

MAMLŪK STUDIES  
REVIEW

XVI



2012

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XVI



2012

MIDDLE EAST DOCUMENTATION CENTER (MEDOC)  
THE UNIVERSITY OF CHICAGO

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# MAMLŪK STUDIES REVIEW

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## **The Bruce D. Craig Prize for Mamluk Studies**

The Prize Committee is pleased to announce that Nathan C. Hofer (Ph.D. 2011, Emory University) and Matthew B. Ingalls (Ph.D. 2011, Yale University) have jointly been named recipients of the 2011 Bruce D. Craig Prize for Mamluk Studies for their respective dissertations:

Nathan C. Hofer, “Sufism, State, and Society in Ayyubid and Early  
Mamluk Egypt, 1173-1309”

Matthew B. Ingalls, “Subtle Innovation Within Networks of Conven-  
tion: The Life, Thought, and Intellectual Legacy of Zakariyya al- An-  
sari (d. 926/1520)”

Given the outstanding quality of the two dissertations submitted for the Bruce D. Craig Prize for Mamluk studies, the Committee unanimously decided to award it jointly to the two candidates. Both dissertations constitute major contributions to the study of Sufism in Egypt at two different periods (early and late Mamluk). The authors showed not only that they have a solid knowledge of the sources, but that they are also familiar with critical theory.

The focus of Hofer’s dissertation is the study of two Sufi “organizations” (the Sa’id al-Su’ada khanqah and the Shadhiliyya tariqa) during the Ayyubid and early Mamluk periods (1173–1309). The author also considered two less-studied manifestations of Sufism (Upper Egypt, and Jewish Sufis of Fustat). His work is instrumental in demonstrating that Sufism was brought by the Sufis to the masses and not the other way around, as has been believed until now.

On the other hand, Ingalls’ dissertation is centered on the study of the life and thought of one of the most important representatives of Sufism at the end of the Mamluk period: Zakariyya al-Ansari (d. 926/1520). Perhaps more importantly, it also addresses a crucial issue in our field: should we still consider authors of late medieval Islam incapable of genuine creativity and innovation? The answer he brings forward will certainly invite us to reconsider positions that have been regarded as firmly grounded for a long time.

The Prize Committee for 2011 consisted of Frédéric Bauden (Université de Liège and Università di Pisa), Chair; Jonathan Berkey (Davidson College); and Michael Winter (Tel Aviv University).

The Bruce D. Craig Prize, carrying a cash award of \$1,000, is given annually by *Mamlūk Studies Review* for the best dissertation on a topic related to the Mamluk Sultanate submitted to an American or Canadian university during the preceding calendar year. In the event no dissertations are submitted, or none is deemed to merit the prize, no prize will be awarded. To be considered for the 2012 Prize, dissertations must be defended by December 31, 2012, and submitted to the Prize Committee by January 31, 2013. Submissions should be sent to:

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2006: Nahyan A. G. Fancy, University of Notre Dame, “Pulmonary Transit and Bodily Resurrection: The Interaction of Medicine, Philosophy and Religion in the Works of Ibn al-Nafis (d. 1288).”

2007: No prize was awarded.

2008: No prize was awarded.

2009: No prize was awarded.

2010: No prize was awarded.

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LIVNAT HOLTZMAN  
BAR-ILAN UNIVERSITY

## The Dhimmi's Question on Predetermination and the Ulama's Six Responses: The Dynamics of Composing Polemical Didactic Poems in Mamluk Cairo and Damascus

### INTRODUCTION

Among the many epistles about predetermination and free will composed by the Damascene scholar Ibn Taymīyah (d. 728/1328), one stands out. This work is a lengthy poem which appears in the eighth volume of his epistles and *fatāwā* compilation (*Majmū'at al-Fatāwā*). The poem, usually known as "A Question about Predetermination" (*Su'āl 'an al-Qadar*),<sup>1</sup> is also entitled *Al-Manzūmah al-Tā'īyah*, a didactic versification rhyming in *tā'* throughout the work.<sup>2</sup> And indeed, the monorhyme *tī* appears in all 124 verses of the poem. According to the prologue, penned by Ibn Rushayyiq (d. 749/1348), the copyist of Ibn Taymīyah's works,<sup>3</sup> Ibn Taymīyah composed this poem as a response to an eight-verse poem attributed to a dhimmi scholar. Ibn Rushayyiq introduces the poem as: "A question about predetermination set forth by one dhimmi scholar" (*aḥad 'ulamā' al-dhimmīyīn*).<sup>4</sup>

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<sup>1</sup>The full text of the poem is available in both well-known and widely-used editions of Ibn Taymīyah's *fatāwā*: Taqī al-Dīn Aḥmad Ibn Taymīyah, "Su'āl 'an al-Qadar," in *Majmū'at al-Fatāwā li-Shaykh al-Islām Taqī al-Dīn Aḥmad Ibn Taymīyah al-Harrānī*, ed. 'Āmir al-Jazzār and Anwar al-Bāz, 37 vols. (Riyadh and al-Mansura, 1419/1998), 8:149–54; idem, "Su'āl 'an al-Qadar," *Majmū' Fatāwā Shaykh al-Islām Aḥmad Ibn Taymīyah*, ed. 'Abd al-Raḥmān ibn Muḥammad ibn Qāsim and Muḥammad ibn 'Abd al-Raḥmān ibn Muḥammad ibn Qāsim, 37 vols. (Medina, 1425/2004), 8:246–55. This edition was originally printed in Riyadh, 1961–66, and has several reprints: Beirut, 1398–1403/[1978–1982]; Rabat, 1981; [Cairo], 1980; Cairo, [1990]. For several versions of the poem, see Appendix II, Part B, n. 163.

<sup>2</sup>Ibn Qayyim al-Jawzīyah (d. 751/1350), Ibn Taymīyah's most celebrated disciple, mentions Ibn Taymīyah's *Al-Tā'īyah* in three of his theological works: [Abū 'Abd Allāh Muḥammad ibn Abī Bakr] Ibn Qayyim al-Jawzīyah, *Shifā' al-Alīl fī Masā'il al-Qaḍā' wa-al-Qadar wa-al-Ḥikmah wa-al-Ta'līl*, ed. Al-Sayīd Muḥammad al-Sayīd and Sa'īd Maḥmūd (Cairo, 1414/1994), 475; idem, *Ṭarīq al-Hijratayn wa-Bāb al-Sa'adatayn*, ed. Abū 'Abd Allāh Muḥammad ibn al-'Adawī et al. (Cairo, 1421/2001), 115; idem, *Madārij al-Sālikīn bayna Manāzil Īyāka Na'budu wa-Īyāka Nasta'in*, ed. Abū 'Abd Allāh Muḥammad ibn Abī Bakr ibn Ayyūb (Beirut, n.d.), 1:437.

<sup>3</sup>On Ibn al-Rushayyiq's role in copying Ibn Taymīyah's works, see: Caterina Bori, "Ibn Taymiyya wa-Jamā'atuhu: Authority, Conflict and Consensus in Ibn Taymiyya's Circle," in *Ibn Taymiyya and His Times*, ed. Yossef Rapoport and Shahab Ahmed (Karachi, 2010), 47 endnote 46; idem, "The Collection and Edition of Ibn Taymīyah's Works: Concerns of a Disciple," *Mamlūk Studies Review* 13, no. 2 (2009): 53–68.

<sup>4</sup>Ibn Taymīyah, *Majmū'at al-Fatāwā* (1998) 8:149.



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In 1956, Serajul Haque published a scientific edition of both the dhimmi's and Ibn Taymīyah's poems. This edition, based on two identical manuscripts penned by an anonymous copyist, is slightly different from the *Majmū'at al-Fatāwá* edition. The prologue of Serajul Haque's edition clearly states that the dhimmi was in fact a Jew: "This is a question composed by one dhimmi Jew" (*hādhā su'ālu ba'di ahli al-dhimmati min al-yahūd*).<sup>5</sup> Both versions of Ibn Taymīyah's poem—the *Majmū'at al-Fatāwá* version and Serajul Haque's version—contain similar prologues. According to both versions, when the poem (written either by an unspecified dhimmi or by a Jew) was presented to Ibn Taymīyah, "Shaykh al-islām, the most erudite imam Aḥmad ibn Taymīyah, responded in kind, in a poem he composed" either "in extempore" (*murtaḥjilan*)<sup>6</sup> or "in a hurry" (*musta'ḥjilan*).<sup>7</sup>

Ibn Rushayyiq and the anonymous copyist wrote the prologue with a dual purpose: By adding the words *murtaḥjilan* or *musta'ḥjilan*, they emphasized Ibn Taymīyah's excellent command of Arabic; and they managed to give us, the readers, the impression that Ibn Taymīyah composed his poem publicly: either in an actual public debate, in which the two debaters stood facing each other, reciting their verses in front of an astonished crowd, or in a class, in which one of Ibn Taymīyah's disciples presented the poem to Ibn Taymīyah, and he responded immediately. The dhimmi or the Jewish scholar composed a well-structured poem, which stimulated the mind and presented a theological challenge. Immediately after hearing the poem, Ibn Taymīyah excelled by reciting more than 100 verses in extempore, a truly amazing achievement.<sup>8</sup>

A more fascinating possibility nevertheless emerges from the description of Abū 'Alī Ḥafṣ 'Umar ibn 'Alī al-Bazzār (d. 749/ 1348), one of Ibn Taymīyah's biographers. Al-Bazzār quotes here an eyewitness to this exciting event:

The righteous shaykh Tāj al-Dīn Muḥammad known as Ibn al-Dawrī told me that he participated in one of the shaykh [Ibn Taymīyah]'s classes (*majlis*). A Jew asked Ibn Taymīyah a question on predetermination (*mas'alah fī al-qadar*), which he (i.e., the Jew) composed as an eight-verse poem. When Ibn Taymīyah read the question,

<sup>5</sup>Serajul Haque, "A Poem of Imām Ibn Taymiyya on Predestination," *Journal of the Asiatic Society* (Pakistan) 1 (1956): 2.

<sup>6</sup>Ibn Taymīyah, *Majmū'at al-Fatāwá* (1998) 8:149. *Irtijāl* is improvising or extemporizing a poem or a speech. The many quotations of improvised poetry in the *adab* sources, like *Kitāb al-Aghānī*, and the sources specializing in poetical theories and grammar, indicate that improvised poems were composed in various meters, and not solely in the inferior *rajaz* meter. S. A. Bonebakker, "Irtidjāl," *The Encyclopaedia of Islam*, 2nd ed., 4:80.

<sup>7</sup>Serajul Haque, "A Poem of Imām Ibn Taymiyya," 2.

<sup>8</sup>Ibn Taymīyah, *Majmū'at al-Fatāwá* (1998) 8:149; Serajul Haque, "A Poem of Imām Ibn Taymiyya," 2.



he contemplated for a brief moment, and then he started writing a response to that question. He wrote and wrote, and all the while we thought he was writing in prose. When he finished, his companions (*aṣḥāb*) who were present there looked at what he wrote, and to their astonishment they saw that he composed a poem in the same meter as the verses composed by the man who sought Ibn Taymīyah's opinion. Ibn Taymīyah's work was a rhymed poem of nearly 184 verses. The poem contained vast knowledge to such an overwhelming extent, that were it interpreted, its interpretation would have filled two huge volumes. The poem was truly an unprecedented legal response to a question (*jawāb fatwā*).<sup>9</sup>

This remarkably detailed anecdote is consistent with the aura which is often attributed to Ibn Taymīyah's personality, as the most prominent intellectual of his time. Al-Bazzār's description can be read as a direct confrontation between Ibn Taymīyah and a Jew, who dared enter his *majlis*. Still, as the scene reaches its narrative peak—with Ibn Taymīyah presenting his elaborate response—the mysterious anonymous Jew disappears. Ibn Taymīyah is not even described by al-Bazzār as reciting his fresh new response in verse. He merely gives the papers on which he wrote the poem to his companions, and leaves them to get acquainted with the text, while he himself withdraws to the background of the narrative. In this respect, al-Bazzār's story does not correspond completely with the succinct prologues of Ibn Rushayyiq and the anonymous copyist: although all three texts place the composition of Ibn Taymīyah's poem in the public sphere, Ibn Rushayyiq and the anonymous copyist aim at depicting a vibrant and excited Ibn Taymīyah, reciting a poem in the making, while al-Bazzār describes Ibn Taymīyah as meticulously writing a poem, and upon its completion tossing the papers to his disciples.

The questions arising from all three descriptions of this single event are highlighted especially when it becomes evident that prominent biographers of Ibn Taymīyah, such as Shams al-Dīn al-Dhahabī (d. 748/1347-8) and Ibn Rajab (d. 795/1392), ignored it. Moreover, other prominent biographical sources present the dhimmi's poem and Ibn Taymīyah's poem differently: not as a memorable event which involved Ibn Taymīyah alone, but as part of a larger intellectual endeavor, in which several prominent ulama participated. This article, then, begins with the quest for the identity of the dhimmi or Jewish poet, and continues with an inquiry into the path his poem took until it reached Ibn Taymīyah and five other scholars of his time. The details of the exact circumstances about the composition

<sup>9</sup>Abū Ḥafṣ 'Umar al-Bazzār, *Al-A'lām al-'Alīyah fī Manāqib Shaykh al-Islām Ibn Taymīyah*, ed. Ṣalāḥ al-Dīn al-Munajjid (Beirut, 1396/1976), 28.



of the dhimmi's question and the six responses to it enable us to place this case study in the context of the larger phenomenon of the composition of polemical didactic verses in Mamluk Cairo and Damascus. Furthermore, we are able to examine the role of this literary device in that setting. Why were didactic verses composed at all? What was the appeal of such a literary device to the ulama? I will examine these questions mainly through the biographical sources, which emerge as a rich reservoir of both historical data and theological texts of limited scale. I will also present the poems in question, although I will not delve too much into their content. The theological issues raised by these poems and the form of their theological argumentations, although touched upon in this article, certainly deserve further investigation, which remains for future research.

### THE DHIMMI'S QUESTION AND HIS IDENTITY

The poem of the dhimmi or the Jewish scholar (henceforth: the dhimmi's question) is a poetic presentation of a well-known Quranic concept. According to this concept, the infidels used the argumentation of predetermination in order to rationalize their refusal to join the Muslim community and the Islamic faith. The infidels in the Quran cite God's will in their argumentation, albeit—as Kate Zebiri comments in a recent article—“with questionable sincerity.”<sup>10</sup> For example, in Q. 6:148: “The idolaters will say, ‘Had God pleased, neither we nor our fathers would have served other gods beside Him; nor would we have declared anything lawful.’”<sup>11</sup> The same argumentative line characterizes the dhimmi's question:

1. Listen, you scholars of Islam! I, the non-Muslim under the protection of your religion (*dhimmi dīnikum*), am baffled, so please lead me towards the clearest theological proof.
2. If, as you claim, my Lord decreed my infidelity, although my infidelity did not please Him, what could I have done?
3. He urged me [to be a believer], but at the same time He blocked the entrance [leading to faith] for me. Is there a way that I can enter [your religion]? Please, explain this to me!
4. He decreed that I will go astray, and then He said: Be pleased with the decree! Should I not be pleased with the source of my misery (*shaqwati*)?
5. Thus, ye people (i.e., Muslims), I am pleased with what has been decreed, while my Lord is not pleased with the misfortune which befell me.
6. Is it possible for me to be pleased with what my Lord is not pleased with? I am confused! Pray, tell me how am I to cope with this confusion.

<sup>10</sup>Kate Zebiri, “Argumentation,” in *The Blackwell Companion to the Qurʾān*, ed. Andrew Rippin (Malden, MA, 2006), 280.

<sup>11</sup>*The Koran with Parallel Arabic Text*, trans. N. J. Dawood (London, 1956; repr. London, 2000).



7. Since My Lord wished me to be an infidel by virtue of His divine volition (*mashī'ah*), how is it possible [to call me] disobedient, when all I did was to obey the divine volition?<sup>12</sup>
8. Do I have the choice (*ikhtiyār*) to disobey the Lord's decree? Do quench my thirst with theological proofs!<sup>13</sup>

This brief poem defies the traditionalist notion of predetermination (*al-qaḍā' wa-al-qadar*), while presenting the familiar paradox of divine decree (*al-qaḍā'*) versus divine command (*al-amr*) and divine good pleasure (*al-riḍā*). From this presentation two more questions evolve: the question of human good pleasure (also called *al-riḍā*) and human choice (*ikhtiyār*). The essence of the paradox is as follows: God commands the individual to be a believer through His divine speech (the Quran). When the individual acts according to God's command, then he pleases God. Still, the individual's fate and conduct are predetermined by God. Thus, when the individual disobeys God's command, he nonetheless acts according to God's predetermination. When the sinner, i.e., the dhimmi narrator in this poem, refers to this paradox, he does not question the existence of God's divine command or God's predetermination; he merely asks whether this paradox allows his choice to exist, and whether he should be pleased with his preordained fate as a dhimmi, hence a sinner.

The text of the poem itself does not, unfortunately, disclose any information on the identity of its author, but merely states that the narrator, whose words are the words of the poem, is a dhimmi. But can we assume that there is a complete compatibility between the narrator (the *dhimmī dīnikum*) and the poet? In a key article on the identity of a poet (any poet), T. S. Eliot made the distinction between three possible voices the poet may adopt:

The first voice is the voice of the poet talking to himself—or to nobody. The second is the voice of the poet addressing an audience,

<sup>12</sup>Here I follow the reading in *Majmū'at al-Fatāwā*, while Serajul Haque's reading is slightly different; hence it slightly changes the meaning of the verse. The version of verse 7 in *Majmū'at al-Fatāwā* is: *fa-hal anā 'āṣin fī ittibā'i al-mashī'ati*. Ibn Taymiyah, *Majmū'at al-Fatāwā* (1998) 8:149. The same reading appears in Tāj al-Dīn Abū Naṣr 'Abd al-Wahhāb ibn 'Alī 'Abd al-Kāfī al-Subkī, *Ṭabaqāt al-Shāfi'īyah al-Kubrā*, ed. Maḥmūd Muḥammad al-Ṭināḥī and 'Abd al-Fattāḥ Muḥammad al-Ḥilw (Cairo, [1992]), 10:352. Serajul Haque's version is *fa-hal anā 'āṣin fī ittibā'i mashī'atī*. Accordingly, Serajul Haque paraphrases this verse: "am I to be a sinner if I follow my own desire?" Serajul Haque, "A Poem of Imām Ibn Taymiyya," 2, 14. Since the meter is broken in both cases, both readings are acceptable. However, the dhimmi's argument is more precise according to the reading in the *Majmū'at al-Fatāwā*'s version, because the theological problem is how to escape God's decree and volition, and not how to escape human volition.

<sup>13</sup>Ibn Taymiyah, *Majmū'at al-Fatāwā* (1998) 8:149; Serajul Haque, "A Poem of Imām Ibn Taymiyya," 2-3.



whether large or small. The third is the voice of the poet when he attempts to create a dramatic character speaking in verse; when he is saying, not what he would say in his own person, but only what he can say within the limits of one imaginary character addressing another imaginary character. The distinction between the first and the second voice, between the poet speaking to himself and the poet speaking to other people, points to the problem of poetic communication; the distinction between the poet addressing other people in either his own voice or an assumed voice, and the poet inventing speech in which imaginary characters address each other, points to the problem of the difference between dramatic, quasi dramatic, and non-dramatic verse.<sup>14</sup>

The dhimmi's question is obviously addressed to other people, the "scholars of Islam." It can be defined as a dramatic verse because the oral element of performance in it is distinct. Even more so, when the dhimmi's question is read in the context of the circumstances surrounding its composition and later in the context of the six responses to it, this brief poem can certainly be reimagined as a dramatic scene. Following Eliot's definitions, what is needed here is first and foremost to establish which voice the poet uses in this poem: is it his own voice addressing an audience? Or does he speak from the mouth of an imaginary character, whose position he assumed in order to make his own point clearer or even stronger? These questions can be easily answered from the text of the poem itself.

The dhimmi's question, although simple at first glance, is quite sophisticated, because it juggles between the narrator's own position and the position of his audience, to whom he refers as "the scholars of Islam." The narrator does not spell out his beliefs in the poem, because he pretends to have adopted the position of "the scholars of Islam." However, this pretense is quite distinct, mainly because of the dramatized tone, in which the narrator refers to himself as a miserable and confused infidel. This tone obviously discloses the aim of the poem, which is to mock the Sunni belief in predetermination. According to the narrator, God decrees the infidel to be an infidel, but at the same time He is not pleased with his infidelity. This is the basic traditionalist position as reflected in numerous Quranic verses and hadiths, which were later processed in traditionalist creeds and treatises.<sup>15</sup> The narrator then continues with a series of questions, demonstrating the paradox which lies at the basis of the traditionalist position: Through

<sup>14</sup>T. S. Eliot, *The Three Voices of Poetry: The Eleventh Annual Lecture of the National Book League Delivered by T. S. Eliot, O.M., at the Central Hall Westminster on 19 November 1953* (Cambridge, 1953), 4.

<sup>15</sup>The most useful sources for Islamic creeds are Arent Jan Wensinck, *The Muslim Creed: Its Genesis and Historical Development* (London, 1932), and William Montgomery Watt, *Islamic Creeds: A Selection* (Edinburgh, 1994).



the Quranic message, God urged the infidel to become a believer, but at the same time He prevented him from complying with His command; another message, conveyed by God to the infidel, is to be pleased with the way he was created, namely as an infidel; in this contradictory message, human good pleasure does not correspond with divine good pleasure. As an infidel, the narrator subjects himself to the divine volition, and in any case, it is unclear whether his will is sufficient to reverse the decree of his infidelity.

The identification of the audience as Muslim traditionalists actually helps determine the identity of the poet himself (assuming there is a complete compatibility between the identities of the poet and the narrator). Although the narrator states that he is a dhimmi, it is more likely that he is a Muslim scholar with rationalistic tendencies, hence a Muʿtazili. That the narrator is a Muʿtazili scholar or a Muslim scholar with Muʿtazili tendencies is evident from the narrator's acquaintance with the basic outlines of the discussion on predetermination in the inner circles of Islamic theology, and his use of the relevant traditionalist vocabulary of predetermination. In verses 5–6, the narrator mentions the theme of feeling content with God's decree (*al-riḍā bi-al-qadar*). This notion, whose origins are tracked in the hadith literature, was thoroughly processed in Hanbali and Ashʿari treatises.<sup>16</sup> In verse 4, the narrator refers to the source of his misery, by which he means his heresy. This verse actually discloses the narrator's knowledge of Islamic theological texts, because the equation "heresy equals misery" (*shaqwah*) appears in the highly deterministic hadith literature.<sup>17</sup>

The key to the narrator's true position is hidden in the closing verse of the poem, where the narrator presents the concept of human choice (*ikhtiyār*) in the guise of a cry for help. "Do I have the choice to disobey the Lord's decree?"—he innocently questions, and then begs—"Do quench my thirst with theological proofs!" This question can be interpreted as doubting the effectiveness and indeed the existence of human *ikhtiyār*, but it can also be read differently: in verse 2, the narrator simply argues that human *ikhtiyār* cannot co-exist with divine predetermination. Verse 8 is simply a rhetorical question, which rephrases the same argument the narrator made in verse 2. This is a blunt attack on the traditionalist and indeed the Ashʿari claim, that human *ikhtiyār* co-exists with divine predetermination. In other words, the narrator expects the Ashʿari response.

<sup>16</sup>W. M. Watt, *Free Will and Predestination in Early Islam* (London, 1948), 66; idem, *The Formative Period of Islamic Thought* (Edinburgh, 1973), 232–33.

<sup>17</sup>See, for example, Shihāb al-Dīn Abū al-Faḍl Aḥmad ibn Nūr al-Dīn Ibn Ḥajar al-ʿAsqalānī, *Fath al-Bārī bi-Sharḥ Ṣaḥīḥ al-Bukhārī*, ed. ʿAbd al-Raḥmān Muḥammad (Beirut, 1408/1988), 11:404–16 (*Bāb al-Qadar*), and Muḥammad ibn Ḥusayn ibn ʿAbd Allāh Abū Bakr al-Ājurrī, *Kitāb al-Sharīʿah* (Beirut, 1421/2000), 154–55, 188–92. There are, of course, other numerous relevant hadith references.



The poem's content therefore suggests that the narrator is a Mu'tazili scholar. But who was the poet who adopted the voice of a dhimmi in this poem? Was he indeed a dhimmi, hence his own person was identical to the voice of the narrator, or was he someone else, hence the narrator in the poem is a character he created for his own artistic or maybe theological and even political agenda? Fortunately, several medieval biographers and historians referred to the identity of the anonymous poet.

Two different assumptions appear in the biographical sources: the poet was either a dhimmi or a Jew; or he was a Muslim scholar with Mu'tazili-Shi'i tendencies, who composed the poem as a part of the polemic with the Ash'aris. The scholars who claimed that the poet was a dhimmi or a Jew assumed that a complete correlation between his actual identity and the identity of the narrator of the poem indeed existed. In other words, the poem was perceived by these scholars as an accurate reflection of its author's position.<sup>18</sup> On the other hand, the biographers and historians who believed that the poet was a Muslim scholar viewed the narrator as a literary fiction, designed to serve its creator's theological agenda. Here, scholars were divided between two possibilities: that the poet was either Aḥmad ibn Maḥmūd Faṭḥ al-Dīn Ibn al-Baqaqī (who was executed in the year 701/1301), or Shams al-Dīn Muḥammad ibn Abī Bakr al-Sakākīnī (d. Ṣafar 721/1321). Both poets have received some attention in previous studies. Most of the biographers attributed the poem to al-Sakākīnī, while only Tāj al-Dīn al-Subkī attributed the poem's authorship to Ibn al-Baqaqī. Al-Subkī's treatment of the poem, its author, and the responses to the poem is remarkable, and his text is the basis of the present study.

Ibn Kathīr (d. 774/1373) was probably the first historian to attribute the dhimmi's question to the shaykh of the Shi'is (*shaykh al-imāmīyah*) al-Sakākīnī.<sup>19</sup> Al-

<sup>18</sup>Ibn Taymīyah, *Majmū'at al-Fatāwā* (1998) 8:149; al-Bazzār, *Al-A'lām*, 28; Serajul Haque, "A Poem of Imām Ibn Taymiyya," 2. Al-Ṣafadī ascribes the dhimmi's question to an anonymous Jew, "the Jew, who asked for a legal opinion in verses." Salāḥ al-Dīn Khalīl ibn Aybak al-Ṣafadī, *A'yān al-ʿAṣr wa-A'wān al-Naṣr*, ed. ʿAlī Abū Zayd et al. (Beirut-Damascus, 1418/1998), 3:484 (the biography of ʿAlāʾ al-Dīn, no. 1210). Cf. *ibid.*, 3:292 (the biography of ʿAlāʾ al-Dīn al-Qūnawī, no. 1122).

<sup>19</sup>[ʿImād al-Dīn Abū al-Fidāʾ Ismāʿīl] Ibn Kathīr, *Al-Bidāyah wa-al-Nihāyah*, ed. Aḥmad ʿAbd al-Wahhāb Futayḥ (Cairo, 1418/1998), 14:228. Al-Ṣafadī, Ibn Ḥajar, and others cite Ibn Kathīr, giving him credit for the identification of the anonymous poet as al-Sakākīnī: "shaykh ʿImād al-Dīn Ibn Kathīr said that the verses that were addressed to shaykh Taqī al-Dīn Ibn Taymīyah, which begin with 'O you people of Islam, I, the non-Muslim under the protection of your religion (*ayā ma'sharu al-islām dhimmī dīnikum*)'...were composed by that al-Sakākīnī." Al-Ṣafadī, *Kitāb al-Wāfi bi-al-Wafayāt*, ed. Aḥmad al-Arnāʾūṭ and Turkī Muṣṭafā (Beirut, 1420/2000), 2:193 (biography no. 689); *idem*, *A'yān al-ʿAṣr*, 4:355–59 (biography no. 1525). For an almost identical reference, see Ibn Ḥajar al-ʿAsqalānī, *Al-Durar al-Kāminah fī A'yān al-Mi'ah al-Thāminah*, ed. ʿAbd al-Wārith Muḥammad ʿAlī (Beirut, 1418/1997), 3:249 (biography no. 3721). The nineteenth-century scholar al-Shawkānī (d. 1250/1834) also identified the dhimmi as al-Sakākīnī. Muḥammad ʿAlī ibn



Sakākīnī, as several biographers tell us, was born in 635/1237–38 at the foot of the Qāsiyūn Mountain, near Damascus, and moved to Damascus later in life.<sup>20</sup> He was a pleasant and amiable man, who was never caught—as other Shi‘is were—in abusing the memory of the Prophet’s companions. On the contrary, he composed versifications on the virtues of the *ṣaḥābah*. As a learned man of culture (*fāḍil*), who was well-versed in the doctrines of the Shi‘ah (which are, to a large extent, identical to the Mu‘tazili doctrines), he used to argue (*nāẓara*) about predetermination, which was a major controversial issue between the traditionalists and the rationalists. The biographers do not mention with whom he argued; however, the phrase “he denied the existence of *jabr*” clearly indicates that his major rivals were the Ash‘aris, whose theory of *kasb* was often considered by their rivals as a rationalized version of *jabr*.<sup>21</sup> As a Shi‘i propagandist (*dā‘iyah*), al-Sakākīnī influenced many laymen from the villages surrounding Damascus to become Shi‘is. His propagandist activity is the subject of Ibn Taymiyah’s pun on al-Sakākīnī: “He was one of those [scholars] who made the Shi‘i become a Sunni, and made the Sunni become a Shi‘i” (*huwa mimman yatasannanu bi-hi al-shi‘ī wa-yatashayya‘u bi-hi al-sunni*).<sup>22</sup> Ibn Kathīr states that towards the end of his life, al-Sakākīnī

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Muḥammad al-Shawkānī, *Al-Badr al-Ṭālī‘ bi-Maḥāsin Man ba‘d al-Qarn al-Sābi‘*, ed. Muḥammad Ḥasan Ḥallāq (Damascus-Beirut, 1427/2006), 1:101, 704–5. The beginning of the verse as quoted in all these sources is slightly different from the version which appears in *Majmū‘at al-Fatāwā* and other sources: here, the audience is “the people of Islam”; in *Majmū‘at al-Fatāwā* the audience is “the scholars of Islam.” Ibn Taymiyah, *Majmū‘at al-Fatāwā* (1998) 8:149.

<sup>20</sup>Stefan Winter discusses the life of al-Sakākīnī’s son, as an illustration to the persecution of Shi‘is in Damascus. Stefan H. Winter, “Shams al-Dīn Muḥammad ibn Makkī ‘al-Shahīd al-Awwal’ (d. 1384) and the Shi‘ah of Syria,” *Mamlūk Studies Review* 3 (1999): 167–68.

<sup>21</sup>A recent discussion on the connection between *jabr* and *kasb* is: Livnat Holtzman, “Debating the Doctrine of *Jabr* (Compulsion): Ibn Qayyim al-Jawziyya Reads Fakhr al-Dīn al-Rāzī,” in *Islamic Theology, Philosophy and Law: Debating Ibn Taymiyya and Ibn Qayyim al-Jawziyya*, ed. Georges Tamer and Birgit Krawietz (Berlin, forthcoming).

<sup>22</sup>Al-Ṣafādī, *Al-Wāfi bi-al-Wafayāt*, 2:192–94; idem, *A‘yān al-‘Aṣr*, 4:355–59; Shams al-Dīn Abū ‘Abd Allāh Muḥammad ibn ‘Uthmān al-Dhahabī, *Dhuyūl al-Ibar fi Khabar Man Ghabar*, ed. Abū Hājir Muḥammad al-Sa‘īd Ibn Basyūnī Zaghlūl (Beirut, 1405/1985), 4:60; Ibn Ḥajar, *Al-Durar al-Kāminah*, 3:249 (al-Sakākīnī’s biography, no. 3721), and 1:94 (Ibn Taymiyah’s biography, no. 409); Muḥammad ibn ‘Abd al-Raḥmān Shams al-Dīn al-Sakhāwī, *Al-Tuḥfah al-Laṭifah fi Tārīkh al-Madīnah al-Sharīfah*, ed. As‘ad Ṭarābizūnī al-Ḥusaynī (Cairo, 1399–1400/1979–80), 3:544–45; al-Shawkānī, *Al-Badr al-Ṭālī‘*, 1:704–5 (al-Sakākīnī’s biography, no. 305), and 1:101 (Ibn Taymiyah’s biography, no. 40). In my translation of that sentence, which differs from Winter’s translation (Winter, “Shams al-Dīn,” 168), I paid special attention to the preposition *bi* (*tasannana bi-tashayya‘a bi-*) which frequently gives a causative meaning to a verb. Also, verbs in the fifth form often bear the significance of adopting a set of convictions: *tashayya‘a*—to adopt the tenets of the Shi‘ah, *tazarraqa*—to adopt the tenets of the Azāriqah, *tahawwada*—to convert to Judaism, *tanaṣṣara*—to convert to Christianity, etc. All these examples appear in the unsurpassed book by William Wright, *A Grammar of the Arabic Language*, 3rd edition (Cambridge, repr. 1997), 1:36–37,



repented and became a Sunni. This made his son very angry with him, “and he wanted to kill his father, when the father pronounced his loyalty to the Sunnah.”<sup>23</sup> Al-Sakākīnī made his reputation as a talented poet and a composer of questions on doctrinal issues, targeting the Sunni system of beliefs.<sup>24</sup> One of these questions, so believes Ibn Kathīr, was the poem attributed to a dhimmi scholar.<sup>25</sup> Al-Sakākīnī, however, never admitted to having written the dhimmi's question.

The story of another of al-Sakākīnī's literary works, related by Ṣalāḥ al-Dīn al-Ṣafadī (d. 764/1363), sheds more light on al-Sakākīnī's purpose in composing the dhimmi's question (if he, as Ibn Kathīr claims, composed it). This other literary work, entitled *Al-Ṭarāʾif fī Maʿrifat al-Ṭawāʾif* (Curiosities about religious sects), was brought to the chief judge Taqī al-Dīn al-Subkī (the father of the historian Tāj al-Dīn al-Subkī, d. 756/1355) in the year 750 (1349–50), some twenty-nine years after al-Sakākīnī's death. The qadi was impressed by the content of the work: it was indeed a work which defamed the principles of Sunni Islam, yet the author of that work presented his profound knowledge of the hadith. Al-Subkī himself destroyed the work by cutting it to pieces, washing it, and then burning it, though not before several *muḥaddithūn* identified the handwriting in the work as al-Sakākīnī's.<sup>26</sup> If al-Sakākīnī was indeed the author of both works—the dhimmi's question and the *Ṭarāʾif*—then he employed the same writing technique in both: in the short poem he made use of the character of the dhimmi, while in the *Ṭarāʾif* he ascribed the work to a fictional dhimmi, whom he named ʿAbd al-Maḥmūd ibn Dāwūd al-Miṣrī.<sup>27</sup> In the short poem the dhimmi asks “the scholars of Islam” to help him in

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paragraph 47. Another illuminating example appears in the biography of the mystic al-Ḥallāj (d. 309/922): “From the outside he was a recluse, but when he saw that the people of his town considered the Muʿtazili convictions appropriate, he became a Muʿtazili. When they considered the Shiʿi convictions appropriate, he became a Shiʿi. When they considered the Sunni convictions appropriate, he became a Sunni (*aw yarawna al-tashayyuʿ tashayyaʿ aw yarawna al-tasannun tasan-nan*.)” Al-Dhahabī, *Tārīkh al-Islām wa-Wafayāt al-Mashahīr wa-al-ʿĀlām*, ed. ʿUmar ʿAbd al-Salām Tadmūrī (Beirut, 1413/1992), 23:36.

<sup>23</sup>Ibn Kathīr, *Al-Bidāyah wa-al-Nihāyah*, 14:228.

<sup>24</sup>According to Ibn Kathīr, al-Sakākīnī composed questions “in the doctrinal style of the People of Good” (*ʿalā madhhabi ahli al-khayri*). Ibn Kathīr, *Al-Bidāyah wa-al-Nihāyah*, 14:228. Three of al-Sakākīnī's poems are quoted by al-Ṣafadī. One of the poems is a praise of the human intellect, the light of which expels the darkness. Al-Ṣafadī, *Al-Wāfī bi-al-Wafayāt*, 2:192; al-Ṣafadī, *Aʿyān al-ʿAṣr*, 4:358.

<sup>25</sup>Ibn Kathīr identifies the poem as “the one to which our shaykh Ibn Taymiyah responded.” Ibn Kathīr, *Al-Bidāyah wa-al-Nihāyah*, 14:228.

<sup>26</sup>Al-Ṣafadī, *Al-Wāfī bi-al-Wafayāt*, 2:192–93; idem, *Aʿyān al-ʿAṣr*, 4:356–57. On the treatment given by the ulama to books containing “heresies,” see: Michael Chamberlain, *Knowledge and Social Practice in Medieval Damascus, 1190–1350* (Cambridge, 1994), 166–67.

<sup>27</sup>In Ibn Ḥajar's version of the story, the dhimmi's name is ʿAbd al-Ḥamīd. Ibn Ḥajar, *Al-Durar al-Kāminah*, 3:249.



his predicament; in the opening of the *Ṭarāʾif*, Ibn Dāwūd al-Miṣrī also addresses the Muslim scholars. In fact, after writing only the first half of the *shahādah* (*lā ilāha illā allāh*) and omitting the second half (*wa-Muḥammadun rasūlu allāh*)<sup>28</sup>—a clear indication of his non-Muslim conviction—Ibn Dāwūd says: “I am a dhimmi man, and I do hold respect for Islam. Therefore, I beg of you not to shed my blood, before you hear what I have to say.”<sup>29</sup> The rest of the work, which is unfortunately lost forever, revealed, according to al-Ṣafadī, its author’s heresy (*zandaqah*) and Shiʿi convictions.<sup>30</sup> Last but not least, both works disclose their author’s profound knowledge of Islamic theology and hadith.

Al-Sakākīnī, then, is a likely candidate to be the anonymous dhimmi scholar, but the candidacy of Ibn al-Baqaqī, whose name is mentioned by Tāj al-Dīn al-Subkī, should also be examined here. Al-Subkī was a bit hesitant about naming the poet, and he cautiously remarked that the dhimmi was a literary character invented by “a certain Muʿtazili, who concealed his name, and composed his poem on behalf of one dhimmi.”<sup>31</sup> Thereafter, al-Subkī remarks, “Some say that the composer was Ibn al-Baqaqī, for whom there was solid evidence that he held heretical views (*zandaqah*). He was killed by the sword of the noble divine law in the time (*wilāyah*) of the shaykh Taqī al-Dīn Ibn Daqīq al-ʿĪd al-Qushayrī.”<sup>32</sup> The cautious tone of al-Subkī discloses the fact that he was not at all sure that Ibn al-Baqaqī was the poet behind “the dhimmi’s question.” As far as I know, al-Subkī’s suggestion to identify the poet as Ibn al-Baqaqī was adopted only by al-Murtaḍā al-Zabīdī (d. 1205/1791) in his *Ithāf al-Sādah*, although he named the poet Āmin al-Baqtī, which is obviously a misreading or a miscopying of Ibn al-Baqaqī.<sup>33</sup>

<sup>28</sup>This observation is made by al-Ṣafadī himself. Al-Ṣafadī, *Al-Wāfi bi-al-Wafayāt*, 2:192; idem, *Aʿyān al-ʿAṣr*, 4:356.

<sup>29</sup>Al-Ṣafadī, *A-Wāfi bi-al-Wafayāt*, 2:192; idem, *Aʿyān al-ʿAṣr*, 4:356.

<sup>30</sup>Al-Ṣafadī, *Al-Wāfi bi-al-Wafayāt*, 2:192; idem, *Aʿyān al-ʿAṣr*, 4:356.

<sup>31</sup>Al-Subkī, *Ṭabaqāt*, 10:352.

<sup>32</sup>Ibid., 10:352–53.

<sup>33</sup>Al-Murtaḍā al-Zabīdī quotes the first two verses of the dhimmi’s question, then he says: “Some say that the composer of these words is Āmin al-Baqtī, who was executed because of his heretical views in the time (*zamān*) of Shaykh al-Islām Taqī al-Dīn ibn Daqīq al-ʿĪd.” Muḥammad Murtaḍā ibn Muḥammad al-Ḥusaynī al-Murtaḍā al-Zabīdī, *Ithāf al-Sādah al-Muttaqīn bi-Sharḥ ʿUlūm Ihyāʾ al-Dīn* (Beirut, 1326/2005), 3:279. I have not seen the manuscript of al-Murtaḍā al-Zabīdī’s *Ithāf al-Sādah*; however, replacing Ibn al-Baqaqī with Āmin al-Baqtī is understandable when considering the closeness between *tāʾ* and *qāf* in the Arabic script. Furthermore, al-Murtaḍā al-Zabīdī mentions Ibn al-Baqaqī in the entry *b.q.q.* in his monumental dictionary *Tāj al-ʿArūs*. Al-Murtaḍā al-Zabīdī, *Tāj al-ʿArūs min Jawāhir al-Qāmūs*, ed. ʿAlī Shayrī (Beirut, 1414/1994), 13:44.



Faḥ al-Dīn Aḥmad ibn Muḥammad al-Baqaqī, with the strange *nisbah* which was a source of ridicule,<sup>34</sup> was a captivating provocateur and a condemned heretic. His flamboyant and misunderstood behavior led the legal establishment first to excommunicate him, and then to execute him. Ibn al-Baqaqī's activity and the story of his execution have been discussed in previous studies,<sup>35</sup> and especially by Joseph H. Escovitz, who offers an accurate reading in the biographical sources on Ibn al-Baqaqī.<sup>36</sup> However, since Escovitz's goal is to explore the activity of the Cairo judges, he is less interested in Ibn al-Baqaqī's religious views and poetic activity, which are crucial in order to determine whether or not Ibn al-Baqaqī is the poet behind the dhimmi's question. Hence, there is no choice but to re-read the same sources, and to describe yet again the complicated events that preceded Ibn al-Baqaqī's execution, but from a somewhat different angle than Escovitz offers.

Lengthy entries in several biographical dictionaries are dedicated to Ibn al-Baqaqī, while the description of the events leading to his execution is most fully elaborated in al-Maqrīzī's (d. 845/1442) *Sulūk*, Ibn Ḥajar's (d. 852/1449) *Durar*, and al-'Aynī's (d. 855/1451) *ʿIqd al-ḥumān*.<sup>37</sup> All these sources describe him as a scholar, whose training in Islamic law was thorough, and who was highly skilled in pub-

<sup>34</sup>Al-Dhahabī comments that it is a *nisbah* of the town Baqaq, near Ḥamāh. Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:182. Ibn Dānyāl (d. 711/1311) composed the following verse on Ibn al-Baqaqī: "Do not reproach al-Baqaqī [sic!] for his actions when he diverts from the true conduct/Because had the Divine Law improved his behavior, then he would not have been called after a bedbug (*baqq*)!" Obviously, Ibn Dānyāl calls his protagonist al-Baqaqī mainly to make the connection to the bedbug. In terms of meter, this verse seems to me a broken form of *Sarīʿ*. Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:182 (biography no. 784). This poem is also quoted in a modern study on poetry in the Mamluk era, and in a compilation of Ibn Dānyāl's poems. Yāsīn al-Ayyūbī, *Āfāq al-Shiʿr al-ʿArabī fī al-Aṣr al-Mamlūkī* (Tripoli, 1415/1995), 365; al-Ṣafadī, *Al-Mukhtār min Shiʿr Ibn Dānyāl*, ed. Muḥammad Nāyif al-Dulaymī (Mosul, 1399/1979), 9, 168. See also a reference in Li Guo, "Paradise Lost: Ibn Dānyāl's Response to Baybars' Campaign against Vice in Cairo," *Journal of the American Oriental Society* 121, no. 2 (2001): 227, n. 40.

<sup>35</sup>Ibn al-Baqaqī's story as it appears in al-Yūnīnī's (d. 726/1326) *Dhayl Mir'āt al-Zamān* was translated fully by Li Guo in his *Early Mamlūk Syrian Historiography: Al-Yūnīnī's Dhayl Mir'āt al-Zamān* (Leiden-Boston-Köln, 1998), 1:200–1. Also, a description of Ibn al-Baqaqī's story, which relies heavily on Joseph Escovitz's description (see the following footnote), appears in: Knut S. Vikør, *Between God and the Sultan: A History of Islamic Law* (New York, 2005), 293–95. See below, n. 40.

<sup>36</sup>Joseph E. Escovitz, *The Office of Qāḍī al-Qudāt in Cairo under the Bahrī Mamlūks* (Berlin, 1984), 136–38. Escovitz reads Ibn al-Ḥajar's *Durar*, al-Ṣafadī's *Wāfī*, al-Maqrīzī's *Sulūk*, Ibn al-Dawādārī's *Kanz al-Durar*, and al-'Aynī's *ʿIqd*.

<sup>37</sup>Ibn Ḥajar's *Al-Durar al-Kāminah* contains the most coherent account on Ibn al-Baqaqī. Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:181–83 (biography no. 784). Aḥmad ibn 'Alī al-Maqrīzī, *Al-Sulūk li-Ma'rīfat Duwal al-Mulūk*, ed. Muḥammad 'Abd al-Qādir 'Aṭā (Beirut, 1418/1997), 2:350–51 (the events of the year 701/1301–2); Badr al-Dīn Maḥmūd al-'Aynī, *ʿIqd al-ḥumān fī Tārīkh Ahl al-Zamān*, ed. Muḥammad Muḥammad Amīn (Cairo, 1412/1992), 4:177–83 (the events of the year 701/1301–2). An account which basically contains the same details as the former sources appears



lic debates.<sup>38</sup> However, this brilliant, active, but controversial scholar<sup>39</sup> seemed to take religious matters rather lightly. For instance, he regularly ate during the days of Ramadan with no justifiable excuse. But worse than that: he was once seen by his dinner-guests stepping on a leather-chest (*rab'ah*) in which copies of the Quran were kept, in order to reach an object on a top shelf.<sup>40</sup> When his appalled guests reproached him, he called them a bunch of asses, and “said heretical words” (*talaffaza ba'da dhālika bi-al-kufri*). These guests were among those who testified against Ibn al-Baqaqī in front of the Maliki judge.<sup>41</sup>

According to al-ʿAynī, Ibn al-Baqaqī's general conduct indicated his total disparagement of the religious observances and his lack of belief (*wa-kāna qalīla al-dīni sayyi'a al-i'tiqādi*).<sup>42</sup> According to al-ʿAynī, Ibn al-Baqaqī delved in logic and philosophy, “and that corrupted his moral conduct” (*afsadat ʿalayhi nizāmahu*).<sup>43</sup> The sources referred to Ibn al-Baqaqī as a *zindīq*, *kāfir*, or *murtadd* (heretic), terms

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in Ibn al-Dawādārī's *Kanz al-Durar wa-ʿġami' al-Ghurar, Die Chronik des Ibn Ad-Dawādārī*, ed. Hans Robert Roemer (Cairo, 1960), 1:9:76–78.

