

It seems quite clear that it certainly helped a request if one knew someone within the system, as the petitions seldom reached the sultan directly, and even if they did, Mamluk sultans were not exactly known for their Arabic reading skills. Therefore the assistance of government officials could certainly help even when the petitioner lived in a remote province. When in 713/1313 a new cadastral survey (*rawk*) would have meant considerable financial losses for the local family of the Buḥturids, who lived in the mountains south of Beirut, a leading representative of

<sup>41</sup>Ibn Iyās, *Badā‘i*, 2:444, 471.

<sup>42</sup>For details about the few surviving petitions, see: Stern, “Petitions from the Mamlūk Period,” 233–76; Hans Ernst, *Die mamlukischen Sultansurkunden des Sinai-Klosters* (Wiesbaden, 1960).

<sup>43</sup>Al-Qalqashandī, *Ṣubḥ*, 196–200; Jørgen Nielsen, *Secular Justice in an Islamic State: Mazālim under the Bahri Mamlūks 662/1264–789/1387* (Istanbul, 1387), 65–70.

<sup>44</sup>Nielsen, *Secular Justice*, 66.

<sup>45</sup>Lewicka, “What a King Should Care About,” 35, 37 (English text), 36 (Arabic text).



the family went to Tankiz, the governor of Damascus, who intervened on behalf of the Buhturids at the sultan's court in Cairo. There he obtained a decree of the sultan which exempted the Buhturids from the survey because of their role in fighting the Crusaders.<sup>46</sup>

Another key element of the procedures of *mazālim* jurisdiction was the relationship between the sultan and the judges of the four law schools, who had to be present at every session. As has been shown, the sultan decided whether a case should be looked at by the judges in shari'ah affairs or by other Mamluk officials if worldly matters and civil administration (*siyāsah*) were concerned. However, the claim of al-Maqrizī that in the latter cases the so-called Mongol Yāsa was used as the basis of the law can be discounted.<sup>47</sup> There is simply no evidence to substantiate such a claim. Maybe this accusation resulted from the frustration of a scholar who knew that the actual independence of the judges in the *mazālim* court was quite limited even in matters of so-called religious affairs. In any case, the decrees which the sultan and his officials issued regarding worldly matters were certainly not meant to contradict the shari'ah. Moreover, the attendance of the judges at each session demonstrated that the sultan and his institution based their decisions on an underlying religious intent, or at least they wanted it to appear that way.

For the religious scholars, though, it was not highly recommended to disagree with the sultan on legal issues. In 723/1323 the sultan had a judge imprisoned in order to obtain his *waqf* property, but the judges would not give it to him. The sultan therefore bribed witnesses in order to achieve his goal.<sup>48</sup> Another event concerning *waqf* properties occurred in 780/1378. Before becoming sultan, the already powerful amir Barqūq wanted to confiscate *waqf* properties. The scholars objected and one scholar tried to explain the matter to Barqūq in Turkish until Barqūq became very angry and asked Shaykh al-Bulqīnī why he had remained silent. Al-Bulqīnī said that he had not been asked to speak, but he would rule against Barqūq. Another scholar, Ibn Abī al-Biqā'ī, then apologized for al-Bulqīnī and said to the amirs: "You are the masters of complaints; in the end, you decide." Al-Bulqīnī then remarked: "O amirs, you order us to give our legal opinion, but

<sup>46</sup>Šāliḥ ibn Yaḥyá, *Tārīkh Bayrūt: Akhbār al-Salaf min Dhurriyat Buhtur ibn 'Alī Amīr al-Gharb bi-Bayrūt*, ed. Francis Hours and Kamal Salibi (Beirut, 1969), 86–87.

<sup>47</sup>Al-Maqrizī, *Khiṭaṭ*, 712–18; Nielsen: "Mazālim," 935; on the Mongol Yāsa, see David O. Morgan, "The 'Great 'Yasa' of Chingiz Khan' and Mongol Law in the Ilkhanate," *Bulletin of the School of Oriental and African Studies* 49, no. 1 (1986): 163–76; Robert Irwin, "What the Partridge Told the Eagle: A Neglected Arabic Source on Chingiz Khan and the Early History of the Mongols," in *The Mongol Empire and its Legacy*, ed. Reuven Amitai-Preiss and David Morgan (Leiden, 1999), 5–11.

<sup>48</sup>Al-Maqrizī, *Al-Sulūk*, 2:243–44.



if we do not carry out matters your way, you dismiss us.”<sup>49</sup> Even worse was the outcome for the judges in the following story, which concerns a famous case of adultery. An auxiliary Hanafi judge by the name of Khalīl had a beautiful wife who betrayed him with his Shafi‘i colleague Nūr al-Dīn. Khalīl found them together in his house and went to the grand chamberlain to launch an official legal complaint. The Shafi‘i auxiliary judge Nūr al-Dīn then wrote down a written legal confession of his crime. The chamberlain had the couple taken into custody and severely beaten. Then they were seated facing backwards on donkeys and paraded through the streets. The chamberlain then wanted the wife to pay an indemnity of 100 dinars, which she could not; the chamberlain ordered the betrayed husband Khalīl to pay. He refused and was imprisoned himself. By coincidence, the son of Khalīl did know someone near to the sultan, and Qānṣawh al-Ghawrī got interested in the case. He summoned the four chief judges and together they decided that the couple should be stoned. After the decision another Shafi‘i auxiliary judge named al-Zankalūnī raised the question of whether the couple could still legally be stoned if the written confession was withdrawn. The sultan became furious and asked the judges how something could be withdrawn if it was already confessed. The judges told him that this was an existing legal concept. But the sultan replied: “Is it not up to me to decide? I have the right in this matter.” He then dismissed the four *quḍāt al-quḍāt*. The Shafi‘i auxiliary judge al-Zankalūnī, who had given the legal opinion about the withdrawal of the confession, was brought to a legal session at the racecourse where the sultan told him: “O al-Zankalūnī, is it really your decision which counts and not mine?” Then the sultan had him beaten to death. The cheating couple was hanged at the door of another judge who had disobeyed the sultan.<sup>50</sup>