<sup>38</sup>Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:181: “He taught a lot, and studied a lot. He was well-educated and participated in debates, until he became skillful in every branch [of knowledge]. He defeated his rivals in public debates (*wa-qaṭa'a al-khuṣūma fī al-munāzarati*), and surpassed his peers in lecturing (*wa-fāqa al-aqrāna fī al-muḥādarati*).”

<sup>39</sup>Abū al-Faṭḥ al-Ya'murī said about Ibn al-Baqaqī: “He used to practice medicine and to educate others without any knowledge. He claimed to be using his reason, but he had no brains at all. He was devoid of any good quality.” Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:182.

<sup>40</sup>Ibid. See Escovitz's note on *rab'ah*. Escovitz, *The Office of Qāḍī al-Qudāt*, 165, n. 33. Lane's translation of *rab'ah* follows al-Firūzābādī's definition (*al-rab'atu...ṣundūqu ajzā'i al-muṣṣafi*). Muḥammad ibn Ya'qūb al-Firūzābādī, *Al-Qāmūs al-Muḥīṭ*, ed. Yūsuf al-Shaykh Muḥammad al-Biqā'ī (Beirut, 1424/2003), 647 (*r.b.*). Even more, al-ʿAynī says that Ibn al-Baqaqī actually stepped on the Quran: “He put the Holy book under his feet, so he could reach for the top shelf.” Al-ʿAynī, *Iqd*, 4:179. Al-Maqrīzī records one of Ibn al-Baqaqī's slips of the tongue: “If al-Ḥarīrī, who authored the *Maqāmāt*, was lucky, I would have recited his *Maqāmāt* in the mosques.” Al-Maqrīzī, *Al-Sulūk*, 2:350. Al-ʿAynī adds to the list of Ibn al-Baqaqī's misdeeds that he allowed sinful Turks and other ignorant people to drink wine and have homosexual intercourse. Al-ʿAynī, *Iqd*, 4:177–78. This description of Ibn al-Baqaqī is probably drawn from Ibn Kathīr, who names him Ibn al-Thaqafī. Ibn Kathīr, *Al-Bidāyah wa-al-Nihāyah*, 14:20 (the events of the year 701/1301–2). See also: Louis Pouzet, *Damas au VIIe/XIIIe siècle: vie et structures religieuses dans une métropole islamique* (Beirut, 1991), 366; Everett K. Rowson, “Homeroetic Liaisons among the Mamluk Elite in Late Medieval Egypt and Syria,” in *Islamicate Sexualities: Translations across Temporal Geographies of Desire*, ed. Kathryn Babayan and Afsaneh Najmabadi (Cambridge, MA, and London, 2008), 213–14.

<sup>41</sup>Al-ʿAynī, *Iqd*, 4:179.

<sup>42</sup>Ibid., 178.

<sup>43</sup>Ibid. *Nizām*, according to the *Lisān*, is behavior, as in the phrase *laysa li-amrihi nizāmu*, which means that his conduct was not appropriate. [Muḥammad ibn Mukarram] Ibn Manẓūr, *Lisān al-ʿArab* ([Beirut], n.d.), 6:4469 (*n.z.m.*).



reserved for either Muslim or non-Muslim heretics.<sup>44</sup> Still, these labels, and especially the term *zindīq*, were officially granted to Ibn al-Baqaqī only after a legal procedure,<sup>45</sup> while he obviously saw himself as a part of the Sunni community. In other words, there is no doubt that to his mind Ibn al-Baqaqī was a Sunni, whose interpretation of Sunni behavior and the Sunni creed was completely different from that of his immediate environment.<sup>46</sup>

Apart from the anecdotal descriptions of Ibn al-Baqaqī's behavior, the sources detail his shaky relationship with the entire religious establishment. As an erudite scholar, he never concealed his belittlement of the ulama, whom he considered ignorant. He had a longtime dispute in verses with the Shafī'i chief judge Ibn Daqīq al-Īd (d. 702/1302),<sup>47</sup> and he also cursed the Maliki chief judge Zayn al-Dīn 'Alī ibn Makhlūf.<sup>48</sup> What led to Ibn al-Baqaqī's imprisonment in 701/1301 was his shaky relationship with that Maliki judge, Ibn Makhlūf. That, combined with Ibn al-Baqaqī's well-known lax religious conduct, provided the Maliki qadi with the necessary proof of Ibn al-Baqaqī's *zandaqah*. The Maliki qadi, having heard witnesses attest to Ibn al-Baqaqī's conduct, ruled that Ibn al-Baqaqī was a heretic, and sentenced him to death. When this ruling (*maḥḍar*) of the Maliki qadi arrived at the Shafī'i chief judge, Ibn Daqīq al-Īd, he refused to approve the Maliki judge's

<sup>44</sup>Al-'Aynī, *Iqd*, 4:180. F. C. de Blois, "Zindīq," *EI2*, 9:510, claims that the usage of the term *zindīq* "for Muslim or non-Muslim 'heretics' is clearly secondary, though widespread." This categorical statement should be re-evaluated, especially in view of different indications in the biographical sources. Vikør's treatment of *zindīq* seems to me more accurate. According to Vikør, the term *zindīq* "is used for someone who said he was a Muslim, but in reality presented ideas that were in opposition to the foundations of Revelation." Vikør, *Between God and the Sultan*, 292.

<sup>45</sup>A *saj'* description of Ibn al-Baqaqī, written by al-Ṣafadī, for instance, could be understood as an emphasis on the formalities of the procedure: "He demonstrated unacceptable disdain, and he exposed things that even the Christians deem inappropriate, until it became evident on the basis of a thorough investigation (*an taḥqīq*) that he was a heretic (*zindīq*) who withdrew from the Islamic faith (*murtaddun 'an al-islāmi*)." Al-Ṣafadī, *A'yān*, 1:356. Although the use of *an taḥqīq* could be taken as a linguistic ornament with no substantial meaning, which is meant to rhyme with the other parts of the sentence, it is probably used here to denote a critical investigation of the evidence by the qadi or the mufti.

<sup>46</sup>Ibn al-Baqaqī was mistakenly identified as a Jew by Serajul Haque, whose mistake derives from combining two sources, without checking the biography of Ibn al-Baqaqī. The first source is the anonymous copyist of Ibn Taymīyah's poem, who attributes the poem to a Jew. The second source is al-Murtaḍā al-Zabīdī, who attributes the poem to Āmin al-Baqtī, which is a misreading of Ibn al-Baqaqī. Serajul Haque, "A Poem of Imām Ibn Taymiyya," 1. A similar process of combining two different sources led Reuven Snir to include Ibn al-Baqaqī in an article which discusses the contribution of Jews to Arabic literature, and to identify Ibn al-Baqaqī as a Jewish poet. Reuven Snir, "The Emergence and Demise of Arab-Jewish Culture in Modern Times," *Electronic Journal of Oriental Studies* 8, no. 9 (2005) 9:5.

<sup>47</sup>Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:182; al-'Aynī, *Iqd*, 4:182–83.

<sup>48</sup>Al-Maqrīzī, *Al-Sulūk*, 2:350.



verdict, claiming that Ibn al-Baqaqī was not a heretic.<sup>49</sup> In doing so, Ibn Daqīq al-Īd accepted Ibn al-Baqaqī's line of defense, as revealed in an appeal he wrote from his prison cell to Ibn Daqīq al-Īd. This appeal, a pseudo-legal opinion (*ṣifat futyā*) commenting on Quran 8:38 ("Tell the unbelievers that if they mend their ways their past shall be forgiven"), was meant to emphasize Ibn al-Baqaqī's repentance and remorse, but also to provide the judges with the appropriate Quranic proof on the necessity to exonerate him. Obviously, Ibn al-Baqaqī thought he should be forgiven for his misdeeds, because the Quranic text specifically promises God's forgiveness to the unbelievers, if they repent. Ibn al-Baqaqī's line of defense was rejected by the Maliki judge, who thought that the Quranic verse referred only to born-heretics who converted to Islam and then regretted their conversion.<sup>50</sup> In the same vein, Ibn al-Baqaqī screamed this argument out loud in front of Ibn Daqīq al-Īd, when he was taken to trial: "O Muslims! I was a heretic, and then I became a Muslim" (*yā Muslimūna anā kuntu kāfīran wa-aslamtu*).<sup>51</sup> When Ibn Daqīq al-Īd received the *maḥḍar* prepared by the Maliki judge, he ruled: "I will not carry out the execution of a man who testifies that there is no God but Allāh, and that Muḥammad is the Messenger of God."<sup>52</sup> Thereafter, Ibn Daqīq al-Īd discarded the *maḥḍar* without signing it.<sup>53</sup>

Another line of defense was then taken, this time with the intervention of the wali of Cairo, Nāṣir al-Dīn Ibn al-Shaykhī, who was fond of Ibn al-Baqaqī.<sup>54</sup> The wali ordered that Ibn al-Baqaqī's case be transferred to Ibn Daqīq al-Īd's court, thinking that it would be a more favorable venue for Ibn al-Baqaqī. This time, the wali ordered the Shafī'i judge to prepare a different *maḥḍar*, in which Ibn al-Baqaqī was proclaimed insane and exempt from the charge of heresy. Ibn Daqīq al-Īd took his time to read the new *maḥḍar*, and then said: "God protect me from that! I know this man and he is in full possession of his mental faculties."<sup>55</sup> This difference of opinion ignited another round of appeals, this time to the Maliki judge, urging him to execute Ibn al-Baqaqī. Finally, the sultan himself intervened: he assembled all the relevant parties, and the four chief judges of Cairo. The Maliki judge presented his case for execution. The Hanafi judge agreed with him, and said: "Kill him! His blood will be upon my head."<sup>56</sup> In Rabi' I 701 (November 1301) Ibn al-Baqaqī was executed in the Madrasah al-Ṣāliḥiyah in the Bayn al-Qaṣrayn

<sup>49</sup>Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:183; al-Maqrīzī, *Al-Sulūk*, 2:350.

<sup>50</sup>Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:181–82; Guo, *Early Mamlūk*, 1:200.

<sup>51</sup>Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:181–82.

<sup>52</sup>Ibid., 183; al-Maqrīzī, *Al-Sulūk*, 2:351.

<sup>53</sup>Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:183.

<sup>54</sup>Al-Maqrīzī, *Al-Sulūk*, 2:350.

<sup>55</sup>Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:183.

<sup>56</sup>Ibid.



area in Cairo.<sup>57</sup> A detailed description of the execution appears in several sources. Ibn al-Baqaqī continued to proclaim his innocence, and screamed: “Are you going to kill a man who testifies that his Lord is Allāh, and says the *shahādah*?” He then was beheaded; his head was stuck on a spear and displayed, while his body was hanged and crucified in Bāb Zuwaylah.<sup>58</sup>

The most important feature in Ibn al-Baqaqī's personality, which is relevant to our case, is his deep involvement in poetry: he was very well-read and knew volumes of poetry by heart in addition to composing his own poems.<sup>59</sup> His casual use of poems is reflected in the following anecdote, told by an eyewitness who was sitting in Ibn Daqīq al-Īd's court when Ibn al-Baqaqī barged in, and asked the qadi about some unspecified issue. The qadi was prepared to answer, but before he had a chance to do so, Ibn al-Baqaqī turned away from him, mumbling: “My passion for you made me stop where you live” (*waqafa al-hawā bī ḥaythu anti*). This is actually the opening verse of a love poem by the poet Abū al-Shīṣ al-Khuzā'ī (d. 196/811): “My passion for you made me stop where you live/and therefore I cannot go back or move forward/I think that my love for you makes the memories pleasant, so let the rebukers rebuke.”<sup>60</sup> Ibn Daqīq al-Īd responded calmly to Ibn al-Baqaqī's outburst, and predicted that Ibn al-Baqaqī's fate was doomed. Indeed, three weeks later Ibn al-Baqaqī was executed.<sup>61</sup> The poem is a key to understanding the special friendly relationship between Ibn al-Baqaqī and the respectable judge, although its message is not entirely coherent. I assume that the poem is meant to express Ibn al-Baqaqī's disappointment in his longtime friend, who did not help him in his time of distress.<sup>62</sup> At any rate, I would not connect this love poem to the evidence of Ibn al-Baqaqī's lenient approach towards homosexuality.<sup>63</sup>

<sup>57</sup>Bayn al-Qaṣrayn is a square between the Great East Palace of the Fatimid Caliph al-Mu'izz (d. 365/975) and the Lesser West Palace, today a part of Khān al-Khalīlī. See Stanley Lane-Poole, *A History of Egypt in the Middle Ages* (New York, 1901), 109–11.

<sup>58</sup>Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:183; al-Maqrīzī, *Al-Sulūk*, 2:351.

<sup>59</sup>Al-ʿAynī, *ʿIqd*, 4:178.

<sup>60</sup>As quoted in Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:183; al-Maqrīzī, *Al-Sulūk*, 2:350; al-ʿAynī, *ʿIqd*, 4:178. For the rest of this four-verse poem, see: Abū ʿAlī Aḥmad ibn Muḥammad ibn al-Ḥasan al-Marzūqī, *Sharḥ Dīwān al-Ḥamāsah li-Abī Tammām*, ed. Gharīḍ al-Shaykh and Ibrāhīm Shams al-Dīn (Beirut, 1424/2003), 3:961–62 (poem no. 565).

<sup>61</sup>Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:183; al-Maqrīzī, *Al-Sulūk*, 2:350.

<sup>62</sup>This is al-Maqrīzī's interpretation. After quoting the verse, he adds: “It means that the qadi ceased to be [my friend]” (*yaʿnī anna al-qāḍīya inqataʿa*). Al-Maqrīzī, *Al-Sulūk*, 2:350. Cf. “*inqataʿtu ʿan baytihi* - j'ai cesse d'aller chez lui cesser d'être auprès de quelqu'un le quitter. *inqataʿū ʿan baʿḍihim* - cesser d'être amis.” Reinhart Pieter Anne Dozy, *Supplément aux dictionnaires arabes* (Leiden, 1967), 2:370.

<sup>63</sup>Al-ʿAynī, *ʿIqd*, 4:178.



Prior to these events, at an unknown date, Ibn Daqīq al-ʿĪd composed a poem in which he criticized the ruling elite for neglecting the ulama. In this poem, Ibn Daqīq al-ʿĪd praised the knowledge and humility of the ulama, as opposed to the vanity of the people of governance. Ibn Daqīq al-ʿĪd called the ulama “the people of virtue” (*ahl al-faḍāʿil*), while he named the people of governance “the people of ranks” (*ahl al-marātib*):

1. As for the people of highest ranks in this world, to their mind the people of virtue are outcast.
2. They have no interest in protecting us from harm, nor do they have interest in improving our circumstances.
3. Indeed, they made us go lower and live in the dwellings of wild beasts, because we are not their kind, and because they neglect us.
4. I wish we could have let them know what we think of them, I wish they would have known
5. that they have comforts of ignorance and wealth, while we have the burdens of knowledge and the lack [of means].

Ibn Daqīq al-ʿĪd’s poem, which was meant to be a political critique, received a poetic response from Ibn al-Baqaqī. Using the same vocabulary of Ibn Daqīq al-ʿĪd’s poem, Ibn al-Baqaqī criticized him harshly:

1. Where are the highest ranks in this world? He who possesses knowledge is not among them.
2. There is no doubt that they have their good fortune, and that they and their kind have no interest in helping the likes of us.
3. They are the wild beasts and we are the civilized people. Our wisdom will lead them to wherever we want; while all they can say is “yes.”
4. Only neglect from their part will keep us separated from them, because their passionate love is lacking.
5. We have the comforts of knowledge and the lack [of means], while they have the burdens of ignorance and servants.<sup>64</sup>

When Ibn al-Baqaqī’s case was rejected at Ibn Daqīq al-ʿĪd’s court, an anonymous enemy urged a poet by the name of Shihāb al-Fazzārī to write a poem to the Maliki judge. Al-Fazzārī wrote: “Tell the Maliki judge, the blessed, the revealer of all things ambiguous and obscure/Do not neglect the heretic, and treat him as a Muslim should.” Ibn al-Baqaqī wrote to the Maliki judge from his prison cell:

<sup>64</sup>Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:182; al-ʿAynī, *Iqd*, 4:182–83. The poems are quoted also in Ibn Daqīq al-ʿĪd’s biography, written by al-Subkī. Al-Subkī, *Ṭabaqāt*, 9:215. Ibn al-Baqaqī’s poem is quoted out of context, and hence improperly described in: Khālid Ibrāhīm Yūsuf, *Al-Shiʿr al-ʿArabi Ayyām al-Mamālik wa-Man ʿĀsharahum Dhawī al-Sulṭān* (Beirut, 2003), 479.



“You, who compelled me to obey and put on a dress, whose touch is as pleasant as the touch of a snake/You prepared for me chain-mail, whose weaving is very tight, and I am forced to tear its links with arrows.”<sup>65</sup> Not only a prolific poet,<sup>66</sup> Ibn al-Baqaqī inspired others to write about him in verses. His predicament was documented by Ibn Dānyāl (d. 710/1310) in the following verses: “The hero al-Baqaqī thinks that he will escape the clutches of the Maliki/indeed, the Maliki will hand him over soon to the Mālik (i.e., God).”<sup>67</sup>

Was Ibn al-Baqaqī the poet behind the dhimmi's question, as only al-Subkī suggested? The biographers and historians did not connect the poem with Ibn al-Baqaqī, but with al-Sakākīnī. Still, al-Subkī's suggestion that Ibn al-Baqaqī's was the author of the dhimmi's question is not far-fetched. Given the abundant evidence in the biographical sources of his poetic activity on the one hand, and his unconventional “heretical” views on the other, Ibn al-Baqaqī is a very likely candidate to have been this anonymous poet: he was bold enough to defy Sunni convictions and standards for proper religious conduct, and he certainly possessed both the poetic skills and the mischievous character to assume the identity of a dhimmi, and to pose a tricky theological question to the smug Sunni ulama whom he so much despised. Ibn al-Baqaqī's attraction to logic and philosophy, although not specifically to Mu'tazilism, established another linkage between him and the dhimmi's question. In terms of poetic skills, the ability to say things with tongue in cheek, and his overall unconventional personality, Ibn al-Baqaqī is a more likely candidate to be the poet behind the dhimmi's question than al-Sakākīnī. When taken at face value, the dhimmi's question is an utterance of a Mu'tazili conviction. As such, both Ibn al-Baqaqī and al-Sakākīnī are likely candidates to have composed it. However, there is no way to determine which of the two is the author, and that is the meaning of al-Subkī's hesitation.

## THE ENVY OF SCRIBES

The dhimmi's question received responses from six ulama in Cairo and Damascus. The six responses (including a shorter version of Ibn Taymīyah's response) were collected by al-Subkī, who cited them in the biographical entry of 'Alā' al-Dīn

<sup>65</sup>Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:183; al-Maqrīzī, *Sulūk*, 2:351. I use here al-Maqrīzī's version, which is more comprehensible. See also: 'Alī Ṣāfi Ḥusayn, *Ibn Daqīq al-ʿĪd Ḥayātuhu wa-Dīwānuhu* (Cairo, 1960), 183.

<sup>66</sup>For a two-verse love poem by Ibn al-Baqaqī, see: Jamāl al-Dīn Abū al-Maḥāsīn Yūsuf Ibn Taghrībirdī, *Al-Dalīl al-Shāfi 'alā al-Manhal al-Ṣāfi*, ed. Fahīm Muḥammad Shaltūt (Cairo, 1998), 1:87 (biography no. 304). For more poems, see: Muḥammad ibn Shākīr al-Kutubī, *Fawāt al-Wafayāt wa-al-Dhayl 'alayhā*, ed. Iḥsān 'Abbās (Beirut, 1973), 1:152–53 (biography no. 57); al-Ṣafadī, *Al-Wāfi bi-al-Wafayāt*, 8:103–4 (biography no. 1238); idem, *A'yan al-Aṣr*, 1:356–59 (biography no. 182).

<sup>67</sup>Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:182; al-Ṣafadī, *Al-Mukhtār min Shi'r Ibn Dānyāl*, 169.



al-Bāji (d. 714/1314). Al-Bāji, a respectable Shafi‘i scholar, was credited for his immense knowledge of Ash‘ari *kalām*, and his skills in public debates.<sup>68</sup> Apart from al-Bāji’s and Ibn Taymīyah’s, al-Subkī cites the poems of Nāṣir al-Dīn al-‘Asqalānī (d. 730/1330), Ibn al-Labbān (d. 749/1348), Najm al-Dīn al-Ṭūsī (whom I identified as Ibn al-Rif‘ah) (d. 710/1310),<sup>69</sup> and ‘Alā’ al-Dīn al-Qūnawī (d. 729/1329). This cluster of poems, recorded in al-Subkī’s *Ṭabaqāt*,<sup>70</sup> addresses the dhimmi’s question directly. These six poems were probably composed soon after the circulation of the dhimmi’s question; however there is no indication as to the exact year in which they were written. It is safe to assume that the poems were composed before the year 710/1310, the year in which Ibn al-Rif‘ah died. Ibn Taymīyah’s poem was completed on the 3 Dhū al-Ḥijjah 712/1 April 1312.<sup>71</sup>

From the few background details which al-Subkī provides in the preface of this cluster of poems, we can determine with certainty that there was no open debate between Ibn al-Baqaqī and any of the above-mentioned ulama. Such a high-profile public debate would have been recorded in the sources. Furthermore, the uncertainty about the identity of the poet in the contemporary sources suggests that the dhimmi’s question was circulated orally without being ascribed to a specific author. Still, the infrequent clues which al-Subkī occasionally inserts between the poems help us reconstruct the following narrative: When the poetic question of the dhimmi (composed by either an anonymous Shi‘i-Mu‘tazili,<sup>72</sup> or the *zindīq* Ibn al-Baqaqī) started circulating in Cairo and Damascus, it was obvious that the author meant “to defame the Divine Law” (*al-ṭa‘n ‘alā al-sharī‘ah*). Al-Subkī continues: “As a result, the most senior (or prestigious) ulama from Egypt and Syria were enthusiastic to respond to his poem in kind, through poems” (*jawābihi*

<sup>68</sup>Al-Subkī, *Ṭabaqāt*, 10:353–54.

<sup>69</sup>Al-Subkī, *Ṭabaqāt*, 9:25. The editors of the *Ṭabaqāt* do not identify Najm al-Dīn al-Ṭūsī at all. I succeeded in associating Najm al-Dīn al-Ṭūsī with Ibn al-Rif‘ah based on the work of al-Murtaḍā al-Zabīdī, who refers to al-Najm Aḥmad ibn Muḥammad al-Ṭūsī as one of the ulama who responded to “Āmin al-Baqtī’s” poem. Al-Murtaḍā al-Zabīdī, *Ithāf al-Sādah*, 2:279. This clue led me to Ibn al-Rif‘ah’s biography in the biographical dictionaries. Also, in his poem, Ibn al-Rif‘ah inserts a few hints about his identity. Ibn al-Rif‘ah identifies himself as Aḥmad of Ṭūs (verse 93). Then he inserts the word *rif‘ah* (high position) when he refers to his shaykh (verse 97). See below, Appendix II, Part E.

<sup>70</sup>Al-Subkī, *Ṭabaqāt*, 10:352–66. There are two additional poems which appear in a fifteenth-century Hanafi *kalām* manual and a fourteenth-century *adab* compilation. See below, Appendix III.

<sup>71</sup>This information appears in the colophon of the manuscript which Serajul Haque used for his article. Serajul Haque, “A Poem of Imām Ibn Taymiyya,” 2. In Dhū al-Qa‘dah 712/February 1313 Ibn Taymīyah arrived in Damascus after his four-year stay in Egypt. Yahya Michot, *Muslims under Non-Muslim Rule: Ibn Taymiyya* (Oxford, 2006), 163.

<sup>72</sup>Al-Subkī attributed the dhimmi’s question to a Mu‘tazili who concealed his identity. Al-Subkī, *Ṭabaqāt*, 10:352.



*nazman*).<sup>73</sup> In other words, the ulama composed their poems in order to rebut the outrageous words of a heretic.

However, the case study of the dhimmi's question and the responses it evoked necessitate a comprehensive, broad-based examination: the place of poetry in intellectual activities in Mamluk Cairo and Damascus. Composing poetry was always considered a desirable trait for a scholar in the eyes of the learned elite, from the early days of the Umayyad caliphate. The famous poet and scholar Ibn Rashīq (d. 456/1063–64 or 463/1070–71) dedicated a chapter in his *Kitāb al-Umdah* to the poems written by caliphs, *quḍāh*, and *fuqahā*, while indicating that the famous Muḥammad ibn Idrīs al-Shāfi'ī (d. 204/820) “was one of the finest of all men who were subjected to the temptations of poetry.”<sup>74</sup> Similar remarks about the composition of poetry appear in the biographical dictionaries from the Mamluk period. A typical example, one of many, is the biography of a fourteenth-century Shafi'ī scholar. This scholar's detailed biography in al-Sakhāwī's (d. 902/1497) *Al-Daw' al-Lāmi'* lists the names of several poems he composed on various topics, among which is *Al-Manzūmah al-Lāmiyah fī al-Jabr* (a didactic verse with the rhyme letter *lām* which discusses the doctrine of fatalism).<sup>75</sup>

We take the entry of al-Bājī in al-Subkī's *Ṭabaqāt* as another typical example: biographical entries of ulama contain hundreds of verses composed either by the subject of the biographical entry, or by his colleagues and friends. The poems cover a vast range of topics: they can be poems lamenting a scholar or praising his virtues, and also poems that the scholar himself composed for the purpose of teaching. The poetic activity of the ulama cannot be ignored, both because of the sheer volume of this poetry and its popularity, especially in Cairo and Damascus.<sup>76</sup> Michael Chamberlain's observation on the poetic ambitions of the intellectual elite hits the mark: “The a'yān valued poetry highly as can be seen by the vast

<sup>73</sup>Ibid., 353.

<sup>74</sup>Abū 'Alī al-Ḥasan Ibn Rashīq al-Qayrawānī, *Al-Umdah*, ed. Muḥammad Muḥyī al-Dīn 'Abd al-Ḥamīd (Cairo, 1353/1934), 1:24. Al-Shāfi'ī's poetry is cited in the bibliographical sources, and was also preserved in a *dīwān*. *Dīwān al-Imām al-Shāfi'ī*, ed. Īmān al-Biqā'ī (Beirut, 1421/2000). The thirteenth-century Jamāl al-Dīn al-Qiftī describes al-Shāfi'ī's poetry as “splendid poetry of the jurists” (*shī'r ajall min shī'r al-fuqahā*). Jamāl al-Dīn 'Alī ibn Yūsuf al-Qiftī, *Al-Muḥammadūn min al-Shu'arā' wa-Ash'arūhum*, ed. Riyād 'Abd al-Ḥamīd Murād (Damascus, 1975), 193.

<sup>75</sup>Shams al-Dīn Muḥammad ibn 'Abd al-Raḥmān al-Sakhāwī, *Al-Daw' al-Lāmi' li-Ahl al-Qarn al-Tāsi'*, ed. 'Abd al-Laṭīf Ḥasan 'Abd al-Raḥmān (Beirut, 1424/2003), 2:138 (biography no. 1331).

<sup>76</sup>This point is emphasized in Geert van Gelder's comprehensive discussion on didactic verses in Arabic. Geert Jan van Gelder, “Arabic Didactic Verse,” in *Centres of Learning: Learning and Location in Pre-Modern Europe and the Near East*, ed. Jan Willem Drijvers and Alasdair A. MacDonald (London- New York- Köln, 1995), 106.



quantities of it quoted in the chronicles and biographical dictionaries, and many shaykhs tried to attain some distinction in it.”<sup>77</sup>

Still, the belletrists and philologists did not think highly of the poems written by the ulama, because these poems were contaminated by legal jargon. Even when a jurist tried to write a proper *qaṣīdah* while sticking to the prosodic conventions, his language revealed his identity, as is illustrated in the following anecdote conveyed by Ibn Khaldūn (d. 808/1406) in his *Al-Muqaddimah*. According to Ibn Khaldūn, one of his colleagues tried to trick the leading philologist of his times. He recited a *qaṣīdah* which began with the conventional *nasīb*: “I did not know when I stood near the traces of the abandoned dwelling places/what the difference (*mā al-farq*) was between the new ones and those that were almost effaced.” The philologist immediately recognized the poem as the work of a jurist, because the phrase *mā al-farq* was a juridical expression (*min ‘ibārāt al-fuqahā’*) and not proper Arabic speech and style (*wa-laysat min asālīb kalām al-‘arab*).<sup>78</sup> The term “the poetry of the jurisprudents” (*shi‘r al-fuqahā’*) and the phrase “composed poetry in the manner of the jurisprudents” (*qāla shi‘r ‘alā ṭarīqat al-fuqahā’*) were derogatory when used by a literary epicure like Ibn Khaldūn.<sup>79</sup> In the context of the biographies of the ulama, *shi‘r al-fuqahā’* was an indication of a desirable skill for scholars.<sup>80</sup>

Ibn Khaldūn’s illuminating anecdote illustrates that the ulama’s compositions were never regarded as real poetry. Indeed, the ulama may have not succeeded in composing *shi‘r* in the sense of “genuine poetry” or high literary poetry.<sup>81</sup> However, they certainly were skilled enough to compose instrumental verses and even full-scale poems “for the sake of providing explicit information on a particular

<sup>77</sup>Michael Chamberlain, *Knowledge and Social Practice*, 85.

<sup>78</sup>Abd al-Raḥmān Ibn Khaldūn, *Muqaddimat Ibn Khaldūn*, ed. Ḥāmid Aḥmad al-Ṭāhir (Cairo, 1425/2004), 738; idem, *The Muqaddimah: An Introduction to History*, trans. Franz Rosenthal (Princeton, 1958), 3:395.

<sup>79</sup>Ibn Khaldūn, *Muqaddimat Ibn Khaldūn*, 737; idem, *The Muqaddimah*, trans. Rosenthal, 394–95. See also a reference to *shi‘r al-fuqahā’* in: George Makdisi, *The Rise of Colleges: Institutions of Learning in Islam and the West* (Edinburgh, 1981), 268, 342 n. 210.

<sup>80</sup>Al-Qiftī, *Al-Muḥammadūn min al-Shu‘arā’*, 193.

<sup>81</sup>I adopted the definition of *shi‘r* as “genuine poetry” from Wolfhart Heinrichs’ defining article “Literary Theory: The Problem of Its Efficiency,” in *Arabic Poetry: Theory and Development*, ed. Gustav E. von Grunebaum (Wiesbaden, 1973), 26–27. Heinrichs states: “in many cases it is impossible to keep ‘genuine’ and didactic poetry apart.”



branch of knowledge.”<sup>82</sup> These were the mnemonic textbooks in the madrasahs;<sup>83</sup> they were often branded as *qaṣīdah*, but not in the classical sense of the term. Instead of *shi‘r*, the ulama wrote *naẓm* in a variety of scholarly fields, and therefore the term *manẓūmah* was more appropriate.<sup>84</sup> The authors of the *manẓūmāt* had the liberty to compose poems on any theme they desired, and their poems were also free from the strict conventions of writing a proper *qaṣīdah*. Sometimes the didactic poem disguised itself as a “genuine poem,”<sup>85</sup> but mostly the poems were direct and to the point, as is the case of the responses to the dhimmi’s question.

Were the responses to the dhimmi’s question indeed recited as part of a theological debate? Probably not, but one cannot ignore two clues which imply that these poems were composed orally, and recited to the disciples of the specific *‘ālim* who composed them. One of al-Bājī’s students testified that al-Bājī’s students overheard their teacher recite the poem to himself. Did al-Bājī recite the poem while composing it, or after completing it? Perhaps he was preparing himself for a public recitation of the poem? This we cannot know. But we have Ibn Ḥajar’s description of Ibn Taymīyah. Ibn Ḥajar derived this description from previous sources. According to Ibn Ḥajar, when Ibn Taymīyah was informed (*waqafa ‘alā*) of the dhimmi’s question, “he crossed his legs and responded in a *majlis*—responded in one sitting—without getting up, in a 119-verse poem, which begins:

<sup>82</sup>Van Gelder, “Arabic Didactic Verse,” 117. Studying the various branches of poetry was an essential part of the curriculum of the *‘ulūm al-‘arabīyah*, the study of the Arabic language. Thus, the students were required to study *‘arūd* (metrics), *qawāfi* (rhymes), and *ṣun‘at al-shi‘r* (prosody). Makdisi, *The Rise of Colleges*, 79.

<sup>83</sup>Makdisi mentions the importance of didactic verses in grammar lessons. Makdisi, *The Rise of Colleges*, 80–91.

<sup>84</sup>Geert Jan van Gelder, “Nazm,” *EI2*, 12:668. The term *shi‘r ta‘līmī*, which is used in several modern studies to denote didactic verses, is inaccurate, as van Gelder persuasively demonstrates in “Arabic Didactic Verse.” This term is a translation of the English “didactic poetry,” and is not drawn from Arabic sources. Van Gelder, “Arabic Didactic Verse,” 104. For two important discussions on didactic verses, which use all the same the term *shi‘r ta‘līmī*, see: Ṣafā’ Khulūṣī, “Didactic Verse,” *Religion, Learning and Science in the ‘Abbasid Period*, ed. M. J. L. Young, J. D. Latham, and R. B. Serjeant (Cambridge, New York, Port Chester, Melbourne, Sydney, 1990), 498–509; Yāsīn al-Ayyūbī, *Āfāq al-Shi‘r al-‘Arabī*, 467–85.

<sup>85</sup>See, for instance, the traditional amatory prologue (*nasīb*) in Ibn Qayyim al-Jawzīyah’s 6000-verse didactic poem. Ibn Qayyim al-Jawzīyah, *Al-Kāfiyah al-Shāfiyah fī al-Intiṣār lil-Firqah al-Nājiyah*, ed. ‘Abd Allāh ibn Muḥammad al-‘Umair (Riyadh, 1416/1996), 31–34 (verses 1–52). The fine line between “genuine” poetry and didactic versification is well reflected in Abū al-‘Alā’ al-Ma‘arrī’s (d. 449/1058) *Luzūmiyat*. A good example is his poem on predetermination. Khulūṣī, “Didactic Verse,” 504. Another example is Ibn al-Wardī’s (d. 749/1349) poem. *Ibid.*, 505–6. See also van Gelder, “Arabic Didactic Verse,” 111.



“Your question, hey you!”<sup>86</sup> So these poems were definitely recited orally to the ulama’s disciples.

The six responses of the ulama served several purposes and satisfied several needs apart from their obvious didactic purpose: prominent scholars were expected to defend the pillars of Sunni Islam, which were severely attacked by a persuasive heretic. This defense should be as eloquent as possible. Since the attack was in verse, the defense was likewise. In this respect, the dhimmi’s question dictated the meter and the rhyme: because the poem was written in the *tawīl* meter (considered a respectable meter),<sup>87</sup> and rhymed with *tī* throughout, all the six respondents retained the same prosodic structure. Last but not least, the dhimmi’s question provided the six respondents with an opportunity to air their poetic skills and to boast about them.

We further cannot exclude the possibility that these poems also reflect the scholars’ inclination to compete with each other. Al-Subkī himself and the scholars whose poems he cited came from the same milieu: they either permanently lived in Cairo or commuted between Damascus and Cairo. The biographical sources reveal extensive interaction between them. For example, al-Bājī taught al-Subkī’s father the art of debating; Ibn Taymīyah (so we are told by al-Subkī) highly respected al-Bājī, and refrained from speaking in his presence; Ibn al-Labbān, a colorful although eccentric Sufi, resided in Cairo and studied *fiqh* from Ibn al-Rif‘ah; Ibn al-Rif‘ah, a prominent scholar with a reputation of never having lost a public debate, was once appointed as Ibn Taymīyah’s opponent in a public debate; Nāṣir al-Dīn al-‘Asqalānī, better known as Shāfi‘ ibn ‘Alī, a well-known man of letters and a historian with a reputation as a competent poet, corresponded regularly with al-Qūnawī; al-Qūnawī was a chief judge in Cairo, and maintained an amiable relationship with Ibn Taymīyah. In brief, these scholars were well acquainted with each other, often debated one another publicly, and occasionally wrote poetry.<sup>88</sup>

This close-knit relationship among the six scholars suggests that the scholars were familiar with each other’s literary yield. At least, they were all familiar with al-Bājī’s response. According to al-Subkī, al-Bājī was the first of the senior scholars in Cairo and Damascus who took the challenge of responding to the dhimmi’s question. Al-Bājī’s response was taken by his contemporaries as an example, and so other scholars participated in the endeavor to rebut the dhimmi’s question. Al-Subkī emphasizes that all six scholars drew upon their poetic skills, and each

<sup>86</sup>Ibn Ḥajar, *Al-Durar*, 1:94 (biography no. 409).

<sup>87</sup>*Tawīl* is one of the four meters which were of frequent usage in the classical pre-Islamic *qaṣīdahs*. O. Wright, “Music and Verse,” in *Arabic Literature of the End of the Umayyad Period*, ed. A. F. L. Beeston et al. (Cambridge, 1983), 456–57.

<sup>88</sup>For the biographies and references to the biographical sources, see Appendix I.



wrote a poem according to his rank or level (*'alā ṭabaqātihim*).<sup>89</sup> This phrase may indicate that the scholars who belonged to various groups participated in the endeavor to rebut the dhimmi's claims. On the other hand, it may also indicate that, like in many other scholarly areas, the ulama who wrote poetry were evaluated, graded, and ranked by their peers. We find numerous references which rank the muse of poetry of this scholar or another in al-Sakhāwī's biographical dictionary. Poetry or *naẓm* is ranked by al-Sakhāwī as good (*ḥasan or jayyid*), acceptable or satisfactory (*maqbul*), or mediocre (*wasat*).<sup>90</sup> In the same vein, a scholar can be ranked "at a mediocre level in poetry...and at a high level in philosophy" (*wa-huwa fī al-shi'r mutawassiṭ al-ṭabaqah...wa-kāna qawī al-ṭabaqah fī al-falsafah*).<sup>91</sup>

When al-Subkī remarks that the people of that time took al-Bājī's response and arranged it or composed it again according to their ranking in composing poetry (*fa-naẓamūhu 'alā ṭabaqātihim fī al-naẓm*), he means that the ulama made their best efforts, and that the outcome was dependent upon the poetic skills of each scholar. Al-Subkī, however, does not rank the poems. He is more interested in the fact that the six had a unanimous response (*wa-al-kull mushtarikūn fī jawāb wāḥid*), and that al-Bājī's response represented "the essence of the theology of the Sunnis" (*ḥāṣil kalām ahl al-sunnah*).<sup>92</sup> Al-Subkī did not appreciate al-Bājī's poetry in general, but he considered the content of this particular poem good. Nevertheless, there is no way of telling which of the six responses was al-Subkī's favorite.<sup>93</sup>

<sup>89</sup> Al-Subkī, *Ṭabaqāt*, 10:354.

<sup>90</sup> Al-Sakhāwī, *Al-Ḍaw' al-Lāmi'*, 1:23 (biography no. 49). Ibn al-Qurdāḥ's (d. 841/1438) biography is a case in point. Ibn al-Qurdāḥ was a talented musician, who played the dulcimer (*sanṭir*) and the lute (*'ūd*). Al-Sakhāwī remarks: "He was skilled in many fields of art: he composed poetry and wrote prose and versified mediocre poetry and below that" (*wa-ḍaraba fī kathīr min al-funūn bi-naṣīb wa-naẓama wa-nathara al-naẓm al-wasat wa-mā dūnahu*). Mediocre poetry or versification (*naẓm wasat*), here and elsewhere, is actually categorized as good. Al-Sakhāwī also says about Ibn al-Qurdāḥ: "He composed poetry, which sometimes was perceived as mediocre and acceptable, while most of it was silly and inferior (*wa-kāna rubbamā yudraku minhu al-wasat al-maqbul wa-al-kathīr minhu safṣāf*)." Al-Sakhāwī, *Al-Ḍaw' al-Lāmi'*, 2:125 (biography no. 1288). Ibn Taymiyah's poetry was also marked as "mediocre" (*shi'r wasat*), but I doubt whether this term means that his poetic skills were bad, as Caterina Bori claims in her comprehensive discussion of Ibn Taymiyah's biography. Caterina Bori, *Ibn Taymiyya: una vita esemplare: Analisi delle fonti classiche della sua biografia*, Supplemento no. 1 alla *Rivista degli Studi Orientali* 76 (Roma-Pisa, 2003), 70–72.

<sup>91</sup> Al-Ṣafadī, *Al-Wāfi bi-al-Wafayāt*, 8:197 (biography no. 1373 of al-Nahrājūrī the poet).

<sup>92</sup> Al-Subkī, *Ṭabaqāt*, 10:354.

<sup>93</sup> Al-Subkī's father heard a poem by al-Bājī whose topic was the divine attributes according to the Ash'ari doctrine. The poem goes like this: "His life and knowledge, potency and will, His hearing and seeing and word, His eternal existence. These are the eternal attributes of God's essence, praised be He, according to al-Ash'arī, the most learned and pious." Al-Subkī comments: "the



To my mind, al-Qūnawī's poem, which is the most impressive of all six responses, has the highest poetical quality.

### THEOLOGY IN VERSES

In examining the form and content of the dhimmi's question and its responses, I considered all the poems as parts of a single literary compendium. This compendium was created by different poets, who zealously retained the meter and rhyme of the poem which ignited this literary activity. The direct responses to the dhimmi's question form a magnificent although eclipsed work of a debate (*munāẓarah*) in verses,<sup>94</sup> with conspicuous common features in terms of language and argumentation. We should consider this poetic unit as an eclipsed *munāẓarah* simply because it does not actually reflect a dialogue between two or more disputants. This compendium is merely a single question and several responses. In this respect, it would have been much more enlightening to read the dhimmi's response to the responses of the ulama, had there been one. Furthermore, this poetic compendium cannot be classified as a dispute poem because it was written by several authors.<sup>95</sup>

All the poems were indeed written as responses to the dhimmi's question, because all six poems specifically address the literary character of the dhimmi.<sup>96</sup> These direct addresses to the dhimmi mostly appear in the beginning of the poems, but also as the poems proceed and reach their climax. Al-Bāji refers to the dhimmi as "you scholar" (*ayā 'āliman*). Shāfi' ibn 'Alī refers to the object of his poem as "O dhimmi" (*yā dhimmī*), and so does Ibn al-Rif'ah. Ibn Taymiyah rudely refers to the addressee of his poem as "hey, you!" (*yā hādhā*).<sup>97</sup> Apart from

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words of al-Shāṭibi (d. 790/1388) in his poem rhyming in *rā'* are more elegant or nicely put than al-Bāji's." Al-Subkī, *Ṭabaqāt*, 10:343.

<sup>94</sup>On the importance of *munāẓarah* in theological literature, see: E. Wagner, "Munāẓara," *EI2*, 7:565–68; G. J. H. van Gelder, "Debate Literature," *Encyclopedia of Arabic Literature*, ed. Julie Scott Meisami and Paul Starkey (London and New York, 1998), 1:186. An analysis of a fully fledged literary *munāẓarah* in prose appears in: Livnat Holtzman, "Debating the Doctrine of Jabr" (forthcoming, see n. 21). For the art of debating and the place of *munāẓarah* in intellectual activity in Mamluk society, see: Michael Chamberlain, *Knowledge and Social Practice*, 164–65; Makdisi, *The Rise of Colleges*, 109–11, 128–29.

<sup>95</sup>Cf. Wolfhart Heinrichs, "Rose versus Narcissus: Observations on an Arabic Literary Debate," in *Dispute Poems and Dialogues in the Ancient and Mediaeval Near East*, ed. G. J. Reinink and H. L. J. Vanstiphout (Leuven, 1991), 180–81.

<sup>96</sup>All the references to the poems are from al-Subkī's *Ṭabaqāt*. For a complete translation of the poems, see Appendix II.

<sup>97</sup>Al-Subkī, *Ṭabaqāt*, 10:352 (Al-Bāji's Response, verse 1); *ibid.*, 10:357 (The Response of Shāfi' ibn 'Alī, verse 2); *ibid.*, 10:359 (The Response of Ibn al-Rif'ah, verse 1); *ibid.*, 10:354 (The Response of Ibn Taymiyah, verse 1).



these direct references, all the poems describe the dhimmi and his viewpoint. They mock, reproach, and try to educate the dhimmi, and finally they express their desperation and complete disgust with him and his views. Three references to the dhimmi's stubbornness are echoes of the descriptions of the heretics in the Quran.<sup>98</sup> In his poem, the dhimmi claimed that God blocked the entrance leading to the true faith for him. Three of the respondents chose to directly answer his claim, using his own words.<sup>99</sup>

Among the six responses, Ibn al-Labbān's presentation of the dhimmi is the richest. In the course of four verses, Ibn al-Labbān portrays the dhimmi as an ignoramus, who refuses to be persuaded by rational argumentation; but also as a hypocrite, who uses the excuse of predetermination to justify his improper deeds and false convictions. This hypocrite begs God to give him guidance, when he is not interested in it in the first place. His question does not reflect genuine perplexity and a sincere request for help, but is an artifice (*hīlah*), which is meant to allow him to stick to his heretical convictions. Ibn al-Labbān, however, is willing to be generous with the dhimmi, and he indeed hopes that he will receive God's grace and mercy.<sup>100</sup>

But did the six ulama indeed consider their rival to be a dhimmi (a Jew, a Christian, etc.)? Apparently, even though the response to the dhimmi's question was unanimous, as al-Subkī claims, each response was custom-made for a different persona. Each response is dependent on the way the scholars interpreted the extreme fatalism which the dhimmi expressed in his question. Also, some of the scholars took the dhimmi's question at face value, and did not try to remove the fatalistic mask of the dhimmi's true identity. Here, the scholars had several possibilities: either they perceived the dhimmi the way he introduced himself in his poem, that is as a non-Muslim who seeks advice from Muslim scholars, or they perceived the dhimmi as a Muslim, who disguises himself as a dhimmi. As a Muslim, the dhimmi is either a Mu'tazili-Shi'i, who upholds free will and opposes fatalism, or he is a fatalist. As an upholder of fatalism, it is somewhat difficult to pinpoint the dhimmi's affiliation to a specific theological trend.

Al-Bāji and Shāfi' ibn 'Alī direct their responses to a Mu'tazili, because their addressee does not understand the essence of the belief in predetermination,<sup>101</sup> and he presumptuously assumes that he is a creator whose actions are not pre-

<sup>98</sup>Ibid., 10:354 (The Response of Ibn Taymīyah, verse 1); *ibid.*, 10:364 (Ibn Rif'ah's Response, verse 85); *ibid.*, 10:365 (Al-Qūnawī's Response, verse 5).

<sup>99</sup>Ibid., 10:352 (The Dhimmi's Question, verse 3); *ibid.*, 10:352 (Al-Bāji's Response, verse 14); *ibid.*, 10:364 (The Response of Ibn Rif'ah, verse 78); *ibid.*, 10:366 (Al-Qūnawī's Response, verse 8).

<sup>100</sup>Ibid., 10:357–58 (Ibn al-Labbān's Response, verses 5–8).

<sup>101</sup>Ibid., 10:353 (Al-Bāji's Response, verse 12).



determined.<sup>102</sup> Ibn al-Labbān, al-Qūnawī, and Ibn al-Rifʿah, on the other hand, direct their responses to a rival who is outside the conventional circle of Islamic theology. Ibn al-Labbān's dhimmi is portrayed as an unconventional Muslim sinner, in the image of Ibn al-Baqaqī, who is pleased with his heresy. Ibn al-Labbān in his turn encourages him to repent. This summons to repent can only be directed to a Muslim.<sup>103</sup> According to al-Qūnawī, the dhimmi is a non-Muslim (he refuses to utter the Muslim profession of faith) with extreme fatalistic tendencies (he rejects the notion that man has the ability to act).<sup>104</sup> Ibn al-Rifʿah's dhimmi is also a Muslim sinner, whose arguments are sophistic.<sup>105</sup> The interesting turn in Ibn al-Rifʿah's attitude towards the dhimmi takes place after the middle of his long response, where he refers to his opponent as a sinner of dubious Jewish origin: he was a historical Jew in times immemorial prior to the Prophet's message. Ibn al-Rifʿah warns the dhimmi that his stance, as reflected in his question, raises the suspicion that he still has Jewish tendencies. If the dhimmi wishes to be considered a Muslim—adds Ibn al-Rifʿah—then he should follow the Islamic shariʿah.<sup>106</sup> Ibn Taymīyah addresses an extreme fatalist, who uses the excuse of predetermination in order to proceed with his sinful life. This position calls to mind Ibn Taymīyah's harsh attacks on Ibn ʿArabī's (d. 638/1240) followers, but also his wide-ranging polemics with the Ashʿaris.<sup>107</sup> Ibn Taymīyah's dhimmi is, then, either an Antinomian Sufi, or an Ashʿari, or both.

Following the conventions of the medieval *munāzarah*, the six ulama insult the dhimmi in the course of their responses. Al-Qūnawī, for example, doubts

<sup>102</sup>Ibid., 10:357 (The Response of Shāfiʿ ibn ʿAlī, verse 2).

<sup>103</sup>Ibid., 10:358 (The Response of Ibn al-Labbān, verses 16, 19, 20).

<sup>104</sup>Ibid., 10:366 (Al-Qūnawī's Response, verse 14).

<sup>105</sup>Ibid., 10:364 (The Response of Ibn al-Rifʿah, verse 90).

<sup>106</sup>Ibid., 10:362–63 (The Response of Ibn al-Rifʿah, verses 61, 65, 67–68). In verses 67–68 Ibn al-Rifʿah raises the argumentation of *naskh* (the abrogation of Quranic verses), which was a fixed ingredient in the polemic between Muslims and Jews. A clarifying example appears in: Abū ʿAbd Allāh Muḥammad ibn Aḥmad al-Qurtubī, *Al-Jāmiʿ li-Aḥkām al-Qurʾān*, ed. Sālim Muṣṭafā al-Badrī (Beirut, 1420/2000), 2:44 (interpretation of Q. 2:106). See also: Camilla Adang and Sabine Schmidtke, "Polemics (Muslim-Jewish)" *Encyclopedia of Jews in the Islamic World*, ed. Norman A. Stillman (Leiden, 2010)

<sup>Brill</sup> Online [http://www.brillonline.nl/subscriber/entry?entry=ejiw\\_COM-0017750](http://www.brillonline.nl/subscriber/entry?entry=ejiw_COM-0017750) (Last accessed March, 2011).

<sup>107</sup>From the vast literature on Ibn Taymīyah and his rivals, suffice it to mention: Ibn Taymīyah, "Fi al-Iḥtijāj bil-Qadar," *Majmūʿat al-Rasāʾil al-Kubrā*, ed. Muḥammad Rashīd Riḍā ([Cairo], [1966]), 2:97–156. The epistle appears also in *Majmūʿat al-Fatāwā* (1998) 8:183–221. For an analysis of Ibn Taymīyah's epistle, see: Fritz Meier, "The Cleanest about Predestination: A Bit of Ibn Taymiyya," in *Essays on Islamic Piety and Mysticism*, trans. John O'Kane with the editorial assistance of Bernd Radtke (Leiden, 1999), 309–34. Translation of idem, "Das Sauberste über die Vorbestimmung," *Saeculum* 32 (1981): 74–89.



the dhimmi's ability to understand his response. He declares that he could have provided a much more elaborate and methodical response, but he knows that his opponent is incapable of understanding the subtleties of the kalāmīc method. To that he apologetically adds that since his purpose was to persuade his opponent, his response is but a summary.<sup>108</sup> This apology of al-Qūnawī may hint that he was familiar with the much longer responses of his peers, and that he felt obligated to explain the brevity of his response. Ibn al-Labbān's attack on his opponent is less insulting: he refers to the deficiencies in the dhimmi's argumentation, and his lack of rational thinking. He also urges the dhimmi to get rid of his sophistic thinking.<sup>109</sup> Al-Bājī's attack on the dhimmi concentrates on the dhimmi's "tricks and snares" (*ḥabā'il ḥīlati*), which is a common description of false methods of theological speculation.<sup>110</sup> Even Ibn al-Rif'ah, whose poem is the most patient and polite attempt to convince the dhimmi, mocks the latter's verses, calls them "invalid and absurd," and opines that the dhimmi should be flogged with a whip.<sup>111</sup>

As al-Subkī claimed, the essence of the ulama's response to the dhimmi was the traditionalist concept of *al-riḍā bi-al-qadar*, that is, being satisfied with God's predetermination. According to al-Subkī, al-Bājī's response and the subsequent responses had the following message: "Be satisfied with God's predetermination and not with the consequence or the outcome of that action. You should be satisfied with the action of predetermining, since it comes from God. As for the outcome of this action: well, it is divided into things you should be satisfied with, like faith, and things you are forbidden to be satisfied with, like unbelief."<sup>112</sup> This message, one might add, is repeated in each of the six responses. Al-Subkī's understanding of the kernel of all six responses is, of course, correct. We can, however, add several observations to his analysis.

Although all six responses basically reject the dhimmi's attempt to blame God for his being a heretic and to therefore be held unaccountable for his actions, each scholar tackled this concept from a different angle. As literary texts, not all the poems are interesting or captivating. However, each poem has its conspicuous theme. The shorter poems of al-Bājī and Shāfi' ibn 'Alī, and Ibn al-Labbān's poem, are direct answers to the question. They lack metaphors and other literary devices, and are generally dull. The longer poems, however, are well-developed, rich with metaphors, allusions, and images. These poems widen the theoretical discussion using numerous examples in a variety of areas, from the history of the world's faiths to everyday life. All these examples are typical of theological treatises.

<sup>108</sup> Al-Subkī, *Ṭabaqāt*, 10:366 (Al-Qūnawī's Response, verses 21–3).

<sup>109</sup> Ibid., 10:357–58 (The Response of Ibn al-Labbān, verses 6, 14).

<sup>110</sup> Cf. Ibn Qayyim al-Jawziyah, *Al-Kāfiyah al-Shāfiyah*, 331 (verse 4650).

<sup>111</sup> Al-Subkī, *Ṭabaqāt*, 10:360, 364 (The Response of Ibn al-Rif'ah, verses 23, 94).

<sup>112</sup> Ibid., 10:354.



tises in prose. Ibn Taymīyah's response, for example, gives a survey of heretical faiths, like the views of the philosophers and the Zoroastrians.<sup>113</sup> When explaining to the dhimmi that his claims are bound to shake the foundations of society, Ibn Taymīyah depicts a horrendous situation, in which acts of murder, highway robbery, corruption of rulers, etc., will be dismissed as the outcome of God's will and predetermination.<sup>114</sup> Al-Qūnawī's poem gives two everyday examples to corroborate his claim (quenching one's thirst is dependent on drinking water; one should not starve himself to death thinking that this death was predetermined). Al-Qūnawī concludes his words with two vivid and captivating metaphors (the ship and the carpet).<sup>115</sup> Ibn al-Rif'ah's magnificent piece concentrates on the creation of the world, the creation of the human race, and the human spirit.<sup>116</sup> Ibn al-Rif'ah also plants hints to his identity and inclination to Sufism.<sup>117</sup>

The ulama's six responses represent a typical mixture of fourteenth-century traditionalism and rationalism. The traditionalist position is reflected both by the frequent references to the concept of predetermination, and also by direct and indirect reference to the concepts of *fiṭrah* and divine guidance, which are embedded in the Quran and hadith. According to these intertwined concepts, Islam is the natural disposition of every human being, and God guides every human being as He pleases: to the correct path of Islam or to the deviant path of heresy.<sup>118</sup> The *fiṭrah* is an axial theme in Ibn al-Rif'ah's poem. According to Ibn al-Rif'ah, had the dhimmi eliminated the artificial thinking of *kalām*, and listened to the sound mind and followed the pure instincts God had granted him, he would have reached the correct answer to the question he had asked.<sup>119</sup> The same idea, in different variations, also appears in other responses.<sup>120</sup>

The rationalist Ash'ari position is reflected by the use of kalāmīc argumentations, and more so, by using explicit references to the Ash'ari theory of *kasb*,<sup>121</sup>

<sup>113</sup> Al-Subkī, *Ṭabaqāt*, 10:355 (The Response of Ibn Taymīyah, verses 9–18).

<sup>114</sup> Ibid., 10:355–56 (The Response of Ibn Taymīyah, verses 20–29).

<sup>115</sup> Ibid., 10:366 (Al-Qūnawī's Response, verses 11, 15, 24, 25).

<sup>116</sup> Ibid., 10:360–62 (The Response of Ibn al-Rif'ah, verses 26–48).

<sup>117</sup> Ibid., 10:364–65 (The Response of Ibn al-Rif'ah, verses 95–98).

<sup>118</sup> For a recent discussion of the traditionalist concept of *fiṭrah*, see Livnat Holtzman, "Human Choice, Divine Guidance and the *Fiṭra* Tradition: The Use of Hadith in Theological Treatises by Ibn Taymiyya and Ibn Qayyim al-Jawziyya," in *Ibn Taymiyya and His Times*, ed. Yossef Rapoport and Shahab Ahmed (Karachi, 2010), 163–88. For references to the rich literature on this topic, see *ibid.*, 184, n. 11.

<sup>119</sup> Al-Subkī, *Ṭabaqāt*, 10:361, 363 (The Response of Ibn al-Rif'ah, verses 44, 64–65).

<sup>120</sup> Ibid., 10:353 (Al-Bāji's Response, verse 5); *ibid.*, 10:355 (The Response of Ibn Taymīyah, verse 19); *ibid.*, 10:366 (Al-Qūnawī's Response, verse 10).

<sup>121</sup> This theory holds that the ability to perform an action does not exist in the human agent, until God creates this ability in him. The formula—God creates the ability to perform an ac-



as the ultimate tool for solving the problem of predetermination. The scholars emphasize that God creates the human action and the ability to perform the action. The human being acquires this ability, and then performs the action. The idea that the human being has a choice to act or to abandon the act also stands in the middle of the *kasb* theory. The scholars in general succeeded in dressing the fundamentals of *kasb* in a poetic garment, while maintaining the rhythmic tone of their poems. Al-Bājī presents the basic principle of *kasb* in the following words: “Both our actions and our essences are created by God. We do not create either of them, not really.”<sup>122</sup> Another principle of *kasb* is stated well by Ibn al-Labbān: “God the All-Knowing created in the human being a choice between actions which entail God’s satisfaction and His alienation. Through this [choice], God enabled the human being to perform what He predetermined for the human being; thus God’s will always prevails.”<sup>123</sup> Ibn al-Rif‘ah specifically mentions *kasb* twice in his poem.<sup>124</sup> Apart from the *kasb* theory, the scholars refer to other subtle theological issues, like causality.<sup>125</sup> Ibn Taymīyah’s poem, which indeed deserves special attention, is slightly at variance with the other poems, since it reflects Ibn Taymīyah’s longtime adversity with the Ash‘aris, although not in the version that al-Subkī quotes. Rather, in the complete version of the poem, as it appears in *Majmū‘at al-Fatāwá*, Ibn Taymīyah used his response as a vehicle to indirectly criticize the Ash‘ari concept of *kasb* and *ikhtiyār* (choice), and to promote his idea of real choice for the human being.<sup>126</sup>

Both traditionalism and rationalism are two sides of the same coin of highly theorized theology not meant for laymen. But since the six ulama share a common didactic purpose to educate both the “dhimmi” and their lay audiences, they also offer some advice (which the dhimmi initially requested in his poem). In addition to asking the dhimmi to listen attentively to their responses, and promis-

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tion, and the human agent acquires (*kasaba*) the ability from Him—was glossed and refined by Ash‘ari theologians in order to prove that the human agent’s actions are not his, but also were not forced upon him. The *kasb* theory was perceived by its proponents as a golden mean between the Mu‘tazili concept of free will, with the human agent as the creator of his actions, and the traditionalist position, which negated any possibility of the human agent being a creator of his actions. A definitive article on *kasb* is: Michael Schwarz, “Acquisition (*kasb*) in Early Kalām,” in *Islamic Philosophy and the Classical Tradition: Essays Presented by His Friends and Pupils to Richard Walzer on his Seventieth Birthday* (Columbia, SC, 1972), 355–87. For more references, see: Livnat Holtzman, “Human Choice,” 183, n. 3.

<sup>122</sup> Al-Subkī, *Ṭabaqāt*, 10:353 (Al-Bājī’s Response, verse 6).

<sup>123</sup> Ibid., 10:358 (The Response of Ibn al-Labbān, verses 12–13).

<sup>124</sup> Ibid., 10:360–61 (The Response of Ibn al-Rif‘ah, verses 17–18, 33–34).

<sup>125</sup> Ibid., 10:355 (The Response of Ibn Taymīyah, verses 10–11); *ibid.*, 10:358–59 (The Response of Ibn al-Labbān, verses 9–11, 20, 26); *ibid.*, 10:366 (Al-Qūnawī’s Response, verses 9, 14).

<sup>126</sup> See Appendix II, B, Part 2 (a few more verses by Ibn Taymīyah).



ing him that if he follows their line of thinking he will reach the peace of mind that he is seeking,<sup>127</sup> the ulama mainly guide the dhimmi through the etiquette of religious discourse. They urge him to listen to their voice, which is the true voice. “Stop using this language of protesting!” suggests Ibn al-Labbān.<sup>128</sup> “You should be pleased with that predetermination,” advises al-Bājī, “Abandon all your straying doubts and embrace the most apparent proof!”<sup>129</sup> Ibn Taymīyah’s suggestions are similar: “Do not abandon the apparent truth. Do not turn your back to the upright idea.”<sup>130</sup> The ulama’s direct approach to the dhimmi represents a mixture of self-confidence and disdain. Each scholar is convinced that his advice is the ultimate guide for attaining the truth, and the dhimmi’s success in reaching this truth is guaranteed (provided that he follows the scholar’s advice). All six responses represent the practical aspect of theology; however, al-Qūnawī’s apology is by far the most pragmatic and realistic of the six: knowing that the dhimmi will not listen to his sage advice, let alone understand it, al-Qūnawī decides to issue a brief response, and not to waste his time on the lost soul of a dhimmi.

## CONCLUSION

The ample anecdotes in the biographical sources indicate that composing poetry was one of the favorite and most prestigious activities of the Damascene and Cairene ulama. The historian al-Ṣafadī, a distinguished poet himself, refers to didactic poems about grammar and prosody, but also about *fiqh* and the *Quran*, as a remarkable achievement, an indicator of the ulama’s linguistic skills.<sup>131</sup> The ulama’s six responses to the dhimmi’s question indeed represent an important aspect of the intellectual life in Mamluk Damascus and Cairo.

The case-study of the dhimmi’s question—although we have only partial and scanty textual evidence—demonstrates how an intellectual activity is ignited, and how a fashionable trend is established. First, a riddle in rhyme was orally circulated. Perhaps several students of Islamic law in Mamluk Cairo excitedly and amusingly recited the dhimmi’s question in one of the *majālis*, without knowing how to correctly answer the paradox it posed. Perhaps laymen repeated the catchy short poem of the dhimmi. Finally, the dhimmi’s question reached al-Bājī. The horrified scholar decided to confront the controversial poem, and composed his response. Al-Bājī’s peers envied his literary endeavor, and challenged his re-

<sup>127</sup> See, for example, al-Subkī, *Ṭabaqāt*, 10:357 (The Response of Shāfi‘ ibn ‘Alī, verse 7).

<sup>128</sup> Ibid., 10:358 (The Response of Ibn al-Labbān, verses 14).

<sup>129</sup> Ibid., 10:353–54 (Al-Bājī’s Response, verses 12, 14).

<sup>130</sup> Ibid., 10:356 (The Response of Ibn Taymīyah, verse 37).

<sup>131</sup> Al-Ṣafadī, *Nuṣrat al-Thā‘ir ‘alā al-Mathal al-Sā‘ir*, ed. Muḥammad ‘Alī Sulṭānī (Damascus, [1971]), 386–87.



sponse by composing their own responses. The anonymous “dhimmi” faded into oblivion, and his identity was never categorically defined. Still, the ulama added another academic achievement to their résumé: they defied the heretic while demonstrating their intellectual superiority.

The general framework of the medieval *munāẓarah* includes mainly lengthy debates in prose. The dhimmi's question and the ulama's six responses expanded the boundaries of this genre to include poetry. The use of poetry enables these theological works to become a powerful tool in polemics, simply because the texts are easily and orally proliferated. The theological argumentations, which are usually difficult to grasp, are molded into rhythmic texts with a clear enthusiastic tone. The medieval debates appear in abundance in the theological literature; while the *munāẓarāt* written in prose have received much attention in modern scholarship, those written in poetry were neglected. The stage is now set for researchers to turn their attention to the theological debates written in poetry—although these poems demand extra effort in order to understand their contents, and to study these challenging works of theology.



## APPENDIX I: NOTES ON THE ULAMA

The following description contains some details about the ulama who wrote responses to the dhimmi's question, including the scholar's poetic skills, his experience in debating, and his relationship with other members of this group. Ibn Taymīyah's biography is not included, for obvious reasons.

1. **‘Alā’ al-Dīn al-Bājī** (‘Alī ibn Muḥammad ibn ‘Abd al-Raḥmān ibn Khaṭṭāb, d. 714/1314):<sup>132</sup> A prominent Shafi‘i jurist, who according to his own avowal was a close friend of the famous Muḥyī al-Dīn al-Nawawī (d. 676/1277), the author of the famous commentary on Muslim's *Ṣaḥīḥ*.<sup>133</sup> According to al-Subkī, al-Bājī was a skilled and almost undefeated debater, and an expert in Ash‘ari *kalām*.<sup>134</sup> An elliptical anecdote, told by an eyewitness, connects al-Bājī to a debate with a Jew: “We were at Ibn Daqīq al-‘Īd’s, and he said: ‘O *fuqahā*!’ A Jewish fellow came in and wanted to debate.’ We stayed still, but al-Bājī did not hesitate and promptly said: ‘Bring him over! With God’s grace we will oppose his sophistic argument (*shubḥah*)!’”<sup>135</sup> Unfortunately, there is no record of the debate itself. Al-Subkī’s father, *al-imām al-wālīd*, Taqī al-Dīn al-Subkī (d. 756/1355), learned the art of debating from al-Bājī. The celebrated Ibn Daqīq al-‘Īd admired al-Bājī, and treated him with an extraordinary measure of respect.<sup>136</sup> Al-Bājī was also treated with the utmost respect by Ibn Taymīyah: “Whenever Ibn Taymīyah saw him, he treated him with admiration. When in the presence of al-Bājī, Ibn Taymīyah dared not make an utterance. So ‘Alā’ al-Dīn used to say: ‘Speak so we can argue with you!’ And Ibn Taymīyah said: ‘The likes of me does not speak in your presence. It is my duty to benefit from you.’”<sup>137</sup> Al-Subkī

<sup>132</sup>For al-Bājī’s biography, see: al-Subkī, *Ṭabaqāt*, 10:339–67 (biography no. 1394); Ibn Ḥajar, *Al-Durar al-Kāminah*, 3:60–61 (biography no. 2865); al-Kutubī, *Fawāt al-Wafayāt*, 3:73–74 (biography no. 352); al-Ṣafadī, *A‘yān*, 3:483–87 (biography no. 1210).

<sup>133</sup>Al-Subkī, *Ṭabaqāt*, 10:341–42

<sup>134</sup>Ibid., 10:339–40. Al-Subkī describes al-Bājī as an undefeated lion (*wa-kāna asad lā yughālabu*). Ibid., 10:339. Al-Bājī’s expertise in Ash‘ari *kalām* is reflected by the names of the books for which he wrote abridgements, for example Fakhr al-Dīn al-Rāzī’s (d. 606/1209) *Kitāb al-Arba‘īn*. His profound understanding of Shafi‘i *fiqh* is demonstrated by an anecdote which appears in *Al-Durar*. Apparently, as a youth he attended a class in which al-Ghazālī’s (d. 505/1111) *fiqh* manual, *Al-Wasīṭ*, was studied. The young al-Bājī addressed one of the issues in the text, raising fifteen different questions and giving elaborate answers to each question. The astonished teacher asked al-Bājī his age, and conveyed his admiration at his knowledge. Ibn Ḥajar, *Al-Durar al-Kāminah*, 3:60.

<sup>135</sup>Ibn Ḥajar, *Al-Durar al-Kāminah*, 3:60; al-Ṣafadī, *A‘yān*, 3:485. Al-Ṣafadī claims that al-Bājī was well versed in the Torah, and he used to argue with Jews about it.

<sup>136</sup>Al-Subkī, *Ṭabaqāt*, 10:339.

<sup>137</sup>Ibid., 10:342. Al-Bājī is mentioned as one of the six ulama who discussed Ibn Taymīyah’s release from prison with the amir Salār. The ulama demanded that Ibn Taymīyah correct his creed.



establishes the reputation of al-Bājī as a poet by quoting two of al-Bājī's poems: one short autobiographical poem,<sup>138</sup> and a long *manẓūmah*, which al-Bājī's students memorized after hearing al-Bājī recite it to himself (*anshada li-nafsihi*). This 122-verse *manẓūmah* or *urjūzah* describes the happiest of all men as a believer whose knowledge of all branches of science, such as *fiqh*, *tafsīr*, history, languages, and medicine, is vast. In the poem, al-Bājī advises his listeners to travel in order to acquire knowledge.<sup>139</sup>

2. **Nāṣir al-Dīn Ibn 'Asākir al-'Asqalānī** (Shāfi' ibn 'Alī ibn 'Abbās al-Kinānī al-'Asqalānī al-Miṣrī, d. 730/1330).<sup>140</sup> A poet and historian, who wrote biographies of the Mamluk sultans. He was skilled in calligraphy and versification.<sup>141</sup> He was blinded by an arrow during the Mongol attack on Ḥimṣ in Rajab 680/October 1281.<sup>142</sup> An enthusiastic bibliophile, Shāfi' ibn 'Alī, who had eighteen closets full of rare books, recognized each book by feeling it and touching it. Al-Ṣafadī, who was a personal acquaintance of Shāfi' ibn 'Alī, lists his numerous works in various Islamic sciences, which include a *dīwān* of his poems, glosses of poetry, and a poem describing a dispute between the sword and the pen.<sup>143</sup> Al-Ṣafadī, however, does not associate

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Ibn Kathīr, *Al-Bidāyah wa-al-Nihāyah*, 14:46 (the events of 706/1306–7). Al-Bājī is also named among the many *fuqahā'* who attended Salār's residence in order to witness the debate between Ibn Taymīyah and the three qadis, a debate that never took place, as the qadis declined the invitation to attend. Ibn Kathīr, *Al-Bidāyah wa-al-Nihāyah*, 14:49. In the edition of *al-Bidāyah wa-al-Nihāyah* that I use, the text incorrectly writes al-Bājī as al-Tājī, and also writes Ibn al-Rif'ah as Ibn Raf'. These errors are corrected in the anthology: *Al-Jāmi' li-Sirat al-Shaykh Ibn Taymīyah*, ed. Muḥammad 'Uzayr Shams and 'Alī ibn Muḥammad 'Imrān, with an introduction by Bakr Abū Zayd (Mecca, 1420/1999–2000), 363.

<sup>138</sup> Al-Subkī, *Ṭabaqāt*, 10:344. According to al-Ṣafadī, al-Bājī himself told him that he made Ibn Taymīyah retract things that he wrote. Al-Ṣafadī, *A'yān*, 3:485.

<sup>139</sup> Al-Subkī, *Ṭabaqāt*, 10:345–52.

<sup>140</sup> The identification is that of the editor of al-Subkī's *Ṭabaqāt*, 19:357, n. 1. Shāfi' ibn 'Alī's biography appears in al-Ṣafadī, *Nakt al-Himyān fī Nakt al-'Umyān*, ed. Aḥmad Zakī Bak (Cairo, 1427/2007), 166–70. A similar biography appears in Ibn Ḥajar, *Al-Durar al-Kāminah*, 2:109–10 (biography no. 1923). Shāfi' ibn 'Alī is also mentioned in the events of the year 730/1329–30 in Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah fī Mulūk Miṣr wa-al-Qāhirah* (Beirut, 1413/1992), 9:207.

<sup>141</sup> Ibn Ḥajar, *Al-Durar al-Kāminah*, 2:109. For a short biography, which is mainly based on Ibn Ḥajar, see P. M. Holt, "Shāfi' b. 'Alī," *EI2*, 9:180. Holt was interested in Shāfi' ibn 'Alī because of the latter's biography of Baybars.

<sup>142</sup> Ibn Ḥajar, *Al-Durar al-Kāminah*, 2:109–10 (biography no. 1923).

<sup>143</sup> As far as I know, the poem is no longer extant. The theme of a debate between a pen and a sword is well known in Arabic poetry. Perhaps Shāfi's poem preceded Ibn al-Wardī's dispute poem on the same theme, which drew van Gelder's attention. Geert Jan van Gelder, "The Conceit of Pen and Sword: On an Arabic Literary Debate," *Journal of Semitic Studies* 32, no. 2 (1987): 353–56.



Shāfi' ibn 'Alī with responses to the dhimmi's question.<sup>144</sup> Here is a nice *khafīf* verse by him: "Whoever saw the morning brightness of white hair, which has broken in the blackness of my curls, asked me:/Pray, what is it? And I answered: This is a night of worries [about love], obliterated by the wise conviction of the morning."<sup>145</sup>

3. **Shams al-Dīn Ibn al-Labbān** (Muḥammad ibn Aḥmad ibn 'Abd al-Mu'min, d. 749/1348, from the plague).<sup>146</sup> A gifted Sufi preacher of the Shādhiliyah order and teacher who conducted regular sessions of recitations (*majlis tadhkīr*) and sessions of academic sermons (*majlis al-wa'z*) in Cairo.<sup>147</sup> He also wrote a few treatises on Shafi'i *fiqh*, grammar, and *tafsīr*. There are several references to Ibn al-Labbān's reputation in the brief entries which were written about him. Al-Subkī is subtle and does not disclose many details: "He sometimes uttered spontaneous words of which the literal meanings could raise doubts about him, but we are sure he was innocent of them. And also a dreadful thing happened to him."<sup>148</sup> Ibn Ḥajar volunteers a few more details: apparently, Ibn al-Labbān's reputation as a Sufi preacher preceded him; however, he was heard producing monist utterances (*kalimāt 'alā tariq al-ittiḥādīyah*). He was put on trial, but eventually rescued by the Maliki qadi.<sup>149</sup>
4. **Najm al-Dīn Aḥmad ibn Muḥammad al-Ṭūsī** (Shaykh al-Islām, Najm al-Dīn Abū al-'Abbās Aḥmad ibn Muḥammad ibn 'Alī ibn Murtafi' ibn Ṣārim Ibn al-Rif'ah, d. 710/1310). Al-Subkī refers to Ibn al-Rif'ah as the greatest Shafi'i of his time, and adds various superlatives to his name. Ibn al-Rif'ah was a skilled debater, who had a reputation of never being defeated in debates, as he never met his equal on these occasions (*lā yuqāwamu fī majlis munāzarah wa-lā yuqāwā*).<sup>150</sup> According to Ibn Ḥajar, Ibn al-Rif'ah

<sup>144</sup> Al-Ṣafadī, *A'yān*, 3:484 (the biography of 'Alā' al-Dīn, no. 1210); *ibid.*, 3:292 (the biography of 'Alā' al-Dīn al-Qūnawī, no. 1122).

<sup>145</sup> Al-Ṣafadī, *Nakt*, 168; Ibn Ḥajar, *Al-Durar al-Kāminah*, 2:109. Yāqūt ascribes the poem to someone else. Yāqūt al-Ḥamawī, *Mu'jam al-Udabā': Irshād al-Arib ilā Ma'rifat al-Adīb*, ed. Iḥsān 'Abbās (Beirut, 1993), 1163 (biography no. 406).

<sup>146</sup> Al-Ṣafadī, *A'yān*, 4:300.

<sup>147</sup> *Ibid.*; al-Subkī, *Ṭabaqāt*, 9:94.

<sup>148</sup> Al-Subkī, *Ṭabaqāt*, 9:94.

<sup>149</sup> Ibn Ḥajar, *Al-Durar al-Kāminah*, 3:201.

<sup>150</sup> Al-Subkī, *Ṭabaqāt*, 9:25 (biography no. 1298). Ibn Rif'ah's biography in al-Subkī's *Ṭabaqāt* is brief (three pages long) for a scholar of his caliber. Cf. Ibn Kathīr, *Al-Bidāyah wa-al-Nihāyah*, 14:66 (the events of the year 710/1310–11) and Ibn Taghrībirdī, *Al-Manhal al-Ṣāfi wa-al-Mustawfā ba'da al-Wāfi*, ed. Muḥammad Muḥammad Amīn (Cairo, 1999), 2:82–83 (biography no. 256).



was appointed to be Ibn Taymīyah's rival in a debate. After the event was over (Ibn Ḥajar does not report who won the debate), people asked Ibn Taymīyah about Ibn al-Rifʿah. Ibn Taymīyah complimented Ibn al-Rifʿah's knowledge of Shafiʿi law: "I saw a shaykh from whose beard the laws and regulations of the Shafiʿis were flowing."<sup>151</sup> The well-to-do Ibn al-Rifʿah, who was appointed to several official positions in Cairo during his lifetime, was subjected to a slander campaign initiated by other scholars, but from which he was exonerated.<sup>152</sup>

5. **ʿAlāʾ al-Dīn al-Qūnawī** (ʿAli ibn Ismāʿīl ibn Yūsuf, Qāḍī al-Quḍāh, d. 729/1329). Al-Qūnawī, born in Konya, was a Shafiʿi *faqīh* and a prominent Sufi, who lived and worked in Cairo for thirty years. He conducted a life of piety and poverty in Cairo, until he was appointed as a teacher in the Sharīfīyah, and as the director of the Ṣāliḥīyah *khānqāh*. Two years before his death, he was appointed as the Shafiʿi head judge of Damascus.<sup>153</sup> Al-Qūnawī was well-versed in Ashʿari *kalām*, logic, and polemics.<sup>154</sup> He also had poetic skills: apart from his response to "someone who meant to defame the divine law," al-Qūnawī composed a poem in the *ṭawīl* meter which discusses different kinds of head wounds (*shijāj*).<sup>155</sup> Al-Subkī also mentions a debate (*munāzarāh*) between al-Qūnawī and Taqī al-Dīn al-Subkī, but unfortunately the contents of this debate are no longer extant.<sup>156</sup> In 727/1328, prior to his departure from Cairo to take up his position as the new chief Shafiʿi judge in Damascus, al-Qūnawī was asked by the sultan al-Nāṣir ibn Qalāwūn to intervene with the governor of Syria to release Ibn Taymīyah from prison. The following is a description of these relationships, as it appears in al-Ṣafadī's *Aʿyān al-ʿAṣr*: "Although he (i.e., al-Qūnawī) had disagreements with Shaykh Taqī al-Dīn Ibn Taymīyah, and although he thought that Ibn Taymīyah was wrong in many issues, he praised Ibn Taymīyah, admired him, and defended him. However, when al-Qūnawī was about to leave Cairo [for his post in Damascus], the sultan said to him: 'When you arrive in Damascus, tell the governor of Damascus to free

<sup>151</sup> Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:169 (biography no. 730). Cf. al-Ṣafadī, *Aʿyān al-ʿAṣr*, 1:325 (biography no. 169).

<sup>152</sup> Ibn Ḥajar, *Al-Durar al-Kāminah*, 1:169–70.

<sup>153</sup> Al-Subkī, *Ṭabaqāt*, 10:132–34 (biography no. 1388); Ibn Taghrībirdī, *Al-Manhal al-Ṣafī wa-al-Mustawfā baʿda al-Wāfī*, 8:51 (biography 1568); Ibn Kathīr, *Al-Bidāyah wa-al-Nihāyah*, 14:169 (the events of the year 729/1328–29); Jalāl al-Dīn al-Suyūṭī, *Bughyat al-Wuʾāh fī Ṭabaqāt al-Lughawīyina wa-al-Nuḥāh*, ed. Muḥammad Abū al-Faḍl Ibrāhīm (Cairo, 1384/1965), 2:150 (biography no. 1674).

<sup>154</sup> Al-Subkī, *Ṭabaqāt*, 10:133.

<sup>155</sup> *Ibid.*, 10:134–35.

<sup>156</sup> *Ibid.*, 10:135–36.



Ibn Taymīyah.’ [Al-Qūnawī] asked: ‘Your Excellency, on what grounds did you put him in jail?’ The [sultan] replied: ‘Because of his *fatāwá* on that issue.’” Al-Qūnawī indeed met the governor upon his arrival in Damascus;<sup>157</sup> however, his mission failed. It was probably the governor who made Ibn Taymīyah’s release conditional on his retracting his *fatāwá*, although a lacuna in al-Şafadī’s text does not allow us to determine this with a great deal of certainty. According to al-Şafadī, “He [probably the governor] said: ‘If he retracts them, we shall set him free.’”<sup>158</sup> Ibn Ḥajar concludes: “Some say that this answer is the reason for the continuance of Ibn Taymīyah’s stay in prison until he died, because it was unconceivable that he would retract.”<sup>159</sup>

<sup>157</sup>Shams al-Dīn Abū ‘Abd Allāh Muḥammad ibn Ibrāhīm ibn Abī Bakr al-Jazarī, *Tārīkh Hawādith al-Zamān wa-Anbā’ihī*, ed. ‘Umar ‘Abd al-Salām Tadmurī (Sidon-Beirut, 1419/1998), 2:196, 369; Ibn Kathīr, *Al-Bidāyah wa-al-Nihāyah*, 14:141 (the events of the year 727/1326–27).

<sup>158</sup>Al-Şafadī, *A’yān*, 3:290 (biography no. 1122). The ambiguity in al-Şafadī’s text (which was copied by Ibn Ḥajar) remains in Laoust’s description of al-Qūnawī’s intervention for Ibn Taymīyah. Henri Laoust, *Essai sur les doctrines sociales et politiques de Takī-d-Dīn Aḥmad b. Taimīya* (Cairo, 1939), 148, n. 1. See also Michot, *Muslims under Non-Muslim Rule*, 168.

<sup>159</sup>Ibn Ḥajar, *Al-Durar al-Kāminah*, 3:16 (biography no. 2687); al-Shawkānī, *Al-Badr al-Ṭālī*, 1:479 (biography no. 305).



## APPENDIX II: TRANSLATION OF THE SIX RESPONSES

Notes:

1. The translation is as accurate and literal as possible, although I often had to paraphrase text.
2. The terms *mashī'ah* and *irādah* are consistently translated as [divine] creative will and commanding will, respectively.

### A. AL-BĀJĪ'S RESPONSE:<sup>160</sup>

1. Hear me out, you scholar, who exposed the signs of his embarrassment, who craves for the guidance of a small and selected group of notable men.
2. I was so pleased to see that you seek the truth. May a breath of truth coming from the clouds of His mercy reach you!
3. You know that truth is regained only by truth, so seek refuge at its doorstep, like other reasonable people, and abandon the tricks and snares.<sup>161</sup>
4. A long time ago did God decree who strays from the correct path and who walks in it. He did that through His power as an effective agent (*fa'āl*). So [do not look] for the restrictions of wise purpose [in creation].<sup>162</sup>
5. God created human reason, and more so, He created the action of thinking that God's actions are good (*taḥsīn*). The limitations of human beings do not apply to the Creator.
6. Both our actions and essences are created by God. We do not create either of them, not really.
7. But He granted those He created, the human beings, a guide to all these predetermined eternal actions.
8. Through that guide we were able to recognize the people of happiness, the believers, from the people of misery, the heretics. The same applies to us: what He had wished for us is solely by virtue of His creative will.
9. As we put on clothes for everyone to see, so we mark our actions. These actions were created either as actions that please Him, or actions that make Him angry.

<sup>160</sup> Al-Subkī, *Ṭabaqāt*, 10:353–54.

<sup>161</sup> Trick and snares, here *ḥabā'il ḥīlah*. What al-Bājī means here, obviously, is that the dhimmi is requested to abandon the incorrect reasoning and logical analogies which the Mu'tazilah usually use.

<sup>162</sup> Wise purposes, here *ḥukm ḥikmah*. Al-Bājī refers here to the Ash'ari notion according to which God did not create the world for a cause or a wise purpose. Cf. Muḥammad ibn 'Abd al-Karīm al-Shahrastānī, *Nihāyat al-Aqdām fī 'Ilm al-Kalām*, ed. Alfred Guillaume (Baghdad, [1960]), 397.



10. His relationship to us is like the relationship of a king, who is beyond asking “how” his actions are performed, and “what is the reason” for his actions.
11. It is He who ordains life and death. It is He who is exempt from any condemnation. What the weak minds think as good is but a shameful thing.
12. Thus, you should be pleased with that predetermination, while you shouldn’t be mistaken and be pleased with the object of this predetermination, when it is a predetermined act of heresy.
13. That we are assigned commands and interdictions obliterates our excuses on the Day of Resurrection.
14. Therefore you should come through that entrance, whether it is blocked or open. Abandon all your straying doubts, and embrace the most apparent proof!
15. The commands and interdictions are clearly revealed, and there is no doubt about it and no delusion.

#### B. THE RESPONSE OF IBN TAYMĪYAH:<sup>163</sup>

1. Hey, you there! Your question is the question of a stubborn man, who argues with the Lord of the Throne, the Creator of all beings!
2. A long time ago, the devil Iblīs, who is the root of all evil, used this question in order to argue with [the angels], the most respectable creatures residing up above.<sup>164</sup>
3. The root of all errors that people make—regardless of the group or sect they are affiliated to—is to question the reasons for God’s actions.<sup>165</sup>

<sup>163</sup>Al-Subkī, *Ṭabaqāt*, 10:354–57. This version of Ibn Taymīyah’s poem is abridged, but all the same it retains the kernel of the complete version of the poem. There is no doubt that Ibn Taymīyah’s poem should be studied for its own merit. Nevertheless, for the purpose of this study, Ibn Taymīyah’s poem is presented as part of the six responses found in the original set of al-Subkī. When translating the poem, I consulted what seems to be the most complete version of the poem as it appears in: Ibn Taymīyah, *Majmū‘at al-Fatāwā* (1998) 4:149–54 (here indicated as MF). This version contains 124 verses. I also consulted Serajul Haque’s version (here indicated as SH), which contains 103 verses. Another version of the poem, which I have not consulted, appears in Abū ‘Abd Allāh Muḥammad ibn Aḥmad Ibn ‘Abd al-Hādī, *Al-Uqūd al-Durīyah min Manāqib Shaykh al-Islām Ibn Taymīyah*, ed. Abū Muṣ‘ab Ṭal‘at ibn Fu‘ād al-Ḥulwānī (Cairo, 1423/2003), 300–6. Serajul Haque’s summary of the poem was of great help. In addition, the following studies on Ibn Taymīyah’s poem also were of help: ‘Abd al-Raḥmān ibn Nāṣir al-Sa‘dī (d. 1376/1956), *Al-Durrah al-Bahīyah: Sharḥ al-Qaṣīdah al-Tā‘īyah fī Ḥall al-Mushkilah al-Qadariyah*, ed. Abū Muḥammad Ashraf ibn ‘Abd al-Maqṣūd (Riyadh, 1419/1998); Muḥammad ibn Ibrāhīm al-Ḥamd, *Al-Qaṣīdah al-Tā‘īyah fī al-Qadar li-Shaykh al-Islām Aḥmad ibn Taymīyah* (Riyadh, 1424/2003).

<sup>164</sup>Cf. verses 1–2 in MF and SH.

<sup>165</sup>Cf. verse 6 in MF and SH.



4. The creative will of God, the Lord of the Throne and the Creator of all beings, necessitates the actual existence of all the creatures.
5. The essence of God is necessary, with its necessary and eternal attributes.<sup>166</sup>
6. Therefore, when you ask “why did He want [this and that from me]?” it is the same as asking “why did He exist from all eternity?”
7. Such a question negates every reason, and it was sanctioned by every religion.
8. In this reality, there are many particular phenomena or particularities (*takhṣīṣ*). Anyone with a certain degree of reason can point out the fact that these particularities came about by virtue of His will.
9. [The theory] that one existent emanates from another, and the theory that two creators are possible, are like shots that miss the mark.<sup>167</sup>
10. There is no doubt that every effect (*musabbab*) has its entailing cause (*‘illah*).
11. However, causes—as you can very well see—emanate by virtue of His creative will.
12. Therefore, when you say: “why did God want [this and that from me]?” your words make people fall right into the pit.
13. The Zoroastrians believed that there is one creator who creates things that are good and benefit us, and one creator who creates things that are evil and harm us.
14. The ancient Zoroastrians stumbled and fell into this sophistic argument of dualism, because they inquired about the cause of evil.<sup>168</sup>
15. The heretical philosophers, who believe in the “eternal intellect” (*al-‘aql al-qadīm*) as the [first] cause,
16. Were looking for a cause of existence after non-existence, and they failed to find it. Therefore they went astray.
17. The roots of evil in any nation which was blessed by the religion of the prophets
18. Were revealed when these nations delved into these questions and their idolatry was thus evident. As a result, the indisputable evidences were erased throughout the era of apostasy.

<sup>166</sup>Verses 4–5 here correspond to verses 8–9 in MF and verses 7–8 in SH.

<sup>167</sup>Ibn Taymīyah refers here to the theory of *iṣḍār* (emanation) of the philosophers, and the Mu‘tazili view which allows (*tajwīz*) the existence of another creator (which is the human being) other than God. See: al-Sa‘dī, *Al-Durrah al-Bahīyah*, 128–29.

<sup>168</sup>“The cause of evil”: the text says *‘illat al-sirr*, which is “the cause of the secret.” However, Serajul Haque’s version provides a better solution (*‘illat al-sharr*), which I decided to adopt. Cf. verse 18 in SH.



19. We can easily contradict what you say, because this excuse that you seek can be easily refuted by anyone who possesses pure instincts.<sup>169</sup>
20. Let us assume that you stop blaming heretics and sinners who divert from the correct path.
21. This approach inevitably leads you to ignore every offender, whether he committed a murder, or stole property, or violated the sanctity of one's marriage.
22. In other words, you have no right whatsoever to be angry with a murderer or with a thief who robbed the needy.
23. You have no right to be angry with a man who abuses your well-guarded honor, even if he abuses you publicly. You have no right to be angry with the adulterer for fornicating.
24. You have no right to be angry with the highway robbers. You cannot be angry with the perpetrators of corruption in the land.
25. You cannot be angry with false witnesses who spread evil lies and slander. You cannot be angry with those who recklessly defame women of unblemished reputation on the basis of one single doubt.
26. You cannot be angry with those who purposefully annihilate the civilization of mankind, nor can you be angry with the corrupt ruler.
27. So stop condemning every perpetrator. Do not demand to punish the offender.
28. In sum, you must smooth the way of these liars and slanderers.<sup>170</sup>
29. Can people's minds or their innate nature accept the claim of this vile person, who says: "What could I have done?"<sup>171</sup>
30. When someone is administered a poison, this surely guarantees his death. And still, everything was predetermined by virtue of God's creative will.
31. In the same vein, your apostasy is like a poison you swallow. Its outcome is the punishment of hellfire, just as the outcome of gulping poison is death.
32. Don't you think that in this world, whoever perpetrates a crime is bound to be punished, either by predetermined punishment, or by a punishment as prescribed in the divine law?
33. The perpetrator is never pardoned, and this is God's predetermination. [The perpetrator will be punished] also in the hereafter. There is no doubt about that.<sup>172</sup>
34. If you wish to receive an answer, which may possibly save you from God's great fire,

<sup>169</sup>Verses 6–19 here correspond to verses 30–43 in MF and verses 11–23 in SH.

<sup>170</sup>Verses 20–28 here correspond to verses 47–55 in MF and verses 27–35 in SH.

<sup>171</sup>Verse 29 here corresponds to verse 69 in MF and verse 49 in SH.

<sup>172</sup>Verses 30–33 here correspond to verses 74–77 in MF and verses 54–57 in SH.