Despite this obvious case of injustice, it seems that the legal practice of the Mamluks did impress foreign visitors. The Irish friar Symonis Semeonis who visited Cairo in 1324 remarked that: “In Cairo as in all Egypt and India (Ethiopia) the administration of justice and equity is of so high a standard that nobles and peasants, youths and old men, and foreigners of whatever creed or condition, with no possibility of bribery, are subject to the infliction of the same penalties, and this especially when it is a case of capital punishment, death being inflicted by crucifixion, decapitation, or cutting in two with swords.”<sup>51</sup> The Venetian merchant Emmanuel Piloti, who lived in Egypt at the beginning of the fifteenth century, remarked, apparently astonished, about the regular law sessions of the

<sup>49</sup>Al-Maqrīzī, *Al-Sulūk*, 3:345–46; Leonor Fernandes, “Between Qadis and Muftis: To Whom Does the Mamluk Sultan Listen?” *Mamlūk Studies Review* 6 (2002): 100.

<sup>50</sup>Ibn Iyās, *Badā‘i*, 4:340–47.

<sup>51</sup>*Itinerarium symonis Semeonis ab Hybernia ad Terram Sanctam*, ed. Mario Esposito (Dublin, 1960), 81.



Mamluks: “Quant le souldain donne l’audience, tousjours commence au femmes, et à celles donne premiers espacement.”<sup>52</sup>

#### DANGER IN THE PUBLIC SPHERE: VIOLENCE DURING MAZĀLIM SESSIONS

Even though many armed guards were present at *mazālim* sessions, they still constituted a public event with accompanying dangers. In the year 664/1266 the *nāʾib al-salṭānah* amir ʿIzz al-Dīn al-Ḥullī (?) acted for a while as the deputy of Sultan Baybars in the *dār al-ʿadl* and held legal sessions. A man appeared with a written petition in his hand and was brought before the amir. The man suddenly produced a knife which was hidden under his clothes, attacked the amir and stabbed him in the throat. The amir managed to get hold of the hand of the assailant and kicked him down with his feet. In the ensuing struggle the attacker killed an amir before he himself finally succumbed to sword strokes. It was said that this madman belonged to the ones who constantly ate hashish to foster their madness.<sup>53</sup> When a messenger informed the absent sultan about the incident, he apparently cried out: “I could cope with the death of my son Berke but not al-Ḥullī.” News finally arrived that al-Ḥullī had recovered, and the sultan was relieved.<sup>54</sup>

More common, though, were apparently fatal disputes among Mamluks themselves at the public sessions, as they could plot their attacks beforehand. An attempt on the life of Amīr Sayf al-Dīn Qawṣūn during the *mazālim* sessions is reported by al-Shujāʿī for the year 742/1342. As usual, Qawṣūn led the parade (*rakaba al-mawkib*) towards the citadel, but he did not participate in the session itself because he had been warned of the coup. From a safe place he announced that the eight leading conspirators should be taken into custody. They refused and went out to fight, but finally had to admit their defeat.<sup>55</sup>

Another violent incident occurred in 758/1357, when the Mamluk soldier Quṭlūbughā handed a written petition to Amīr Shaykhū asking for his promotion from a monthly-salaried Mamluk to that of a Mamluk holding an *iqtāʿ*. After his promotion had been refused, Quṭlūbughā murdered Shaykhū on the spot in the *dār al-ʿadl*.<sup>56</sup> In 801/1398 a strange episode occurred, when a Persian dressed in Sufi garb presented a petition in the royal stables. He went up to Sultan Barqūq, grabbed his beard, and insulted him with great vehemence. By the sultan’s order

<sup>52</sup>Emmanuel Piloti, *L’Égypte au commencement du quinzième siècle d’après le traité d’Emmanuel Piloti de Crète (Incipit 1420)*, ed. P.-H. Dopp (Cairo, 1950), 109.

<sup>53</sup>On this, see: Bernard Lewis, *The Assassins: A Radical Sect in Islam* (New York, 1968).

<sup>54</sup>Al-Maqrīzī, *Al-Sulūk*, 1:550–51.

<sup>55</sup>Al-Shujāʿī, *Tārīkh al-Malik al-Nāṣir*, 1:149–54 (Arabic text), 2:186–91 (German translation).

<sup>56</sup>Al-Maqrīzī, *Al-Sulūk*, 3:33–34.



he was then subjected to corporal punishment.<sup>57</sup> Given these incidents, it is no wonder that Sultan Qalāwūn told his son in his memorandum to watch his back carefully and never leave the prescribed route on public outings.<sup>58</sup>

During the period of the outdoor *maẓālim* sessions on the *dikkah* in the park in the fifteenth century some other unexpected dangers arose, as Ibn Iyās reports: “In this month [Rabīʿ II 893/March 1488] the sultan [Qāytbāy] sat on the *dikkah* in the park as usual to hold a public session. Suddenly a storm began. It was the strongest storm which had ever occurred in the park. It wounded several amirs and the grand chamberlain was hurt in the face. . . . The turbans of the scholars and the *takhfifah* hats of the Mamluks were blown all over the place. The sultan stood up and was blown into the pond. His servants fled and left him alone; even the army fled, as they thought the day of judgement had come. And the weather really created great injustice (*wa-qad aẓlama al-jaww ẓulmatan.*)”<sup>59</sup>

#### MAẒĀLIM IN THE DAR AL-ʿADL PERIOD (648–789/1250–1387)

The first ninety years of this period were dominated by the more or less stable reigns of the three sultans: Baybars I (r. 658–76/1260–77), Sultan Qalāwūn (r. 678–89/1279–90), and Sultan al-Naṣīr Muḥammad (r. 693, 698–708, 709–41/1293, 1299–1309, 1310–41). Jørgen Nielsen underlines the fact that these sultans had highly formalized the procedures in the *khidmah* and *maẓālim* ceremonies in order to emphasize their role as just rulers. In doing so they had supplanted the jurisdiction of the qadis, and it had become difficult to distinguish their actual jurisdiction from other governmental functions, as everything had been centralized under them.<sup>60</sup> On the other hand, it might be this centralization which ensured the actual holding of these *maẓālim* sessions and the sultan’s active interest in the affairs of his subjects.

Jørgen Nielsen has collected 63 *maẓālim* cases from various sources for this period. If we discount the 21 surviving decrees which were issued in favor of St. Catherine’s Monastery and deal mainly with the protection of the rights of the monastery and condemn Bedouin raids against it,<sup>61</sup> then there are still 42 *maẓālim* cases. Out of these, 30 were directly dealt with in Cairo’s *dār al-ʿadl* or adjacent institutions. Nearly 50% of them deal with matters of land/*waqf* property and inheritance. What is very remarkable for this period is that we can find at least

<sup>57</sup>Ibn Taghribirdī, *Al-Nujūm*, 13:169.

<sup>58</sup>Lewicka, “What a King Should Care About,” 35, 37 (English text), 34, 36 (Arabic text).

<sup>59</sup>Ibn Iyās, *Badāʾiʿ*, 3:249–50.

<sup>60</sup>Nielsen, *Secular Justice*, 135.

<sup>61</sup>Stern, “Petitions from the Mamlūk Period,” 233–76; Ernst, *Die mamlukischen Sultansurkunden des Sinai-Klosters*.



nine cases where complaints against abuses of power by Mamluk officials are raised.<sup>62</sup>

At the beginning of the period, the Mamluks restructured the organization of the legal establishment in Cairo. In the year 663/1265 Sultan Baybars ordered the creation of four chief judgeships because he had become angry with the Shafi‘i chief judge, Tāj al-Dīn Ibn Bint al-A‘azz, who had held this position alone. According to al-Maqrizī, this came after the complaint of the daughters of an Ayyubid prince. The women explained to the sultan that they had bought a house from the former Shafi‘i chief judge Badr al-Dīn al-Sinjārī. But now that the judge had died, the heirs of al-Sinjārī argued that the house was actually a religious endowment (*waqf*) and therefore could not have been sold in the first place. The sultan turned to Tāj al-Dīn Ibn Bint al-A‘azz and asked why judges would act in that manner. Tāj al-Dīn ignored the issue by stating that the women should be financially compensated. “What if the heirs have no money for the compensation?” the sultan asked. The judge replied that if there was no money, there was no compensation, as the *waqf* had to remain inviolate. The sultan was not pleased with the answer, and after some other dubious rulings by Tāj al-Dīn, he decided to install four chief judges representing all four law schools to bring more legal opinions into play.<sup>63</sup>

During the reign of Sultan al-Naṣir Muḥammad, complaints against officials had a good chance of success. In 739/1338 the qadi of Ḥamāh arrived in Cairo to complain about the injustice of his overlord, the governor al-Malik al-Afḍal. The sultan had al-Malik al-Afḍal come to Cairo and spoke to him in the *dār al-‘adl*: “I have brought you here to the *dār al-‘adl* so the judges can witness what is discussed. I have heard a lot (of evil things) about you. . . . If you do it again, you will harm your family tremendously.”<sup>64</sup> On the other hand, the hearing of complaints against officials could also backfire against the sultan. Twice in 735/1334 and 737/1336 he successfully dismissed allegations of abuse of power against his favorite, al-Nashw, the *nāẓir al-khāṣṣ*, i.e., the inspector of the sultan’s treasury, but this could not save al-Nashw in the end. Finally the sultan had to consent to al-Nashw’s arrest and execution by torture because of pressure from the Mamluks and the public. This caused a week-long celebration in Cairo.<sup>65</sup>

For the rest of the *dār al-‘adl* period, the time of the mostly powerless successors of Sultan al-Naṣir Muḥammad, we notice the total absence of complaints against

<sup>62</sup>Nielsen, *Secular Justice*, 140–53.

<sup>63</sup>Al-Maqrizī, *Al-Sulūk*, 1:538–39; Joseph H. Escovitz, *The Office of Qāḍī al-Quḍāt in Cairo under the Bahri Mamlūks* (Berlin, 1984), 20.

<sup>64</sup>Al-Shujā‘ī, *Tārīkh al-Malik al-Nāṣir Muḥammad*, 1:60–61 (Arabic text), 2:39–40 (German translation).

<sup>65</sup>Nielsen, *Secular Justice*, 140–53; for the complete story, see Amalia Levanoni, “The al-Nashw Episode: A Case Study of ‘Moral Economy’,” *Mamlūk Studies Review* 9, no. 1 (2005): 207–20.



abuse of power. Nielsen counts only 16 cases throughout the period 741–84/1341–82 that can be clearly linked to the *mazālim* jurisdiction.