35. Beware of the Lord of creation! Go towards Him humbly, and implore Him that would He guide you to the truth.
36. Entrust the shackles of your soul in the hands of the truth, and listen attentively. Never defy whoever preaches for the sound divine law.
37. Do not abandon the apparent truth. Do not turn your back to the upright idea.<sup>173</sup>
38. We are content with God's decree, because we were ordered to be content, even with misfortunes,
39. Like diseases, poverty, humiliation, and exile. We are pleased with every hurtful thing, provided that it is not a crime.
40. As for the evil deeds that are considered reprehensible, there is no Quranic text which orders us to be pleased with these acts.<sup>174</sup>
41. The knowledgeable people said: We should not be pleased with acts of disobedience and hateful sins.
42. A group of people said: We are pleased with His decree, but we are not pleased with the outcome of this decree [when this outcome is bad deeds performed by the human being]. [These bad deeds] deserve the ugliest epithets.
43. Another group of people said: [These bad deeds] are attributed to Him, but since we perform them, we should be discontent with them.
44. We are pleased with these deeds because He created them. We are discontent because we acquire or perform these sins.<sup>175</sup>

### C. A FEW MORE VERSES BY IBN TAYMĪYAH:<sup>176</sup>

1. There is no escape for the human being from what God predetermined, but he can choose between a good act and a vile one.
2. He is not compelled to act, and he is not devoid of a will. But he wills because a will was created [for him].

<sup>173</sup>Verses 34–37 here almost correspond to verses 85–88 in MF and verses 65–68 in SH. However, the second hemistich of verse 36 corresponds to the second hemistich of verse 88 in MF and verse 68 in SH, while the second hemistich of verse 37 corresponds to the second hemistich of verse 87 in MF and verse 67 in SH.

<sup>174</sup>“There is no Quranic text”: the text in al-Subkī actually says *fa-lā hunna matī*, which does not make sense. I therefore adopted Serajul Haque's version, which has: *fa-lā naṣṣun yatī*.

<sup>175</sup>Verses 38–44 here correspond to verses 99–104, 106 in MF and verses 79–84 and 86 in SH. In the case of verse 44 above, I preferred the version in MF; otherwise, the verse is incoherent.

<sup>176</sup>The above are verses 116–22 in MF and verses 96–102 in SH. Al-Subkī omitted these verses, but because they present the kernel of Ibn Taymiyah's approach, I decided to include them.



3. One of the most wonderful things is the creation of the will, by virtue of which the human being can choose the correct path from the erroneous path.
4. When you [O dhimmi] say: Do I have the choice to abstain from God's decree? it is as if you say: Do I have the choice to abstain from God's creative will?
5. [You could have said]: I choose not to choose to perform an erroneous act. If only you had taken this approach to abandon heresy, you could have earned redemption.
6. This approach is possible, although it is dependent on what God wills from the individual who has a will.
7. Be careful and make an effort to understand the significance of the many notions I conveyed to you. If you use your innate nature, you will surely grasp these notions.

#### D. THE RESPONSE OF SHĀFI' IBN 'ALĪ:<sup>177</sup>

1. You asked, however you did not express your words clearly. A small group of scholars conducted numerous inquiries about Him, who holds the truth.
2. You, O dhimmī, are not—as you are presumptuous to assume—a creator whose actions are not predetermined.
3. Indeed, everything necessarily exists by virtue of His predetermination, and for this there is the clearest evidence.
4. Is it possible that the things He does not want exist in His kingdom? Indeed, whoever holds this opinion goes astray.
5. So, you should be pleased with whatever He predetermined, and nothing else, so do not struggle with what He wanted by virtue of His creative will.
6. For He, the Most Sublime, has the ability to erase and confirm. So do not resist His judgment, and accept this as true.
7. If you follow my response, you will be a Muslim and resign yourself to the will of God. So, by following the truth, you will be a part of the best of all nations.

#### E. THE RESPONSE OF SHAMS AL-DĪN IBN AL-LABBĀN:<sup>178</sup>

1. Hear me out! After praising God, the creator of all created, for giving us guidance through the Quran and Sunnah

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<sup>177</sup> Al-Subkī, *Ṭabaqāt*, 10:257.

<sup>178</sup> Ibid., 10:357–59.



2. And through the most virtuous messenger, who was sent to the best of all nations, carrying with him the purest greeting from the All-Merciful:
3. Indeed, things exist by virtue of God's creative will. Things which do not correspond with His will do not exist.
4. However, He was never pleased with heresy. He never liked that for the human being. Heresy is not praiseworthy.
5. Whosoever is not guided by God uses the following artifice (*hīlah*): at every moment, he emphasizes what cannot be done.
6. He ignores the thorn in the flesh of his thought. He does not let his intellect distract him from his destination.
7. But at the same time, he endeavors with all his might to appeal to his Lord, with a sincere, determined, and passionate prayer.
8. At that time, let us hope that the grace and mercy that he hopes for will be granted to him.
9. Still, God's predetermination applies at times to heresy, and at other times to belief. But this predetermination is concealed, because of God's wise purpose.
10. Many a time, what is predetermined for us occurs by virtue of a cause, which we are accustomed to perceive as conditional.
11. Thus we see, for instance, that the causal connection between poison and death, cure and good health, is like the causal connection between actions of obedience and happiness, and actions of disobedience and misery.
12. God the All-Knowing created in the human being a choice between actions which entail God's satisfaction and His alienation.
13. Through this [choice], God enabled the human being to perform what He predetermined for the human being, thus God's will always prevails.
14. So, stop using this language of protesting. Remove your locks of hair and pretty clothes. It is good to be patient in times of distress (*al-ṣabr 'inda al-muṣībah*).
15. As for displaying our satisfaction with God's predetermination, it is obligatory, because it means subservience to the ruling of the divine creative will.
16. The fact that you are pleased with your misery is misery itself, because you do not recognize the miracle of predetermination.
17. This miracle will be revealed when you empty your heart of caprices, and be pleased with the right belief and conviction.
18. Then you will be pleased with what God is pleased with and with what He predetermined. That way you will eliminate one perplexity after the other.
19. You said: If my Lord wishes me to be an apostate, then I should wish it too. These words are true, provided that you wish to repent.



20. The effect of the cause is separated from the outcome. In the same vein, you should confirm that what He actually wants is for you to repent.
21. When you disobey the divine ordinance, you are considered a rebel, even though you act in accordance to God's will.
22. There is no doubt that the human being has a choice. One person believes that he can affect his action alongside the divine eternal power.
23. Another person says: human actions are varied and specific, like performing pilgrimage or adultery.
24. Therefore, the human agent can affect his action to be either adultery or pilgrimage. However, this action is actually predetermined.
25. According to the people of truth, the Ash'aris, the human agent cannot affect the action with his created ability.
26. God has the power to create in the human being the action and the ability which accompanies it, in a mechanism of causality (*sababīyah*).
27. This is a choice in us, which has no effect on the action. The greatest proof is for God.
28. In a nutshell, we are submitted to the sovereignty of the Creator of the creation.

#### F. THE RESPONSE OF IBN AL-RIF'AH, NAJM AL-DĪN AL-ṬŪSĪ:<sup>179</sup>

1. Lend me your ears, O dhimmi! If only you were able to hear the response to your question, a response backed up with proofs, a response which you sought!
2. Use your intelligence and try to decipher the secret of all that the Lord of Existence created.
3. He predetermined and compelled the creation of all the existents through His knowledge and power, entirely of His volition.
4. He dealt with His creation as He pleased. Nobody knows what He wishes. His goal is well-concealed.
5. Indeed, He created the entire existence, which had no shape in the beginning.
6. But, hey, you! Your question should have never been written down; because it implies that He causes every despicable thing to appear;
7. And that He, as a proprietor, causes the slave to act by creating his act, whether an act of kindness, or an act of evil;
8. And that He grants the human being the ability to understand all the facts, so he is able to distinguish between the various things he is given;

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<sup>179</sup>Ibid., 10:359–65.



9. And that He has partners in His property and in the object of His will, and thus the evil deeds of some of His creatures should be ascribed to Him;
10. And that He creates in all mortals the incapability to act, and that He compels them to act.
11. According to what is known to all His creatures, this is sheer misery which demonstrates your slip of the tongue.
12. All the things that we quoted are from a poem rhyming with *tī*, which is the response of a despicable slave to the acts of his Lord. These things make our Lord angry.
13. An action whose benefit we cannot see, like the death of a dear friend bitten by a snake, is not necessarily reprehensible.
14. There is no injustice when He deprives His creatures of their ability and compels them to act (*ilzām*).
15. Because He creates things by virtue of His knowledge, and He knows the invisible. He endows these things that He creates with life and existence through His generosity and mercy.
16. And so, He does with His creatures as He pleases, even though the external signs of His wisdom are concealed from us.
17. If God did not state that the acquisition of human acts (*kasb*) existed, then actions would not have been specifically attributed
18. To a specific creature, not metaphorically and not otherwise, because it was as if He categorically stated that there was no creative will.
19. People who claim to use their minds should not contemplate their regular false analogies;
20. For example, when they say that tying up a child and then commanding him to walk is an ugly act. This claim is adjacent to their stupidity.
21. This analogy to His actions is false, because everything exists by virtue of the divine will.
22. If this is their claim, then the reply to them should be: For what purpose did He create humankind, if after a while He makes them die in disgrace?
23. When He acts, He is above any benefit or damage. These are the words of a person who should be flogged with a whip.
24. He is the Creator, the All-Merciful, utterly and totally. When He created [the world] with His sound judgment, He made clear
25. What He wished: He wished for light and life, and He wished to lead His creatures through the darkest nights.
26. And so He arranged the parts of existence (*ajzā' al-wujūd*) and brought them to realization by His actions. All this came about when the spirits were at the beginning of creation.



27. When this was created, He brought to light a third substratum (*maḥall thālith*), in which even the strange and mysterious secrets became evident.
28. And after all was created, He created [a creature] whose attributes are manifested. By virtue of His power He made [this creature] perfect in his understanding and knowledge.
29. He informed [this creature] what He wanted him to be, and He also informed him that He wanted him to obey His continuous command.
30. This is Man, the crown jewel of His creation. He is more magnificent than any other being, because he is able to go higher and nearer [to God] than any other being.
31. He gave him a mind, with which he understood what goodness and piety were. When using the mind, this creature is able to prove the existence of his Creator, while using the clearest proofs.
32. He gave him knowledge and the ability to hear. He also granted him light, so he was able to distinguish between the various forms.
33. He made him choose from whatever he wished for himself the things which he needed in order to improve his posture and shape.
34. He made him acquire good deeds as he pleased, deeds the outcome of which is generous and scented.
35. He installed in him an irascible faculty (*quwwah ghadabīyah*). By using it he could push back anything harmful, like mortal sins and other calamities.
36. He also installed in him the lustful faculty. By using it he could obtain anything his instincts desired.
37. So, it is entirely up to this creature to acknowledge the deeds which his [Creator] wishes and loves, and to push back the deeds which his [Creator] hates and despises.
38. Therefore, the All-Merciful entrusted him with the divine law, after He expelled any possible flaw that was originally in him.
39. When this creature followed the desires of his heart, and dived into the ocean of ignorance without a doubt in his mind,
40. In came the messengers, carrying a message from his Creator to each soul. The message was about the illuminating roads, which the Creator made visible.
41. [The Creator] obligated mankind to follow the Messenger, and to acknowledge every religious duty and every Prophetic habit.
42. [The Creator] made clear that everything that came into existence came from Him. He also declared that every creature definitely must obey Him.
43. [The Creator] predetermined that a certain man would be an ignorant heretic, remote from his [Lord], and that even if he followed the divine law, it would not benefit him.



44. [The Creator] predetermined that another man would be created with a pure mental constitution. This man rigorously opposed what was perceived by the senses.
45. However, nobody knows what was predetermined for him, so he cannot graciously follow his destiny as he wishes.
46. But when a vile soul inclines to the road which is not the road of Islam and its followers,
47. She tends to ascribe the will that drove her to act to the Creator, without having a substantial knowledge about that.
48. That this soul remains in the state of heresy is not by virtue of a divine command. [This soul] was expelled from the doorstep of heresy, and all the same [it became a heretic].
49. It is possible that a man lives as a heretic all his life, and suddenly the happiness of the Islamic belief that was preordained for him will catch him.
50. And so he converts to Islam, and by doing so, he will erase his biggest sins. By virtue of God's grace, he will become one of the inhabitants of heaven.
51. Another man, who is a devout Muslim, praying night and day, constantly invoking God's name, and performing the pilgrimage to Mecca every year,
52. And suddenly what was preordained for him, by virtue of God's knowledge, will catch him, and so he will be led to be one of the inhabitants of hell.
53. This is the judgment that is always carried out. It is well-concealed even from the shrewdest heart.
54. And so, I clarified the highlights of the way this judgment is carried out from the beginning of this world until the very last generation.
55. So, you dhimmi! Do you acknowledge that according to the people of the divine law you are definitely a heretic?
56. That is because you stated, God forbid, that God predetermined your heresy, whereas God never wished that the people of any religious faith would be heretics!
57. Look, since He predetermined at the beginning of creation that people would be heretics, He will not change the verdict of His will.
58. That is what the Prophet of God, who never became silent, said: that things materialize by virtue of His creative will.
59. Therefore, we cannot be positively certain that you are a heretic, because there never is a final resolution at any epoch, if you turn to Islam.
60. However, the predetermined verdict only clarifies where a person is headed to, whether heaven or hell.
61. If you were predetermined to be one of the inhabitants of heaven, the fact that you were a Jew before the Prophet was sent did not do you any harm.



62. And if you were predetermined to be one of the inhabitants of hell, then your atonement would not benefit you at all.
63. The predetermined verdict is never known. Performing deeds which do not please God does not necessarily lead to hell.
64. He gave you a mind and an established understanding. He also showed you a way of natural behavior, a way which includes every natural disposition that you have.
65. So, pronounce the Muslim profession of faith, and walk under the flag of the divine law as a believer, using your power to do good deeds.
66. Furthermore, you choose for yourself anything that you wish to try, whether disturbing doubts or lustful desires.
67. If you do not believe in abrogation (*naskh*), then you consider the divine message and law that Moses brought a lie,
68. Because the message and law that Moses brought abrogated customs that some people used to have, such as the marriage of a sister to several of her brothers.
69. So, if you affirm the truthfulness of *naskh*, then you should follow the divine law, which contains every agreeable and nice rule.
70. But if you defame *naskh*, then there is no textual proof for the notion that you prefer (*tarjih*).
71. When poverty strikes you, do you not make your best own effort in order to protect [yourself] from hunger?<sup>180</sup>
72. And when you are suddenly hit by a crime, like an attempt to kill you or rob you, or by any other evil deed or temptation,
73. Do you actually attribute all these, at any moment, to the All-Merciful Creator?
74. If you choose to strengthen your soul, preach to her the message of the Muslim profession of faith.
75. The particular is entailed from the general, without any exception. You can clearly see that from the various signs of the divine wisdom.
76. If, in your time of trouble, you make a speedy effort to shove away any sin that comes your way,
77. And at the same time you lie, and you are truly not pleased with God's actions,
78. Then know this: He called you, and He did not block the entrance for you. So seek refuge in Him, and ask Him to lead you to the good path.
79. If you were born just to burn in His hellfire, then following the divine law was of no avail.

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<sup>180</sup>This translation is approximate given the fact that one of the words (*hūbīyā*), as the editor of al-Subkī's *Ṭabaqāt* comments, is unreadable and has no meaning.



80. Whether or not you are pleased is of no importance, because you are seized by the most evil grasp.
81. The Lord of all beings obligated you to be pleased with what He predetermined and created by virtue of His knowledge and power.
82. At the same time, He is not pleased that you are pleased with a certain thing that He predetermined. Therefore, He forbade you to refrain from vile deeds at any time.
83. Therefore, to be pleased with what He forbade you to be pleased with, does not please Him at all. He is pleased only when you follow His legislative will.
84. [He is pleased when you follow] what emerged after the world was created. [He is pleased when] you see the deeply hidden things in your natural disposition.
85. But since He wanted you to be a heretic, you became stubborn and did not accept and fear the divine law.
86. That you are pleased with what was predetermined for you does not please Him. Following the judgment of His creative will is not the correct way.
87. In time immemorial He shaped you in a form through which His judgment was carried out and His proof installed.
88. So actually there is no option to resist His firm judgment or to deviate from it.
89. But He granted you with the power and the ability to acquire your action. He generously granted you a great gift, which is the ability to achieve complete understanding.
90. So, O dhimmi, your argument is sophistical and cannot be considered as sound.
91. Do not meddle in God's words and actions. He chooses every action, as He pleases.
92. There is no good outcome to what you desire, because it is a distressful deed, which only miserable and sinful souls possess.
93. My answer to you, O dhimmi, includes ninety-six verses, the gems of my artistic skills.
94. You wished to refute the truth, woe unto you, by your invalid and absurd verses.
95. My Lord! Have compassion and mercy for your slave Aḥmad, who was born in Ṭūs.
96. Aḥmad plunged into the oceans of knowledge and wisdom. Knowledge is the ultimate goal. He plunged into the light of divine providence,



97. Equipped with the highest spiritual states (*aḥwāl rifʿah*) he acquired with the help of His shaykh: the spiritual states of passion (*wajd*), exaltation (*ijlāl*), and repentance (*inābah*).
98. Aḥmad is very knowledgeable and devout, because he recognizes the splendor of the divine grace.
99. Whoever bows sincerely to the divine presence, which is the ultimate haven of every soul,
100. Has a vast knowledge of secrets. When you travel there by night, you sense the gentle breeze of happy spirits.
101. You, who contemplates this response and tries to understand it, you should reflect on this knowledge and not dismiss it.
102. Place the meaning of each and every word in its right place. Note that we have included here numerous virtues.
103. Do not blame others before you accomplish in good faith what He created you for.
104. [Do not] act meanly towards Him, who created human mind and particularized it with the ability to understand, every hour of the day.
105. We send our prayer to the Prophet Muḥammad. This prayer will grant us closeness [to God] in the Day of Recompense.

#### G. THE RESPONSE OF ‘ALĀ’ AL-DĪN AL-QŪNAWĪ:<sup>181</sup>

1. I praised my Lord before every word I uttered. I prayed in order to glorify the Prophet, the best of humankind.
2. I tried to come up with sound advice for the person who sought a clarification in order to solve a sophistic argument.
3. The first thing that a person who seeks the truth and wishes to follow the truth should do
4. Is to grab every difficult puzzle and sophistic arguments by their halter and make them move away. These arguments interfere with our efforts to versify our proof.
5. Next, you should listen carefully and refrain from being stubborn, because there is no use in a stubborn-head who wishes to seek the truth.
6. If you truly wish to reveal the grief that was inflicted on you, then listen to me, and I hope that you will be guided to the correct path.
7. You are right: God the All-Knowing indeed predetermined by virtue of His creative will everything that was and everything that will be.
8. If you think about that seriously, you will realize that after He sent His prophet, He never blocked the entrance.

<sup>181</sup> Al-Subkī, *Ṭabaqāt*, 10:365–66.



9. It is a well-known fact that His predetermination is dependent on conditions.
10. And that is what a healthy mind sees as possible and never rejects. The same happens when you see how things are created after other things happen.
11. For example, you can quench your thirst each time you drink. And you can satisfy your appetite only after you eat.
12. No wonder that it is dependent on conditions. God, who created all beings, predetermined
13. That you will be a heretic, as long as you are in a state of committing injustice, and as long as you refuse to take [into consideration] the causes leading to divine guidance, and the capacity [to rightly act].
14. Among the causes that you rejected are divine ordinance, the ability to act, and the uttering of the Muslim profession of faith.
15. You are like a person who fasts for a very long time, thinking to himself: "I should die from starvation, since He predetermined that I would starve."
16. If you submissively turned to your Lord and surrendered to the true religion,
17. If you paid your dues to the good contemplation in full, and fixed your eyes attentively and willingly with every glance you have,
18. Then the good guidance that God wished for you would come true, and His predetermination would not be violated at all.
19. Hear me out! The effusions of God in eternity are plentiful. Address yourself to God so you win an effusion.
20. Or else trust the Lord and act, because every good deed is made easy for the man who is meant to perform it. There is no doubt about that.
21. Had I known that your mind is capable of understanding things which are vague and subtle,
22. I would have elaborated on this and gone on and on about it. I would have investigated the matter according to the methods of theology and philosophy.
23. But since my goal here is to persuade the likes of you, what I present is but a summary of long chapters.
24. The ship would have sunk in the depths of the sea had it not been forbidden to discuss these matters on which you had inquired.
25. Therefore I fold the carpet that I spread before, and I beg the Almighty God to forgive my slip of the tongue.



### APPENDIX III: TWO ADDITIONAL RESPONSES

The following two responses are not included in al-Subkī's account. The first response was composed by Abū Sa'īd Faraj ibn Qāsim ibn Aḥmad ibn Lubb al-Taghlibī (d. 782/1380–81). Ibn Lubb was the mufti of Granada and taught in al-Madrasah al-Naṣrīyah. His response is quoted by the Andalusian Maliki scholar Abū Ishāq Ibrāhīm ibn Mūsā al-Shāṭibī al-Andalusī (d. 790/1388), in his *adab* compilation *Al-Ifādāt wa-al-Inshādāt*. According to al-Shāṭibī's account, Ibn Lubb was asked about the dhimmi's question, probably in a letter. Ibn Lubb signed his response with the following note: "These written verses are a response to the above six verses." The dhimmi's question in this version is, then, a six-verse question (verses 5–6 of the original do not appear in this version). Al-Shāṭibī, who provides a brief interpretation of Ibn al-Lubb's response, heard the author recite his response in Rajab 759/July 1358.<sup>182</sup>

The Response of Ibn Lubb:

1. The Lord predetermined the heresy of the heretics; however He did not determine that this heresy is an obligation, which pleases Him. This principle applies to all religions.
2. He forbade His creatures to perform the [bad] deeds that He all the same wished to occur. His sovereignty is the conclusive proof.
3. We are pleased with God's decree, while our hatred is reserved for sins.
4. You should not be pleased with a human act which was specifically forbidden by the divine law. However, you should commit your cause to the way He organized things and to the rule of His creative will.
5. He invited everyone to observe the practices of religion. He made some of them successful in performing their religious duties. In sum, the success was granted to a few, but the invitation to perform these duties was to all.
6. Therefore, when you take other routes than the route of His divine law, you are disobedient, even though you walk in the path of the divine creative will.
7. The choice of performing an act is yours, while God is the creator. His will is materialized in His creation.
8. What God does not want to exist, does not exist. God, who created creation, is exalted and sublime.
9. This is the answer to the questions of an ignoramus, a blind man who shouts:

<sup>182</sup> Abū Ishāq Ibrāhīm ibn Mūsā al-Shāṭibī, *Al-Ifādāt wa-al-Inshādāt*, ed. Muḥammad Abū al-Ajfan (Beirut, 1403/1983), 172–75.



10. Listen, you scholars of Islam! I, the non-Muslim under the protection of your religion, am baffled, so please lead me towards the clearest theological proof.

The second response, that of Badr al-Dīn Muḥammad ibn As'ad al-Tustarī (d. ca. 737/1336), appears in a Hanafi *kalām* manual written by Kamāl al-Dīn Muḥammad ibn 'Abd al-Wāḥid ibn Humām (d. 861/1457). The Persian al-Badr al-Tustarī visited Cairo in 727/1326–27, but there is no indication that he learned about the dhimmi's question during his stay there. Al-Tustarī's poem comprised two verses only:

1. God predetermines heresy, which means that He knows the most secret truths by virtue of His eternal knowledge.
2. Then He created things according to what He knows, by virtue of His eternal power.<sup>183</sup>

According to Ibn al-Humām, al-Tustarī “wrote a preface in prose in which he summarized the essence of his two-verse response. He wrote: the meaning of God's predetermining the heresy of the heretic is that God has knowledge of things.”<sup>184</sup>

<sup>183</sup>Kamāl al-Dīn Muḥammad ibn Muḥammad ibn Abī Bakr ibn 'Alī Ibn Abī Sharīf, *Al-Musāmarah: Sharḥ al-Musāyarah fī al-'Aqā'id al-Munjiyah fī al-Ākhirah li-Kamāl al-Dīn Muḥammad ibn 'Abd al-Wāḥid al-Hanafī al-Ma'rūf bi-Ibn al-Humām wa-ma'ahu Hashiyah 'alā al-Musāyarah li-Zayn al-Dīn al-Qāsim ibn Quṭlūbughā al-Miṣrī al-Hanafī*, ed. Muḥammad 'Umar al-Dumyātī (Beirut, 1423/2002), 136.

<sup>184</sup>Ibn Abī Sharīf (d. 905/1499–1500), the Shafi'i scholar who glossed Ibn al-Humām's text, sees these verses as an explanation to the term *al-qadā'* wa-*al-qadar*: God's *qadā'* indicates God's eternal knowledge, while God's *qadar* indicates God's creating by virtue of His power. Ibn Abī Sharīf, *Al-Musāmarah*, 136.



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ANNEMARIE-SCHIMMEL-KOLLEG, BONN

## Mamluks and Their Relatives in the Period of the Mamluk Sultanate (1250–1517)

The age of the Mamluk Sultanate is regarded as the period in which the “mamluk principles,” as defined by David Ayalon, were most clearly expressed. These were: the mamluk’s loyalty to his master, solidarity among mamluks serving the same master (*khushdāshīyah*), and the concept of “one generation nobility” (i.e., that sultans and amirs did not bequeath status, privileges, or property to their sons).<sup>1</sup> The prevalent view regarding the Mamluk Sultanate is that dynastic and hereditary tendencies were weak throughout its reign.<sup>2</sup> It is similarly believed that, under the Sultanate, blood ties, marital bonds, and ethnic solidarity were of marginal importance in comparison with the pseudo-familial ties between the master and the mamluk, and between mamluks of the same household.<sup>3</sup> Furthermore, it has been argued that in this era the right to rule and hold key positions in the Sultanate was reserved exclusively for mamluks. According to this argument, the ruling elite’s main characteristic was its mamluk descent; all mamluks were of elite status; and mamluks were proud of their slave origin even after manumission.<sup>4</sup>

In my dissertation, I have examined a variety of social ties of sultans and amirs in the period of the Mamluk Sultanate. I argue that, throughout the period, blood ties, marital ties, and ethnic solidarity were of greater importance than what is commonly thought in scholarly research. Notwithstanding this, significant changes are evident in the patterns of social ties upon the transition from the Turkish to the Circassian ruling class (1382–1517). Only under the latter do we see the waning of the biological family, the decline of agnate lines, the enhanced

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<sup>1</sup>See for example David Ayalon, “Mamlūk Military Aristocracy: A Non-Hereditary Nobility,” *Jerusalem Studies in Arabic and Islam* 10 (1987): 205–10.

<sup>2</sup>See for example P. M. Holt, “The Position and Power of the Mamlūk Sultan,” *Bulletin of the School of Oriental and African Studies* 38 (1975): 237–49; Amalia Levanoni, “The Mamluk Conception of the Sultanate,” *International Journal of Middle East Studies* 26 (1994): 373–92.

<sup>3</sup>See for example Aḥmad ‘Abd al-Rāziq, “Al-‘Alāqāt al-Uṣrīyah fi al-Muṣṭalaḥ al-Mamlūki,” *Al-Majallah al-Tārīkhīyah al-Miṣrīyah* 23 (1976): 155–81; David Ayalon, *L’esclavage du Mamelouk* (Jerusalem, 1951), 27–37.

<sup>4</sup>Linda S. Northrup, “The Bahri Mamlūk Sultanate, 1250–1390,” in *The Cambridge History of Egypt*, vol. 1, *Islamic Egypt, 640–1517*, ed. Carl F. Petry (Cambridge, 1998), 245–51; Reuven Amitai, “The Mamlūk Institution, or One Thousand Years of Military Slavery in the Islamic World,” in *Arming Slaves: From Classical Times to the Modern Age*, ed. Christopher Brown and Philip D. Morgan (New Haven and London, 2006), 62.



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prestige of pseudo-familial ties, and the erosion in the dynastic and hereditary principles.<sup>5</sup> In what follows, I will focus on a specific type of mamluks' social ties: their relatives who resided within the territory of the Sultanate.

It is commonly held that the phenomenon of the importing or migration of relatives of mamluks into the territory of the Sultanate was characteristic of the Sultanate's Circassian period. According to Ayalon, during the second half of the fifteenth century, a large number of such relatives were brought into the Sultanate and received positions as amirs, without having to undergo military training. Ayalon even calls the second half of the Circassian period "the period of rule by brothers-in-law and relatives."<sup>6</sup> The fact that a marked presence of mamluks' relatives is evident specifically in a period in which the importance of blood ties seems to have declined remains unexplained. D. S. Richards points out that it is possible to find instances of the importation of mamluks' relatives into the Sultanate also during the fourteenth century (i.e., during the Turkish period).<sup>7</sup> In what follows, I will survey additional instances, which Richards has not mentioned, of the arrival of mamluks' relatives into the Sultanate during the Turkish period (1250–1382). I will examine the identity of the mamluks whose relatives were brought into the Sultanate, and analyze the patterns of bringing in relatives, during both the Turkish and Circassian periods. I will also discuss the changes that can be identified in these patterns after the transition to Circassian rule, and relate them to other changes that occurred in the change of ruling classes. Additionally, I will argue that only a small cadre of favored mamluks could bring their relatives into the Sultanate. This group of mamluks could shed the signs of slavery, the most important of which was the lack of family ties. Only this group, and not all the mamluks, can be regarded as elite.

## THE TURKISH PERIOD

In both the Turkish and Circassian periods, the bringing of relatives was the prerogative of the ruling sultan. It will be demonstrated that almost all of the family members brought into the Sultanate were relatives of the ruling sultans or of amirs related by marriage to the sultans. All the instances of bringing in the sultan's relatives occurred after he had taken power. As to amirs' relatives, they were almost always brought into the Sultanate after the amirs had married into the sultan's family.

<sup>5</sup>Koby Yosef. "Ethnic Groups, Social Relationships and Dynasty in the Mamluk Sultanate (1250–1517)" (in Hebrew) (Ph.D. diss., University of Tel-Aviv, 2011).

<sup>6</sup>David Ayalon, "The Circassians in the Mamlūk Kingdom," *Journal of the American Oriental Society* 69 (1949): 144.

<sup>7</sup>D. S. Richards, "Mamluk Amirs and Their Families and Households," in *The Mamluks in Egyptian Politics and Society*, ed. Thomas Philipp and Ulrich Haarmann (Cambridge, 1998), 36–37.



We cannot identify relatives of mamluk sultans or amirs who were brought into the Sultanate at the beginning of the Turkish period. We may assume this was because most of the mamluks in this period were Kipchaks whose families had been uprooted due to the Mongol invasion, and whose enslavement entailed complete detachment from their families. Due to the fact that during almost the entire Turkish period the Sultanate was not ruled by slaves, but by the Qalawunid family (1279–1382), the importation of relatives of the sultan is largely irrelevant, and in that period the phenomenon was effectively limited to the relatives of amirs. Nonetheless, we find instances in which the Qalawunid sultans brought their maternal relatives into the lands of the Sultanate. For example, al-Nāṣir Muḥammad ibn Qalāwūn (d. 1341), beginning in 1304, brought in a number of his mother's relatives, at least two of whom immediately became senior amirs.<sup>8</sup>

The importation of mamluk amirs' relatives started only in the fourteenth century. It may be that locating the relatives of mamluks, in order to bring them into the Sultanate, only became possible at this time, since many of the mamluks in this period were Mongol captives (some from noble Mongol families), or Turco-Mongol slaves from the Golden Horde who had been sold by their families. The first relatives of a mamluk amir brought into Egypt were the relatives of the Mongol captive Salār al-Manṣūrī (d. 1310), whose father had been a senior amir in Anatolia. Salār's daughter married Mūsā ibn 'Alī ibn Qalāwūn in 1299. The marriage was consummated in 1304, and shortly afterwards, in 1305, Salār's relatives were brought into Egypt and immediately became amirs.<sup>9</sup> This pattern of bringing in the relatives of a mamluk amir (and promoting them) after marital ties had been established with the Qalawunid family recurs throughout the Turkish period. All the mamluks whose relatives were brought into the Sultanate dur-

<sup>8</sup>Al-Shujā'ī, *Tārīkh al-Malik al-Nāṣir Muḥammad ibn Qalāwūn al-Ṣāliḥī wa-Awlādihi*, ed. Barbara Schäfer as *Die Chronik aš-Šujā'īs* (Wiesbaden, 1977), pt. 1 (text), 33, 41, 175, 250–51; al-Maqrīzī, *Kitāb al-Sulūk li-Ma'rīfat Duwal al-Mulūk*, ed. Muḥammad Muṣṭafā Ziyādah and Sa'īd 'Abd al-Fattāḥ 'Āshūr (Cairo, 1934–73), 2:236, 283, 309, 324, 378; K. V. Zetterstéen, *Beiträge zur Geschichte der Mamlükensultane in den Jahren 690–741 der Hīgra nach arabischen Handschriften* (Leiden, 1919), 196, 218; Ibn Taghribirdī, *Kitāb al-Nujūm al-Zāhirah fī Mulūk Miṣr wa-al-Qāhirah* (Cairo, 1963–72), 9:57, 88, 103, 10:57, 236; Ibn Ḥajar al-'Asqalānī, *Al-Durar al-Kāminah fī A'yān al-Mi'ah al-Thāminah*, ed. 'Abd al-Wārith Muḥammad 'Alī (Beirut, 1997), 1:281, 2:139–40; al-Ṣafadī, *A'yān al-'Aṣr wa-A'wān al-Naṣr* (Beirut, 1998), 1:652–54, 2:635–36; al-Birzālī, *Tārīkh al-Birzālī*, ed. 'Umar 'Abd al-Salām Tadmurī (Beirut, 2006), 3:419; al-Nuwayrī, *Nihāyat al-Arab fī Funūn al-Adab* (Cairo, 1963–98), 33:203, 231, 225, 278; Ibn al-Dawādārī, *Kanz al-Durar wa-Jāmi' al-Ghurur*, ed. H. R. Roemer (Cairo, 1960–82), 9:393; Ibn Qāḍī Shuhbah, *Tārīkh Ibn Qāḍī Shuhbah* (Damascus, 1977–97), 2:207, 575.

<sup>9</sup>Baybars al-Manṣūrī, *Zubdat al-Fikrah fī Tārīkh al-Hijrah* (Cairo, 1993), 410, 413; al-'Aynī, *Iqd al-Jumān fī Tārīkh Ahl al-Zamān*, ed. Muḥammad Muḥammad Amīn (Cairo, 1987–92), 4:75; al-Nuwayrī, *Nihāyat al-Arab*, 32:127, 163, 170, 396; al-Maqrīzī, *Al-Sulūk*, 2:621; Zetterstéen, *Beiträge*, 152; al-Shujā'ī, *Tārīkh*, 44, 157, 220; Ibn Ḥajar, *Al-Durar*, 2:51, 106–7; al-Ṣafadī, *A'yān*, 2:306–7, 393.



ing this period were Turkish/Tatar slaves, related by marriage to the Qalawunid family. In addition to the case of Salār, we know that the families of Baktamur al-Sāqī, Arghūn al-Kāmīlī, Baybughā Urūs, Ṭāz al-Nāşirī, and Jaraktamur al-Ashrafī were brought into the Sultanate after these amirs had married into the Qalawunid family (see the table below). The families of Bashtāk al-Nāşirī, Yalbughā al-Yahyāwī, and Qawşūn al-Nāşirī probably also arrived in Egypt after these amirs had created marital bonds with the Qalawunid family.

TABLE: MAMLUKS WHOSE RELATIVES WERE BROUGHT INTO EGYPT DURING THE TURKISH PERIOD<sup>10</sup>

<i>Name of Mamluk</i>	<i>Year of Death, Age at Death</i>	<i>Year of Marital Tie with the Qalawunids</i>	<i>Age when Marriage Took Place</i>	<i>Year when Relatives were Brought In</i>
Salār al-Manşūrī	(d. 1310, bit less than 50)	1299	About 38	1305
Baktamur al-Sāqī	(d. 1332, about 50)	Before 1313~	30 or less	1314–16
Qawşūn al-Nāşirī	(d. 1341, about 40)	1326	About 25	At latest 1330
Bashtāk al-Nāşirī	(d. 1341, less than 40)	1332~	30 or less	1336
Yalbughā al-Yahyāwī	(d. 1347, 20–25)	Before 1340	Less than 18	At latest 1338

<sup>10</sup>For the relevant details about Salār, see footnote 9 above. For Baktamur, see Ibn Taghribirdī, *Al-Manhal al-Şāfi wa-al-Mustawfā ba'da al-Wāfi*, ed. Muḥammad Muḥammad Amīn (Cairo, 1984–2006), 6:330–3; al-Nuwayrī, *Nihāyat al-Arab*, 33:239; al-Maqrīzī, *Al-Sulūk*, 2:746; Ibn Ḥajar, *Al-Durar*, 3:154; Ibn Qāḍī Shuhbah, *Tārikh*, 2:497; al-Şafadī, *A'yān*, 1:183–86. For Qawşūn, see al-Maqrīzī, *Al-Sulūk*, 3:21; al-Nuwayrī, *Nihāyat al-Arab*, 33:26; Ibn Qāḍī Shuhbah, *Tārikh*, 2:279; al-Shujā'ī, *Tārikh*, 148, 192; Zetterstéen, *Beiträge*, 148, 192. For Bashtāk, see Ibn Taghribirdī, *Al-Manhal*, 3:468; al-Şafadī, *A'yān*, 1:672, 709; Ibn Ḥajar, *Al-Durar*, 1:281; Zetterstéen, *Beiträge*, 194, 218; al-Shujā'ī, *Tārikh*, 131. For Yalbughā, see Ibn Qāḍī Shuhbah, *Tārikh*, 2:686–87, 4:61–62; al-Maqrīzī, *Al-Sulūk*, 2:473, 571, 799; al-Şafadī, *A'yān*, 2:563–64, 5:585–91; Ibn Ḥajar, *Al-Durar*, 1:203, 2:148; Ibn Taghribirdī, *Al-Manhal*, 12:155; al-Shujā'ī, *Tārikh*, 45. For Arghūn Shāh, see al-Şafadī, *A'yān*, 1:457–62, 2:577; Ibn Ḥajar, *Al-Durar*, 2:130; al-Maqrīzī, *Al-Sulūk*, 2:689; al-Shujā'ī, *Tārikh*, 267; Ibn Qāḍī Shuhbah, *Tārikh*, 2:552, 574, 584. For Arghūn, see al-Şafadī, *A'yān*, 1:466–76; al-Maqrīzī, *Al-Sulūk*, 2:819, 895, 3:262. For Baybughā, see al-Maqrīzī, *Al-Sulūk*, 2:689, 819, 905; Ibn Taghribirdī, *Al-Nujūm*, 10:90, 11:31; al-Şafadī, *A'yān*, 2:86–95. For Ṭāz, see al-Maqrīzī, *Al-Sulūk*, 2:869, 886, 3:66, 736, 814, 840; Ibn Taghribirdī, *Al-Nujūm*, 10:247, 286, 302; Ibn Qāḍī Shuhbah, *Tārikh*, 1:370, 397–98; al-Şafadī, *A'yān*, 2:567–71; Ibn Ḥajar, *Al-Durar*, 1:287–88; Zetterstéen, *Beiträge*, 206. For Jaraktamur, see Ibn Qāḍī Shuhbah, *Tārikh*, 3:522.



Arghūn Shāh al-Nāṣirī	(d. 1349)	Before 1340	Less than 30	?
Arghūn al-Kāmīlī	(d. 1357, less than 30)	1344	Less than 17	1350
Baybughā Urūs	(d. 1353)	1344–45?	?	1350
Ṭāz al-Nāṣirī	(d. 1361)	Before 1349	?	1351
Jaraktamur al-Ashrafī	(d. 1376, less than 20)	Before 1376	Less than 20	After the marriage

As can be seen from the table, almost all the amirs whose families were brought into the Sultanate had married into the Qalawunid family at an early age. Throughout the Mamluk Sultanate's reign, mamluks rarely started a family before the age of thirty.<sup>11</sup> In this period almost all the mamluks who had children before this age had established marital ties with the sultans while still young. Some of these mamluks were only formally slaves,<sup>12</sup> while most of the rest were favored mamluks who had been raised from their youth by the sultan, or those whom he chose to advance from an early age due to his affection for them. This small unit of privileged mamluks constituted an important part of the ruling elite. They were distinct from the large body of mamluks, and shed the characteristics of slavery, most important of which was the lack of family ties. Unlike the majority of mamluks, the favored mamluks were not prevented from creating families. Not only did they become relatives of the royal family, they also

<sup>11</sup>I discuss this subject in detail in my dissertation. This assertion is based on data culled from the sources and gathered in a database including all the social ties of Mamluk sultans and amirs. Naturally, we have more information concerning sultans. In the Turkish period, almost all of the Turkish/Mongol mamluk sultans who ruled Egypt started a family while in their thirties, and usually around the age of 35 (except al-Mu'izz Aybek who started a family when he was 40 or even 45). Circassian mamluk sultans, by contrast, started families while in their forties or later, usually after the age of 45 (except al-Mu'ayyad Shaykh, who started a family when he was about 35). There is no reason to believe that the data concerning the sultans is not representative of the general situation. However, data concerning a few dozen amirs reveals that in the Turkish period, only rarely did mamluk amirs start a family before the age of 30, while in the Circassian period they only rarely did so before the age of 35. It seems that the Circassians were perceived in a most negative manner during the Turkish period. They were discriminated against, manumitted at a later age, and thus delayed from starting their own families. Under those conditions, it seems that the Circassian mamluks developed a slave ethos and ascribed more importance to pseudo-familial ties.

<sup>12</sup>The best example of such a mamluk is Qawṣūn al-Nāṣirī. He was an adult when formally sold to al-Nāṣir Muḥammad. Qawṣūn was proud of not being a real slave, and of being exempt from the normal procedure of training and promotion; see al-Ṣafadī, *A'yān*, 4:138.



established families of their own, from a young age, and brought their own relatives into the territory of the Sultanate. Upon their arrival, these relatives became amirs. The sons of these favorite mamluks had quite a good chance of becoming amirs, both because their fathers were attached to the royal family, and because their fathers had parented them while young.<sup>13</sup>

The situation of the non-Turkish mamluks was worse than that of the majority of the Turco-Mongol mamluks. Since there is no evidence supporting the sale of non-Turkish mamluks by their families, we may assume that most of them were war captives, and therefore their enslavement was more traumatic than that experienced by their Turco-Mongol counterparts.<sup>14</sup> As soon as the non-Turkish mamluks entered the Sultanate, their connection to their families was severed forever. The Turco-Mongol mamluk, however, had the possibility of becoming a favored mamluk, marrying into the Qalawunid family, establishing a family while still young, and bringing his relatives into the Sultanate. This privilege was almost totally unavailable to non-Turkish mamluks, who were undoubtedly perceived by their contemporaries as being “more enslaved” than the Turco-Mongols.

By bringing in their in-laws (*aṣḥār*), and promoting them to senior amirates, the Qalawunids definitely reinforced the idea that the right of being part of the ruling elite belonged to those who had a family (i.e., those who were not slaves), which thereby strengthened their legitimacy to rule. Beginning at least with the third reign of al-Nāṣir Muḥammad ibn Qalāwūn (1310–41), until the Circassian period, the Mamluk Sultanate was ruled by a royal family, its relatives, and its in-laws.

## THE CIRCASSIAN PERIOD

There was a greater presence in the Sultanate of relatives of the sultans during the Circassian period. Nonetheless, I do not believe that the phenomenon of bringing in relatives was more characteristic of the Circassian ruling elite than of the Turkish one. One reason why more relatives of the sultans can be identified in the Circassian period is that, in contrast to the Turkish period, most of the sultans in this period were mamluks themselves and not descendants of sultans. While the Turkish period was typified by bringing relatives of amirs who had married

<sup>13</sup>See for example Ibn Taghrībirdī, *Al-Manhal*, 12:152, 155; idem, *Al-Nujūm*, 10:194, 11:4; Ibn Qāḍī Shuhbah, *Tārīkh*, 3:523; al-Ṣafadī, *Aʿyān*, 5:191; al-Maqrīzī, *Al-Sulūk*, 3:180, 301.