Recently Jo von Steenberg has shown that in order to survive and prosper during these confusing and chaotic times, one needed functioning personal networks.<sup>66</sup> The legal system was certainly no exception. In 753/1352 a group of Persian merchants was thrown into prison by the Hanafi chief qadi for failing to pay import dues. The chief chamberlain had them released and gave them indemnities.<sup>67</sup> We might assume that money was involved to build up this network. The following legal decision, though, was certainly based on a purely male network and male complaints. In 750/1350 the vizier Manjaq and the judges met in the *dār al-ʿadl* while the minor sultan al-Nāṣir Ḥasan (748–52, 755–62/1354–61, 1347–51) was present. The legal council then decided to ban certain women’s clothing. The popular long-sleeved shirt that reached the ground and fetched a price of 1000 dirhams was forbidden, as were the so-called Baghdādī silk buttons for 1000 dirhams each and expensive shoes. All agreed that this was a matter of honor and action was needed. Soldiers started to go into the brothels to confiscate the illegal apparel. Mamluks searched shops and patrolled the streets looking for this kind of clothing. When they found a woman still wearing it, they tore her clothes to pieces; some women were taken into custody. At the gates of Cairo officials erected dressed wooden puppets to show the women which kind of dress was suitable and legal. The prices of Baghdādī buttons plummeted to 80 dirhams but nobody would dare to buy one.<sup>68</sup>

However, more frequent than complaints against women’s clothing in the *dār al-ʿadl* were allegations of misbehavior by Christians. After such complaints increased significantly in 755/1354, the *dār al-ʿadl* council issued a decree reinforcing the discriminatory legal regulations concerning the *ahl al-dhimma*. The Christian patriarch and the leader of the Jewish community were present and had to consent. But instead of cooling down the atmosphere, the decision led to riots against Christians and Jews in Cairo which lasted for several days.<sup>69</sup>

#### **MAZĀLIM DURING THE ROYAL STABLES AND DIKKAH PERIOD 789–923/1387–1517**

During this period *mazālim* cases were mainly heard at the royal stables, but sometimes at the *maydān*, and especially after the mid-fifteenth century, cases were usually heard on the *dikkah* platform in the royal park in the citadel. This period once again witnessed stable sultanates, and complaints against abuses of

<sup>66</sup>Jo van Steenberg, *Order out of Chaos: Patronage, Conflict and Mamluk Socio-Political Culture, 1341–1382* (Leiden, 2006), 169–70.

<sup>67</sup>Al-Maqrīzī, *Khīṭaṭ*, 3:717–18.

<sup>68</sup>Al-Maqrīzī, *Al-Sulūk*, 2:810.

<sup>69</sup>*Ibid.*, 2:921–28



power were heard again at *mazālim* court sessions after the time of weak rule by the Qalāwūnids. Therefore, *mazālim* sessions reappear as a sultan's regular duty at the turn of the century. It might have been to show that a traditional institution was renewed that Sultan Barqūq had the sessions transferred to the royal stables. Ibn Qāḍī Shuhbah (d. 851/1448) remarked about this re-introduction: "Everywhere in Cairo and Egypt was uttered loudly the invitation that the one who has been wronged could come to the sultan's stables. And when somebody came and said: 'Can I present my case to the judge or to the chamberlain?' and the sultan said no, then the man was beaten and thrown outside. But if the sultan said: 'Yes, the case is accepted,' then the sultan ordered the man's opponent in the legal case to present himself, and he rendered justice between the two."<sup>70</sup>

In 821/1418 Sultan al-Mu'ayyad Shaykh (r. 816–24/1413–21) had Ibn Ṭablāwī, the *wālī* of Cairo, whipped at the regular *mazālim* session in the stables. The reason for this had been that a poor man did not have enough money to pay for the burial of his drowned son, for which the *wālī* had imposed five dinars. The father therefore had to dump the cadaver beside the Nile, where dogs started to eat the corpse. A complaint reached the sultan who decided to punish the *wālī*.<sup>71</sup>

Staging regular legal sessions was upheld after the death of al-Mu'ayyad. The grand amir Ṭaṭar, who was in charge of state affairs for al-Mu'ayyad's two-year-old son, summoned the amirs and judges ten days after the death of al-Mu'ayyad in Muḥarram 824/January 1421 to the first *mazālim* session: "Proclamation was made that grand amir Ṭaṭar would sit for judgement among the men. When the Friday prayer was over the grand amir took his seat in the reception hall of the royal stables as al-Malik al-Mu'ayyad used to sit there, except that Ṭaṭar sat at the left of the throne not upon it. He decided cases between people and settled the affairs of men most judiciously, for he was a man of outstanding ability, alert and intelligent, and had a good knowledge of jurisprudence and other subjects; he loved to study especially the teachings of the Hanafite masters, for he held them in high honor."<sup>72</sup>

Ṭaṭar, who might have made a very just ruler, even reached the sultanate this year but suddenly died in the same year. In times when the sultan was a minor, the *mazālim* sessions were apparently supervised by the grand amir. Grand amir Barsbāy, who shortly thereafter became Sultan Barsbāy (r. 825–41/1422–38), held *mazālim* sessions on a regular basis before attaining the sultanate: after some complaints from the public, he had the money changers come to the royal stables in 825/1422. There he ordered that the Mu'ayyadī dirhams should be weighed

<sup>70</sup>Ibn Qāḍī Shuhbah, *Tārīkh Ibn Qāḍī Shuhbah*, ed. 'Adnān Darwish (Damascus, 1977), 221.

<sup>71</sup>Ibn Iyās, *Badā'ī*, 2:40.

<sup>72</sup>Ibn Taghribirdī, *Al-Nujūm*, 6:484; Popper, *History of Egypt*, 3:126.



when accepted for payments rather than being counted, as apparently the dirhams had suffered a strong diet regime in the hands of the money changers, who had reduced their weight by almost half.<sup>73</sup>

Another example of a Mamluk who was actively involved in the *maẓālim* jurisdiction is found in Amir Sūdūn, who served as chamberlain during the reign of Barsbāy. He seemed to be almost obsessed with favoring the weak over the strong during *maẓālim* sessions. Even when a Mamluk had a substantial legal case against a peasant, Sūdūn would favor the peasant. No wonder he fell into disgrace and was exiled to Jerusalem.<sup>74</sup>