<sup>14</sup>For evidence that during the third reign of al-Nāṣir Muḥammad non-Turks were enslaved in war while Turks were sold by their families, see al-ʿUmarī, *Kitāb Masālik al-Abṣār wa-Mamālik al-Amṣār: Mamālik Bayt Jīnkiz Khān* (Wiesbaden, 1968), 69–70. Al-ʿUmarī states explicitly that the Circassians were war captives. Unfortunately, we cannot corroborate this information because biographies of Circassian mamluks from the Turkish period usually do not contain data concerning the method of their arrival into the Sultanate.



into the Qalawunid family, the Circassian period is characterized by bringing in relatives of the sultans themselves, with a decline in the arrival of relatives of the amirs. The dimensions of this phenomenon, however, should not be overstated, since only three sultans—al-Zāhir Barqūq (1382–99), al-Ashraf Barsbāy (1422–38), and al-Ashraf Qāyrbāy (1468–96)—brought a large number of family members into the Sultanate and made them amirs, some of senior rank. Al-Ashraf Barsbāy brought his wife's relatives, as well as his own.<sup>15</sup> Al-Mu'ayyad Shaykh (1412–21), al-Zāhir Ṭaṭar (1421), al-Zāhir Khushqadam (1461–67), al-Ashraf Īnāl (1453–61), al-Zāhir Yalbāy (1467), and al-Zāhir Timurbughā (1467–68) did not bring a single relative of theirs to Egypt, and al-Zāhir Jaqmaq (1438–53) brought only his sister.<sup>16</sup>

The second reason as to why more relatives of the sultans can be identified in the Circassian period is related to changes in the patterns of the slave trade in this period. There is substantial evidence that, in the Circassian period, Circassian relatives were bought as slaves together or individually. We know, for example, that Qānībāy, the relative of al-Zāhir Ṭaṭar, was in Egypt before Ṭaṭar, and recognized the latter upon his arrival in the land; Jarkas al-Muṣārī, the brother of al-Zāhir Jaqmaq, was bought by al-Zāhir Barqūq before he purchased Jaqmaq; and Ṭawkh, the elder brother of al-Ashraf Īnāl, was purchased together with Īnāl by al-Zāhir Barqūq.<sup>17</sup> The phenomenon apparently assumed additional momentum beginning

<sup>15</sup>For the relatives of Barqūq, see al-Sakhāwī, *Al-Ḍaw' al-Lāmi' li-Ahl al-Qarn al-Tāsi'* (Cairo, n.d.), 2:326, 284–85, 6:221–22, 10:302–3, 12:59, 74, 115; al-Sakhāwī, *Wajīz al-Kalām fī al-Dhayl 'alā Duwal al-Islām* (Beirut, 1995), 1:376; al-Malaṭī, *Nayl al-Amal fī Dhayl al-Duwal*, ed. 'Umar 'Abd al-Salām Tadmurī (Beirut and Sidon, 2002), 2:387, 3:110; Ibn Qāḍī Shuhbah, *Tārīkh*, 1:242–43, 4:255, 350–51; Ibn Taghribirdī, *Al-Manhal*, 3:105–7, 217, 6:11–15, 9:37, 67; idem, *Al-Nujūm*, 14:144; al-Maqrīzī, *Al-Sulūk*, 4:188. For the relatives of Barsbāy and his wife, see Ibn Iyās, *Badā'i' al-Zuhūr fī Waqā'i' al-Duhūr* (Cairo, 1960), 1:349, 412, 469, 504; al-Jawharī, *Inbā' al-Haṣr bi-Abnā' al-Aṣr*, ed. Ḥasan Ḥabashī (Cairo, 1970), 80, 312; al-Sakhāwī, *Al-Ḍaw'*, 3:7, 21, 36–38, 63, 220, 6:85, 163–64, 218, 10:224, 280, 303–4, 12:17, 164; idem, *Wajīz*, 2:697; al-Malaṭī, *Nayl*, 4:186, 199, 278, 332, 369, 405, 418, 5:45, 50, 6:26, 90, 22, 377, 381, 434, 7:95, 183; Ibn Taghribirdī, *Al-Manhal*, 3:6–7, 4:23–24, 217, 5:14–16, 326, 9:63–64, 12:134–35; idem, *Al-Nujūm*, 14:258, 15:246; al-Maqrīzī, *Al-Sulūk*, 4:646, 1132. For the relatives of Qāyrbāy, see Ibn al-Ḥimṣī, *Ḥawādith al-Zamān wa-Wafayāt al-Shuyūkh wa-al-Aqrān*, ed. 'Umar 'Abd al-Salām Tadmurī (Beirut and Sidon, 1999), 1:334, 382; Ibn Iyās, *Badā'i'*, 1:613, 633, 636, 639, 650; al-Malaṭī, *Nayl*, 7:171, 207–8, 231, 279, 312, 381, 8:105, 107, 151–52, 231; al-Sakhāwī, *Al-Ḍaw'*, 2:315, 3:64, 6:227; idem, *Wajīz*, 3:1222.

<sup>16</sup>Al-Sakhāwī, *Al-Ḍaw'*, 2:272, 3:44, 6:168; al-Malaṭī, *Nayl*, 5:306, 6:382, 7:343, 8:146; Ibn Iyās, *Badā'i'*, 1:413, 577, 2:906.

<sup>17</sup>Ibn Taghribirdī, *Al-Nujūm*, 14:197–98, 16:58; idem, *Al-Manhal*, 4:211, 275–76; al-Sakhāwī, *Al-Ḍaw'*, 2:328. For other relatives of sultans who apparently were not brought into the Sultanate by these sultans, but bought as slaves by others, see for example Ibn Taghribirdī, *Al-Nujūm*, 11:168, 15:306; idem, *Al-Manhal*, 11:272; al-Maqrīzī, *Al-Sulūk*, 4:607–8, 1149; al-Sakhāwī, *Al-Ḍaw'*, 10:169. For mam-luk relatives who were apparently bought together or one after the other, see for example Ibn Taghribirdī, *Al-Nujūm*, 12:242, 15:141, 165, 172–73, 287, 16:282; idem, *Al-Manhal*, 8:257, 9:64, 12:138; al-Sakhāwī, *Al-Ḍaw'*, 3:43, 65; al-Malaṭī, *Nayl*, 7:268.



at the end of the reign of al-Ashraf Barsbāy or during the time of al-Zāhir Jaqmaq. It took on graphic dimensions in the reign of al-Ashraf Qāyrbāy, Barsbāy's mamluk, since the number of his relatives mentioned in the sources is unprecedented, even though Qāyrbāy was not responsible for bringing most of them. Many of them came to Egypt as slaves before he became sultan.<sup>18</sup>

As in the Turkish period, in the Circassian period the importation of relatives was the sultan's prerogative. Al-Ashraf Barsbāy, al-Zāhir Jaqmaq, and al-Ashraf Qāyrbāy all brought members of their families into the Sultanate after each had become the sultan, and al-Zāhir Barqūq brought his relatives after becoming *atābek* (commander-in-chief and regent) and the de facto ruler of the Sultanate. Unlike the Turkish period, in the Circassian period we find hardly any instances of amirs bringing in their relatives. Similar to the Turkish period, the amirs who had established marital ties with the families of the sultans had the possibility of bringing their relatives into the lands of the Sultanate. The three most prominent instances of the bringing of an amir's relatives in the Circassian period are the bringing of the relatives of Īnāl al-Yūsufī (d. 1391), Taghrībirdī min Bashbughā al-Zāhirī (d. 1415), and Yashbak min Salmān Shāh al-Faqīh (d. 1473). The three were related by marriage to the family of al-Zāhir Barqūq or that of al-Mu'ayyad Shaykh.<sup>19</sup>

Taghrībirdī min Bashbughā al-Zāhirī, the father of the famous historian Yūsuf ibn Taghrībirdī, was bought by Barqūq at about the time he became sultan (1382). Taghrībirdī was about 24 years old when his firstborn son was born in 1395.<sup>20</sup> In the Circassian period, it is not common to find mamluks who had offspring before the age of 35, and most began to have children while in their forties.<sup>21</sup> This said, in the Circassian period, as in the Turkish period, there was a small cadre of favorite mamluks who had married into the families of the sultans at an early age and had established their own families while still young.<sup>22</sup> At times, they were also able

<sup>18</sup>See for example al-Sakhāwī, *Al-Daw'*, 2:274, 3:36–38, 53, 65, 76, 6:227, 10:166, 11:276; al-Malaṭī, *Nayl*, 6:368, 7:138, 166–67, 172, 175, 254, 268, 358, 381; Ibn Iyās, *Badā'i'*, 1:409, 455, 468, 504, 577, 622; Ibn Taghrībirdī, *Al-Nujūm*, 16:364.

<sup>19</sup>For Īnāl al-Yūsufī, see Ibn Qāḍī Shuhbah, *Tārīkh*, 1:438; al-Sakhāwī, *Al-Daw'*, 2:274, 10:270; Ibn Taghrībirdī, *Al-Manhal*, 2:349–51, 12:130–31. For Yashbak min Salmān Shāh, see al-Sakhāwī, *Al-Daw'*, 3:65. For Taghrībirdī min Bashbughā al-Zāhirī, see Ibn Taghrībirdī, *Al-Manhal*, 2:200–1, 4:42, 46, 174, 5:316–23, 368, 6:316–17, 8:401, 9:54–57; idem, *Al-Nujūm*, 12:106, 13:118, 14:252, 15:135; al-Sakhāwī, *Al-Daw'*, 2:329–30, 12:19, 132; al-Malaṭī, *Nayl*, 4:206.

<sup>20</sup>Ibn Taghrībirdī, *Al-Manhal*, 2:309, 4:40–41.

<sup>21</sup>See footnote 11 above.

<sup>22</sup>I found nine instances in the Circassian period in which mamluks had children before the age of 35 (including Taghrībirdī). In six of these instances the mamluks were related by marriage to the family of the Sultan, or were closely connected with it. For details, see al-Sakhāwī, *Al-Daw'*, 2:270–72, 315, 3:53–55, 7:131, 8:291, 11:234, 12:21, 25, 27, 59, 89, 90, 165, 167; idem, *Wajīz*, 1:332;



to bring their relatives into the Sultanate, although this phenomenon was much less widespread than it had been in the Turkish period. Taghrībirdī is the best example of such a favorite mamluk. He was the brother (or relative) of Shīrīn, the wife of Barqūq and the mother of Barqūq's son al-Nāṣir Faraj. Taghrībirdī also had numerous marital ties to the Barqūq family.<sup>23</sup> Taghrībirdī's relatives were brought into the Sultanate.<sup>24</sup> He also was related by marriage to the sultans al-Mu'ayyad Shaykh and al-Zāhir Jaqmaq, since Shaykh was married to the daughter of Shīrīn, and Muḥammad ibn Jaqmaq married Taghrībirdī's granddaughter.<sup>25</sup>

The question arises, why did the phenomenon of bringing relatives of those bound by marriage to the sultan's family wane in the Circassian period? Two possible answers present themselves. First, because of the changes in the slave trade patterns, many mamluks already had relatives in the territory of the Sultanate. Second, during the Circassian period, the mamluk amirs who had marital ties to the sultan's family were fully "annexed" to the royal family. In that period, the status of the women of the sultan's family devolved to those amirs, who were often buried in the mausoleums of the sultans, together with their sons. The sources from the Circassian period contain many references to the sons of amirs who married daughters of sultans as descendants in a cognate line of the sultans (*asbāt*), and these sons were given a royal title (*sīdī*).<sup>26</sup> Family and marital ties in the Circassian period were a factor that balanced the erosion of the biological family, the decline of the agnate lines, and the decline of the dynastic and hereditary principles.

### "JOSEPH'S LAW": A REASSESSMENT

Ulrich Haarmann discovered that European travelers who visited Egypt at the end of the Circassian period had found an explanation for the almost exclusive rule of the Mamluk Sultanate by mamluks, in the Biblical precedent of Joseph (in Haarmann's terminology, "Joseph's Law"). For example, Arnold von Harff,

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al-Malaṭī, *Nayl*, 5:281, 301, 402, 7:84, 97, 186, 312; Ibn Iyās, *Badā'i'*, 1:342, 570, 647, 650, 736, 2:994; Ibn Taghrībirdī, *Al-Nujūm*, 14:254, 15:459, 16:319; idem, *Al-Manhal*, 2:346–47, 9:98–100; al-Maqrīzī, *Al-Sulūk*, 4:786.

<sup>23</sup>Ibn Taghrībirdī, *Al-Manhal*, 2:200–1, 4:42, 5:368, 12:131; idem, *Al-Nujūm*, 11:7, 13:118, 14:129, 252, 15:135; al-Sakhāwī, *Al-Ḍaw'*, 2:329–30, 10:270, 12:19, 132; al-Malaṭī, *Nayl*, 4:206.

<sup>24</sup>See footnote 19 above.

<sup>25</sup>Ibn Taghrībirdī, *Al-Manhal*, 3:476–80; al-Sakhāwī, *Al-Ḍaw'*, 2:316–17, 12:51; al-Malaṭī, *Nayl*, 5:284.

<sup>26</sup>See for example Ibn Iyās, *Badā'i'*, 1:349, 469, 574, 577, 736; Ibn al-Ḥimṣī, *Ḥawādith*, 2:66. In the Turkish period there are hardly any references to descendants in a cognate line of the sultans, and the use of the term *sīdī* is limited to sons of sultans. In that period, sons of amirs who had marital ties to the Sultan's family were buried with their fathers and not in the mausoleum of the sultan. I discuss this in detail in my Ph.D. dissertation.



who visited Egypt in 1496, maintained that the government in Egypt was in the hand of slaves because “since the time of Joseph, who was sold into slavery by his brothers and came to Egypt, it had never been doubted that the sultan had to be an infidel [that is, one not born a Muslim].” According to Haarmann, von Harff apparently deduced this idea from the comparison that Felix Fabri (who visited Egypt in 1483) had drawn between the mamluks and the Joseph narrative.<sup>27</sup> Haarmann regards these theories by European travelers in light of the travelers’ overarching perceptions of the Mamluk Sultanate as exotic and strange, and he apparently does not think that these ideas were based in Egyptian/Mamluk concepts.<sup>28</sup> In addition to von Harff and Fabri, we could mention another European traveler who related the Biblical Joseph narrative to the Mamluk context. Pietro Martire de Anglería, the ambassador of the Granadan kings who visited Egypt in 1501, asked himself the question that had been asked by European travelers before him: how did slaves become the rulers of such a great empire? Pietro Martire indicated that there were a number of views regarding this question. One opinion that he set forth is that in order to show their gratitude for the benevolence of Joseph, who freed (“habia librado”) Egypt by resolving the famine in the land, ever since the Egyptians have given the reigns of government in their country to slaves. Pietro Martire comments that, in his opinion, this was merely a fairy tale, but does not specify the sources of his information regarding this “fairy tale.”<sup>29</sup> Our first inclination is to assume that these were other European travelers who had spent time in Egypt before him, but there is no unequivocal evidence of this. The tale that he relates is not mentioned by Fabri or von Harff, who connect the Biblical Joseph narrative and the mamluks. I will argue below that the connection between the mamluks and the Biblical Joseph is not a European invention. The European “fairy tales” are based on at least a nucleus of Egyptian (and Muslim) tales, and the mamluks themselves found some linkage between themselves and the Biblical narrative, although it appears that they emphasized parallels different from those highlighted by the Europeans. While the European travelers found an explanation in the Joseph narrative for the fact that only slaves were entitled to rule in Egypt, the mamluks themselves stressed the fact that some of them, like Joseph, had found redemption by being reunited with their families af-

<sup>27</sup>Ulrich Haarmann, “Joseph’s Law—The Careers and Activities of Mamluk Descendants before the Ottoman Conquest of Egypt,” in *The Mamluks in Egyptian Politics and Society*, ed. Philipp and Haarmann, 61.

<sup>28</sup>Ulrich Haarmann, “The Mamluk System of Rule in the Eyes of Western Travelers,” *Mamluk Studies Review* 5 (2001): 1–24.

<sup>29</sup>Pietro Martire de Anglería, *Una embajada de los Reyes Católicos a Egipto (Según la “Legatio Babylonica” y el “Opus Epistolarum” de Pedro Mártir de Anglería)*, edited and translated by Luis García y García (Valladolid, Spain, 1947), 112–14.



ter a lengthy separation. The comparison that the mamluks drew between themselves and Joseph is indicative of the mamluks' self-perception, the importance they ascribed to the link with relatives, and their aspiration to reunite with their relatives as a way to shed their slave status.

The image of the Biblical Joseph was present in Mamluk Egypt. A number of places in Egypt, for instance, were named after Joseph, and there are numerous references to the Biblical character in the contemporary literature.<sup>30</sup> There are many instances in the sources of comparisons between Joseph and the mamluks or Mamluk-era Egyptian rulers. The comparison between the Biblical Joseph and the mamluks or rulers in Egypt was based on a number of motifs common to the story of Joseph's life and the life history of the mamluks/Egyptian rulers. Joseph was a stranger in Egypt, as were the mamluks; both Joseph and the mamluks had been sold into slavery; both Joseph and some of the mamluks had been so sold by their families; Joseph had been imprisoned in Egypt but succeeded in being freed from prison;<sup>31</sup> Joseph ruled in Egypt, like at least some of the mamluks; and Joseph was reunited with his family after not having seen them for as lengthy a period as at least some mamluks. The typical Joseph-mamluk comparison did not contain more than a single motif. This comparison apparently became more elaborate in the Circassian period, in which a large number of mamluk sultans ruled, and its emphases may have changed.

It appears that at least until the late Turkish period the comparisons between the Joseph narrative and the lives of the mamluks tended not to employ the "slave who rises to power" motif. The first Joseph-mamluk comparison that I found did not come from the territory of the Mamluk Sultanate. The Afghan al-Juzjānī, who in 1259 completed a biographical dictionary, the last parts of which are concerned with the Ghūrīs and the slaves who succeeded them, compares the mamluk sultan of Delhi, Aybek, with Joseph, because both had been sold into slavery by their brothers.<sup>32</sup> It should be noted that when von Harff compared Joseph to the mamluks he referred to the fact that both Joseph and the mamluks were sold into slavery by their families. The first association of Joseph with a mamluk in the territory of the Mamluk Sultanate is with al-Zāhir Baybars (d. 1277), which appears in Ibn al-Mughayzil (d. 1296). One of the amirs of the Ayyubid ruler al-Ṣāliḥ

<sup>30</sup>See for example al-Nuwayrī al-Iskandrānī, *Kitāb al-Ilmām*, ed. Etienne Combe and Aziz Suryal Atiya (Hyderabad, 1968–76), 5:49, 244, 6:412; al-Maqrīzī, *Al-Sulūk*, 3:1125; Ibn al-Dawādārī, *Kanz al-Durar*, 8:4; al-Ṣafadī, *A'yān*, 5:600; and see also Ulrich Haarmann, "Regional Sentiment in Medieval Islamic Egypt," *BSOAS* 43 (1980): 56–57. The story of Joseph was a popular theme in Arabic and Persian literature and the first Turkish version of the story appeared in 1233; see S. L. West, "The Qiṣṣa-i Yūsuf of 'Alī: the First Story of Joseph in Turkic Islamic Literature," *Orientalia Academiae Scientiarum Hung* 37/1–3 (1983): 69–84.

<sup>31</sup>It is common for contemporary sources to refer to imprisonment as a metaphor for enslavement.

<sup>32</sup>Peter Jackson, *The Delhi Sultanate: A Political and Military History* (Cambridge, 2003), 7, 63.



Ayyūb (d. 1249) is quoted as saying to al-Zāhir Baybars: “God put you in the place of Joseph, and put in your hand the souls of his servants.”<sup>33</sup> The fact of Baybars being a mamluk is marginal in this comparison, and Baybars is compared to Joseph simply because both ruled in Egypt. An additional Joseph-mamluk comparison in Turkish-period sources is that between the amir Baybughā Urūs and Joseph, based on their both having been imprisoned and freed. In this instance, too, Baybughā’s being a mamluk seems marginal.<sup>34</sup> In sources from the Turkish period, we also find a comparison between Joseph and al-Nāṣir Muḥammad ibn Qalāwūn. al-Nāṣir Muḥammad ibn Qalāwūn is quoted as saying that he was a foreigner in Egypt, just like Joseph was a foreigner in that land.<sup>35</sup> In that case, the Egyptian ruler to whom Joseph is compared was not a mamluk. The most significant comparison between Joseph and mamluks in the Turkish period comes in the context of family reunification. The historian Baybars al-Manṣūrī (d. 1325) relates that Salār al-Manṣūrī’s family arrived in Egypt in 1304. He adds that: “He was pleased by the reunification and his family’s presence after a lengthy separation, and having despaired of meeting them. For since he had been separated from his family in the battle of al-Abulustayn during the reign of al-Zāhir Baybars in 1276, thirty years had passed. His family came to him from afar, and his desires were met by their closeness. As [God] had done for Joseph son of Jacob, their hearts rejoiced at the reunion.”<sup>36</sup> At least in the Turkish period, the most prominent motif in the mamluk-Joseph comparison is connected to the fact that they were separated from their families, and were reunited after the great suffering caused by their being apart.

The Joseph-mamluk comparisons become markedly more frequent in the time of Barqūq. In the case of Barqūq himself, the comparison with Joseph was patently upon the initiative of this sultan, who had brought his father and his family to Egypt in 1380, when he was the *atābek*. According to al-Suyūṭī (d. 1505), Barqūq was the only Circassian mamluk sultan whose father was a Muslim: his father came to Egypt, converted to Islam, and died about a month before Barqūq assumed the throne.<sup>37</sup> Barqūq chose to meet his father upon the latter’s arrival in Egypt at al-‘Ikriṣhah, which, according to Barqūq’s confidant Ibn Duqmāq (d.

<sup>33</sup>Ibn al-Mughayzil, *Dhayl Muffarij al-Kurūb fī Akhbār Banī Ayyūb*, ed. ‘Umar ‘Abd al-Salām Tadmūrī (Beirut, 2004), 89–90; For a similar comparison between Baybars and Joseph, see al-Nuwayrī al-Iskandrānī, *Kitāb al-Ilmām*, 6:5.

<sup>34</sup>Al-Ṣafadī, *A’yān*, 2:88.

<sup>35</sup>Al-Yūsufī, *Nuzhat al-Nāzir fī Sirat al-Malik al-Nāṣir*, ed. Aḥmad Ḥuṭayṭ (Beirut, 1986), 297.

<sup>36</sup>Baybars al-Manṣūrī, *Zubdat al-Fikrah*, 413; see also Zetterstéen, *Beiträge*, 132.

<sup>37</sup>Al-Suyūṭī, *Husn al-Muhāḍarah fī Tārīkh Miṣr wa-al-Qāhirah* (Cairo, 1967–68), 2, 120; see also al-Sakhāwī, *Wajīz*, 1:249.



1407), is where Joseph met his father when Jacob came to Egypt.<sup>38</sup> Al-Maqrīzī (d. 1441) tells us that Barqūq also established a religious trust for the tomb of Joseph's brothers.<sup>39</sup> Before the time of Barqūq, there are hardly any references in the sources to al-ʿIkrishah, and no source preceding the reign of this sultan mentions al-ʿIkrishah as the meeting place of Joseph and his father.<sup>40</sup> There are more references to al-ʿIkrishah in the sources beginning in the time of Barqūq.<sup>41</sup> In the Circassian period al-ʿIkrishah apparently was a ceremonial site.<sup>42</sup>

Barqūq clearly compared himself to the Biblical Joseph. As in the Turkish period, the comparison was based on their both having been separated from their families, with whom they were eventually reunited. Once Barqūq took power, the prevalent conception was that the ruler had to come from an established family. Barqūq's having made the effort to bring his family to Egypt before he crowned himself as sultan shows that he was compelled to take account of the conception that only those who had a family (that is, those who were not slaves) could legitimately rule, but might also attest to his comparing himself to Joseph as a slave who shed this status and assumed power. Barqūq's comparing himself to Joseph was not limited to their both having succeeded in reuniting with their families. Ibn Ṣaṣrā (d. after 1399) observes that, like Joseph, Barqūq was imprisoned and freed and takes this opportunity to mention that Barqūq returned to power, as had Solomon (!).<sup>43</sup> This comparison does not explicitly refer to Joseph and Barqūq as slaves who ascended the throne, but it comes very close to making such a statement.

There are additional indicators that, in the Circassian period, the mamluk-Joseph comparison might have been based on the "slave who rises to power" pattern. There is an instance in this period in which verse 12:21 from the Quran ("We have given Joseph an exalted place on earth") was read during the sultan's coronation.<sup>44</sup> Al-Nuwayrī al-Iskandrānī (who wrote his book in 1373) interprets this verse in the context of the Joseph narrative: according to him, Zulaykhah, Pharaoh's wife, bought Joseph and imprisoned him, but after his imprisonment

<sup>38</sup>Ibn Duqmāq, *Al-Nafḥah al-Miskīyah fī al-Dawlah al-Turkīyah*, ed. ʿUmar ʿAbd al-Salām Tadmūrī (Beirut, 1999), 234–35; see also Ibn Taghribirdī, *Al-Nujūm*, 11:182.

<sup>39</sup>Al-Maqrīzī, *Al-Sulūk*, 3:944.

<sup>40</sup>For rare occurrences of al-ʿIkrishah in Turkish-period sources, see Ibn al-Dawādārī, *Kanz al-Durar*, 9:228; al-Ṣafadī, *Aʿyān*, 1:563.

<sup>41</sup>See for example al-Maqrīzī, *Al-Sulūk*, 4:385, 398.

<sup>42</sup>See al-Maqrīzī, *Al-Sulūk*, 4:506; Ibn Taghribirdī, *Al-Nujūm*, 14:98; al-Sakhāwī, *Al-Dawʿ*, 1:53; al-Malaṭī, *Nayl*, 7:200.

<sup>43</sup>Ibn Ṣaṣrā, *Al-Durrah al-Muḍīʿah fī al-Dawlah al-Zāhirīyah*, ed. William M. Brinner (Berkeley, 1963), 94.

<sup>44</sup>Al-Buqāʿī, *Tārīkh al-Buqāʿī* (Cairo, 1992–93), 1:305.



Joseph became a great king, just as the faithful believers go to Paradise after their “imprisonment” in this world. The meaning of this verse according to al-Nuwayrī is therefore: the Egyptians thought that Joseph was their slave, but he turned them into his slaves when he sold them food during the famine. Upon the arrival of Joseph’s family in Egypt, he declares: “O people of Egypt, you are my slaves, but I free you today in honor of my meeting my father.”<sup>45</sup> The reading of this verse during the coronation of a Mamluk sultan might attest that during the Circassian period it was the mamluks themselves who made the connection between the mamluks and Joseph the slave who rose to become the ruler.

Two observations should be made in this context. First, al-Nuwayrī’s commentary on the Quran verse reveals a (confused) similarity to the tale heard by Pietro Martire. Both Martire’s tale and al-Nuwayrī’s commentary expressly mention Joseph as the one who acted beneficently with Egypt during a time of famine. But while Martire maintains that Joseph freed the Egyptians when he gave them food, al-Nuwayrī states that Joseph enslaved them by this act. Al-Nuwayrī nonetheless relates that Joseph freed the people of Egypt, but in the context of his family’s arrival in Egypt. Second, the Joseph-mamluk comparison in Mamluk sources stresses the aspect of liberation that followed the distress (*al-faraj ba‘da al-shiddah*) in the life stories of both—distress that ensued from enslavement, imprisonment, and separation from one’s family. The most frequent motif in the comparisons to Joseph in the Mamluk sources is the reunion with one’s family that leads to redemption and liberation. It is not incidental that the liberation of the people of Egypt is connected with the arrival of the family of Joseph, who freed them when he himself was redeemed. I found only a single instance in the sources from the Mamluk period in which an explicit comparison between Joseph and the mamluks is based on the fact of both having been slaves who became rulers. Even, however, in this instance, the aspect of redemption following distress is emphasized. Al-Nuwayrī al-Iskandrānī has al-Zāhir Baybars make the following declaration: “If it had not been for what Joseph’s brothers had done, he would not have become king of Egypt. One who withstands travail will in the end prevail, since suffering is the key to rewards.”<sup>46</sup>

The European travelers were not the first to compare the mamluks and Joseph. While, however, the Mamluk sources highlight the aspect of redemption in the narratives of Joseph and the mamluks who rose to power, the European travelers

<sup>45</sup>Al-Nuwayrī al-Iskandrānī, *Kitāb al-Ilmām*, 2:121; Ibn Abī Ḥajalah (d. 1374) interprets this verse as following: Joseph became a king after suffering the hardships of imprisonment; see Ibn Abī Ḥajalah, *Sakardān al-Sultān*, ed. ‘Alī Muḥammad ‘Umar (Cairo, 2001), 121.

<sup>46</sup>Al-Nuwayrī al-Iskandrānī, *Kitāb al-Ilmām*, 4:79. According to al-Nuwayrī al-Iskandrānī, Aydekīn al-Bunduqdār, the master of Baybars, replied: “Because you withstood the rigors of enslavement, you became king of Egypt.”



stress the mamluks' exclusive right to rule, based on the Biblical Joseph precedent. We cannot reject out of hand the possibility that, in the Circassian period, the mamluks themselves supported the idea that the right to rule of one who had been a slave was based on the Biblical Joseph precedent. Possibly, a Joseph-mamluk comparison based on a "slave who rose to assume power" narrative could be found in this period. But the most important lesson, in my opinion, to be learned from "Joseph's Law" is that the mamluks regarded the separation from their families as traumatic. Anyone who was reunited with his family after a period of distress was regarded as having been redeemed from servitude like Joseph in the Bible, and as becoming a legitimate ruler. Long before Orlando Patterson defined a slave as someone lacking family ties,<sup>47</sup> the mamluks perceived themselves as slaves because of the absence of such family ties. Even among the military slaves, only the outstanding few succeeded in completely freeing themselves of their slave status and becoming members of a ruling elite with family attachments. The other mamluks certainly cannot be regarded as an elite proud of its slave status.

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<sup>47</sup>Orlando Patterson, *Slavery and Social Death* (Massachusetts and London, 1982), 4–13.



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## Royal Justice and Religious Law: *Siyāṣah* and Shari‘ah under the Mamluks

Current studies of the legal history of the Mamluk Empire (1250–1517) are, by and large, depressing narratives of decay and corruption. One finds denunciations—often in remarkably moralistic language—of the rigidity of Islamic law, the corruptibility of the jurists, and the incursion of arbitrary sultanic justice at the expense of the shari‘ah. In an influential monograph on law under the Bahri Mamluks (1250–1382), Nielsen states that:

It is hardly necessary to point out that only in limited fields did the provisions of the Shari‘a apply. Whatever criminal, fiscal and commercial provisions there existed were largely ignored. Shari‘a lawyers had themselves contributed to this state of affairs, for when at an early stage its provisions were being left behind by practical developments they had accepted and developed stratagems...which avoided the intent of the law. Later they had accepted the recognition merely of the theoretical validity of the Shari‘a and its symbolic supremacy...as being sufficient for the religious legitimacy of the state.<sup>1</sup>

According to Nielsen, the rigidity and impracticality of Islamic law led to the corruption of the legal establishment. This view is shared by almost all subsequent studies. Escovitz concludes that “many Chief Judges even compounded the difficulties of the Islamic community by adding their own varieties of corruption and fraud to the baser designs of the Mamluks.”<sup>2</sup> In a recent study of Ibn Khaldūn’s tenure as Maliki judge in Cairo, Morimoto remarks that “inevi-

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<sup>1</sup>Jørgen S. Nielsen, *Secular Justice in an Islamic State: Mazālim under the Bahri Mamlūks, 662/1264–789/1387* (Leiden, 1985), 95. Historians of the Ottoman Empire quote this passage in order to demonstrate the difference between the Ottoman legal system and those which preceded it. See Haim Gerber, *State, Society, and Law in Islam: Ottoman Law in Comparative Perspective* (Albany, 1994), 61.

<sup>2</sup>Joseph H. Escovitz, *The Office of Qāḍi al-Qudāt in Cairo under the Bahri Mamlūks* (Berlin, 1984), 261.



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tably, such an endeavor required him to take a scalpel to the degenerate world of Egypt's judiciary"<sup>3</sup> and that "in short, the *muftis* were crooked lawyers."<sup>4</sup> The ideal theoretical law gave way not only to corruption, but also to arbitrary political power. L. Fernandes claims that rulers resorted to the *muftis* whenever they wanted to legitimize action or behavior which would normally raise criticism, but ultimately "the Mamluk sultan listened to himself!"<sup>5</sup> The use of *mazālim* courts by the sultans is seen solely in terms of a tool of political legitimacy, rather than from a legal perspective.<sup>6</sup> Finally, in a study on the encroachment of military courts on the jurisdiction of the qadis, Robert Irwin concludes that while some may have tried to judge in equity, "their 'justice' and 'protection' will not have differed very much from that offered by Don Corleone."<sup>7</sup>

These moralizing, caricature-like accounts of the Mamluk legal system take as their point of departure Schacht's model of a rigid and idealized Islamic law. In his *An Introduction to Islamic Law*, Joseph Schacht depicts the classical legal system, which took form under the Abbasids during the ninth and tenth centuries, as one in which Islamic law "became increasingly rigid and set in its final mould...not altogether immutable, but the changes that did take place were concerned more with legal theory and the systematic superstructure than with positive law."<sup>8</sup> In this system, the interaction between theory and practice was an uneasy truce between religious scholars and rulers. The traditional Islamic ruler could not legislate, but the scholars "half sanctioned the regulations which the rulers in fact enacted, by insisting on the duty...of obedience to the established authorities."<sup>9</sup>

<sup>3</sup>Kosei Morimoto, "What Ibn Khaldūn Saw: The Judiciary of Mamluk Egypt," *Mamlūk Studies Review* 6 (2002): 113.

<sup>4</sup>Ibid., 123.

<sup>5</sup>Leonor E. Fernandes, "Between Qadis and Muftis: To Whom Does the Mamluk Sultan Listen?" *Mamlūk Studies Review* 6 (2002): 108.

<sup>6</sup>Albrecht Fuess, "*Zulm* by *Mazālim*? The Political Implications of the Use of *Mazālim* Jurisdiction by the Mamluk Sultans," *Mamlūk Studies Review* 13, no. 1 (2009): 121–47.

<sup>7</sup>Robert Irwin, "The Privatization of 'Justice' under the Circassian Mamluks," *Mamlūk Studies Review* 6 (2002): 70. For another comparison of the late Mamluk political and judicial system with the Mafia, influenced by Irwin, see John L. 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, no. 2 (2004): 195–212, especially 207–10. Bernadette Martel-Thoumian similarly argues that the increasing jurisdiction of the Mamluk sultans was a result of the sale of judicial positions and mistrust in the judgment of qadis. See her "Pouvoir et justice sous les derniers sultans circassiens (872–922/1468–1516)," in *Continuity and Change in the Realms of Islam: Studies in Honour of Professor Urbain Vermeulen*, ed. Kristof D'Hulster and Jo Van Steenberg, *Orientalia Lovaniensia Analecta* 171 (Leuven, 2008), 454.

<sup>8</sup>J. Schacht, *An Introduction to Islamic Law* (Oxford, 1964), 75.

<sup>9</sup>Ibid., 84.



There are two fundamental problems here. First, over the last three decades the model articulated by Schacht (but ultimately derived from Weber) has been refuted by literary and documentary evidence attesting to the continued development and application of Islamic law. We now know that Islamic legal theory never closed the door of *ijtihād*, and there are by now quite a number of studies demonstrating actual, significant shifts in positive law.<sup>10</sup> Change occurred through an articulation of new doctrine in a *fatwá* or a commentary, superseding the older doctrine preserved in the canonical texts.<sup>11</sup> We also know now that Schacht underestimated the practical application of Islamic law, especially with regard to commercial contracts.<sup>12</sup> *Fatwás* were given in response to questions arising from real life, as shown by examples from within the Mamluk domains.<sup>13</sup> Changes introduced by Mamluk *muftīs* had implications for judicial practice.<sup>14</sup> Finally, the fourteenth-century archives of the Islamic court of Jerusalem, discovered in the 1980s, is a tangible testament both to the wide-ranging jurisdiction of Mamluk

<sup>10</sup>Wael Hallaq, “Was the Gate of Ijtihad Closed?” *International Journal of Middle East Studies* 16, no. 1 (1984), 3–4; idem, “Murder in Cordoba: Ijtihād, Iftā’ and the Evolution of Substantive Law in Medieval Islam,” *Acta Orientalia* (Oslo) 55 (1994): 55–83; Baber Johansen, *The Islamic Law on Land Tax and Rent: The Peasants’ Loss of Property Rights as Interpreted in the Hanafite Legal Literature of the Mamluk and Ottoman Periods* (London, 1987). The pioneering work of Wael Hallaq has now culminated in his magisterial work on the history of the shari’ah, which brings together a wide range of evidence for the continuous pervasive relevance of Islamic legal norms to pre-modern Muslim societies (Wael B. Hallaq, *Shari’ah: Theory, Practice, Transformations* [Cambridge, UK, 2009]).

<sup>11</sup>Wael Hallaq, *Authority, Continuity, and Change in Islamic Law* (Cambridge, U.K., 2001); idem, “From Fatwas to *Furū*: Growth and Change in Islamic Substantive Law,” *Islamic Law and Society* 1 (Feb 1994): 17–56; Sami Zubaida, *Law and Power in the Islamic World* (London, 2003), 26–27.

<sup>12</sup>Abraham L. Udovitch, *Partnership and Profit in Medieval Islam* (Princeton: Princeton, 1970).

<sup>13</sup>Nissreen Haram, “Use and Abuse of the Law: A *Muftī*’s Response,” in *Islamic Legal Interpretation: Muftīs and Their Fatwas*, ed. Muhammad Khalid Masud, Brinkley Messick, and David S. Powers (Cambridge and London, 1996), 72–86; Seth Ward, “Sabbath Observance and Conversion to Islam in the 14th Century—A *Fatwā* by Taqī al-Dīn al-Subkī,” in *Proceedings of the Ninth World Congress of Jewish Studies*, Division B, vol. 1, *The History of the Jewish People from the Second Temple Period until the Middle Ages* (Jerusalem, 1986), 47–54; Denise Aigle, “The Mongol Invasions of Bilād al-Shām by Ghāzān Khān and Ibn Taymiyah’s Three ‘Anti-Mongol’ *Fatwas*,” *Mamlūk Studies Review* 11, no. 2 (2007): 89–120; D. S. Powers, *Law, Society, and Culture in the Maghrib, 1300–1500* (Cambridge, 2002).

<sup>14</sup>Lutz Wiederhold, “Blasphemy against the Prophet Muḥammad and his Companions (sabb al-rasūl, sabb al-ṣaḥābah): The Introduction of the Topic into Shāfi’i Legal Literature and Its Relevance for Legal Practice under Mamluk Rule,” *Journal of Semitic Studies* 32, no. 1 (1997): 39–70; Yossef Rapoport, “Ibn Taymiyya on Divorce Oaths,” in *The Mamluks in Egyptian and Syrian Politics and Society*, ed. Amalia Levanoni and Michael Winter (Leiden, 2004), 191–217. This is also noted by Fernandes, “Between Qadis and Muftis,” 101.



qadis, as well as the close link between actual judicial practice and the legal literature.<sup>15</sup>

A second problem is the dogmatic view of the Mamluk state as intruding into a pure, perfect sphere of Islamic law. According to the dominant paradigm, which has also been recently espoused by Wael Hallaq, the ideal form of Islamic law is independent of the state. The legal role of the state was merely to enforce the decisions of qadis, or limited to matters directly related to the machinery of government.<sup>16</sup> It follows that any intervention of the state in legislation or administration of the law is a corruption of the ideal shari‘ah. Schacht and Hallaq adopt this view even though they both recognize that the Ottoman Empire, the one Islamic state for which we have abundant legal records, exemplifies synergy between the ruler’s law and Islamic law. The Ottoman *kanun* added to the religious law in matters relating to public order, taxation, usury, and land tenure. Yet, at the same time, the *kanun* was accepted as an integral part of the legal culture required by the shari‘ah; the two complemented each other.<sup>17</sup> The whole administration of justice was based on the shari‘ah, the authority to administer justice was given to the qadi, and the office of the grand *mufti*, shaykh al-Islām, was responsible for assuring the observance of the sacred law in the state. While the Ottoman sultans issued positive laws in the form of the *kanun*, sultanic decrees were couched in the terms of Islamic law.<sup>18</sup>

For the Mamluk period, a first attempt to integrate sultanic authority into a legal framework, rather than an ethical or political one, was made by Kristen Stilt in her recent monograph on the Cairo *muhtasib* (market inspector).<sup>19</sup> Stilt dem-

<sup>15</sup>Christian Müller, “A Legal Instrument in the Service of People and Institutions: Endowments in Mamluk Jerusalem as Mirrored in the Ḥaram Documents,” *Mamlūk Studies Review* 12, no. 1 (2008): 173–91; idem, “Settling Litigation without Judgment: The Importance of a Hukm in Qadi Cases of Mamluk Jerusalem,” in *Dispensing Justice in Islam: Qadis and Their Judgements*, ed. Muhammad Khalid Masud, Rudolph Peters, and David S. Powers (Leiden and Boston, 2005), 47–70; Donald P. Little, “Documents Related to the Estates of a Merchant and His Wife in Late Fourteenth-Century Jerusalem,” *Mamlūk Studies Review* 2 (1998): 93–193; Wael Hallaq, “Model *Shurūt* Works and the Dialectic of Doctrine and Practice,” *Islamic Law and Society* 2, no. 2 (1995): 109–34.

<sup>16</sup>Hallaq, *Shari‘a*, 201–9.

<sup>17</sup>Ibid., 214–21.

<sup>18</sup>See also Colin Imber, *Ebu’s-Su‘ud: The Islamic Legal Tradition* (Edinburgh, 1997), 94–95, for a recent discussion of the Ottoman legal system in the sixteenth century. In standard accounts of the history of Islamic law, the Ottoman legal system is invariably seen as an exception. See Sherman Jackson, *Islamic Law and the State: The Constitutional Jurisprudence of Shihāb al-Dīn al-Qarāfi* (Leiden, 1996). Interestingly, Schacht remarked that royal legislation through *kanun* is attested for the Mamluks too (Schacht, *An Introduction*, 91n). Schacht does not provide evidence to support this claim.

<sup>19</sup>Kristen Stilt, *Islamic Law in Action: Authority, Discretion, and Everyday Experiences in Mamluk Egypt* (New York, 2011).



onstrates that the Mamluk *muhtasib* functioned in what she calls a *fiqh-siyāsah* framework. By this she means that the sources of legal authority for the Mamluk *muhtasib* were, on the one hand, the manuals of legal doctrine, i.e., scholarly jurisprudence (*fiqh*); as well as, on the other hand, the legal authority of the sultan, i.e., the ruler's *siyāsah*. The sultan's *siyāsah* power did not come with an extensive body of literature, and there is little record of sultanic policies. But when matters involved broad public policy that transcended particular rules of doctrine, sultanic authority played a key role.<sup>20</sup> Examples are decrees forbidding women from public outings, levying of local taxes for the building of a dike, or investigating fraud.<sup>21</sup> Rulers also had extensive punitive powers, in the form of discretionary *ta'zīr*, especially for crimes that could not be proven because of the strict rules of procedure applied by qadis. Following Frank Vogel's work in a modern context, Stilt argues that the shari'ah often encompassed both *fiqh* and *siyāsah*. Equating shari'ah with *fiqh*, and opposing them to a political or secular *siyāsah*, creates the misperception that rulers did not have religious concerns or influence, and that the jurists did not engage in considerations of public welfare.<sup>22</sup>

In this article, I aim to take this argument further. First, I will argue here that this symbiotic relationship between Islamic law and Mamluk *siyāsah* was subject to historical change over time. In the second half of the fourteenth century, and especially in the fifteenth century, we clearly see an expansion of the jurisdiction of royal courts and the courts of other military officers, especially the *ḥājib* (chamberlain) and the *dawādār*. The *mazālim* courts of the pre-Mamluk classical tradition, which normally focused on abuses of power, were now transformed into courts with wide jurisdiction, parallel to the shari'ah courts of the qadis. These new institutions were called *siyāsah* courts, because of their emphasis on equity at the expense of the formalism of the shari'ah. It is important to emphasize that, unlike the public policy responsibilities of the *muhtasib*, as studied by Stilt, the *siyāsah* courts of the fifteenth century had jurisdiction over cases that had little direct effect on public policy, such as reclamation of debts and matrimonial cases.

I will also hope to show that the evidence from the Mamluk era does not point to a corruption of an ideal and rigid Islamic law, but rather indicates a legal system in which the state takes an active role in adapting the sacred law, the shari'ah, to social practice. For many Mamluk jurists, the ruler's *siyāsah shar'īyah*—governance according to Islamic law—is a requirement of the shari'ah, not an external intrusion. In this, the development of the Mamluk legal system has much in common with the later, more centralized and bureaucratized, Ottoman one. Under

<sup>20</sup>Ibid., 200–5.

<sup>21</sup>See examples in *ibid.*, 105, 187, 196.

<sup>22</sup>Ibid., 26, citing Frank Vogel, *Islamic Law and Legal System: Studies of Saudi Arabia* (Leiden, 2000), 171–72.



the Mamluks we can also identify the emergence of important antecedents to Ottoman institutions, such as the Royal Hall of Justice, the *Dār al-ʿAdl*, with its associated state-appointed *muftīs*. These developments have also wider implications for the political history of the Mamluk Sultanate.

In terms of chronology, I am suggesting three distinct stages in Mamluk legal history. The first stage begins with the appointment of four chief qadis in 1265, one for each legal school (*madhhab*), and the construction of a royal *Dār al-ʿAdl*. In this period, the jurisdiction of the royal and military courts is largely limited to penal law, areas of the law where the shariʿah’s strict evidentiary procedures often failed to secure conviction. Later, from around 1350, the jurisdiction of military officers, especially the chamberlains, expands significantly to include family law and debts. During this period the *Dār al-ʿAdl* is relocated outside of the Citadel and closer to the city (at least in Cairo), and a position of a dedicated *muftī Dār al-ʿAdl* is introduced. Despite initial objection from religious scholars to these infringements on the jurisdiction of the shariʿah, the expansion of the military-executive courts gathers pace over the course of the fifteenth century. Some religious scholars even come to accept them as beneficial and indeed integral elements in the application of Islamic law. Finally, the reigns of Qāyṭbāy (r. 1468–96) and Qānṣūh al-Ghawri (r. 1501–16) see a concentration of all jurisdiction in the hands of the sultans, who present themselves as champions of the shariʿah and openly dispute the formalistic doctrines of the judiciary.

## I

The foundation of the Mamluk sultanate was accompanied by one of the major legal reforms in the history of Islamic law. In 1265, shortly after assuming power, Baybars decided to appoint four chief qadis in Cairo, one from each of the Sunni schools of law, thereby adding Hanafi, Maliki, and Hanbali judges to the incumbent Shafiʿi. The judiciary of Damascus was similarly reformed the following year. Over the next century non-Shafiʿi chief qadis were appointed in other Mamluk towns and cities, including Aleppo, Tripoli, Hama, Safed, Jerusalem, and Gaza. The appointment of four chief qadis continued up to the Ottoman conquest.<sup>23</sup>

<sup>23</sup>The following paragraphs summarize the arguments of my “Legal Diversity in the Age of Taqlid: The Four Chief Qāḍīs under the Mamluks,” *Islamic Law and Society* 10, no. 2 (2003): 210–28. For earlier accounts of the establishment of this quadruple judiciary, see E. Tyan, *Histoire de l’organisation judiciaire en pays d’Islam*, 2nd revised ed. (Leiden, 1960), 138–42; J. Escovitz, “The Establishment of Four Chief Judgeships in the Mamluk Empire,” *Journal of the American Oriental Society* 102 (1982): 529–31; J. Nielsen, “Sultan al-Zāhir Baybars and the Appointment of Four Chief Qāḍīs, 663/1265,” *Studia Islamica* 60 (1984): 167–76; S. Jackson, “The Primacy of Domestic Politics: Ibn Bint al-Aʿazz and the Establishment of the Four Chief Judgeships in Mamluk Egypt,” *Journal of the American Oriental Society* 115 (1995): 52–65.



The purpose of the new quadruple structure of the judiciary was to create a uniform yet flexible legal system. The need for predictable and stable legal rules was addressed by limiting qadis' discretion and promoting *taqlīd*, i.e., adherence to established school doctrine. The establishment of chief qadis from the four schools of law, on the other hand, allowed for flexibility and prevented the legal system from becoming too rigid. The quadruple judiciary enabled litigants, regardless of personal school affiliation, to choose from the doctrines of the four schools one that would suit their particular case.

Judges were expected to pass judgment in conformity with their legal schools, in order to avoid suspicion of impartiality. The Shafi'i jurist al-Fazārī, in response to a query sent from the royal encampment of Sultan Baybars in 662/1264, explains that "some of our colleagues prevent a judge who subscribes to one school of law from giving judgments according to another school, to avoid suspicion [of impartiality]. This rule is required by the administration of justice (*siyāsah*)...not by the Divine law (*sharʿ*)." <sup>24</sup> The regulation of qadis was explicit in appointment decrees, which instructed conformity to the dominant opinion of the school in order to guarantee predictability. This meant that a qadi was not allowed to go beyond the doctrine of the school to which he was appointed by the sultan. On the other hand, the introduction of a quadruple judicial system also allowed the state an active role in the legal system, through the selective use of the different doctrines of the four schools. By authorizing qadis from different schools to follow their doctrine on specified points of law, the state indirectly intervened in a variety of social and economic interactions.

This is clearly demonstrated in a royal decree appointing 'Alī ibn Munajjā 'Alā' al-Dīn al-Tanūkhī (d. 750/1349) as the Hanbali chief qadi of Damascus in 732/1332:

The people of Damascus are often in need of a judge from this [viz., the Hanbali] *madhhab* in most contracts of sale and lease, in sharecropping contracts of *muzāra'ah* and *musāqāh*, in settlements following damages caused by *force majeure* (*jawā'ih samāwīyah*) according to the principle of *lā darar wa-lā dirār*; in marrying off a male slave to a free woman with the permission of his master, in stipulating that a bride should not be re-located from her hometown, in dissolving the marriage of a husband who deserted his wife without maintenance, and in the sale of an irreparable and dilapidated endowment that is of no use to its beneficiaries. <sup>25</sup>

<sup>24</sup>Abd al-Raḥmān ibn al-Firkāh al-Fazārī, "Fatāwā," MS Chester Beatty 3360, fol. 107b.

<sup>25</sup>Al-Qalqashandī, *Ṣubḥ al-A'shā fī Ṣinā'at al-Inshā'* (Cairo, 1913–18), 12:57. For the qadi's biography, see al-Ṣafadī, *A'yān al-A'sr wa-A'wān al-Na'sr* (Beirut, 1998), 3:1285–86.



According to the decree, a Hanbali qadi is appointed because his school of law is the only one that can authorize some of the daily transactions made by the people of Damascus. The Hanbali school is the only one that allows sharecropping contracts in which the cultivator provides the seeds, while the other schools consider share-cropping contracts legal only if the proprietor provides the seeds.<sup>26</sup> Only the Hanbalis hold the seller liable for loss of crops due to *force majeure*, while the other schools maintain that the loss is incurred by the buyer.<sup>27</sup> Unlike other schools, the Hanbalis do not apply the concept of equality in marriage (*kafā'ah*) to difference in status between a slave and a free woman.<sup>28</sup> Only the Hanbalis assert the validity of stipulations in marriage contracts, including a stipulation that prohibits the husband from re-locating his wife.<sup>29</sup> The Hanbalis, together with the Malikis, allow for the dissolution of a marriage in case of desertion.<sup>30</sup> Similarly, only the Hanbalis permit the sale of a dilapidated endowment that is no longer reparable.<sup>31</sup> In sum, these opinions are, for the most part, held only by the Hanbalis, to the exclusion of the other schools.

Appointment decrees for Hanafi and Maliki chief qadis contain parallel guidelines. The Maliki chief qadi is enjoined to apply his school doctrine so as to allow an executor of a bequest to serve also as a guardian for the orphans of the deceased;<sup>32</sup> to permit the use of documentary evidence,<sup>33</sup> and, most importantly,

<sup>26</sup>Muwaffaq al-Dīn Ibn Qudāmah al-Maqdisī, *Al-Mughnī* (Beirut, 1984), 5:589–90 (no. 4142). See also Abū al-Walīd Ibn Rushd, *Bidāyat al-Mujtahid wa-Nihāyat al-Muqtaṣid*, ed. Mājid al-Ḥamawī (Beirut, 1995), 4:1392.

<sup>27</sup>Hanbali doctrine also limits the definition of *force majeure* to damages caused by natural disasters, exclusive of damages caused by human agency, such as theft (*Al-Mughnī*, 4:233–34 [nos. 2941–43]). The Malikis hold that the seller is liable only if more than a third of the crops are damaged (Ibn Rushd, *Bidāyat al-Mujtahid*, 3:1267–70).

<sup>28</sup>The Hanbali doctrine on this point is equivocal. The Hanbali jurist al-Khiraqī (d. 334/946) limited the criteria of equality in marriage (*kafā'ah*) to lineage and piety, while Ibn Qudāmah accepted all the additional criteria required by Hanafis and Shafi'is, including freedom (*Al-Mughnī*, 7:374–76 [nos. 5190–92]). Maliki doctrine, on the other hand, limits the criteria of *kafā'ah* even further, holding that only the piety of the groom should be taken into consideration (Y. Linant de Bellefondes, *Traité de droit musulman comparé* [Paris and Le Haye, 1965], 2:179).

<sup>29</sup>Ibn Rushd, *Bidāyat al-Mujtahid*, 3:1038.

<sup>30</sup>Ibn Qudāmah, *Al-Mughnī*, 8:247–48 (no. 6473).

<sup>31</sup>*Ibid.*, 6:250–52 (no. 4410).

<sup>32</sup>For the appointment decree, see Ibn Faḍl Allāh al-ʿUmarī, *Al-Taʾrīf bi-al-Muṣṭalaḥ al-Sharīf* (Cairo, 1894), 121. On the Maliki position see Ibn Qudāmah, *Al-Mughnī*, 7:392 (no. 5215); Ibn Rushd, *Bidāyat al-Mujtahid*, 3:955.

<sup>33</sup>On the Maliki position regarding documentary evidence, see W. Hallaq, “Qādis Communicating: Legal Change and the Law of Documentary Evidence,” *Al-Qanṭara* 20 (1999): 453ff.; E. Tyan, *Le notariat et le régime de la preuve par écrit dans le pratique du droit musulman* (Beirut, 1945), 76, 82–84; J. Wakin, *The Function of Documents in Islamic Law* (Albany, 1972), 8–9.



to facilitate the prosecution of heretics (*zanādiqah*). While the majority opinion in the other schools requires qadis to spare the lives of heretics who subsequently return to the fold of Islam, the Maliki doctrine requires the qadi to impose capital punishment in every case of proven heresy, regardless of subsequent repentance.<sup>34</sup> As many examples in the Mamluk chronicles show, cases of heresy were indeed regularly transferred to Maliki qadis to ensure that the death penalty was applied.<sup>35</sup> Appointment decrees for Mamluk *muḥtasibs* also contain a directive to follow Maliki law. As Kristen Stilt argues, this is because only the Malikis allow the ruler greater flexibility in the area of price-setting, and because the Malikis allowed rulers more flexibility in the application of discretionary *taʿzīr* punishment.<sup>36</sup>

Until the middle of the fourteenth century, the sultans or other military-executive officials exploited the differences between the doctrines of the different *madhhabs*. They did not usually directly intervene in the legal system, with two major exceptions concerning criminal law and *maẓālim* sessions. With regard to criminal law, some military officials, such as governors or police chiefs, had jurisdiction over criminal cases, such as theft and highway robbery, and they were competent to enforce the Quranic punishments for these offences (*ḥudūd*) or lesser punishments. This was a direct result of strict evidentiary requirements of the shariʿah judges, who required, for example, four eye-witnesses in cases of adultery. Ibn Taymīyah (d. 1326) explained the current division of jurisdiction between the qadi courts and the military-executive courts in the following way:

According to the practice (*ʿurf*) in our time, in the regions of Egypt and Syria it is the military authority that carries out the prescribed punishments for criminal offences (*ḥudūd*) which involve mutilation, such as the amputation of the thief's hand or the punishment of the highway robber and similar things. It may also happen that the military authority imposes a punishment that does not involve mutilation, such as, for example, the flogging of a thief. It is competent also in litigations (*mukhaṣamāt*), commercial contracts (?) (*muḍarabāt*), and "trials of suspicion" (*daʿawī al-tuham*) in which there are neither written documents (*kitāb*) nor witnesses. The of-

<sup>34</sup>Ibn Qudāmah, *Al-Mughnī*, 10:76–77 (no. 7088); Ibn Qayyim al-Jawzīyah, *Iʿlām al-Muwaqqiʿīn ʿan Rabb al-Ālamīn*, ed. Ṭāhā ʿAbd al-Raūf Saʿd (Beirut, 1964), 3:129–33. Note that the rule applies only to the category of heretics (*zanādiqah*), and not to the category of apostates (*murtaddūn*).

<sup>35</sup>Rapoport, "Legal Diversity," 223ff.

<sup>36</sup>Stilt, *Islamic Law*, 54.



ficie of the qadi is competent in these matters if there are written documents and witnesses.<sup>37</sup>

According to Ibn Taymīyah's account of early fourteenth-century judicial practice, military courts had effective jurisdiction over criminal cases. In addition, they were also competent in "trials of suspicion," which did not depend on the claims of a private plaintiff, but were instigated by a governor or a *muhtasib* (market inspector) in order to protect public law and order. According to Ibn Taymīyah and other fourteenth-century Mamluk jurists, such trials had very relaxed laws of procedure, allowing for torture to be used in order to extract confessions from thieves and robbers.<sup>38</sup> Finally, the military courts had competence when standard forms of evidence, i.e., written documents or witnesses, were not available. It is clear from Ibn Taymīyah's account that the jurisdiction of the military courts was limited to these legal cases in which the qadis' formalistic attitude to proof and evidence prevented the application of justice.

A second channel of direct political intervention in the administration of justice was through the *mazālim* courts. Nielsen's study of actual cases brought before royal *mazālim* sessions in the thirteenth and fourteenth centuries, as reported in Mamluk chronicles, suggests that most of the *mazālim* sessions were concerned with usurpation of property, abuse of endowments by government officials, and disputes over *iqṭā'* (fief) allocation to soldiers. The royal *mazālim* sessions also heard cases of blasphemy, apparently because the death penalty (at least for this offence) required the consent of the sultan and all the chief qadis. Until the middle of the fourteenth century there is no evidence that the royal *mazālim* courts heard cases of family law or contracts, which appear to have been under the exclusive jurisdiction of qadi courts.<sup>39</sup>

The Islamic legal tradition delineates the legal procedure to be followed in *mazālim* sessions, and it is clear that the Mamluk *mazālim* was not arbitrary.<sup>40</sup> The *mazālim* panel, described in detail in administrative manuals, included the four chief qadis, who not only gave legal advice but sometimes issued judgments at the request of the sultan. In many cases, and in virtually all *waqf* cases, qadis were consulted. The jurists often disagreed among themselves, and the sultan and the amirs may have sided with one faction against the other, but the even-

<sup>37</sup>Taqī al-Dīn Ibn Taymīyah, *Al-Ḥisbah fī al-Islām*, ed. M. Mubārak (Beirut, 1967), 8–9; translated by Baber Johansen in "Signs as Evidence: the Doctrine of Ibn Taymiyya (1263–1328) and Ibn Qayyim al-Jawziyya (d. 1351) on Proof," *Islamic Law and Society* 9, no. 2 (2002): 184.

<sup>38</sup>Johansen, "Signs as Evidence," 185ff.

<sup>39</sup>Nielsen, *Secular Justice*, 41–47; See also Escovitz, "The Establishment," 137.

<sup>40</sup>Nielsen, *Secular Justice*, 17–33, 74–78.



tual result was based on shari‘ah reasoning, even if the jurists were not present.<sup>41</sup> Moreover, when a trial is reported in some detail, there is evidence of rules of procedure, such as the calling of witnesses, the taking of oaths, and presentation of documentary evidence.<sup>42</sup>

Significantly, Mamluk royal sessions of *mazālim* were held in a purpose-built Dār al-‘Adl (Hall of Justice), an Ayyubid innovation and a distinct Mamluk institution. The establishment of a Hall of Justice was introduced by the Ayyubid sultans, with the earliest known built in 1163 by Nūr al-Dīn ibn Zankī in Damascus, followed by another one in Aleppo in 1189. In Cairo, the Ayyubids built a Dār al-‘Adl in the citadel by 1207. Baybars, upon assuming power, built a new Dār al-‘Adl in 1262, in a location just under the Cairo Citadel. He personally presided in the Dār al-‘Adl sessions on Mondays and Thursdays, to inspect *mazālim* petitions and to review the troops.<sup>43</sup> These Halls of Justice were a new phenomenon in Islamic history, and Nasser Rabbat has linked them with the Islamic revival of the counter-Crusade, to which the rulers responded by offering royal justice as means of gaining legitimacy and popularity.<sup>44</sup> But, given Baybars’ cotemporary reform of the judiciary, it seems obvious that Baybars’ foundation of a new royal Hall of Justice also had important implications for the Mamluk legal system. In the context of legal history, the Dār al-‘Adl seems to reflect a formalization of royal justice and a greater emphasis on the judicial functions of the sultan. Baybars established both a new Dār al-‘Adl and a quadruple judiciary, and these two major developments marked a closer integration of the ruler in the administration of justice.

## II

Around 1350, the jurisdiction of *siyāsah* courts expanded substantially to include cases of debt and matrimonial litigation. This expansion in *siyāsah* jurisdiction was linked to a shift in the role of the *ḥājib*, or chamberlain. Under the Ayyubids and the early Mamluks the *ḥājib* was responsible for dealing with disputes among

<sup>41</sup>A point made by Carl F. Petry in his review of Nielsen’s book (review of *Secular Justice in an Islamic State: Mazālim under the Bahri Mamlūks, 662/1264–789/1387*, by Jørgen S. Nielsen, *Journal of the Economic and Social History of the Orient* 30 [1987]: 333–35).

<sup>42</sup>Despite this, Nielsen speculates that “it is safe to assume that the presentation of evidence in the *mazālim* court was not bound by any consideration other than expediency” (*Secular Justice*, 76).

<sup>43</sup>Nasser Rabbat, “The Ideological Significance of the Dār al-‘Adl in the Medieval Islamic Orient,” *International Journal of Middle Eastern Studies* 27 (1995): 3–28; Nielsen, *Secular Justice*, 15; Linda T. Darling, “Medieval Egyptian Society and the Concept of the Circle of Justice,” *Mamlūk Studies Review* 10, no. 2 (2006): 1–17.

<sup>44</sup>Rabbat, “The Ideological Significance,” 4, 19.



the amirs and the soldiers, with limited jurisdiction over government officials. As al-Maqrīzī explains, in the old days, the *ḥājib* could not overrule the court of a qadi, even with regard to government officials:

The judgment (*ḥukm*) of the chamberlain did not go beyond litigations among the soldiers, their disagreements over *iqṭāʿ*, and so forth. In the past, none of the chamberlains sat in judgment in shariʿah matters, such as cases of matrimony or debt, as all these matters were under the exclusive jurisdiction of the qadis of the shariʿah. It was always the case that one of the clerks or the tax-farmers (*dummān*), or any similar office-holder, would run away from the court of the chamberlain to the court of one of the qadis and take refuge in the judgment of the shariʿah, and nobody would then attempt to seize him from the qadi's court. Some of them would remain for months and years in the qadi's jail, safeguarding themselves from the chamberlains.<sup>45</sup>

But around 1350, the jurisdiction of the chamberlains expanded substantially at the expense of the courts of the qadis:

Then all of this changed. The title of chamberlain is nowadays given to a group of amirs who sit in judgment among the people... The chamberlain today gives judgments to the noble and the lowly, regardless of whether the judgment is according to the shariʿah or to what they call *siyāsah*, and if a qadi tries to seize a debtor from the court of the chamberlain he is unable to do so.<sup>46</sup>

Al-Maqrīzī traces the expansion in the jurisdiction of chamberlains to a case concerning commercial debt that occurred in Cairo in 1352–53:

In the days of Sultan al-Malik al-Ṣāliḥ Ṣāliḥ ibn Muḥammad ibn Qalāwūn, when the amir Sayf al-Din Jurjī was chamberlain, the sultan ordered him to take responsibility for the matter of creditors and settling their disputes with their debtors. Previously, it was not the practice of the chamberlains to sit in judgment on shariʿah matters. The reason for this was that a group of Persian merchants appeared before the sultan in the Dār al-ʿAdl in 752 [1352–53] and said that they had to flee their lands because of the injustice of the Mongols, and that the merchants in Cairo had bought from them

<sup>45</sup>Al-Maqrīzī, *Al-Mawāʿiẓ wa-al-Iʿtibār fī Dhikr al-Khiṭaṭ wa-al-Āthār*, ed. Ayman Fuʿād Sayyid (London, 2002), 3:713–14.

<sup>46</sup>Ibid., 3:714.



some merchandise, but used the sale price of the goods for other purposes [lit., ate the prices, *akalū athmānahā*]. Then the [Cairene] merchants established before the Hanafī qadi that they were unable to pay, and he put them in his prison and declared some of them bankrupt. The amir Jurjī was then ordered to release the debtors from the prison, and to deliver what they owed to the [Persian] merchants. The sultan also rebuked the chief qadi Jamāl al-Dīn ‘Abd Allāh al-Turkmānī al-Ḥanafī for his actions, and banned him from sitting in judgment among merchants and debtors. Jurjī then took the debtors out of prison and punished them until he delivered their property to the [Persian] merchants bit by bit. Since then, the chamberlains were allowed to sit in judgment over the people.<sup>47</sup>

According to al-Maqrīzī, the legal situation here was as follows: Persian merchants sold merchandise in Cairo, but the buyers, apparently local merchants, resold the goods without paying the sale price to the sellers. The buyers then went to a Hanafī qadi in order to be proclaimed bankrupt, so that they would not have to pay. The Persian merchants then complained to the sultan, who ordered the chamberlain to take over the case and overrule the judgment of the Hanafī qadi. Rather than imprisoning the debtors or declaring them bankrupt, the chamberlain punished them, presumably torturing them, until they disclosed the whereabouts of money that they were hiding. It was then handed over to the sellers (the Persian merchants). The sultan then decided to transfer the jurisdiction over cases of debt from the Hanafī qadis to the courts of the chamberlains.

In terms of legal doctrine, the problem here is that most schools of law allow debtors to escape payment once they are declared bankrupt. Only the Hanafīs take a stricter position, allowing a debtor to claim bankruptcy only after a period of imprisonment.<sup>48</sup> This strict position was highlighted in appointment decrees of Hanafī chief qadis, who were entrusted with imprisoning a debtor who claims bankruptcy.<sup>49</sup> It therefore seems that due to this strict position, matters of debt were brought before Hanafī qadis, who, following the dominant view in their school, would not declare a debtor bankrupt until he spent some time in jail. This appears to be the law applied in this case. However, Hanafī law still provided the buyers (the local merchants) a way out of payment, since they were prepared to stay in the qadi’s jail until they would be declared bankrupt or until the Persian

<sup>47</sup>Ibid., 3:717–18. See also al-Maqrīzī, *Sulūk*, 2:863. This passage is also discussed by Irwin, “Privatization of Justice”; Escovitz, “The Establishment,” 100; J. Nielsen, “Maẓālim and Dār al-‘Adl under the Early Mamluks,” *The Muslim World* 66 (1976): 127.

<sup>48</sup>Ibn Qudāmah, *Al-Mughnī*, 4:529 [no. 3446], 543 [no. 3463]; Ibn Rushd, *Bidāyat al-Mujtahid*, 4:1451, 1466.

<sup>49</sup>See Ibn Faḍl Allāh al-‘Umarī, *Al-Ta’rīf*, 119–20; al-Qalqashandī, *Ṣubḥ al-A’shā*, 11:95, 200.



merchants moved on. The fact these were foreign merchants clearly had some relevance in the case, as they were in greater need of protection, compared to local merchants bound by networks of trust and reputation.<sup>50</sup>

In effect, the sultan intervened in order to plug what he regarded as a legal loophole. He undoubtedly believed that the debtors had the means to pay up for the goods they had bought, and that the formalism of the qadi would allow them to escape payment. It is also significant that this case highlights the limits of the quadruple shari'ah judiciary. This case was heard before a Hanafi qadi precisely because Hanafi doctrine was the most severe with regard to debtors. However, when even Hanafi doctrine was not seen to be sufficiently strict, the sultan responded by transferring the case to the court of the chamberlain, who applied what was in effect *siyāsah* justice. Whether or not the expansion of the chamberlain's jurisdiction was indeed triggered by this one case, al-Maqrīzī's account is instructive with regard to the way the jurisdiction of the chamberlain was expanded when the quadruple *madhhab* system was no longer deemed adequate.

The expansion in the jurisdiction of the chamberlain was followed by reforms of the institution of the Dār al-ʿAdl. During the early 1360s we first hear of the appointment of an official of the state called the *muftī Dār al-ʿAdl*, whose responsibilities appeared to be giving legal opinions to the ruler during the sessions of royal justice.<sup>51</sup> Until that time, the granting of legal opinions was not considered a state activity, and, while many of the individual *muftīs* were also qadis or other state officials, they were not acting as official, state-appointed *muftīs*. Among the first jurists appointed to the position were former chief qadis, such as the Hanafi Ibn al-Ṣā'igh (appointed in 765/1364) and the Shafi'i Taqī al-Dīn al-Subkī. By the beginning of the fifteenth century, the Dār al-ʿAdl in Cairo and the one in Damascus had four official *muftīs* each, while Aleppo had only a Hanafi and a Shafi'i.<sup>52</sup> The apparent similarity between the *muftī Dār al-ʿAdl* and the Ottoman shaykh al-Islām has already been noted.<sup>53</sup>

The appointment of an official *muftī Dār al-ʿAdl* was followed, at least in Cairo, by the relocation of the sessions of royal justice from the Dār al-ʿAdl to a new site. In 789/1387 Sultan Barqūq decided to receive petitions in the Royal Stables, further down the slope of the Citadel and closer to the residential quarters of Cairo. The functions of royal justice were thus separated from other official ceremonies that remained in the imposing Dār al-ʿAdl itself.<sup>54</sup> Ibn al-Furāt's account conveys

<sup>50</sup> A point suggested to me by James Baldwin.

<sup>51</sup> Nielsen, *Secular Justice*, 91–92; al-Qalqashandī, *Ṣubḥ al-Aʿshā*, 11:207.

<sup>52</sup> Nielsen, *Secular Justice*, 171–73.

<sup>53</sup> Muhammad Khalid Masud, Brinkley Messick, and David S. Powers, "Introduction," in *Islamic Legal Interpretation*, 10; E. Tyan, "Fatwā," *Encyclopaedia of Islam*, 2nd edition.

<sup>54</sup> Nielsen, *Secular Justice*, 53–59; Fuess, "Zulm," 126; al-Maqrīzī, *Al-Mawā'iz*, 3:666.



how the sultan's direct involvement in administering justice was perceived as a radical break with the past. Specifically, for the first time, the sultan's Hall of Justice became a court of appeals heard against judgments made by either qadis or chamberlains:

At the end of the month of Ramaḍān it was announced by heralds in Cairo and Miṣr and their environs that whoever had been subject to injustice or had a complaint (*shakwā*) or a petition (*qiṣṣah*) could come on Sundays and Wednesdays to the royal stables. Al-Zāhir Barqūq started sitting in the stables on those days, accompanied by the *kātib al-sirr*, the *dawādār*, and *naqīb al-jaysh*. Whoever had a complaint or was subject to injustice could come before him in the stables. When someone came before him, the sultan asked whether he had already taken his affair before a qadi or a chamberlain (*ḥājib*). If the answer was no, the sultan had him beaten up and thrown out. But if he said yes, but that the magistrates had not satisfied him, he would be allowed to bring his adversary before the sultan and make an accusation against him, and the sultan would then personally pass judgment between them. This is something that we have never heard before regarding any king. The first time he sat in judgment was Monday, 23 Ramaḍān [789, 7 October 1387].<sup>55</sup>

The relocation of the Dār al-ʿAdl away from the Citadel and closer to the city completed a radical reconfiguration of the Mamluk legal system in the second half of the fourteenth century. It involved granting jurisdiction to chamberlains in commercial disputes (previously under the exclusive jurisdiction of qadis), creating a new position of *muftī Dār al-ʿAdl* as a legal advisor to military-executive magistrates, and positioning the sultan as a court of appeal against the decisions of both shariʿah and *siyāsah* magistrates. In doing that, he undertook a more direct responsibility for the administration of justice among the population at large. Al-Maqrīzī specifically comments that the purpose of the move to the stables was that the sultan would be able to pass judgment among the people (*lil-ḥukm bayna al-nās*).<sup>56</sup> While Baybars' intervention in the legal system was indirect, through the quadruple judiciary, Barqūq undertook a far more direct engagement with the administration of law and justice.

<sup>55</sup>Muḥammad ibn ʿAbd al-Raḥīm Ibn al-Furāt (1334 or 5–1405), *Tārīkh al-Duwal wa-al-Mulūk*, ed. Qusṭanṭīn Zurayq and Najlā ʿIzz al-Dīn (Beirut, 1939), 17. See also the somewhat imprecise translation in Fuess, “Zulm,” 138.

<sup>56</sup>Al-Maqrīzī, *Al-Mawāʿiz*, 3:662.



## III

The legal reforms of the second half of the fourteenth century created an overlap of jurisdiction, and inevitable conflicts, between the *siyāsah* courts of the chamberlains and the shari‘ah courts of the qadis. Nielsen does not find any reference to cases brought to the chamberlain’s court during the period he studied (up to 1382),<sup>57</sup> but, as Robert Irwin rightly notes, the chronicles of the fifteenth century provide ample references to the justice offered by the chamberlains in commercial cases.<sup>58</sup> Attempts to re-introduce limitations on their jurisdiction were few and short-termed. In 823/1420, for example, a Hanafi qadi sent a messenger to the chief chamberlain, asking for a debtor held at his court. When the chamberlain refused to give up the prisoner, the Hanafi qadi, with the support of his Shafi‘i colleague, lodged a complaint with the sultan. Al-Mu‘ayyad Shaykh then ordered that *shar‘ī* debts, i.e., debts that fall under the jurisdiction of the shari‘ah, should only be brought before the qadis. The chamberlain and other amirs were dissatisfied, and indeed the edict was abolished two days later.<sup>59</sup> By the 1430s the chamberlains clearly had regained parallel jurisdiction in pursuing debtors. A royal edict of 833/1430, during an outbreak of the plague, instructed “qadis, chamberlains, and other officials” not to imprison debtors due to the widespread mortality.<sup>60</sup>

During the 1420s there is also clear evidence for the establishment of courts by other military officials, specifically the *dawādārs*.<sup>61</sup> Ibn Taghribirdī states that that the first *dawādār* to pass judgment among the people, and to have orderlies (*nuqabā’*) at his door, was Qurqmās al-Sha‘bānī, around 824 or 825 (1421 or 1422).<sup>62</sup> A case from 826/1423 suggests that the *dawādārs* had acquired substantial judicial powers, and may have served as a court of appeal against the decisions of qadis. Ibn Ḥajar says that the grand *dawādār* Sūdūn min ‘Abd al-Raḥmān heard a case against a deputy qadi by the name of Jamāl al-Dīn al-Ṭanbadī, known as Ibn ‘Arab, who was alleged to have passed an improper judgment (*muḥākamah ghayr marḍīyah*). The *dawādār* ordered the Shafi‘i chief qadi to relieve this deputy from his post. In addition, the *dawādār* instructed the qadi to limit the number of deputies to no more than ten at any given time.<sup>63</sup>

<sup>57</sup>Nielsen, *Secular Justice*, 83–85, 133.

<sup>58</sup>Irwin, “Privatization of Justice.”

<sup>59</sup>Ibn Ḥajar al-‘Asqalānī, *Inbā‘ al-Ghumr bi-Abnā’ al-‘Umr*, ed. Ḥasan Ḥabashī (Cairo, 1969–), 3:219.

<sup>60</sup>Ibid., 3:419.

<sup>61</sup>See a brief discussion of the judicial responsibility of fourteenth-century *dawādārs* in Nielsen, *Secular Justice*, 92.

<sup>62</sup>Irwin, “Privatization of Justice,” 67; Abū al-Maḥāsīn Yūsuf Ibn Taghribirdī, *Al-Nujūm al-Zāhirah fī Mulūk Miṣr wa-al-Qāhirah*, ed. William Popper (Berkeley, 1909–36), 6:356; 7:255.

<sup>63</sup>Ibn Ḥajar, *Inbā‘ al-Ghumr*, 3:305.



Another case of conflict of jurisdictions attests to the continuous authority of military courts in matters of commercial transactions. In 856/1452, a Muslim brought suit before a Maliki qadi against a foreign Jewish merchant, who was said to be “from among the merchants of the Circassians.” The Muslim asked for a court order that would require the Jew to seek justice only through shari‘ah courts (*anna-hu lā yuṭālibuhu bi-ḥaqqihi illā min al-shar‘*). The qadi gave this injunction, but the Jewish merchant refused, saying that he would pursue his rights as he pleased. The qadi repeated the injunction through the translator, but the Jew did not hear (or obey), so the qadi had him beaten and imprisoned. Upon his release, the Jew complained to the sultan, who had the Maliki qadi brought before him. When the qadi protested that he only acted according to the shari‘ah, the sultan told him that the *siyāsah* “runs the same course as the shari‘ah” (*tajrī majrā al-shar‘*), and rebuked him for passing judgment with partiality and anger.<sup>64</sup> Like the case of the Persian merchants reported by al-Maqrīzī, this case similarly indicates royal protection for foreign merchants. It also explicitly articulates the sultan’s justification for the *siyāsah* courts: a parallel judiciary, which is as legitimate as that of the qadis, and one which ultimately derives its authority from the shari‘ah.

Not only foreign merchants, however, appealed to *siyāsah* justice in order to reclaim their debts. In a case dated 876/1471, the wife of the Shafi‘i chief qadi of Egypt filed a complaint against her husband with the *naqīb al-juyūsh*, head of the police. She claimed that she gave her husband a loan of 250 gold dinars, and that he refused to pay her back. Given the strict division of property between spouses, such disputes were not uncommon, although the wife is said to have been incited to bring the suit by her brother, a former chief qadi himself. The head of the police, acting without permission from the sultan, sent four orderlies (*naqībs*) to the qadi’s house. The orderlies, using intimidating language, brought him before the head of the police and then placed him under house arrest. Only at the intervention of the *kātib al-sirr*, Ibn Muzhir, did the wife agree to resolve the dispute under the shari‘ah.<sup>65</sup>

Furthermore, military-executive magistrates intervened in litigation between spouses, not only with regard to debts. As indicated by al-Maqrīzī, fifteenth-century chamberlains had acquired jurisdiction in matrimonial cases. In a case from Jerusalem, the family of a bride whose husband failed to consummate the mar-

<sup>64</sup>Irwin, “Privatization of Justice,” 67; Ibn Taghrībirdī, *Ḥawādith al-Duhūr fī Madā al-Ayyām wa-al-Shuhūr*, ed. W. Popper (Berkeley, 1930), 1:129.

<sup>65</sup>Alī ibn Dāwūd al-Jawharī al-Ṣayrafī, *Inbā’ al-Ḥaṣr bi-Abnā’ al-‘Aṣr*, ed. Ḥasan Ḥabashī (Cairo, 1970), 365–66. On this woman and her economic activity as supervisor of a family endowment, see Muḥammad ibn ‘Abd al-Raḥmān al-Sakhāwī, *Al-Ḍaw’ al-Lāmi’ li-Ahl al-Qarn al-Tāsi’* (Cairo, 1934–36), 12:7.



riage (thereby depriving her of her rights to maintenance) complained to the amir Azbak al-Zāhirī, who was chief chamberlain in 868/1463–64. Azbak set a deadline for the consummation of the marriage, and threatened to issue a judicial divorce unless the groom complied.<sup>66</sup> In another case a husband complained before the grand *dawādār* Yashbak min Mahdī that one of the clerks in the bureau of escheats had seduced his wife. The man claimed that his marriage had collapsed as a result of this affair, that he had divorced his wife, and that the woman had now married her lover. The *dawādār* sent orderlies to bring the suspected couple from their home, and ultimately ruled that the couple should compensate the cuckolded husband with 1,000 dinars.<sup>67</sup> A contemporary legal opinion tells of a man who swore on pain of divorce that if his wife left home without his permission, he would complain about her to the military courts (*siyāsah*) and bring the police to arrest her.<sup>68</sup>

The authority of *siyāsah* magistrates was founded on popular notions of equity. For al-Qalqashandī, the chamberlain is responsible for establishing the rights of the oppressed, enforcing judgments, helping the weak, and judging by the laws of justice. He specifically equates the court of the chamberlain in his own time with the classical institution of *maẓālim*.<sup>69</sup> Some individual chamberlains did attempt to fulfill these roles. Sūdūn al-Zāhirī al-Maghribī (d. 843/1439–40), who acted as chamberlain in the first half of the fifteenth century, was ridiculed for being excessively concerned with the protection of the weak. Ibn Taghribirdī claims that Sūdūn assumed that the weaker party is always in the right, and always suspected coercion on the part of the stronger party. So whenever a soldier and a peasant came before him, he would always favor the peasant and disparage the claims of the soldier. This would go on until the soldier would ask for a settlement (*muṣālahah*), or, if he had sufficient clout, would take his case somewhere else. The chamberlain's manner became so well known that the weak would come to seek him from afar.<sup>70</sup>

Chamberlains and other military-executive officials did not ignore the shari‘ah. This meant a level of familiarity with Islamic law by *siyāsah* magistrates, and it is not surprising to find that several military officers indeed had training in Islamic law, or had shari‘ah specialists in their courts. Timurbāy ibn ‘Abd Allāh al-Shihābī (d. 798/1395–96), a chamberlain under Barqūq, is described as a pious man who loved scholarship and scholars, and who had learned Hanafi jurisprudence

<sup>66</sup> Al-Sakhāwī, *Al-Ḍaw’*, 1:12. See also *ibid.*, 2:271, for the biography of Azbak.

<sup>67</sup> Ibn al-Ṣayrafī, *Inbā’ al-Ḥaṣr*, 124.

<sup>68</sup> Zakariyā al-Anṣārī, *Al-‘Ilām wa-al-Ihtimām bi-Jam‘ Fatāwā Shaykh al-Islām*, ed. Aḥmad ‘Ubayd (Damascus, 1936), 246.

<sup>69</sup> Al-Qalqashandī, *Ṣubḥ al-A‘shā*, 3:277. See also Nielsen, *Secular Justice*, 30.

<sup>70</sup> Ibn Taghribirdī, *Nujūm*, 7:267; Irwin, “Privatization of Justice,” 70.



with Ibn al-Furāt's father. During his tenure as chamberlain his judgments were based on thorough examination (*wa-ṣāra yuḥarriru fī aḥkāmihī*). Whenever he was in doubt regarding a legal question, he inquired of scholars.<sup>71</sup> Ibn Taghribirdī commends the justice enacted by military officials who had learned Hanafi law, including the future sultan al-Zāhir Ṭaṭar, who gave judgments in the Citadel as an amir.<sup>72</sup>

What made *siyāsah* magistrates so popular was that they were able to offer justice, not just law. Two final examples of conflicts between shari'ah and *siyāsah* illustrate this tension. One comes from a work by Tāj al-Dīn al-Subkī, dating to the 1360s, which describes the way military officers resolved cases of fornication. According to al-Subkī, one of the rules (*aḥkām*) set up by *wālīs* (police chiefs) is that a man who deflowered a woman and impregnated her was forced to marry her. They do so, al-Subkī explains, because they think that this is better for the child, who would otherwise carry the disgrace of fornication. This policy, explains al-Subkī, goes against the shari'ah, which rules that the child of fornication is not attached to the fornicator, and does not become his child. Yet, according to al-Subkī himself, the solution in the shari'ah is merely a fine, equal to the expected decrease in the bride's marriage gift (*mahr*).<sup>73</sup> The shari'ah, as attested by a leading jurist, offers a limited financial penalty through a restitution of the financial damage caused by the removal of virginity. The police chiefs, on the other hand, offered a more effective form of justice, with a view to the future benefit of the child.

A second example of a conflict between shari'ah law and *siyāsah* justice comes from the diary of Ibn al-Ṣayrafī, a late fifteenth-century Cairene deputy qadi and chronicler. The case has been translated and discussed by Carl Petry in another context, but, as it is a first-hand account of the actual workings of the interaction between shari'ah and *siyāsah*, it is also relevant here.<sup>74</sup> The account begins with a verbatim extract from a petition filed with the chief Hanafi qadi, Muḥibb al-Dīn Ibn al-Shiḥnah. The petitioner was the maternal aunt of a twelve-year-old girl, whose parents were absent from Cairo:

<sup>71</sup>Ibn al-Furāt, *Tārīkh*, 9:1:446; Nielsen, *Secular Justice*, 85.

<sup>72</sup>Ibn Taghribirdī, *Nujūm*, 6:484; Irwin, "Privatization of Justice," 69.

<sup>73</sup>Tāj al-Dīn al-Subkī, *Kitāb Mu'īd al-Ni'am wa-Mubīd al-Niqam*, ed. David Myhrman (London, 1908), 64.

<sup>74</sup>Ibn al-Ṣayrafī, *Inbā' al-Ḥaṣr*, 226–29. See the translation and analysis by C. Petry, "Conjugal Rights Versus Class Prerogatives: a Divorce Case in Mamlūk Cairo," in *Women in the Medieval Islamic World*, ed. Gavin R. G. Hambly (London, 1999), 227–40; and discussion in my *Marriage, Money and Divorce in Medieval Islamic Society* (Cambridge, 2005), 79–80. My interpretation of the text is substantially different from Petry's, both in its details and its overall significance. According to Petry, the case demonstrates the prerogatives of the military elite.



the slave, relative of such-and-such, who is a virgin adolescent girl, kisses the earth [before your feet] and states that she [the girl] is poor and weary of begging, and that her parents have been absent from Cairo and its environs for a period of more than three years. She asks that a noble permission would be granted to one of the deputy qadis to marry her off to someone who wishes to do so, for a fair marriage gift and for a suitable husband, as an act of charity towards her.

The maternal aunt's choice of a school of law was not random; only Hanafi doctrine allowed for the qadi to marry off a minor orphan.<sup>75</sup> The Hanafi qadi delegated this particular case to his deputy, our narrator Ibn al-Ṣayrafī himself, who then verified that the girl's parents were indeed absent, and married her off to a servant (*ghulam*) in the service of a royal mamluk. According to his account, he also inserted a clause forbidding the groom to consummate the marriage until the girl had attained puberty.

The marriage of this orphan girl, arranged by a Hanafi deputy qadi, ended in divorce and recrimination, and was subsequently, in 875/1470, the subject of complaint to the grand *dawādār*, who, as we have noted, may have acted as a court of appeal against decisions made by shari'ah qadis. While the events of the marriage were contested, it is clear that the marriage was consummated, and that the girl asked her husband for a divorce, which he granted only after demanding financial compensation from her maternal aunt. The aunt then raised an uproar in her Bulaq neighborhood, and the local people took the girl and went to the court of the grand *dawādār*, Yashbak min Mahdī.

The *dawādār* ordered the servant (i.e., the groom) and his master, the royal mamluk, to come to his court. The master protested that his servant "...has done nothing that was not authorized by the qadi and the witnesses," and so the *dawādār* then summoned Ibn al-Ṣayrafī to explain his actions. The following exchange, as recorded by the deputy qadi himself, merits a verbatim quotation, as it encapsulates the contrast between the formalism of the shari'ah law and the popular, "common sense" notions of equity that guide *siyāsah* justice:

I [i.e., Ibn al-Ṣayrafī] entered, and stood before him.

He said to me: "O qadi, did you marry this girl to that man?"

I said, "Yes."

He said, "How come?"

<sup>75</sup>Ibn Qudāmah, *Al-Mughnī*, 7:382 (no. 5201); Ibn Rushd, *Bidāyat al-Mujtahid*, 3:944–46.



I said, “The person who appointed me as his deputy permitted me to do so by a comprehensive deposition in his own handwriting.”

He said, “Should this girl be married off?” indicating that she is young.

I said, “This is the law of my school [the Hanafi school], because the Prophet, pbuh, married ‘Ā’ishah, the mother of believers, may God be pleased with her, when she was nine years old.”

He said, “Do you equate this girl with that one [‘Ā’ishah], or this man with that man [the Prophet]?”

I said, “No, my lord. But the Prophet, pbuh, is our guide to religious law (*mashra’*) and we are his people, who follow his sunnah.”

He fell silent, ceasing to speak with me. Then he turned to the qadis and amirs attending the council, and said to them, “The qadi had this reply for me, and I have no further business with him, but only with the mamluk soldier and his servant.”

As Ibn al-Ṣayrafī is keen to point out, he had done nothing improper. He was authorized to marry off the girl, by permission of the Hanafi qadi who appointed him. He had ascertained, by sufficient legal evidence, that the girl’s parents were indeed not available to marry her off. The formalism of the qadi contrasts, however, with the perspective of the *dawādār*; for him, this was a case of a twelve-year-old girl being subjected to sexual intercourse and financial extortion, and it required an administration of *siyāsah* justice to protect the vulnerable and the defenseless. He summoned all the involved parties to another session in his court a few days later, and then had the husband flogged more than 100 times, and ordered him publicly humiliated across the city, “as an example to anyone who deflowers (*yaftah*) girls.” He also ordered a review of the financial aspects of the divorce settlement by the chief Hanafi qadi. As a result, the husband was to pay the girl four gold coins as her share of the marriage gift. It is important to note that the *dawādār*, despite his forceful intervention in the case, still regarded the settling of the monetary obligations of the husband as something that fell within the remit of shari‘ah, not *siyāsah*.

While the different approaches of the qadi and *dawādār* are clearly distinguished, the justification for the punishment meted out to the husband remains vague. Neither the procedure by which these allegations were proven, nor the exact crime committed by the servant, is explicitly cited. But Ibn al-Ṣayrafī has a remarkable addendum, noting that, “The retribution by the amir *dawādār*—may God protect him—originated from proper authority against the right people”



(*ṣadara min ahlihi fī maḥallihi*), as this soldier and his servant were well-known thugs who terrorized their neighborhood. Despite the way his own actions were subject to scrutiny and criticism by the *dawādār*, Ibn al-Ṣayrafī still does not hesitate to support the implementation of *siyāsah* justice.

#### IV

As this example shows, not all members of the judiciary objected to the expanded jurisdiction of the *siyāsah* courts, even if it came at the expense of the courts of the qadis. Admittedly, other jurists and religious scholars condemned *siyāsah* justice as a symptom of decay and corruption, sometimes in very harsh words. But other, more nuanced, approaches are evident in writings of the ulama. The problem with *siyāsah* justice was usually not that *siyāsah* is illegitimate per se, but that it was left in the hands of incompetent and corrupt officials. The principle of *siyāsah* was acceptable or even necessary, but without the guidance of the shari‘ah, it allowed significant room for abuse.

The first sustained account of *siyāsah* justice comes from the pen of Ibn Taymiyah, writing in the 1320s, i.e., before the great expansion in *siyāsah* jurisdiction. As the title of his important work “Al-Siyāsah al-Shar‘īyah” suggests, he attempted to resolve the duality between *siyāsah* courts and the qadi courts through a reform of the Islamic laws of proof and evidence, specifically advocating the use of circumstantial evidence in criminal cases.<sup>76</sup> This reform was required because the courts of the shari‘ah were too weak, and the *siyāsah* courts of the military officials too arbitrary. For Ibn Taymiyah, the qadis focus on the formalities of the law rather than its intent. The *siyāsah* magistrates, on the other hand, do not have recourse to the Quran and sunnah at all, but rely only on personal opinion, and this opens the way to corruption:

Those who claim to judge by divine law are in fact lacking in knowledge of the sunnah. So when they give judgments in many matters, they deprive people of their rights and fail to uphold criminal law (*‘aṭṭalu al-ḥudūd*), so that blood is shed, property is usurped illegally, and prohibited activities become accepted as licit. On the other hand, those who judge by *siyāsah* resort to a kind of personal opinion without reliance on the Quran and the sunnah. The best of them would pass judgments with no bias and seek justice, but

<sup>76</sup>For a fuller discussion of Ibn Taymiyah’s position, see Johansen, “Signs as Evidence”; and my “Ibn Taymiyya’s Radical Legal Thought: Rationalism, Pluralism and the Primacy of Intention,” in *Ibn Taymiyya and His Times: Proceedings of a Conference Held at Princeton University, 8–10 April 2005*, ed. Y. Rapoport and Sh. Ahmad (Karachi, 2010), 191–226, esp. 211–12.



many are biased and give preference to the strong, those who give them bribes, and the like.<sup>77</sup>

Ibn Taymīyah does not in fact seek the abolition of *siyāsah* courts. Rather, he argues that the *siyāsah* of the ruler and Islamic law neither contradict nor compete with each other. Just rule is part and parcel of Islamic law, and if conflicts arise, it is only because Islamic law is understood too narrowly or because the rulers act unjustly. In this framework, the objective of political power should be the benefit of religion, and the improvement of the material well-being of the believers in those matters without which the religion cannot prosper—like the protection of property or the enforcement of a penal system. According to this view, the principles of good governance are religious principles on par with religious duties such as prayer and fasting, even though they are not necessarily part of the legal norms established by jurists; in fact, good governance take precedence over the non-binding juristic legal interpretation of non-fundamental legal points.

Ibn Taymīyah therefore calls for the incorporation of considerations of utility and political expediency within the norms of Islamic jurisprudence, and views the division of jurisdiction between qadis and other magistrates as a matter of expediency that is not enshrined in the law. All those who are in a position of authority—including rulers, governors, and market inspectors—participate in the implementation of Islamic law. In practical terms, this meant a reform in the Islamic laws of proof and evidence. Ibn Taymīyah's disciples argued that circumstantial evidence should play a much more prominent role in trial procedures. They viewed the role of the judge (whether a qadi or any other magistrate) not as an arbiter of conflicting claims, but as someone who is capable of establishing the truth by his ability to read signs and interpret them as proofs. In order to do so, judges should be able to read all the available signs—such as physical signs in things and property, known social hierarchies, prevailing customs—rather than depend solely on depositions of witnesses. Ibn Taymīyah, who, incidentally, was never employed by the state, nor was ever a qadi, supported a convergence of *siyāsah* and shari'ah justice through a relaxation of evidentiary procedures. In some respects, Ibn Taymīyah had presented a blueprint for the *siyāsah* justice that would subsequently emerge in the second half of the fourteenth century.