It seems that the proper functioning of the *maẓālim* system depended to a large extent on the will of the reigning sultan or other strong men of the sultanate to enforce it. It could certainly not work well when the sultan was openly corrupt. Sultan Jaqmaq (r. 842–57/1438–53) apparently had this reputation, and Petry has recently shown how the daughter of Sultan al-Muʿayyad Shaykh had waited with her legal complaint about a property dispute until after the death of Jaqmaq because the accused in the case was the sultan's favorite. When she filed her suit, presumably through the *maẓālim* jurisdiction, it came at the right time, as Sultan Ināl (r. 857–65/1453–61) was reviewing acts of nepotism by his predecessor and she was granted a financial indemnity.<sup>75</sup>

This brings us near to the end of the Mamluk sultanate as a whole, to the “Twilight of Majesty.”<sup>76</sup> This period was dominated, if we follow the contemporary sources, by the rule of the good and just sultan Qāyṭbāy (r. 872–901/1468–96) and the bad and unjust sultan Qānṣawh al-Ghawrī (r. 906–22/1501–16).<sup>77</sup> Qāyṭbāy was especially well known for his interventions against officials. In 876/1471 for example, he had the controller of his privy funds (*nāẓir al-khāṣṣ*) flogged for cheating three plaintiffs during a bi-weekly *maẓālim* session in the royal stables.<sup>78</sup> There were other similar stories about him, but often they contained a certain “show off” element and staid symbolism.<sup>79</sup> Carl Petry remarks in this context that “the sultan did frequently uphold the rights of legitimate petitioners. His

<sup>73</sup>Ibn Taghribirdī, *Al-Nujūm*, 6:536; Popper, *History of Egypt*, 3:165.

<sup>74</sup>Ibn Taghribirdī, *Al-Nujūm*, 7:267ff; Popper, *History of Egypt*, 5:176.

<sup>75</sup>Carl F. Petry, “Crime in Mamluk Historiography: A Fraud Case Depicted by Ibn Taghribirdī,” *Mamlūk Studies Review* 10, no. 2 (2006): 141–51.

<sup>76</sup>Carl F. Petry, *Twilight of Majesty: The Reigns of the Mamlūk Sultans al-Ashraf Qāyṭbāy and Qanṣūh al-Ghawrī in Egypt* (Seattle, 1993).

<sup>77</sup>Carl F. Petry, “Royal Justice in Mamlūk Cairo: Contrasting Motives of Two Sulṭāns,” in *Saber religioso y poder político en el Islam: Actas del simposio internacional (Granada, 15–18. octubre 1991)* (Madrid, 1994), 197–211.

<sup>78</sup>Ibn Iyās, *Badāʾiʿ*, 3:66; al-Ṣayrafī, *Inbāʾ*, 391.

<sup>79</sup>Petry, “Royal Justice,” 199, 202.



reputation as a defender of orphans, widows and the helpless was not without merit. Yet, adjudicating their grievances usually involved petty sums, restoration of which cost him little. Public acclamation for protection of the lowly's claims was cheaply bought."<sup>80</sup>

In contrast to Qāyṭbāy, Sultan Qānṣawh al-Ghawrī did not even bother with such symbolic gestures, but we have to acknowledge that our main historical source, Ibn Iyās, is not very friendly towards him. However, stories about his unjust behavior abound, and some have been mentioned here already. It is hard to find a positive story about him. Maybe this one will do: in 915/1509 he asked Qurqmās al-Muqrī, an amir of ten, to refund money which he had taken from the people of his quarter. Apparently 1000 dinars had been stolen from the house of al-Muqrī. As al-Muqrī could not find the thief, he forced his neighbors to pay him the sum. Finally, the real thief was caught in Mecca, but al-Muqrī still did not refund the money. His neighbors therefore went with a written petition (*qiṣṣah*) up to the sultan, who decided against al-Muqrī. But Ibn Iyās had to add that Qānṣawh al-Ghawrī did this because he already had mixed feelings towards al-Muqrī.<sup>81</sup>

It looks like it had been almost impossible to file a suit against a favorite of al-Ghawrī. When the murder of a young boy was committed by a man in the service of al-Ghawrī's nephew Ṭūmān Bāy, the case could not be tried, as no witnesses dared to present themselves.<sup>82</sup> Another instance of unjust jurisdiction occurred when Qānṣawh al-Ghawrī had the chief judges examine the family tree of the descendents of the Prophet in order to eliminate them from the state's payroll if they could not prove their ancestry.<sup>83</sup>

However, the worst injustice of his reign is that apparently many crimes were not examined at all, but simply ignored. This negligence on the part of the head of state frustrated the public. Therefore Qānṣawh's reign certainly constituted the heyday of the phenomenon of privatization of justice in the Mamluk period.<sup>84</sup> Illegal "legal platforms" (*dikak*) popped up almost all over the city in front of houses of influential persons. In this legal "black market," complaints were accepted and pursued by semi-official doormen (*nuqabāʿ*) in the service of influential people.

<sup>80</sup>Ibid., 203.

<sup>81</sup>Ibn Iyās, *Badāʾiʿ*, 4:162, 180.

<sup>82</sup>Ibid., 4:168.

<sup>83</sup>Ibid., 4:260.

<sup>84</sup>For a discussion of the phenomenon of privatization of law in the Mamluk period, see John Meloy, "The Privatization of Protection: Extortion and the State in the Circassian Mamluk Period," *Journal of the Economic and Social History of the Orient* 47/2 (2004): 195–212; Robert Irwin, "The Privatization of 'Justice' Under the Circassian Mamluks," *Mamluk Studies Review* 6 (2002): 63–70.



Especially towards the end of his reign it seems that Qānṣawh al-Ghawrī strongly disapproved of this practice, as numerous official orders were issued in 919/1513 to forbid officials from erecting these *dikak* in front of their houses and using them to dispense legal rulings.<sup>85</sup> Finally he re-allowed the *dikak* in Jumādā I 919/July 1513, with the restriction that the *nuqabā'* should not impose excessive financial penalties on the accused parties. Apparently the amirs, who naturally did not want to lose this income, had convinced the sultan by saying: "If the sultan does not provide justice and the amirs do not provide justice, then the rights of the people will be lost."<sup>86</sup> The people could now choose where to take their legal complaints, either to the public sector and the *dikkah* in the sultan's park or to the private sector and the *dikak* in the streets of Cairo.