Other jurists reacted to *siyāsah* justice with strongly-worded opposition. Tāj al-Dīn al-Subkī, son of Taqī al-Dīn—himself the most prominent opponent of Ibn Taymīyah's religious reforms—presents a very different approach towards *siyāsah*. In "Mu'īd al-Ni'am," written in the 1360s, he calls on government officials to al-

<sup>77</sup>Ibn Taymīyah, *Majmū' Fatāwā Aḥmad ibn Taymīyah*, ed. 'Abd al-Raḥmān ibn Muḥammad ibn Qāsim al-Āṣimī wa-ibnuh Muḥammad (Beirut, 1997), 20:392–93. Translated by A. Bewley in Ibn Taymīyah, *The Madinan Way: the Soundness of the Basic Premises of the School of the People of Madina* (Norwich, 2000), 87.



ways rule by the shari‘ah. For those who tell the ruler that applying the shari‘ah is a sign of weakness, he warns of divine punishment.<sup>78</sup> In criminal cases, military officials are allowed to follow (taqlīd) the school of law that allows for the most severe discretionary punishment (ta‘zīr) and long imprisonments, as long as they are motivated by public interest and not by personal whim. In blasphemy cases, they are allowed to adopt the strict view recently put forward even by non-Maliki jurists.<sup>79</sup> But they are not allowed to go beyond the limits of the shari‘ah, by which al-Subkī means the doctrines set by the schools of law.

His most severe rebuke is reserved for the chamberlains, who, as we have seen, had their jurisdiction expanded substantially in the 1350s, a decade before the composition of the treatise:

We say: the chamberlain should refer all affairs to the shari‘ah, and should not think that the *siyāsah* brings any benefit. Rather, the *siyāsah* brings harm to the land and to the subjects and leads to chaos. The best interests of men are served by the laws handed down by their Creator, who knows best what brings them benefit and what brings them harm. The shari‘ah of our Prophet Muhammad (pbuh) guarantees all the benefits to humanity in this world and the next, and only harm comes when it is set aside. But whoever follows it finds that his days are good and calm...

If you like, look at the annals of the just and unjust kings and amirs, and see which of the two is more secure and which is longer lasting. I have observed these, and found that anyone who thought that he could better the world with his intellect, and rule the land through exercise of personal opinion and *siyāsah* (*bi-rayihi wa-siyāsatihi*), and go beyond the limits and warnings of God, had suffered ill fate, and his days were dark and troubled...

And as for someone who thinks that his affairs will not succeed if he does not shed blood with no just reason and if he does not beat innocent Muslims, let him know that he is a rebel, an ignoramus, a stupid ass, whose dominion will soon perish and whose fall is imminent...

If one of those asses says: “How should I know that? I am a Turkish simpleton (*āmmī*) who knows not the Book and the Sunnah.” Tell him that this would not help him with God. Ask someone who knows; otherwise you will come to the Day of Judgment with your adversaries, those you have beaten and punished, dragging you

<sup>78</sup> Al-Subkī, *Kitāb Mu‘īd al-Ni‘am*, 34.

<sup>79</sup> Ibid., 36–37.



over the mountains face-down. Then, no excuse will help you. If it is impossible for you to understand, then what business do you have in taking on this job? Leave it.<sup>80</sup>

Like Ibn Taymīyah, al-Subkī equates *siyāsah* with personal opinion. However, al-Subkī is unequivocal in his support for the formalities of the shari‘ah within the limits of the four-*madhhab* system.

Another strong condemnation of the *siyāsah* justice administered by the chamberlains is offered by al-Maqrīzī, writing in the 1420s. Al-Maqrīzī accuses the chamberlains of simple greed, saying that they have “no other purpose but to procure a daily income by the hands of the commander of the court guards (*ras nawbat al-nuqabā*’). Many of them have no *iqṭā*’ to support their rank, and they make their living solely from the litigation (*mazālim*) of God’s servants.” He labels the word *siyāsah* a “satanic term,” claiming, rather fancifully, that it is derived from the word “Yāsa,” the legal code of the Mongols:

The judgments of the chamberlains are called judgment of *siyāsah*, which is a satanic term. Most of our contemporaries who do not know its origin employ it carelessly, saying that when a matter does not accord with the judgments of the shari‘ah it must be according to the judgments of *siyāsah*. But while they take it lightly, it is a grave matter in the eyes of God, as I will explain, for this is a valuable section...

Our contemporaries are wrong regarding its origin, for it is a Mongol word. It was originally “*yāsah*,” and was mispronounced by the Egyptians, who prefixed the letter “s” to pronounce “*siyāsah*,” and then added the definite article, so that the ignorant think it is an Arabic word, but the truth is what I have just told you.<sup>81</sup>

As David Ayalon has shown, there is no evidence for the application of the Mongol Yāsa under the Mamluks.<sup>82</sup> Moreover, a close reading of al-Maqrīzī’s account actually reveals a principled acceptance of *siyāsah* justice as complementing shari‘ah, echoing the views of Ibn Taymīyah a century earlier. After labeling *siyāsah* a “Satanic term,” al-Maqrīzī then distinguishes between the correct, just *siyāsah*, which conforms to the shari‘ah, and its corruption at the hands of incompetent individuals:

<sup>80</sup>Ibid., 57–58.

<sup>81</sup>Al-Maqrīzī, *Al-Mawā‘iz*, 3:714–15.

<sup>82</sup>David Ayalon, “The Great Yāsa of Chingiz Khān: A Re-examination,” *Studia Islamica* 33 (1971): 97–140; 34 (1971): 151–80; 36 (1972): 113–58; 38 (1973): 107–56; Irwin, “Privatization of Justice,” 63.



You should know that people in our days, and since the beginning of the Turkish dynasty in Egypt and Syria, divide judgments into two categories: judgment of shari‘ah and judgment of *siyāsah*. The shari‘ah is those religious duties which God has set, such as prayer, fasting, pilgrimage, and the remainder of charitable deeds... [On the other hand], the term *siyāsah* is used to describe the law (*qānūn*) laid down for guarding morals (*ādāb*) and public interest and setting public affairs in order.

The *siyāsah* is of two kinds. One is the just *siyāsah* that extracts justice from the unjust sinner. This first kind is indeed part of the shari‘ah, known to some and unknown to others, and this *siyāsah shar‘īyah* has been the subject of many books. The other kind is the unjust *siyāsah*, forbidden by the shari‘ah.

Ibn Taghrībirdī, who repeats some of al-Maqrīzī’s observations mentioned above, also makes a similar distinction between just and unjust *siyāsah* in his annals for the years 861 and 863 (1456–57 and 1458–59). According to his account, in this period every junior officer set out his own court, and would hear litigations, using no rules of evidence but raw intimidation and coercion. The result, Ibn Taghrībirdī laments, was that merchants and artisans could not pursue their trades, as they had no legal protection. Robert Irwin rightly recognizes this as “privatization of justice.” However, Ibn Taghrībirdī is specifically concerned with the rough justice offered by junior officers. He is not objecting to *siyāsah* justice as such, nor to the justice offered by chamberlains or *dawādārs*. His concern is, more specifically, that the “authority of the magistrates of the shari‘ah and the *siyāsah* is set at naught by the power of the purchased mamluks (*julbān*) of the sultan Ināl.”<sup>83</sup> Ibn Taghrībirdī groups together “the magistrates of the shari‘ah and the *siyāsah*,” in effect the qadis, chamberlains, and *dawādārs*, and regards them as the pillars of a just legal system which is being threatened by the junior officers.

The reaction of jurists and scholars to the administration of *siyāsah* ranged from complete rejection, through acceptance and accommodation, to outright celebration of its role in complementing the shari‘ah. An example of the latter attitude is the treatise “*Tahrīr al-Sulūk fī Tadbīr al-Mulūk*,” composed for Qānshūh al-Ghawrī by Abū al-Faḍl Muḥammad Ibn al-A‘raj (d. 925/1519), a minor religious scholar in Cairo.<sup>84</sup> Much of the work consists of verbatim quotations from the classical text by al-Māwardī. But the author precedes the traditional narrative by

<sup>83</sup>Ibn Taghrībirdī, *Nujūm*, 7:494; Irwin, “Privatization of Justice,” 68.

<sup>84</sup>Abū al-Faḍl Muḥammad Ibn al-A‘raj, *Tahrīr al-Sulūk fī Tadbīr al-Mulūk*, ed. Fu‘ād ‘Abd al-Mun‘im (Alexandria, 1982). The work is discussed in Darling, “Medieval Egyptian Society and the Concept of the Circle of Justice.”



offering remarkable guidelines for the use of intimidation and physical violence in *siyāsah* courts. For him, this is what makes *siyāsah* necessary to complement the shari‘ah:

He [i.e., the *nāzir fī al-mazālim*] can examine crimes and grievances prior to any complaint; he can intimidate (*irhāb*) a suspect of injustice and crime before the crime has been proved by admission or by conclusive evidence. He can also stimulate (*al-ḥaml ‘alá*) a confession of the truth, and imprison culprits for injustices. He can use physical force to gain a confession after circumstantial evidence of a crime has appeared, and he can chastise a defendant who denies guilt after the truth has been confirmed by evidence. He can also coercively encourage the criminals to repent. The qadis do not have recourse to these forms of *siyāsah*: they cannot examine injustice and litigations before they were brought to their attention, only after; and they have no means to pass judgment in them, other than their own personal knowledge, a confession, or fair evidence (*bayyinah ‘adilah*).<sup>85</sup>

I do not believe that al-A‘raj was trying to gain royal favor by legitimizing torture and physical intimidation; given the prevalence and indispensability of *siyāsah* justice in fifteenth-century Mamluk society, this was hardly necessary. Al-A‘raj attempts here to address the lack of predictability in *siyāsah* justice, and to formally set out rules guiding *siyāsah* magistrates. These guidelines were most probably grounded in the actual praxis of *siyāsah* courts for more than a century, but here are incorporated into the juristic discourse.

## V

The final decades of the Mamluk Sultanate, under the reigns of the sultans Qāyrbāy (r. 1468–96) and Qānṣūh al-Ghawrī (r. 1501–16), represent an unprecedented degree of royal intervention in the administration of justice. Qāyrbāy and Qānṣūh did not see themselves as merely enforcers of Islamic law and justice, but also as its interpreters. They were, as Carl Petry aptly puts it, “champions of the shari‘ah” against the formalistic attitude of the qadis and the *muftīs*.<sup>86</sup> They opened the gates of their court to an increasing number of litigants, and dealt

<sup>85</sup>Ibn al-A‘raj, *Tahrīr al-Sulūk*, 38. Compare ‘Alī ibn Muḥammad al-Māwardī, *Al-Aḥkām al-Sultānīyah wa-al-Wilāyāt al-Dīnīyah* (Cairo, 1983), 71; *The Laws of Islamic Governance*, trans. Asadullah Yate (London, 1416/1996), 120. Elsewhere, Ibn al-A‘raj outlines the difference between the *siyāsah* of the amirs and the judgments passed by qadis (*Tahrīr al-Sulūk*, 57).

<sup>86</sup>Carl F. Petry, *Protectors or Praetorians?: The Last Mamlūk Sultans and Egypt’s Waning as a Great Power* (Albany, 1994), 198.



with an expanding range of civil cases. The sultans also settled disputes between the chief qadis by applying “common sense” interpretations. Finally, by the final years of Qānṣūh’s reign, he appeared ready to publicly overrule the interpretations of the qadis, not in the name of *siyāsah* but rather in the name of the correct application of the shari‘ah itself.

The above-mentioned deputy Ibn al-Ṣayrafī, who attended the bi-weekly court *mazālim* sessions of Qāyṭbāy, presents the sultan as impatient with the indeterminacy of the chief qadis.<sup>87</sup> In a case involving an endowment of a madrasah, when the founder’s stipulations and the alterations to the original structure were discussed, Qāyṭbāy rode to the building to see for himself.<sup>88</sup> In a legal dispute over the renovation of a synagogue in Jerusalem, Qāyṭbāy summoned qadis to review the case, but also expressed his own interpretation of the law, finally siding with the jurists who permitted the renovation.<sup>89</sup> In another case, the sultan acted as a court of appeal against the judgments of a qadi. After a divorcee had complained that her ex-husband, an ironsmith, refused to pay the remaining portion of her marriage gift, and that she had been refused justice by a Hanafi deputy, the sultan found the deputy guilty of bias.<sup>90</sup>

The royal dispensation of justice reached now a wider public through the building of a new Dār al-‘Adl. Fifteenth-century sultans followed Barqūq’s example and held sessions in the royal stables to adjudicate cases. Ibn Taghrībirdī reports this for Sultan Khushqadam in 871/1466, noting that in doing so he continued past traditions.<sup>91</sup> Qāyṭbāy appears to have gone further by experimenting with opening his *mazālim* sessions to the petitions of commoners. He then became convinced of the futility of such an approach when a woman came to complain that her husband had taken a second wife.<sup>92</sup> Like Sultan Barqūq a century earlier, Qāyṭbāy then attempted to control the crowds at his door by ordering that his court would only hear appeals against the decisions of lower magistrates.<sup>93</sup> The increasing demand for litigation to be brought before the royal court was recognized by Sultan Qānṣūh, who demolished the old Dār al-‘Adl and erected a new, more spacious building in 916/1511.<sup>94</sup> Qānṣūh, interestingly, also repeated earlier attempts to limit the power of lower *siyāsah* magistrates. In 910/1505 he banned

<sup>87</sup>Ibid., 199.

<sup>88</sup>Ibid., 204; Ibn al-Ṣayrafī, *Inbā’ al-Ḥaṣr*, 379–82.

<sup>89</sup>Donald P. Little, “Communal Strife in Late Mamlūk Jerusalem,” *Islamic Law and Society* 6, no. 1 (1999): 69–96.

<sup>90</sup>Ibn al-Ṣayrafī, *Inbā’ al-Ḥaṣr*, 153–56.

<sup>91</sup>Fuess, “Zulm,” 127, citing Ibn Taghrībirdī, *Nujūm*, 7:745.

<sup>92</sup>Petry, *Protectors*, 151–55; Ibn al-Ṣayrafī, *Inbā’ al-Ḥaṣr*, 391.

<sup>93</sup>Ibn al-Ṣayrafī, *Inbā’ al-Ḥaṣr*, 401.

<sup>94</sup>Petry, *Protectors*, 205.



all trials except those conducted according to the shari‘ah, and he did so again in 919/1513–14, after an outbreak of the plague. Predictably, the bans failed, as the *siyāsah* magistrates argued that ordinary litigants had no other way of securing their rights.<sup>95</sup>

In criminal cases Qāyṭbāy and Qānṣūh applied very severe punishments, often beyond the Quranic punishments (*ḥudūd*) of the shari‘ah.<sup>96</sup> Qānṣūh applied torture to a Jewish merchant, and refused to accept his conversion to Islam, in a display of royal, effective justice during one of his final public sessions on the racecourse (*maydān*).<sup>97</sup> Thieves were regularly condemned to death after suffering corporal punishment.<sup>98</sup> But a range of other public punishments were used. A slave who was convicted of stealing was beaten and then led by an earring in the nose like an animal.<sup>99</sup> The goriest public processions were reserved for Bedouin chiefs and highway robbers, who were marched through town after being amputated and blinded.<sup>100</sup> Female criminals were also led through town in humiliating processions, apparently an unprecedented form of punishment for women.<sup>101</sup> A survey of half a dozen cases of theft and forgery brought before the sultans found a variety of punishments, including amputation, public procession with bare heads, and jail sentences. There was no apparent codification, but, given that the offences are not clearly specified, this was not necessarily arbitrary justice.<sup>102</sup>

The severity of punishment in criminal cases, coupled with an active interpretation of the shari‘ah against the views of the legal practitioners, led to an outright conflict between the sultan and qadis during the final years of the sultanate. In this famous case, dated 919/1513, a Cairene religious scholar came home to find his wife in bed with another man, who was, incidentally, a deputy qadi.<sup>103</sup> The

<sup>95</sup> Irwin, “Privatization of Justice,” 69; Fuess, “Zulm,” 141; Ibn Iyās, *Badā‘i‘ al-Zuhūr fī Waqā‘i‘ al-Duhūr* (Istanbul, 1931), 4:76, 312, 230.

<sup>96</sup> Bernadette Martel-Thoumian, “Pouvoir et justice sous les derniers sultans circassiens (872–922/1468–1516),” 462.

<sup>97</sup> Fuess, “Zulm,” 128, citing Ibn Iyās, *Badā‘i‘*, 4:481. For another example of the direct intervention of Qānṣūh in a criminal case in 1515, see Carl F. Petry, “Disruptive ‘Others’ as Depicted in Chronicles of the Late Mamlūk Period,” in *The Historiography of Islamic Egypt (c. 950–1800)*, ed. H. Kennedy (Leiden, 2001), 183.

<sup>98</sup> Bernadette Martel-Thoumian, “Voleurs et assassins à Damas et au Caire (fin IXe/XVe–début Xe/XVIIe siècle),” *Annales islamologiques/Hawliyat Islamiyah* 35, no. 1 (2001): 193–240, esp. 235–39.

<sup>99</sup> Martel-Thoumian, “Pouvoir et justice,” 464ff.

<sup>100</sup> *Ibid.*, 465–66.

<sup>101</sup> *Ibid.*, 467. See Ibn Iyās, *Badā‘i‘*, 3:338, 4:72.

<sup>102</sup> Martel-Thoumian, “Pouvoir et justice,” 457–58.

<sup>103</sup> The following account is based on Ibn Iyās, *Badā‘i‘*, 4:340–50. A short version is given by the Syrian historian Ibn al-Ḥimṣī, *Hawādith al-Zamān wa-Wafayāt al-Shuyūkh wa-al-Aqrān* (Sayda, 1999), 2:252. See also the summary in Petry, *Protectors*, 149–51; Fuess, “Zulm,” 133; and in Rapoport.



husband complained to the court of the chamberlain, and the latter gave orders that the two adulterers should be beaten severely, fined, and led through the city on donkeys, facing backwards. Sultan Qānṣūh, however, was dissatisfied with the leniency of the punishment. He blamed the qadis for appointing fornicating deputies, and demanded that the adulterers be punished in the way prescribed by Islamic law, i.e., by stoning. It was an unusual order; no stoning had taken place for many years, and apparently never during Qānṣūh's long years in power. But, while the sultan, representing secular authority, was pushing for an Islamic punishment, several jurists issued a *fatwá* against a death sentence, arguing that the fornicator had in the meantime retracted his confession. In an overt struggle over the right to interpret the law of the land, the jurists argued that the sultan was bound to act according to the Islamic law of evidence; execution would be a criminal offence, and the sultan liable for the blood money. At this point the sultan told them off as senseless fools, and dismissed all four chief qadis, paralyzing all legal and economic activity in Cairo for three days. He ordered that the two lovers be hanged, facing each other at the gate to the house of one of the jurists who objected to the death sentence. Their bodies remained on the gallows for two days, until the sultan gave permission to bury them.

## VI

The final years of the Mamluk Sultanate witnessed a direct competition over the interpretation of the shari'ah between the sultan and the jurists. It was the culmination of a continuous rise in the state's control over the legal system, which started with the appointment of the four chief qadis by Baybars in 1265. During this early period of Mamluk rule, the quadruple shari'ah system allowed the state, in co-operation with the qadis, to pick and choose from the doctrines of the legal schools in order to promote social objectives. However, by the middle of the fourteenth century, the jurisdiction of the *siyāṣah* magistrates, and specifically the chamberlain, was enhanced to include the redemption of debts, often by torture, and certain categories of matrimonial disputes. The expansion of *siyāṣah* jurisdiction was designed to offer legal solutions that went beyond the doctrines of the Sunni schools of law. By and large, *siyāṣah* justice was perceived as a necessary complement to the shari'ah, as it plugged loopholes in the schools' doctrines. *Siyāṣah* magistrates believed that their justice was a necessary prerequisite for the implementation of the shari'ah, and not in opposition to it. This expansion in *siyāṣah* jurisdiction, particularly in relation to the redemption of debts, bears

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port, "Women and Gender in Mamluk Society: An Overview," *Mamlūk Studies Review* 11, no. 2 (2007): 1–47.



striking similarity to the expansion of the jurisdiction of the English chancery in these same decades.<sup>104</sup>

The expanding role of the sultan in the administration of justice manifested itself in the increasing size and importance of Dār al-ʿAdl, an Ayyubid innovation which became a distinctly Mamluk symbol of sovereignty. The first Mamluk hall of justice was built by Baybars in 1262, and subsequent ones were both larger and closer to the Cairene urban population which they served. In the second half of the fourteenth century the institution also acquired its independent legal advisors, the *muftīs* of Dār al-ʿAdl. During the final decades of the Sultanate, Qāyṭbāy and Qānṣūh went further than any of their predecessors in centralizing the administration of law in their own hands, and often questioned the interpretation of the shariʿah by their qadis. In these final years the tension between the *siyāsah*, grounded in notions of equity but open to arbitrary implementation, and the formalistic and ineffective shariʿah, came to a head. It is only the Ottomans who would resolve this tension by enforcing a unified *kanun* based on the shariʿah.

The implications of this historical approach to the legal history of the Mamluk Sultanate are far-reaching, not only for the Sultanate itself, but for the entire narrative of the history of Islamic law. Wael Hallaq recently argued that the ruler's intervention in the legal sphere was minimal, limited to administrative regulation that mostly pertained to the regime's machinery of government. Thus, according to Hallaq, the civilian population was subject to the shariʿah, while the government's servants were subject to a more coercive code of the sultan; a dual system, where the rulers were subject to a different law from the ruled.<sup>105</sup> However, as we have seen, the evidence of the Mamluk period shows otherwise. There is ample evidence that the Mamluk *ḥājib* and other military officers sat in justice over all segments of the urban population from the middle of the fourteenth century until the demise of the Mamluk dynasty. There was no dual system of justice, one for the elite and one for the commoners. In fact, such a dual system would have impinged on the overarching superiority of the shariʿah, which is shown by Hallaq to be the hallmark of Islamic societies. The *siyāsah* of the sultans and the amirs was necessary for the continuous application of shariʿah norms; the expansion of the *siyāsah* jurisdiction set out to bolster the shariʿah rather than defeat it.

This fits with a much wider pattern in Muslim societies of the late Middle Ages and the Early Modern period. As said above, the Ottoman *kanun* added to

<sup>104</sup>Robert C. Palmer, *English Law in the Age of the Black Death, 1348–1381: A Transformation of Governance and Law* (Chapel Hill, NC, 1993).

<sup>105</sup>Hallaq relies on secondary literature regarding the legal history of the Mamluk Sultanate, and gets some of the facts wrong. In his discussion of the Mamluk *siyāsah* court he claims that the Mamluk *ḥājib* did not have any jurisdiction over the civilian population (*Shariʿa*, 201), save rare exceptions at the end of the thirteenth century (*ibid.*, 209).



the religious law in matters relating to public order, taxation, usury, and land tenure. Rather than viewing government intervention as an exception, it seems that, at least from the middle of the fourteenth century, rulers intervened quite heavily in legislating, modifying, and applying the shari‘ah. We should forsake the long-held paradigm that views the state as essentially external to Islamic law, a paradigm that makes no sense at all for legal historians of other civilizations.<sup>106</sup> Rather, the evidence of the Mamluk legal system—the most highly developed system of Islamic law in the Middle Ages—shows that the *siyāṣah* of the state was not only an integral and legitimate element of the shari‘ah, but also an increasingly central one.

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<sup>106</sup>Miriam Hoexter, “*Qāḍī, Muftī* and Ruler: Their Roles in the Development of Islamic Law,” in *Law, Custom, and Statute in the Muslim World: Studies in Honor of Aharon Layish*, ed. Ron Shaham (Leiden, 2006), 67–86; Ido Shahaar, “Legal Pluralism and the Study of Shari‘a Courts,” *Islamic Law and Society* 15, no. 1 (2008): 112–41.



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## ***Khubz* as *Iqtāʿ* in Four Authors from the Ayyubid and Early Mamluk Periods**

### INTRODUCTION

*Iqtāʿ* is the delegation of “fiscal rights of the state over lands remaining juridically in the hands of their former owners.”<sup>1</sup> *Iqtāʿ* is a major question in studies of medieval Islamic society. In spite of the amount of previous research many points still need to be clarified. To date, the *iqtāʿ* system has been studied mainly from a legal point of view: the assignment of *iqtāʿ*, the duties and rights of the *muqṭaʿ*, etc.<sup>2</sup> However, the emotional relations and loyalties underlying it, as well as relationships between levels of power, have been neglected.

While investigating these topics I have frequently come across the use of the term *khubz* in reference to *iqtāʿ* in Ayyubid and early Mamluk chronicles. The question underlying this article is whether a semantic study of the term used to refer to the *iqtāʿ*, above and beyond its intrinsic value, can contribute to a deeper understanding of the *iqtāʿ* system and how it functioned. In spite of its repeated appearance, no comprehensive inquiries exist to date on this particular use of the term *khubz*. Brief notes on the topic can be found in the critical editions and translations of Arabic texts and in research on the *iqtāʿ* system.<sup>3</sup>

The main issues to be considered in this article are, first of all, whether the use of the term changes from one author to another and whether the two terms are used interchangeably by the authors under discussion. Secondly, I will verify to what extent *khubz* was perceived and used as a substitute for *iqtāʿ* and whether the main meaning of *khubz*—bread, subsistence—influences its use in a given context or expression. In order to investigate these issues, after an overview on the authors’ uses of the term, I will concentrate on three particular cases. Although the article focuses on four works from the Ayyubid and early Mamluk periods, I will also give a brief overview of the use of *khubz* in later centuries. Through

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<sup>1</sup>Claude Cahen, “Iqtāʿ,” *Encyclopaedia of Islam*, 2nd ed., 3:1088–91.

<sup>2</sup>See for example Sato Tsugitaka, *State and Rural Society in Medieval Islam* (Leiden, 1997).

<sup>3</sup>Abraham N. Poliak, *Feudalism in Egypt, Syria, Palestine, and the Lebanon, 1250–1900* (Philadelphia, 1977), 18, 32; Sato, *State and Rural Society*, 46, n. 7; Claude Cahen, “L’évolution de l’iqtāʿ du IX au XIII siècle,” *Annales, économies, sociétés, civilisations* 8 (1953): 25–52.



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textual analysis I hope to contribute, first of all, to describing some features of the use of this term in referring to *iqṭā'*, not only in writing but also in the spoken language. Secondly, I hope to contribute to the understanding of the *iqṭā'* system and how it functioned. My final goal in both cases is not to paint a comprehensive picture, but rather to present some preliminary reflections based on the reading of texts from the period under review.

Before approaching the topic, it is worth considering two preliminary points. As far as the way the terms *iqṭā'* and *khubz* have been translated into European languages is concerned, a variety of solutions have been adopted. When translating al-Maqrīzī's *Kitāb al-Sulūk* into French, Quatremère mostly kept the Arabic terms for both *iqṭā'* and *khubz*, while in Broadhurst's English translation of the same work *iqṭā'* is translated as "fief" and *khubz* sometimes as "emoluments."<sup>4</sup> In the French versions of Ibn Shaddād's *Al-A'lāq al-Khaṭīrah fī Dhikr Umarā' al-Shām wa-al-Jazīrah* (by A. Eddé) and al-Makīn Ibn al-ʿAmīd's *Al-Majmū' al-Mubārak* (by A. Eddé and F. Micheau) *iqṭā'* is not translated, while *khubz* has been expressed with the words "allocation" and "concession."<sup>5</sup> Jacqueline Sublet translated *iqṭā'* as "fief" in some cases, while in others she kept the Arabic word. The same can be said for *khubz*, which is occasionally translated as "dotation."<sup>6</sup> In this article I have chosen to keep the Arabic words because none of the modern terms fully correspond with what *iqṭā'* and *khubz* refer to in all their complexity.

Secondly, when I began analyzing the use of the term *khubz*, I focused on the dichotomy of *khubz/iqṭā'*. In the course of my inquiry, though, I realized that, particularly in some of the authors under review, the verbal noun—*iqṭā'*—is hardly used. In the part of Ibn Shaddād's work which I analyzed it is used only twice, and in Ibn al-ʿAdīm Kamāl al-Dīn's *Zubdat al-Ḥalab min Tārīkh Ḥalab* and Ibn Wāṣil's *Mufarrij al-Kurūb fī Akhbār Banī Ayyūb* it appears more frequently but is still not the most common term. All the authors, including al-Makīn, generally use a verb from the same root, *aqṭa'a*. Consequently, this discussion will not be limited to the alternation between *khubz* and *iqṭā'*, but the use of the term *khubz* will be investigated in the wider context of *iqṭā'*-related phraseology.

<sup>4</sup>See Étienne Marc Quatremère, *Histoire des Sultans Mamlouks de l'Égypte*, 2 vols. (Paris, 1837–45), and Ronald J. C. Broadhurst, *A History of the Ayyūbid Sultans of Egypt* (Boston, 1980).

<sup>5</sup>Anne Marie Eddé, *Description de la Syrie du Nord* (Damascus, 1984); Anne Marie Eddé and François Micheau, *Chronique des Ayyoubides (602–658/1205–6–1259–60)*, Documents relatifs à l'histoire des Croisades, no. 16 (Paris, 1994). On *khubz*, see for example *Description*, 55, 271, and *Chronique des Ayyoubides*, 121.

<sup>6</sup>Faḍl Allāh ibn Abī al-Fakhr al-Suqā'i, *Tālī Kitāb Wafayāt al-A'yān (un fonctionnaire chrétien dans l'administration Mamelouke)*, ed. Jacqueline Sublet (Damascus, 1974).



## SOURCES

This article focuses on four works dating back to the seventh century. Three of them are historical writings, for example Ibn Wāṣil's *Mufarrij al-Kurūb fī Akhbār Banī Ayyūb*.<sup>7</sup> This is the story of the Ayyubids, covering the period from the rise of the Zangids to the ascension to power of al-Malik al-Zāhir Baybars (658). It was composed in Hama around 670. My considerations are mainly based on vols. 3 and 4. Further quotations are also taken from vols. 2 and 5. The second of the works under discussion is al-Makīn Ibn al-ʿAmīd's *Al-Majmūʿ al-Mubārak*,<sup>8</sup> a universal history from creation to the Mamluks' rise to power. The third piece of historical writing I have considered is a local history, Ibn al-ʿAdīm Kamāl al-Dīn's *Zubdat al-Ḥalab min Tārīkh Ḥalab*.<sup>9</sup> This treats the history of Aleppo from its origins to 641. The last work I have analyzed is a historical topography of Syria, *Al-A'lāq al-Khaṭīrah fī Dhikr Umarā' al-Shām wa-al-ʿJazīrah*, composed between 671 and 680 by Ibn Shaddād (vols. 1 and 2).<sup>10</sup>

The authors mentioned share many similarities. First of all they lived in the same period and witnessed the dynastic transition between the Ayyubids and the Mamluks. Their works belong to the so-called "siyāsa oriented historiography."<sup>11</sup>

<sup>7</sup> Arabic text edited by Jamāl al-Dīn al-Shayyāl (vols. 1–3) and H. Ramīʿ S. Ashūr (vols. 4–5) (Cairo, 1953–1977). Vols. 2 and 3 do not include an analytical index. In the index to volumes 3 and 5 both *khubz* and *iqṭāʿ* are listed, while in the index to vol. 4 only *iqṭāʿ* is mentioned. In the index to vol. 3, a passage containing *khubz* is not mentioned (112–13). Following is a list of passages from the *Mufarrij* containing the terms *khubz* and *iqṭāʿ*, some of which will be mentioned in this article: (*khubz*) 2:265; 3:81, 108, 112–13; 5:69, 206, 337, 277; (*iqṭāʿ*) 3:14, 23, 54, 55, 131, 126, 204, 239, 251, 269; 4:23, 30, 70, 73, 88, 89, 110, 133, 226, 231, 284.

<sup>8</sup> Arabic text edited by Claude Cahen in *Bulletin de études orientales* 15 (1955–57): 109–84, and translated by Eddé and Micheau in *Chronique des Ayyoubides*. On this work see Johannes den Heijer, "Coptic Historiography in the Fatimid, Ayyubid and Early Mamluk Period," *Medieval Encounters* 2, no. 1 (1996): 88–94. The passages from the text edited by Cahen containing *khubz* are: 134, 139, 143, 149, 152, 157, 161, 169, 176, and the ones containing *iqṭāʿ*: 133, 155, 159, 164, 176. The edition mentioned includes only an index of names of people and places.

<sup>9</sup> Arabic text edited by Sāmī al-Dahhān, 3 vols. (Damascus, 1951–68). The following passages contain the term *khubz*: 203v; and *iqṭāʿ* (or *aqṭāʿ*): 173v, 177r, 180r–v, 183r, 187r, 189v, 190r, 191r, 194v, 202v, 204v, 205r–v, 208r, 222v, 223r, 225v, 228r, 231r–v, 234r, 237v, 238r, 241v, 251v, 256r, 262r–v, 258v, 263r, 265v. The edition mentioned contains only an index of geographical names and names of people.

<sup>10</sup> Text edited by Anne Marie Eddé in *BEO* 22–23 (1980–81): 265–402, and translated, *Description de la Syrie du Nord*. In the part of the text edited by Eddé, *khubz* is used three times (382, 320, 299). For *iqṭāʿ* see pages: 292, 295, 299, 303, 304, 372, 373, 374, 375, 377–78, 380, 381, 382, 383, 387, 390, 393, 396–99. The edition mentioned contains only an index of people's names. On the *Al-A'lāq* see Zayde Antrim, "Making Syria Mamluk: Ibn Shaddād's *Al-A'lāq al-Khaṭīrah*," *Mamlūk Studies Review* 11, no. 1 (2007): 1–18.

<sup>11</sup> Tarif Khalidi, *Arabic Historical Thought in the Classical Period* (Cambridge, 1994), 184. On Ayyubid and Mamluk historiography, see Donald P. Little, *An Introduction to Mamluk Historiography*



Developing from the eleventh century, this new type of historiography focused mainly on issues related to governance. Like most of the historians of this period, all of the authors under review held positions in the administration and had close links with the court.<sup>12</sup> Ibn Wāṣil studied in Damascus and Aleppo, and during his life he held official positions in the service of various patrons including the Ayyubid ruler of Hama, Muẓaffar II, and the sultan Baybars. He also held teaching posts and judgeships in different places. He was in close contact with the ruling and administrative elites as well as with scholars. Like Ibn Wāṣil, Ibn al-ʿAdīm<sup>13</sup> also had close links with the leading group of his town, Aleppo. He was born in 588 and, like Ibn Wāṣil, he was given diplomatic missions by the Ayyubid ruler of the town. He served as secretary, judge, and vizier, and held teaching positions as well. In addition to the *Zubdat al-Ḥalab* he also wrote a biographical dictionary called *Bughyat al-Ṭalab fī Tārīkh Ḥalab*. ʿIzz al-Dīn Ibn Shaddād served in the bureaucracy, first in Ayyubid Aleppo—as secretary of the chancellery of al-Malik al-Nāsir—and then in Cairo. He wrote a biography of Baybars and the *Al-Aʿlāq al-Khaṭīrah fī Dhikr Umarāʾ al-Shām wa-al-Jazīrah*, a historical topography of Syria. The last of the authors discussed, al-Makīn, was an Egyptian Copt. Like his father he was a high official of the army's *dīwān* in Syria, where al-Makīn moved for unknown reasons.<sup>14</sup>

In addition to the works of these authors, I have also considered the last volume of *Al-Kāmil fī al-Tārīkh*<sup>15</sup> by Ibn al-Athīr ʿIzz al-Dīn ʿAlī (d. 630), which was the model for the works of Ibn Wāṣil and al-Makīn. The period dealt with in this volume starts with the rise to power of Ṣalāḥ al-Dīn and ends in 628. Further examples have been taken from later historians: the *Dhayl Mirʾat al-Zamān* of al-

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(Wiesbaden, 1970); Franz Rosenthal, *A History of Muslim Historiography* (Leiden, 1952).

<sup>12</sup>On this topic see Donald P. Little, "Historiography of the Ayyubid and Mamluk Epochs," in *The Cambridge History of Egypt*, ed. M. W. Daly (Cambridge, 1998), 1:412–14; idem, *History and Historiography of the Mamluks* (London, 1986); Konrad Hirschler, *Medieval Arabic Historiography: Authors and Actors* (London and New York, 2006), 14; Yehoshua Frenkel, "Ayyubid and Mamluk Historiography: Eyewitness Accounts by Several Contemporaries," in *Continuity and Change in the Realms of Islam: Studies in Honor of Professor Urbain Vermeulen*, ed. K. D'Hulster and J. van Steenbergen (Leuven, 2008).

<sup>13</sup>On this author, see David Morray, *An Ayyubid Notable and his World* (Leiden, 1994), 1–11.

<sup>14</sup>Claude Cahen, "Al-Makīn Ibn al-ʿAmīd," *EI2*, 4:143–44.

<sup>15</sup>Arabic text edited by Carl J. Tornberg (1807–1877) (Beirut, 1965–67), vol. 12, and translated by Donald S. Richards, *The Chronicle of Ibn al-Athīr for the Crusading Period from al-Kāmil fī'l-Tārīkh*, pt. 3, *The Years 589–629/1193–1231: The Ayyūbids after Saladin and the Mongol Menace* (Ashgate, 2008). The passages containing the term *iqṭāʿ* in this volume—some mentioned in this article—are on pages 125, 136, 137–38, 155, 163, 173, 342, 346, 412, 445, 446 of the Arabic text. This edition contains only an index of geographic and personal names.



Yūnīnī<sup>16</sup> and the biographical dictionary *Tālī Kitāb Wafayāt al-A‘yān*, composed by the Christian Ibn al-Ṣuqā‘ī,<sup>17</sup> both of whom died in 726; al-Nuwayrī’s (d. 732) *Nihāyat al-Arab fī Funūn al-Adab*;<sup>18</sup> and al-Maqrīzī’s (d. 845) *Kitāb al-Sulūk*.<sup>19</sup>

### **KHUBZ IN SEVENTH-CENTURY WORKS**

It has already been pointed out that in this period *khubz* was used with the meaning of *iqṭā‘*, and my research confirms this assumption. Clear evidence of this is that occasionally the two terms are used alternatively to refer to the same object, sometimes both in the same sentence or in different contexts. In the year 637, for example, al-Malik al-Ṣāliḥ distributed *iqṭā‘āt* to his mamluks. Both Ibn Wāṣil<sup>20</sup> and al-Makīn<sup>21</sup> report the episode, but the *iqṭā‘āt* are referred to as *akhbāz* by the former and *iqṭā‘āt* by the latter:

*Mufarrij*, 5:277

وكاما قطع خبز أمير أعطاه لمملوك من مماليكه وقدمه

al-Makīn, 152

و أمر مماليكه وأعطاهم الإقطاعات

The choice of the term clearly results from the writers’ phrasing and linguistic choices.

According to the analysis undertaken, all of the authors under review use *khubz* to refer to *iqṭā‘* at least once. The use of the term, however, changes from one author to another. Ibn Shaddād, Ibn Wāṣil, and Ibn al-‘Adīm do not use the word *khubz* often. In their works this term appears only in a small percentage of the sentences referring to the *iqṭā‘* system. In Ibn Shaddād, for example, *khubz* is

<sup>16</sup>Quṭb al-Dīn Mūsā al-Yūnīnī, *Dhayl Mir‘āt al-Zamān*, 4 vols. (Hyderabad, 1954–61).

<sup>17</sup>Text edited and translated by Sublet, *Tālī Kitāb*. The passages containing the term *khubz* and *iqṭā‘* in this text are the following: paragraphs: 2, 16, 43, 108, 127, 129, 130, 141, 167, 187, 253, 323 (*khubz*) and paragraphs: 82, 84, 128, 162, 138, 326 (*iqṭā‘* and *aqṭa‘a*). In the index both the passages containing “*iqṭā‘*” and the ones containing “*khubz*” are mentioned.

<sup>18</sup>Claude Cahen and Ibrahim Chabbouh, “Le Testament d’al-Malik aṣ-Ṣāliḥ Ayyūb,” *BEO* 29 (1977): 97–144.

<sup>19</sup>Aḥmad ibn ‘Alī al-Maqrīzī, *Kitāb al-Sulūk li-Ma‘rifat Duwal al-Mulūk*, ed. Muḥammad Ziyādah (Cairo, 1956).

<sup>20</sup>Ibn Wāṣil, *Mufarrij*, 5:277.

<sup>21</sup>Al-Makīn, *Al-Majmū‘ al-Mubārak*, 152; from now on the page numbers given for al-Makīn’s work refer to the Arabic text edited by Cahen (see above).



used three times<sup>22</sup> while the verb *aqṭa'a* is used forty-one times and *iqṭā'* twice. In the third volume of the *Mufarrij*, *khubz* is used only three times<sup>23</sup> while terms coming from the root *q-t'* are used fifteen times. In the *Zubdat al-Ḥalab*, *khubz* is used even less. At first glance it seems that *khubz* and *iqṭā'* are used interchangeably. In Ibn Wāṣil, for example, *khubz* and *iqṭā'* are used in the same narrative contexts and in almost identical sentences. See, for example, *khubz* in these passages: 2:265; 5:206, 269, 277; 3:112–13; and *iqṭā'* in these (verb and noun): 4:73, 89, 110. On pages 3:112–13 and 2:265, *khubz* refers to the *iqṭā'* given in a certain place, Aleppo in one case (2:265)<sup>24</sup> and the Orient in the other (3:112–13).<sup>25</sup> The term *iqṭā'* is used in a similar context in two passages: رجع الى مصر فأقطعه... بها إقطاعا and وأقطعه إقطاعاً ببلادها.<sup>26</sup>

An exception is al-Makīn, who, unlike the other authors, uses the term *khubz* copiously (*khubz* twelve times and *iqṭā'* seventeen times, both verb and verbal noun). The use of the term *khubz* by this author is complex, as in some cases he uses phrases related to the *iqṭā'* theme interchangeably, while in others the appearance of a given term depends on the narrative context. *Khubz* is usually used when the *iqṭā'* is taken from the enemy and given to the supporters of the prince. One example can be seen on page 162:

واعتقل جماعة من الأمراء المماليك الصالحية ثم سيّرهم إلى الحصون  
واعتقلهم بها وأعطى أخبازهم للأمراء القيمرية زيادة على ما بأيديهم

Il [al-Malik al-Nāṣir] fit arrêter un certain nombre des émirs mamlouks Ṣāliḥiyya qu'il envoya dans différentes forteresses où ils furent incarcérés; il donna leur concessions (*aḥbāz*) aux émirs Qaymarīya.<sup>27</sup>

In the same narrative context the term *khubz* is also used on page 149 [Al-Malik al-Ṣāliḥ] وأعطى أخبازهم للخوارزمية (‘‘Il donna leurs concessions (*aḥbāz*) aux émirs khwārizimiens’’), 134 [al-Malik al-Kāmil] وأعطى أخبازهم لمماليكه (‘‘Le sultan leur ordonna [aux émirs qui l'avait trahi] de quitter l'Égypte; il donna leurs concessions (*aḥbāz*) à ses mamlouks’’),<sup>28</sup> and on page 176:

<sup>22</sup>Ibn Shaddād, *Al-A'lāq*, 382, 320, 299.

<sup>23</sup>Ibn Wāṣil, *Mufarrij*, 3:81, 112–13.

<sup>24</sup>وأقطعه أخبازا كثيرة بحلب

<sup>25</sup>ولما استقر المُلْك بمصر للملك العادل استدعى أبته الملك الكامل ناصر الدين محمداً من الشرق، وجعله نائباً عنه بالديار المصرية، وجعل خبزه الأعمال الشرقية، وهي التي كانت خبز الملك العادل لما كان نائباً عن أخية السلطان الملك الناصر بمصر

<sup>26</sup>Ibn Wāṣil, *Mufarrij*, 4:89, 110.

<sup>27</sup>The French translation is taken from Eddé and Micheau, *Chronique des Ayyoubides*, 91.

<sup>28</sup>A variety of phrases are used by the authors to say ‘‘to take away’’ or ‘‘confiscate’’ the *iqṭā'*, such as أخذ إقطاع See, for example, Ibn al-ʿAdīm, *Zubdat al-Ḥalab*, 173v, where Nūr al-Dīn writes to the



[al-Malik al-Muzaffar Ṣayf al-Dīn Quṭuz]

وَاسْتَمَرَّ بِحِمَاةٍ مَمَّنْ كَانَ فِي خِدْمَتِهِ مِنْ عَسْكَرِ الشَّامِ عَلَيَّ أَخْبَازِهِمْ  
وَأَقْطَعَ أَخْبَازَ الْقَيْمَرِيَّةِ وَابْنَ يَغْمُورٍ وَمَنْ انْفَصَلَ عَنِ الْخِدْمَةِ أَجْمَاعَةً  
مَمَّنْ وَصَلَ صَدَبَتَهُ مِنَ الْأَمْرَاءِ الصَّالِحِيَّةِ وَالْمَعَزِيَّةِ وَغَيْرِهِمْ

Il [al-Malik al-Muzaffar Ṣayf al-Dīn Quṭuz] confirma leurs concessions (*aḥbāz*) à un certain nombre (d'émirs) de l'armée syrienne passés à son service; quant aux concessions (*aḥbāz*) de Qaymariya,<sup>29</sup> d'Ibn Yağmūr, et de ceux qui avaient abandonné son service il les donna en *iqṭā'* à des émirs Ṣāliḥiyya, Mu'izziyya ou autres.<sup>30</sup>

In the expression “to give an *iqṭā'*” al-Makīn uses both *khubz* and either the verb *aqṭa'a* or the noun *iqṭā'*. The latter is always followed by the phrase “through diploma” *بِمَنَاشِيرٍ*.<sup>31</sup> As *khubz*, on the other hand, is never followed by such an expression, it is possible that a more technical term like *iqṭā'* was perceived by the author as more appropriate for the sentence. In two of the examples quoted, moreover, the author is talking about the administration of the kingdom. For example on page 159: “*Faḥr al-Dīn Ibn al-Ṣayḥ* assura l'administration du royaume et concéda lui même les *iqṭā'* par diplôme”,<sup>32</sup> and on page 155:

وَاسْتَوْلَى مَعِينِ الدِّينِ عَلَيَّ دِمَشْقَ وَأَعْمَالَهَا وَحَصُونَهَا وَبِلَادَهَا وَدَبَّرَهَا  
تَدْبِيرًا جَيِّدًا وَأَقْطَعَ مَلُوكَ الْخَوَارِزْمِيَّةِ وَأَمْرَاءَهُمْ أَكْثَرَ بِلَادِ الشَّامِ وَالسَّاحِلِ  
بِمَنَاشِيرٍ

Il [Mu'īn al-Dīn] les [Damas et sa province] administra d'excellente façon et concéda en *iqṭā'* par diplôme aux princes Khwārizmiens et à leurs émirs la plus grande partie de la Syrie et du littoral.”<sup>33</sup>

As will be shown in the following paragraphs, *khubz* is also used by al-Makīn in the context of requests and complaints. The way al-Makīn uses the term *khubz* makes his work particularly interesting and suitable for an investigation into the use of the term. But what is the reason underlying the difference between

prince of Damascus, accusing his amirs:

فَكَانَ يَقُولُ لَهُ فِي بَعْضِ الْأَوْقَاتِ: “إِنَّ فَلَانًا قَدْ كَاتَبَنِي فِي تَسْلِيمِ دِمَشْقَ—يَعْنِي بَعْضَ  
أَمْرَاءِ مَجِيرِ الدِّينِ—فَكَانَ يَبْعُدُ ذَلِكَ عَنْهُ وَيَأْخُذُ أَقْطَاعَهُ”

<sup>29</sup>Troops settled in Syria where they had *iqṭā'āt*.