#### CONCLUSION

After the fall of Mamluk Empire, the Mamluk *maḥālim* jurisdiction disappeared. The Ottoman sultan Selīm I (r. 918–26/1512–20) apparently did not wish to pursue such forms of public display. "When Ibn 'Uthmān went up to the Citadel he hid from the people and did not show himself to anyone. He did not sit for public hearings on the *dikkah* in the park in order to help the wronged against the oppressor. On the contrary, the people increasingly told stories about new injustices (*maḥālah*) committed by him and his officials," remarked Ibn Iyās about the end of a legal institution which had shaped Egypt's and Syria's legal history throughout the Mamluk period.<sup>87</sup>

How can we sum up this institution? It functioned right to the very end of the Mamluk era; it was used by the sultans to enforce their images as just rulers and to fulfil the legal obligations which they had as Muslim rulers. In doing so, they followed the system which had been laid out by the Ayyubids, although the Mamluks had made some adjustments. They certainly formalized the procedure to an extent that it might be asked whether the legal decisions given during these sessions were sometimes merely a by-product of the general public representation of the sultan. Some sultans, though, took their legal obligations more seriously and apparently really tried to help the poor against the powerful. Still, there were limits to this when personal interests of the sultan or the empire were at stake.

To answer the question posed in the heading of my paper: was there *ẓulm* (injustice) done by the *maḥālim* procedure? Well, there was a lot of *ẓulm* perpetrated in and through *maḥālim* sessions, yet there was no injustice automatically built into the system. The aim of it was clearly to provide a forum for appeals against

<sup>85</sup>Ibn Iyās, *Badā'i*, 4:76, 302, 312, 318, 320; Irwin, "Privatization," 69.

<sup>86</sup>Ibn Iyās, *Badā'i*, 4:320.

<sup>87</sup>*Ibid.*, 5:162.



legal decisions of state officials and to put overall control of all matters of the state, including the judiciary, into the hands of the sultan. The *mazālim* jurisdiction enforced the image of the good ruler who, though he might have bad advisers, would stand up for his subjects if needed. Of course this was not always the case, but in times of stable rule the *mazālim* jurisdiction could really be an effective tool against legal abuses. It was perceived by all layers of Mamluk society as an indispensable part of the legitimacy of Mamluk sultans—the institution as such was never questioned.



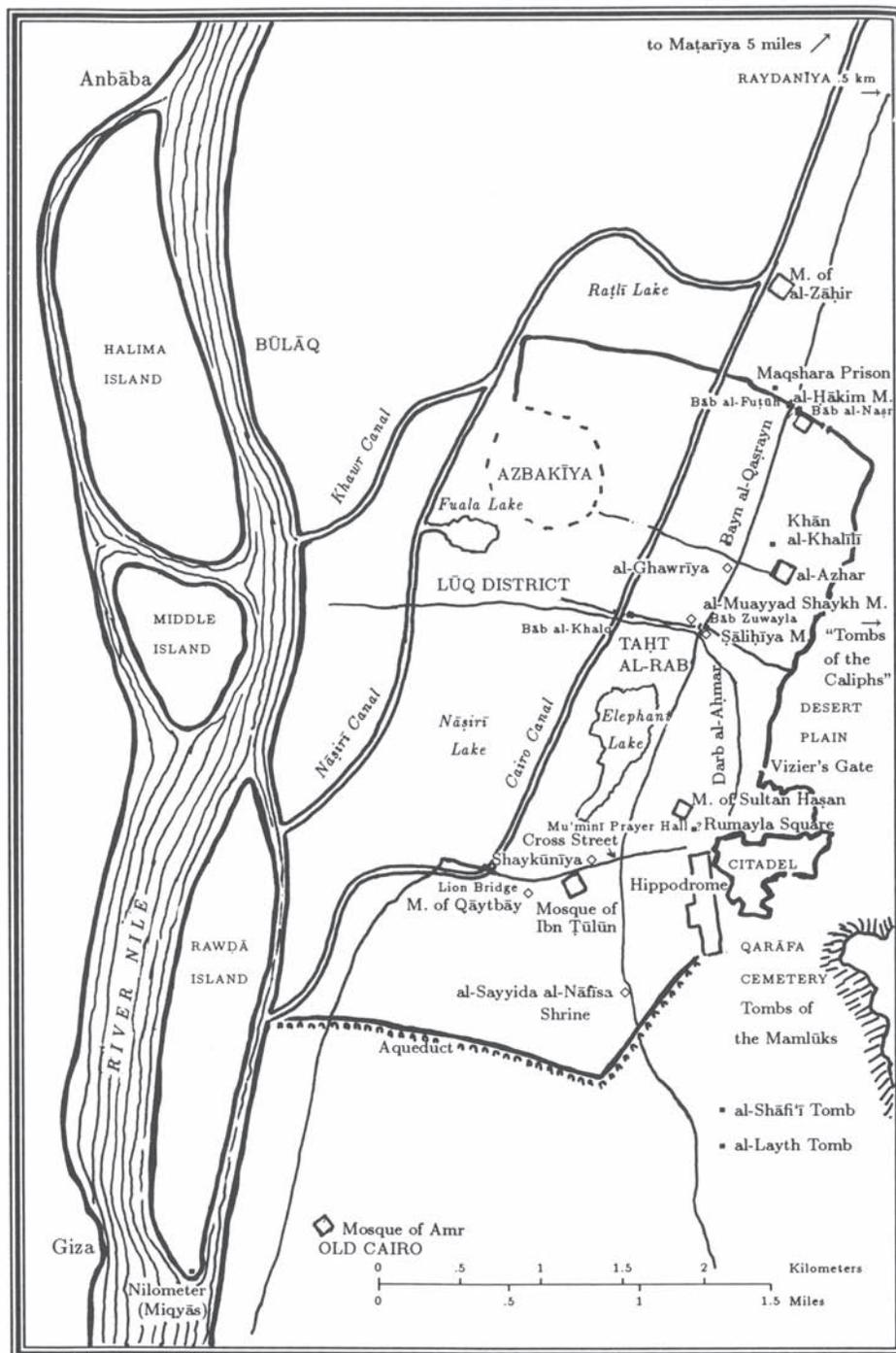


Fig. 1. Cairo in Mamluk times (Carl Petry, *Twilight of Majesty: The Reigns of the Mamlūk Sultans al-Ashraf Qāyṭbāy in Egypt* [Seattle, 1993], xii. Courtesy of Henry M. Jackson School of International Studies, University of Washington.)



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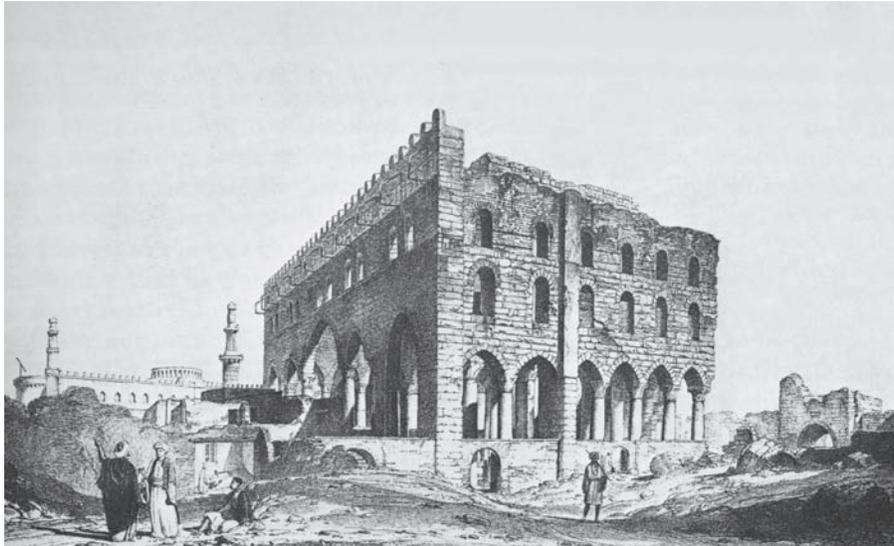


Fig. 2. *Īwān* of the Citadel. (From Robert Hay, *Illustrations of Cairo* [London, 1840] and *Description de l'Égypte*.)



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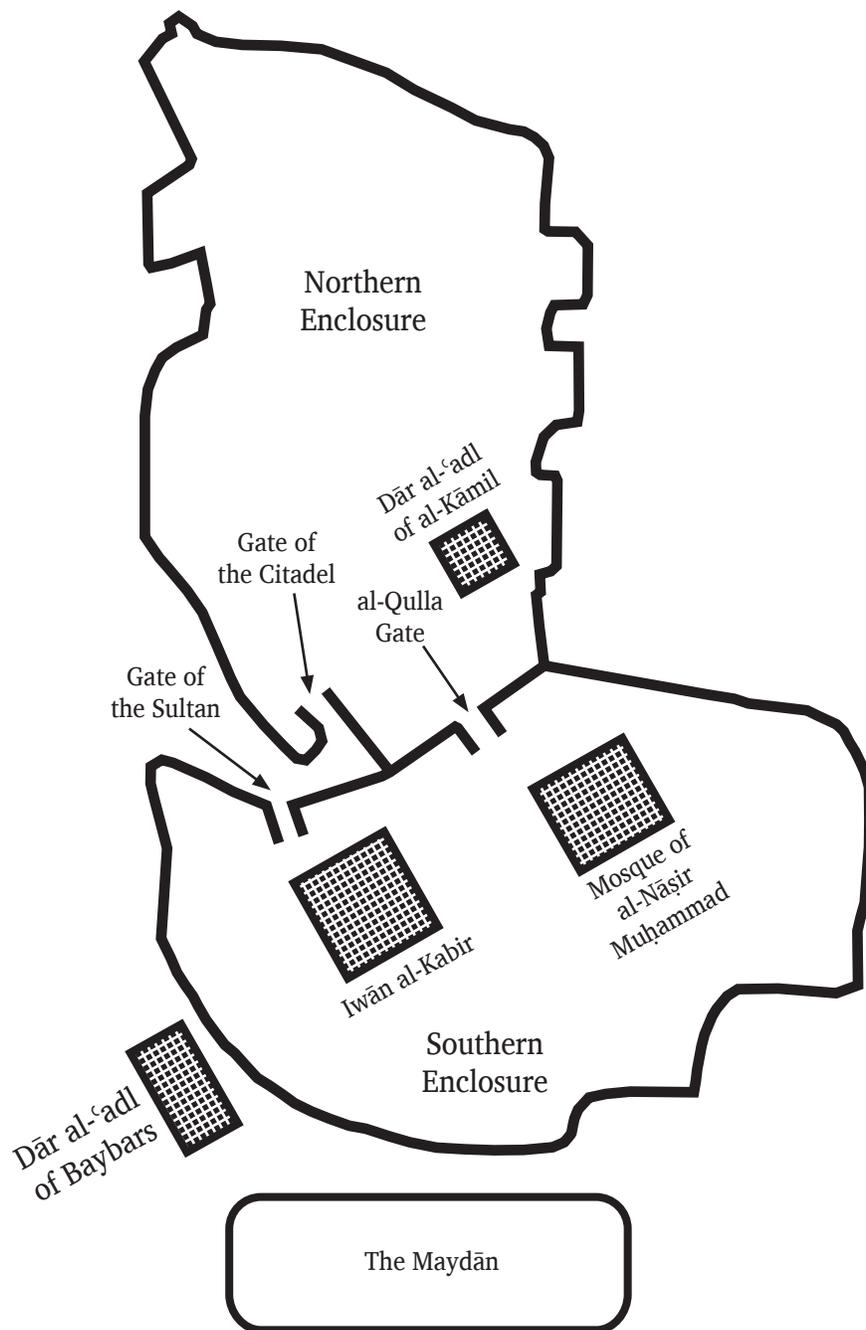


Fig. 3. The *dār al-ʿadls* at the Citadel (Redrawn based on Nasser O. Rabbat, “The Ideological Significance of the *Dār al-ʿAdl* in the Medieval Islamic Orient,” *International Journal of Middle East Studies* 27, no. 1 [1995]: 11.)



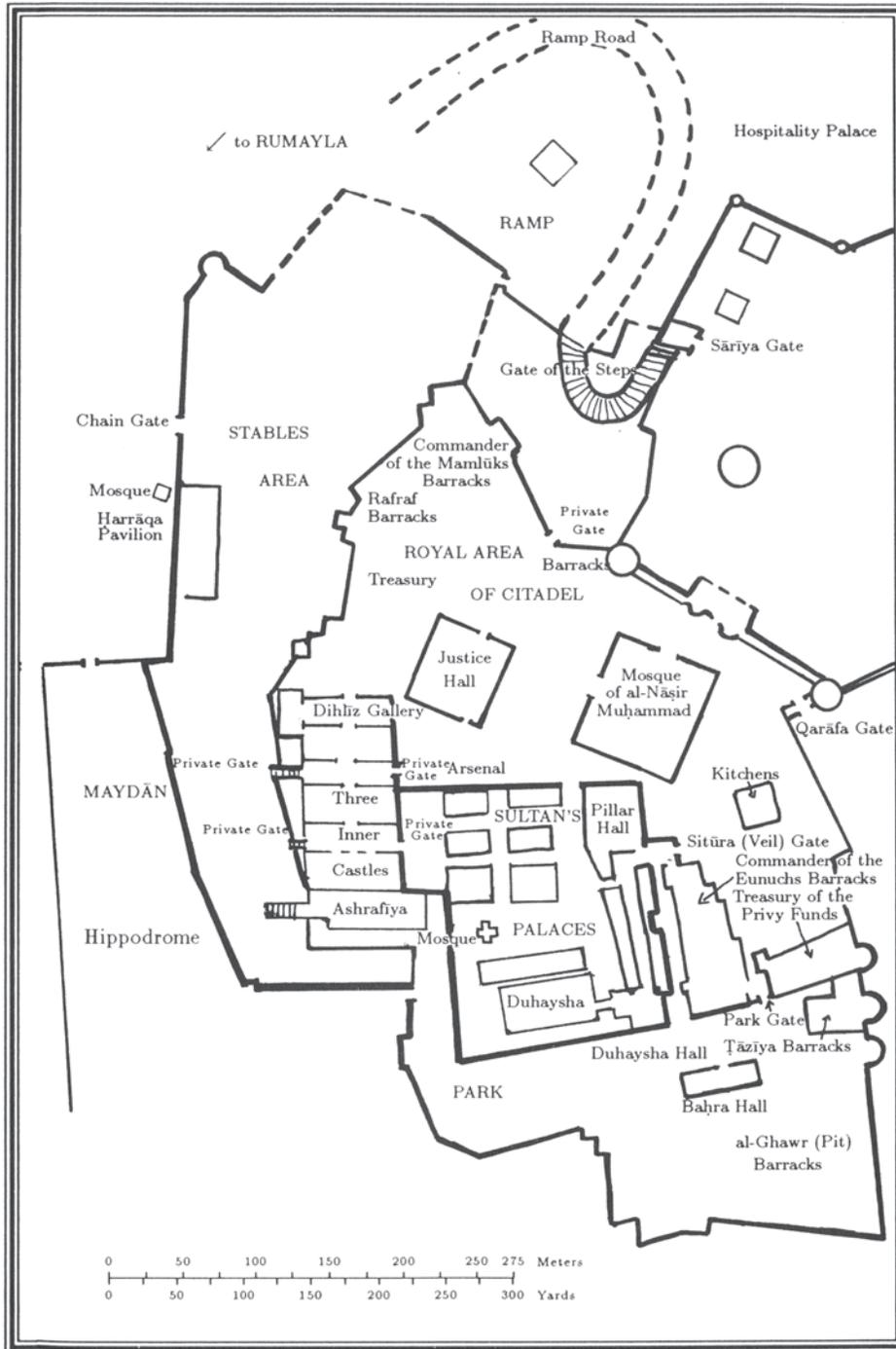


Fig. 4. The Citadel of Cairo (Carl Petry, *Twilight of Majesty: The Reigns of the Mamlūk Sultans al-Ashraf Qāyṭbāy in Egypt* [Seattle, 1993], xi. Courtesy of Henry M. Jackson School of International Studies, University of Washington.)



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Fig. 5. Sultan al-Nāṣir Muḥammad (r. 901–4/1496–98) on the *dikkah* (Arnold von Harff, *Die Pilgerfahrt des Ritters Arnold von Harff von Cöln durch Italien, Syrien, Aegypten, Arabien, Aethiopien, Nubien, Palästina, die Türkei, Frankreich und Spanien, wie er sie in den Jahren 1496 bis 1499 vollendet, beschrieben und durch Zeichnungen erläutert hat*, ed. Eberhard von Grootte [Hildesheim, 2004], 90. Courtesy of Georg Olms Verlag.)