<sup>30</sup>Eddé and Micheau, *Chronique des Ayyoubides*, 121.

<sup>31</sup>Al-Makīn, *Al-Majmū' al-Mubārak*, 155, 159, 176; see also 164.

<sup>32</sup>Eddé and Micheau, *Chronique des Ayyoubides*, 86.

<sup>33</sup>Ibid., 78.



al-Makīn and the other authors? A biographical explanation may seem the most obvious one, though no certainty can be attributed to it. Looking at the biographies of the four authors under discussion, al-Makīn's is clearly the most unusual one. He was an Egyptian Copt, a high official of the army's *dīwān* in Syria. Moreover, as he was a Christian, unlike the others, he never held teaching positions or judgeships. However, the simpler explanation may be that the particularities in al-Makīn's use of *khubz* are merely due to the fact that his phrasing and semantic choices are different.

### ***KHUBZ* AND TROOPS**

In addition to the differences between the authors, there is one expression containing the term *khubz* that is used by three of them. This is *khubz* followed by the number of horseman that could be fed with it, to indicate the value of the *iqṭāʿ*.

In al-Makīn's work, for example, similar expressions are quite common. On the other hand, *iqṭāʿ* is never followed by words relating to value:

و في سنة سبع وعشرين وستمائة رتب السلطان الطواشي شمس الدين  
العادلي نائبه في بلاد الشرق وأعطاه الموزر خبز بمائة فارس مضافا  
إلى إقطاعه بالديار المصرية وهي الأعمال الإخميمية وما معها فتكمل  
حبه ثلثمائة وخمسين فارس<sup>34</sup>

En 627, le sultan désigna l'eunuque (*tawāṣī*) Šams al-Dīn al-ʿĀdili comme lieutenant dans les territoires d'Orient et lui donna al-Muwazzar, concessions (*hubz*) correspondent à cent cavaliers; ceci s'ajoutait à ses *iqṭāʿ* d'Égypte, à savoir la province d'Iḥmīm et ses dépendances, ce qui au total représentait une concession (*hubz*) de trois cent cinquante (?) cavaliers.<sup>35</sup>

وفيهما بعث السلطان الملك الصالح صاحب مصر الصاحب جمال  
الدين يحيى بن مطروح إلى دمشق وزيرا أميرا وأنعم عليه بخبز سبعين  
فارس ببلاد الشام<sup>36</sup>

Cette même année là il [al-Šāliḥ, souverain du Caire] envoya al-Šāḥib Ġamāl al-Dīn Yaḥyā b. Matrūḥ à Damas avec les fonctions de vizir et d'émir, lui accorda une concession (*hubz*) de soixante-dix cavaliers en Syrie.<sup>37</sup>

<sup>34</sup> Al-Makīn, *Al-Majmūʿ al-Mubārak*, 139.

<sup>35</sup> Eddé and Micheau, *Chronique des Ayyoubides*, 44.

<sup>36</sup> Al-Makīn, *Al-Majmūʿ al-Mubārak*, 157.

<sup>37</sup> Eddé and Micheau, *Chronique des Ayyoubides*, 81–82.



This expression is also used by Ibn Shaddād:<sup>38</sup> وقصد عزاز فأخذها من مظفر الدين وعوضه عنها خبز مائة فارس en échange une allocation (*hubz*) de cent cavaliers); and further:

وهي في عصرنا كورة تحتوي على ضياع يعمل خراجها خبز أربعين  
طواشياً

[Qūrūs] À notre époque c'est un district qui comprend des domaines (*diyā'*) dont l'impôt foncier (*ḥarāğ*) représente une allocation (*hubz*) de 40 cavaliers.<sup>39</sup>

Similar expressions can be found in Ibn Wāṣil's work as well. Sometimes *khubz* is followed by the number of horsemen that could be fed with its income: "[The sultan] gives a *khubz* of two hundred horsemen in Egypt" (5:69). In other cases the value of the *iqṭā'* is counted in dinars: "Al-Zāhir [decided] to give [to Sayf al-Dīn] a *khubz* of 50,000 dinars" (3:81).

From the frequency of this use of *khubz*, mainly followed by the number of horsemen, it is reasonable to assume that it was a widespread expression in the period under discussion, especially in the bureaucracy and the administration.<sup>40</sup> This hypothesis is also corroborated by the fact that even in the works of Ibn Wāṣil and Ibn Shaddād, who do not use *khubz* very often, in a high percentage of cases the term is used in this expression. In the part of the *Al-A'lāq* I analyzed, for example, although there are fifty passages in which things related to the *iqṭā'* system are mentioned, *khubz* appears only three times. In two of those cases the term is followed by a sentence indicating its value. This is the only situation, moreover, where there is a clear correspondence between the use of the term by both al-Makīn and the two other authors.

As in al-Makīn, in the two volumes of the *Mufarrij* under review the passages containing the term *khubz* are the only ones that account for the value of an *iqṭā'*. On the other hand, Ibn Shaddād also uses other expressions for the same purpose; for example:<sup>41</sup>

<sup>38</sup>Ibn Shaddād, *Al-A'lāq*, 382.

<sup>39</sup>Eddé, *Description*, 55, 279–280.

<sup>40</sup>Another common expression in that period must have been "possessions and *iqṭā'āt*" الاموال والاقطاع. See al-Makīn, *Al-Majmū' al-Mubārak*, 145, 168; in both cases the verb used is أعطى; Ibn Wāṣil, *Mufarrij*, 3:251; Ibn al-'Adīm, *Zubdat al-Ḥalab*, 238r.

<sup>41</sup>Ibn Shaddād, *Al-A'lāq*, 396. See also 377 (twice on the same page), 380 ب كان مقطعه + ب. The abundance of expressions indicating the value of the *iqṭā'āt* in Ibn Shaddād might be related to the nature of his work. In fact, the author paid special attention to the economic details related to the places described.



وكانت القصبية وهذه القرى مقطعة لثمانين طواشيًا

In later centuries, *iqṭāʿ* followed by the number of horsemen became more common.<sup>42</sup> This evolution must have been a consequence of the change in the organization of the army in the fourteenth century, when a well-defined military organization was established in which the *iqṭāʿ* of hundreds, forties, and tens came to be connected with the ranks of the officer corps.<sup>43</sup> *Khubbz* plus a number of horsemen, however, can still be found in the work of authors living in subsequent decades, such as Ibn al-Ṣuqāʿi:<sup>44</sup>

ولما فتح الملك المظفر قطز الشام أعطى الأمير فارس الدين المذكور  
خبز ناصر الدين القيمري، وهو مائتي وخمسون فارساً فأعطى منها  
لبدر الدين بكتوت المذكور خبز مائة فارس بمنشور سلطانى، وسلم إليه  
باقي الاقطاع يحكم فيه

[al- Malik al- Muẓaffar] octroya à l'émir Fāris al-Dīn la dotation de Nāṣir al-Dīn al-Qaymurī, qui était de 250 cavaliers. Il obtint par un édit sultanien. L'autorisation de concéder à Badr al-Dīn Baktūt ses droits sur une partie de sa dotation, soit 100 cavalier. Il garda le reste pour lui.<sup>45</sup>

The expression under discussion is also interesting because of the combination of the term *khubbz* and the number of horsemen to be fed from it. The use of *khubbz* in this expression seems to be connected to its meaning of bread. Although it refers to *iqṭāʿ*, a shadow of its principal meaning—bread subsistence—is highlighted in this context and might have made the use of the term particularly appropriate in a sentence referring to the number of troops that could be sustained by the

<sup>42</sup>See, for example, al-Maqrīzī, *Kitāb al-Sulūk*, 1:509: an *iqṭāʿ* of one hundred horsemen is inherited by the son of a Kurdish amir; al-Yūnīnī, *Dhayl Mirʾāt al-Zamān*, 3:85: Baybars gave to al-Qaymari—another Kurdish amir—an *iqṭāʿ* of forty horsemen.

<sup>43</sup>See R. Stephen Humphreys, “The Emergence of the Mamluk Army, II,” *Studia Islamica* 46 (1977): 147–82; Amalia Levanoni, “The Mamluks’ Ascent to Power in Egypt,” *SI* 72 (1990): 121–44. On the Mamluks’ amirs and their ranks, see David Ayalon, “Studies in the Structure of the Mamluk Army II,” *Bulletin of the School of Oriental and African Studies* 15 (1953): 203–28, 449–76; Reuven Amitai, “The Remaking of the Military Elite of Mamluk Egypt,” *SI* 72 (1990): 145–63; idem, “The Mamluk Officer Class during the Reign of Baybars,” in *War and Society in the Eastern Mediterranean, 7th–15th Centuries*, ed. Yaacov Lev (Leiden, 1996).

<sup>44</sup>See also paragraph 141, “Il leur conceda des dotations allant de 10 à 40 cavaliers”; paragraph 127 “*khubbz* of 300”; paragraph 127 “[al-Malik al-Zāhir] gave him a *khubbz* of 100 horsemen” (خبز مائتي). (فارس).

<sup>45</sup>The same episode is reported in paragraph 16. The passage also describes the further division of an *iqṭāʿ*.



*iqṭāʿ*. The way *khubz* is used is also related to the idea of feeding in another case, albeit to a lesser extent.

### ***KHUBZ*: COMPLAINTS AND REQUESTS**

Let us have a look at a couple of passages from al-Makīn:

فخافت القيمريّة على أنفسهم فكاتبوا الناصر صاحب حلب بأن  
يحضر ليأخذ دمشق واشترطوا الزيادات في أخبارهم

Les Qaymarīya prirent peur et écrivirent à al-Nāṣir, souverain d'Alep, de venir prendre Damas à condition qu'il leur augmentât leurs concessions (*akhbāz*)<sup>46</sup>

فسير إليهم وطيب قلوبهم وحمل إليهم الأموال وزاد في إقطاعاتهم

[al-Malik al-Kāmil appris qu'un group d'émirs convinrent de le déposer]

Il leur envoya un messenger pour les apaiser, leur fit porter des présents et augmenta leurs *iqṭāʿ*<sup>47</sup>

In both cases the issue at stake is the increase of the *khubz/iqṭāʿ* of an amir. The two sentences are similar to each other and the same verb is used in both of them (زاد) but on page 133 we find the word *iqṭāʿ*, while on page 161, *khubz*. In my opinion, in this case *khubz* is used because of the context of request. Although the episode is not reported in direct speech, by using the word *khubz* the author seems to be sympathetic to the amirs. *Khubz* is used in a request once again, by al-Makīn, on page 143:

فبعث الملك الصالح إلى أخيه الملك الكامل يسأله أن يُنعم عليه  
ببعلبك وأعمالها مع خبزه المتقرر له من أيام أبيه

Al-Malik al-Ṣāliḥ fit demander a son frère al-Malik al-Kāmil de lui accorder Balbek et sa province en plus de la concession (*ḥubz*) qui lui avait été attribuée au temps de leur père.<sup>48</sup>

<sup>46</sup>Al-Makīn, *Al-Majmūʿ al-Mubārak*, 161. The French translation is taken from Eddé and Micheau, *Chronique des Ayyoubides*, 90.

<sup>47</sup>Al-Makīn, *Al-Majmūʿ al-Mubārak*, 133. French translation from Eddé and Micheau, *Chronique des Ayyoubides*, 32.

<sup>48</sup>Eddé and Micheau, *Chronique des Ayyoubides*, 53.



I think that the use of the term *khubz* in a context of request is not fortuitous. The word *khubz*, with its implicit meaning of bread and subsistence, was probably perceived by the author as the most appropriate for a request. In the amir's speech the term *khubz* is meant to move the prince. In other words, I think that the choice of the word *khubz* in this case is a stylistic one. The same stylistic reason could lie behind the use of *khubz* in the context of a complaint on page 169: "les amirs se plaignent (شكوا) de leurs concessions, *aḥbāz*."<sup>49</sup> In this case it is also reasonable to assume that the use of the term *khubz* represents a stylistic choice aimed at emphasizing the moment. This use is also linked to the meaning of subsistence and bread, which is connected to the term, making it particularly suitable in the context of complaints. The fact that *iqṭāʿ* is never employed by al-Makīn in similar contexts corroborates this hypothesis. Even more interesting is the fact that in the historical writing of another author *khubz* is used in a similar way. In the *Zubdat al-Ḥalab*, the only passage in which the term *khubz* is used is on 203v: "The Yārūqīy are concerned (خاف) for their *akhbāz*." In this case the use of the word *khubz* could be a result of the author's desire to show his sympathy for the defeated amirs. It is a stylistic device, to emphasize the moment and to increase the intensity of the scene. Although *khubz* and *iqṭāʿ* are synonyms in al-Makīn's century, the former might have preserved a shadow of its original meaning, bread subsistence, which would make it suitable for putting emphasis on an episode, or in the context of a request.

It is not surprising that al-Makīn is the only one who uses *khubz* in this way. Using the term as a stylistic device is a choice which depends on the style and the language of each author. Obviously, these choices may be influenced by the author's life experience and cultural background. Ibn Wāṣil might have preferred to use different, rhetorical meanings, or he might have had a different perception of the term *khubz* itself.<sup>50</sup> In the case of Ibn Shaddād, his style might have been shaped by the nature of his work, which was a historical topography.

There is something that must be added on the use of *khubz* in the context of a request. It appears that *khubz*, with its implicit meaning of feeding, stresses the idea of mutual relations and dependence between the prince and the amir. Humphreys states that "The institution of the *iqṭāʿ* did not establish a tie of personal fealty between man and man. There is no evidence of any kind to suggest that the sovereign and his *muqṭāʿ* formally undertook a body of mutual obligations to each other...An *iqṭāʿ* was conceded through a decree (*manshūr*) issued by the

<sup>49</sup>Ibid., 106.

<sup>50</sup>On the rhetorical devices used by Ibn Wāṣil, see Hirschler, *Medieval Arabic Historiography*, 91–93.



prince, in the same manner as any other office of state would be conceded.”<sup>51</sup> I think that this assumption takes into account only the contractual point of view, which does not exclude the existence of bonds of loyalty and dependence between the *muqtāʿ* and the prince. With regard to this, the use of the term *khubz* referring to *iqṭāʿ*, and especially its use in the context of request, is significant. It suggests, in fact, the existence of a moral relationship of rights and duties, which in this context is evoked on purpose. The term chosen in the amir’s speech is intended to emphasize this relationship and the legitimacy of the request. This hypothesis would also fit with what Mottahedeh says about acquired loyalties in the Buyid period: “these acquired loyalties are best seen in times of stress, when men were trying to make effective their demands on others by explicitly referring to the validity of such loyalties.”<sup>52</sup>

The question is whether the term *khubz* is used by the protagonists, or if it is just a stylistic device used by the author. In fact, one assumption does not exclude the other. Since the authors wrote *khubz*, the term must have been in use during that period so it is reasonable to assume that the protagonists used it as well.

### ***IQTĀʿ/KHUBZ AS AN ESTATE***

There is one more use of *khubz* that is worth analyzing: the use of the word to refer to estates. This use of the term is relevant from two points of view. First of all, it shows to what extent the word *khubz* was used with the same meaning as *iqṭāʿ*.

According to some scholars, *iqṭāʿ* is a polysemantic word. Both Humphreys<sup>53</sup> and Irwin argued convincingly that the term—in addition to its main administrative meaning—can refer to a large number of related institutions. Irwin mentions it “as a means of maintaining a garrison, as a mark of status, as a formal approval of a local notability, as recognition of *de facto* political authority, as a loose equivalent of the term *wilāya*, and very likely even to designate Frankish fief tenure under Muslim suzerainty.”<sup>54</sup> What about *khubz*? Does it substitute for *iqṭāʿ* exclusively as a term for tax allocation, or is it also used in other cases? It is difficult to answer this question. Further research is needed. In the texts I examined there is one case in particular which is remarkable. It is a sentence taken

<sup>51</sup>R. Stephen Humphreys, *From Saladin to the Mongols: The Ayyubids of Damascus, 1193–1260* (New York, 1977), 375.

<sup>52</sup>Roy P. Mottahedeh, *Loyalty and Leadership in an Early Islamic Society* (Princeton, 1980), 41.

<sup>53</sup>Humphreys, *From Saladin to the Mongols*, 371–75.

<sup>54</sup>Robert Irwin, “Iqṭāʿ and the End of the Crusader States,” in *The Eastern Mediterranean Lands in the Period of the Crusades*, ed. Peter M. Holt (Warminster, 1977), 72; Linda Northrup, *From Slave to Sultan* (Stuttgart, 1998), 276, n.130; Ulrich Haarmann, “The Sons of Mamluks as Fief-holders in Late Medieval Egypt,” in *Land Tenure and Social Transformation in the Middle East*, ed. Tarif Khalidi (Beirut, 1984), 141–68.



from Ibn Wāsil's *Mufarrij* (5:206): "The Khwarizmi amirs headed towards the east and settled in their *akhbāz*."

ثم رحلت الخوارزمية عن حمص وعادوا إلى الشرق فأقاموا به في  
أخبازهم

This sentence is very interesting, and not only because it shows to what extent—at least by this author—*khubz* was perceived as a synonym of *iqṭāʿ*. In this case the use of *iqṭāʿ* and its meaning are also relevant for an understanding of the *iqṭāʿ* system as a whole.

In the line by Ibn Wāsil quoted above *khubz* clearly refers to a place, to a piece of land. In the passages I examined, *khubz* is used with this meaning only once, while *iqṭāʿ* recurs frequently with this meaning, generally combined with verbs of movement or state of being verbs, such as "to stay." Let me quote some examples from Ibn al-Athīr's *Al-Kāmil*:

وكان عسكره بمصر قد تفرّق عن الأفضل من الخشبيّ، فسار كلّ  
منهم إلى إقطاعه ليربعوا دوابهم

Al-Afḍal's army in Egypt had already parted from him...and every man had gone to his fief to put his horses on the spring grass.<sup>55</sup>

and

فهرب فخر الدين جركس وزين الدين قراجه الذي أعطاه الأفضل  
صرخد، فمنهم من دخل دمشق ومنهم من عاد إلى إقطاعه

Fakhr al-Dīn Jahārkas and Zayn al-Dīn Qarāja, to whom al-Afḍal had given Ṣarkhad, fled and some there were who entered Damascus and others who returned to their fiefs.<sup>56</sup>

The term is used in the same sense in Ibn Wāsil's *Mufarrij*, 4:70: نازل...في 3:126: "the ones who went to their *iqṭāʿ*" (the ones who went to their *iqṭāʿ*), and in Ibn al-ʿAdīm's *Zubdat al-Ḥalab*, المشطوب ("al-Malik al-Ashraf was in Ḥarrān and Ibn al-Mashṭūb in his *iqṭāʿ*, Rās ʿAyn").<sup>57</sup>

A further example is taken from the biographical dictionary *Tālī Kitāb Wafayāt al-Aʿyān*, by Ibn al-Suqāʿī. "He [al-Amīr Ḥusām al-Dīn Banjār] settled in Egypt in

<sup>55</sup>Ibn al-Athīr, *Al-Kāmil*, 155.

<sup>56</sup>Ibid., 163. The English translation of the two passages is taken from Richards, *The Chronicle of Ibn al-Athīr*, 50, 56.

<sup>57</sup>Ibn al-ʿAdīm, *Zubdat al-Ḥalab*, 241v.



the *iqṭāʿ* given to him and to his father” (واقام بمصر باقطاع له ولولده).<sup>58</sup> Jacqueline Sublet translated the sentence in a different way: “il demeura en Egypte (vivant) d’un fief qu’on lui avait donné, a lui et a son fils.” However, some doubts about this translation arise from the structure of the sentence: the parallel between the two objects of ب makes it clear that both “*iqṭāʿ*” and “Miṣr” refer to a locality. The IV form of the verb قام followed by the preposition ب, moreover, usually means to settle down. Sublet’s reluctance to translate *iqṭāʿ* as a locality is understandable, as it implies an important deviation from its principal meaning. As I said above, *iqṭāʿ* is an allocation of taxes, mainly land taxes, that does not imply any change of ownership of the land. In consequence the use of the term to refer to an estate involves a deviation from its proper meaning and use. The same shift in meaning described for *iqṭāʿ* underlies the use of *khubz* in the passage of Ibn Wāṣil mentioned above (5:206). From the grammatical point of view this shift is not negligible, either. *Iqṭāʿ* is a verbal noun. Verbal nouns usually refer to the act of doing something; the term *iqṭāʿ* refers to a process. Its usage to indicate an estate implies the loss of its aspect of transitivity.

The frequency of this particular use of the term *iqṭāʿ* deserves some consideration, as it implies that it was common in the spoken language. Although its formal meaning was the allocation of taxes, mainly land taxes, *iqṭāʿ* must have come to be associated with land ownership and in some cases even with properties.<sup>59</sup> Beyond the semantic point of view, the use of the term *iqṭāʿ* as a locality is interesting for an understanding of how the *iqṭāʿ* system worked in reality, and how it was perceived by people at that time. This use of the term may lead to the conjecture that, although it was formally a temporary allocation of fiscal rights, *iqṭāʿ* must have been, at least in part, perceived as an estate. With regard to this, it is worth mentioning a lease concerning a portion of an *iqṭāʿ*, even though it comes from a later period. The contract is a document from al-Ḥaram al-Sharīf, Jerusalem.<sup>60</sup>

All this shows that the functioning reality of the *iqṭāʿ* system is not only far from being understood, but also too complex to be contained within the traditional definition of *iqṭāʿ*. It must have represented a variety of developments on the ground, according to different historical periods and places. In some cases

<sup>58</sup> Al-Suqāʿī, *Tālī Kitāb*, paragraph 82.

<sup>59</sup> “L’assimilation entre muqṭāʿ et propriétaire devenait facile en cas d’*iqṭāʿāt* héréditaires et de longue durée. L’impôt foncier (ḥaraḡ) en effet était souvent payée, en partie du moins, en nature, comme la redevance du métayer et a peu près dans les mêmes proportions.” Anne Marie Eddé, *La Principauté Ayyubide d’Alep* (Stuttgart, 1999), 502.

<sup>60</sup> Donald P. Little, *A Catalogue of the Islamic Documents from al-Haram aš-Šarīf in Jerusalem* (Beirut, 1984), 298. Most of the documents date to the period between 793 and 797.



these local developments may not have been too far from Western feudalism.<sup>61</sup> Evidence from the Ayyubid period, for example, shows that at that time *iqṭā'āt* were often inherited, and that the *muṣṭā'*s used to live in their *iqṭā'āt* and enrich them with architectural works as a symbol of their power.<sup>62</sup>

Is it possible to say when this shift in the meaning of the term *iqṭā'* in the language occurs? Further research is needed on this topic. It is clear, however, that *iqṭā'* must already have been used in this sense before the time of Ibn al-Athīr, as testified by his use of the term as a locality.

### ***KHUBZ* IN LATER CENTURIES: AN OVERVIEW**

What about later centuries? Is *khubz* still in use? Do the meaning and the use of the term change? Although this article focuses mainly on sources from the thirteenth century C.E., I will now put forward a few considerations based on some quotations from authors of the fourteenth and fifteenth centuries. The use of the term *khubz* as *iqṭā'* also continued in later centuries, but it came to be used with different meanings as well.

As in previous centuries, in this period the use of the term *khubz* changes from author to author. Some of them use the term both to indicate the *iqṭā'* of amirs, and with a new meaning, usually related to non-Mamluk soldiers. Gibb, for example, notes that “When al-Maqrīzī (d. 845) says (*Kitāb al-Sulūk*, 1:65) that Saladin after the battle at Mont Giscard, *qataa akhbaza jamaatin minal-akrad*, it is probable that *khubz* means here ‘allowance of pay’ rather than *iqṭā'*, as in later Mamluk usage.”<sup>63</sup> The same author nevertheless uses *khubz* when referring to *iqṭā'*, as in the following passage:

وسبب ذلك أن السلطان استكثر أخباز المماليك أصحاب بيبرس  
الجاهشكير وسائر النابت وبقية البرجية، وكان الخبز الواحد ما بين  
ألف مثقال في السنة إلى ثمانمائة مثقال وخشى (السلطان) من وقوع  
الفتنة بأخذ أخبازهم

The reason for this survey was as follows. The sultan regarded the *ahkbāz* (that is, the *iqṭā'*s) of the *mamlūks* who were the retainers

<sup>61</sup>On the difference between the Muslim *iqṭā'* and the Western fief see Cahen, “L'évolution de l'iqṭā' du IX au XIII siècle”; idem, “Iḳṭā'”; idem, “Réflexions sur l'usage de mot ‘Féodalité,’” *Journal of the Economic and Social History of the Orient* 3 (1960): 2–20. A different opinion is expressed by Irwin, “Iqṭā' and the End of the Crusader States,” 77.

<sup>62</sup>Eddé, *La Principauté Ayyubide d'Alep*; Benjamin Michaudel, “The Use of Fortification as a Political Instrument by the Ayyubids and the Mamluks in Bilād al-Shām and in Egypt (Twelfth–Thirteenth Centuries),” *MSR* 11, no. 1 (2007): 55–67.

<sup>63</sup>H. A. R. Gibb, “The Armies of Saladin,” in *Studies on the Civilization of Islam* (London, 1962), 86, n.16.



of Baybars al-Jāshankīr and *al-nā'ib* Salār, and of the surviving *al-Mamālīk al-Burjīya* to be excessive. That is to say, this was because one *iqṭā'* was between an annual revenue of 1000 mithqāls (1,000 dīnārs) and 800 mithqāls, but the sultan was afraid of provoking riots by confiscating their *khubz*.<sup>64</sup>

Also al-Yūnīnī, who lived before al-Maqrīzī, uses *khubz* with different meanings. In some passages of his *Dhayl Mir'āt al-Zamān* the word *khubz* refers to *iqṭā'*. On 2:242, for example, when he accounts for the *iqṭā'* given to Baybars in 659, the author refers to the *iqṭā'* with the term *khubz*.<sup>65</sup> On the other hand, the same author uses the term with a different meaning in another passage:

وفيهما في يوم السبت سادس عشر جمادى الأول كان ابتداء الروك  
والشروع في إقطاعات الأمراء وفي اخباز الحلقة والأجناد وجميع  
عساكر الديار المصرية

In this year [697], on Saturday, Jumādā I 16 (March 1, 1298), the land redistribution (*al-rawk*) came into effect. Amīrs began to be granted fief lands (*iqṭā'*), while the non-Mamluk *ḥalqa* troopers and all Egyptian soldiers received their fief-related allowance (*akhbāz*).<sup>66</sup>

Al-Yūnīnī distinguished between the two terms; while *iqṭā'āt* was given to the amirs, *khubz* is what non-Mamluk soldiers received. This is not the only case where *khubz* is related to soldiers rather than to amirs' *iqṭā'āt*. In the work of a contemporary of al-Yūnīnī, al-Nuwayrī, *khubz* seems to be used in the same sense. In "Le Testament d'al-Malik aṣ-Ṣāliḥ Ayyūb"<sup>67</sup>:

إذا كتب منشور لأمير ياخذوا منه المايته واكثر ومن الجندي من  
الماية ونازل ويكون الجندي خبزه الف دينار يفرقوا خبزه في خمس  
ست مواضع في قوص وفي الشرقية وفي الغربية فيزيد الجندي اربع  
وكلا تروح الخبز للوكلا وما يحصل للجندي من خبزه شي

Si un diplôme était écrit pour un émir, ils lui prenaient 200 dinars et même plus, s'il l'était pour un soldat 100 et moins (?); le soldat dont l'allocation *khubz* est de 1000 dinars ils la dispersent entre

<sup>64</sup> Al-Maqrīzī, *Kitāb al-Sulūk*, 2:146. The translation is taken from Sato, *State and Rural Society*, 147. See also the following passages: 2:386 and 3:407; in the former the term *khubz* refers to the *iqṭā'āt* of the Khāṣṣakīyah, and in the latter it refers to the *iqṭā'* of an amir.

<sup>65</sup> The term *khubz* has the same meaning also in 2:92. See also al-Maqrīzī, *Kitāb al-Sulūk*, 3:85.

<sup>66</sup> Li Guo, *Early Mamluk Syrian Historiography: Al-Yūnīnī's Dhayl Mir'āt al-Zamān* (Leiden, 1998), 1:106 (English translation), 2:11 (Arabic text).

<sup>67</sup> Cahen and Chabbouh, "Le Testament," 102 (Arabic text), 110 (French translation).



cinq et six endroits à Qus et dans la Sharqiya et la Gharbiya il est obligé de nommer 4 gérants, auxquels va tout le *khubz*, et il ne lui revient rien à lui même...

يا ولدي اكثر الاجناد اليوم عامة وباعة وفزازين كل من لبس قبا وركب  
فارس وجا الى امير من هاولاء الترك وقدم له قوس وبرطل واستاذناره  
على خبز جندي من جندي معروف بالشجاعة والحرب، طرده اميره  
واعطا خبزه لذلك العامي الذي لا ينفع، واكثرهم على هذه الحالة، فاذا  
عابنوا العدو وقت الحاجة هربوا وينكسروا العسكر لانهم ما يعرفوا ولا  
هو شغلهم فينبغي ان لا تستخدم

O mon fils, la plupart des soldats de l'armée sont des gens du peuple, des boutiquiers et des tisserands (?). Quiconque revêt un *qabā*, monte un cheval et vient trouver un de ces Emirs turcs, on lui amène un cheval on corrompt le...et l'*ustādhār*, pour avoir le *khubz* d'un soldat connu par sa vaillance et ses qualités de guerre, l'émir l'abandonne et donne le *khubz* à ce soldat commun, qui n'est d'aucune utilité (pour l'armée).<sup>68</sup>

According to Claude Cahen, who edited the text, *khubz* is “un des termes courants pour designer les *iqṭā'āt* de dimensions modestes.”<sup>69</sup> *Khubz* has also been used to refer to the *iqṭā'āt* of the sons of Mamluk amirs in the *ḥalqah*. These *iqṭā'āt* were usually inferior compared with those granted to the Royal Mamluks.<sup>70</sup>

I will conclude with a contemporary of al-Yūnīnī and al-Nuwayrī, who shares many similarities with al-Makīn, both in his biography and in his use of term *khubz*: Ibn al-Suqā'ī. Like al-Makīn, he was an Egyptian Copt. He worked in the Mamluk administration. He wrote a biographical dictionary, *Tālī Kitāb Wafayāt al-A'yān*. In this work the term *khubz* is used more than any other expression related to the concept of *iqṭā'* (fourteen times out of twenty). I have already quoted some passages of his work, talking about the use of *khubz* followed by the number of horsemen to be maintained by it. The copious use of the term by this author confirms its bureaucratic usage. Apparently, *khubz* and *iqṭā'* are used interchangeably in his writing. Although in the *Tālī Kitāb khubz* refers mainly to *iqṭā'*, in one

<sup>68</sup>Ibid., 102 (Arabic text), 111 (French translation).

<sup>69</sup>Ibid., 110.

<sup>70</sup>This passage is quoted in Amalia Levanoni, “Awlad al-Nas in the Mamluk Army during the Bahri period,” in *Mamluks and Ottomans: Studies in Honor of Michael Winter*, ed. Ami Ayalon and David J. Wasserstein (London, 2006), 97.



case it is related to soldiers' wages: "[He promised] that he would appoint him as (give him the office of) soldier with a *khubz*: يجعله جندي بخبز"<sup>71</sup>

### SOME FINAL REMARKS

The presence of the term *khubz* in the work of all the authors under review confirms its usage. The point now is to understand to which linguistic register the term *khubz* belonged. The frequent use of this term, in fact, could be related to a wider use of colloquialisms or bureaucratic terms, or to the author's familiarity with the latter. My opinion is that, although *iqṭāʿ* was the administrative term, *khubz* must have been widespread, especially in bureaucracy and administration and in certain expressions like "*khubz* of 100 horsemen." A very interesting point is that in Ibn al-Athīr the term *khubz* never appears. The fact that this term is not used cannot, in my opinion, be solely attributed to the chronological gap between him and the authors under review. Ibn al-Athīr was a professor who devoted most of his life to his literary work. His *Al-Kāmil*, moreover, is partly assembled from his students' notes.<sup>72</sup> If the language used in *Al-Kāmil* is the same language the author used for his lessons, the absence of the term *khubz* is not surprising; on the contrary, it would fit perfectly with the use of the term mainly in the spoken language and the vernacular of the administration. As *iqṭāʿ* was a technical term, the most correct one, in fact, it is not surprising that it was commonly used by teachers during their lectures. The absence of the term in Ibn al-Athīr does not prove that the term *khubz* was not in use at that time; it is rather a result of the author's linguistic and stylistic choices. It is true, however, that the decades between Ibn al-Athīr and the writers discussed in this article are not insignificant. The use of *khubz* might have become more common in the period that followed.

The use of the term in the narratives I have analyzed is not in conflict with the hypothesis that it was used particularly frequently in administration. It is well known that in the period under review the authors already enjoyed a certain independence from tradition and that their language contains colloquialisms.<sup>73</sup> What is more, all of the authors mentioned in this article held positions in the administration or had close ties with the courts and administrative and political groups, which may have shaped the language of their works.

The textual analysis of the works under discussion confirms that *khubz* was mainly used with the meaning of *iqṭāʿ*, even when the latter came to refer to lo-

<sup>71</sup>Al-Suqāʿī, *Tālī Kitāb*, paragraph 187. *Jundī* means private soldier; see Ayalon, "Studies in the Structure," 473, n. 5.

<sup>72</sup>Chase Robinson, *Islamic Historiography* (Cambridge, 2002), 175.

<sup>73</sup>Ibid., 97. On this subject see Ulrich Haarmann, *Quellenstudien zur frühen Mamlukenzeit* (Freiburg, 1969), 159.



cality. Nevertheless there are specific uses of *khubz* which might be connected to its meaning of bread: firstly al-Makīn's use of the term in the context of complaints and requests; secondly its use followed by the number of horsemen to be sustained by the *iqtā'*.

The analysis of these particular cases also highlights the relevance of a semantic analysis for an understanding of the functioning of the *iqtā'* system and of the way the latter was perceived in the period under discussion. Although further research is needed, I think that the use of the word *khubz* to indicate *iqtā'* and its usage in contexts of complaint is relevant to the social and emotional relations that underlie the contractual aspect. Even more relevant for an understanding of both the local perception of the *iqtā'* system and of its functioning on the ground is the use of both *iqtā'* and *khubz* to mean an estate. Both these points, moreover, show that the local developments of the *iqtā'* system might present particular features that are not congruent with the traditional definition of *iqtā'* as a tax allocation and nothing more. In fact, these local developments might in some cases bring into question—at least in part—the assumptions about the differences between the Muslim *iqtā'* and the Western fief.

To conclude, I would say that a semantic study can, to some extent, help us to go beyond a purely legal perspective, and can contribute to a better understanding of the features of the *iqtā'* system and especially of its local developments.



MAHMOOD IBRAHIM

CAL POLY POMONA

## The 727/1327 Silk Weavers' Rebellion in Alexandria: Religious Xenophobia, Homophobia, or Economic Grievances

In Rajab 727/May 1327, Alexandria rebelled against the wali Rukn al-Dīn al-Karakī. This rebellion lasted nearly two months, and the sources describe it as a *fitnah*. Ibn Baṭṭūṭah says that he came to know of it when he was in Mecca that year. News of this event spread to other parts of the Islamic world.<sup>1</sup> The most detailed accounts of this rebellion are found in al-Nuwayrī's *Nihāyat al-Arab fī Funūn al-Adab* and al-Maqrīzī's *Al-Sulūk li-Ma'rifat Duwal al-Mulūk*, two of the most important sources for the Mamluk period in Egypt.<sup>2</sup> At first glance, this rebellion seems to have been no more than a scuffle between Egyptians and Europeans on the corniche. However, a third report that sheds new light on this incident was recently found in al-Jazarī's *Ḥawādith al-Zamān*.<sup>3</sup> This report turns out to be an account of the events told to al-Jazarī by two merchants who had been in Alexandria during the rebellion and were interviewed by al-Jazarī in Damascus about five months later. Because they had lived through the event, and because they themselves were merchants, they provide significant details that are not mentioned elsewhere, and they shed more light on an episode which scholars,

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<sup>1</sup>See Jamāl al-Dīn al-Shayyāl, *Tārīkh Madīnat al-Iskandariyah fī al-ʿAṣr al-Islāmī* (Cairo, 1966), 107. I have found that there are too few sources, other than the ones cited in this study, that deal specifically with Alexandria during the Mamluk period, even though the city played a major part in that history.

<sup>2</sup>Shihāb al-Dīn Aḥmad ibn ʿAbd al-Wahhāb al-Nuwayrī, *Nihāyat al-Arab fī Funūn al-Adab*, ed. Muṣṭafā Hijāzī (Cairo, 1997), 33:232–36; Aḥmad ibn ʿAlī al-Maqrīzī, *Al-Sulūk li-Ma'rifat Duwal al-Mulūk*, vol. 2, part 1, ed. Muḥammad Muṣṭafā Ziyādah (Cairo, 1934), 284–86. Al-Maqrīzī provides another account in his *Al-Mawāʿiz wa-al-Iʿtibār bi-Dhikr al-Khiṭaṭ wa-al-Āthār* (Bulaq, 1270 A.H.), 1:326–27. Other primary sources give a brief notice of the incident, such as Zayn al-Dīn ibn Muzaḥfar Ibn al-Wardī, *Tārīkh* (Beirut, 1996), 2:272–73; Faḍl Ibn Abī al-Faḍāʾil, *Al-Nahj al-Sadīd wa-al-Durr al-Farīd*, ed. Samira Kortantamer as *Agypten und Syrien Zwischen 1317 und 1341 in der Chronik des Mufaḍḍal b. Abī l-Faḍāʾil* (Freiburg, 1973), 37–38, where he refers to his source as *al-muʿarrikh*, most likely referring to al-Jazarī since his report about the incident seems to be a short summary of al-Jazarī's account, often using the same vocabulary; Ibn Aybak al-Dawādārī, *Die Chronik des Ibn ad-Dawādārī*, ed. Hans Robert Roemer (Cairo, 1960), 1:342.

<sup>3</sup>Shams al-Dīn Muḥammad ibn Ibrāhīm al-Jazarī, *Ḥawādith al-Zamān wa-Anbāʾihi wa-Wafayāt Akābir wa-al-Aʿyān min Abnāʾihi*, ed. ʿUmar Tadmurī (Beirut, 1998), 2:185–89.



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relying on al-Nuwayrī and al-Maqrīzī, have described as a brawl between Europeans and Egyptians.<sup>4</sup> What is fascinating in these accounts is not that there are discrepancies in their story; variants are quite common in the sources and are to be expected, given that authors often provided brief and selective summaries and notices of what they chose to include in their chronicles. It is, however, the nature of those differences that proves to be unusual. Al-Nuwayrī offers religious grounds for the scuffle that marked the rebellion, while al-Maqrīzī provides a homophobic pretext for the same incident. It will be demonstrated in the following discussion that, according to the merchants' account, the rebellion was rooted in grievances held by the silk-weavers in Alexandria against economic policies imposed by al-Karakī. Further, while al-Nuwayrī and al-Maqrīzī reduce their narrative to an isolated incident, al-Jazarī's account shows that the scuffle is one of a series of related events. It will also be demonstrated that religious and homophobic grounds merely provided convenient tropes to justify the Egyptians' reaction and to lay the responsibility for this *fitnah* and its disastrous consequences squarely on the shoulders of the Europeans.

Alexandria's role in Mediterranean commerce cannot be overstated. Alexandria gradually assumed a greater role in the context of the increased volume of Mediterranean trade after the year 1000 and in the context of the competition between European and Muslim merchants in the following period. The hostilities of the Crusader era at once hindered and spurred commerce and competition. Saladin, for example, forced European merchants to evacuate from the Red Sea (Aydhāb) and Cairo and restricted their operations to Alexandria, especially after Reynald de Chatillon's 1183 failed naval expedition.<sup>5</sup> Commerce and cultural contacts in Alexandria must have peaked again after Damietta was demolished early in the Mamluk period due to repeated European attacks against it. Alexandria thus became Egypt's major outlet to Mediterranean trade. After the fall of Acre in 1291, commercial treaties with European powers were renewed and new ones were concluded that made Alexandria the principle port in the eastern Mediterranean for the exchange of goods brought from the East, especially by the Kārimī merchants.<sup>6</sup> In 1310 the sultan al-Nāṣir Muḥammad reconnected Alexandria

<sup>4</sup>Eliahu Ashtor, *Levant Trade in the Latter Middle Ages* (Princeton, 1983), 52–54. Following Ashtor, see also Linda Northrup, "The Bahri Mamluk Sultanate," in *Cambridge History of Egypt: Islamic Egypt 640–1517*, vol. 1, ed. Carl Petry (Cambridge, 1998), 285. The best current treatment of al-Nāṣir Muḥammad's reign is Amalia Levanoni, *A Turning Point in Mamluk History: The Third Reign of al-Nāṣir Muḥammad Ibn Qalāwūn* (Leiden, 1995), 151–52. Curiously, Levanoni does not mention this incident, even though it is a prime example al-Nāṣir's policy of confiscations.

<sup>5</sup>Subhi Labib, "Iskandariyya," *Encyclopaedia of Islam*, CD-ROM edition; Claude Cahen, "Ayyubids," *ibid.*

<sup>6</sup>Eliahu Ashtor, *Social and Economic History of the Near East in the Middle Ages* (Berkeley, 1976), 299.



with the Nile by digging what came to be known as al-Khalij al-Nāṣirī to facilitate trade and other economic activity in and around Alexandria.<sup>7</sup> Textiles were among the most important products of Alexandria, whether manufactured in the government's Dār al-Ṭirāz or produced on private looms.<sup>8</sup> Textiles were made of various materials, such as wool, cotton, linen, flax, and silk. The silk industry flourished in Alexandria during the Mamluk period, especially the Bahri period. The ownership of the silk industry at this time was mixed: privately owned looms churned out their products alongside government-owned workshops, such as Dār al-Ṭirāz.<sup>9</sup> Much of the trade in these commodities was conducted with European merchants and reached various parts of the world.<sup>10</sup> It is perhaps due to these extensive commercial contacts that the Alexandria mint, according to Schultz, produced at this time only gold coins.<sup>11</sup> Therefore, the immediate and wider historical background of the *fitnah* of 1327 was increased commercial and cultural contacts between Europeans and Muslims in Alexandria, a thriving market in which textiles figured prominently. It was al-Karakī's decree to restrict the sale of silk to the government's warehouse, as shown only by al-Jazarī, that caused the initial grievance: imposing a state monopoly on the sale of silk and other items had deleterious consequences for the fortunes of the merchants and textile producers of Alexandria at a time when the market was brimming with trade activity. Local grievances mounted against this policy as the Egyptians became more impoverished, to the extent that some textile producers could not repay European merchants for money they had either borrowed or received as advance on their goods. This, then, is the volatile environment in which the *fitnah* took place.

The following examination will help us reconstruct the rebellion of 1327. There is much agreement between the three authors, yet each account has its own nuanced retelling of the story, especially in the choice of terms used to identify the participants, in the specific event that sparked the discontent, and in the associated actions that the authors chose to include in their account, especially those taken by the central government. Taken altogether, it should be noted that the three accounts complement one another in the sense that they share cer-

<sup>7</sup> Al-Shayyāl, *Tārīkh Madīnat al-Iskandarīyah*, 104–6.

<sup>8</sup> For references to the textile industry in Alexandria, see Muhammad Abdelaziz Marzouk, *History of Textile Industry in Alexandria: 331 B.C.–1517 A.D.* (Alexandria, 1955), 61 ff; See also Bethany Walker, "The Social Implications of Textile Development in Fourteenth-Century Egypt," *Mamlūk Studies Review* 4 (2000): 167–217; Louise Mackie, "Towards an Understanding of Mamluk Silks: National and International Considerations," *Muqarnas* 2 (1984): 127–46.

<sup>9</sup> Mackie, "Towards an Understanding of Mamluk Silks," 127; Walker, "Social Implications of Textile Development," 171 ff.

<sup>10</sup> Marzouk, *Textile Industry*, 79.

<sup>11</sup> Warren Schultz, "The Monetary History of Egypt," in *Cambridge History of Egypt*, 333.



tain events and settings, albeit not always in the same order, and provide details that fill in the gaps created by the selective summarizing. This examination, then, should provide a wider view of an expression of social discontent that, even though it appears limited, anticipates a larger turn in Mamluk economic policies and practices.

Of the three authors, al-Nuwayrī was the closest to the event; he was writing in Cairo, where he died five years later, in 1332. The similarities and differences between these authors, however, are not dictated by time or space; al-Jazarī interviewed the eyewitnesses in Damascus five months later, while al-Maqrīzī wrote his account more than a century later. As such, al-Maqrīzī had a larger pool of sources, perhaps even al-Nuwayrī's and al-Jazarī's, and was more selective in reconstructing his account. In order to appreciate the distinctive features of each account, the following analysis will examine the main points in the story: the reason for the rebellion and the government's reaction to it.

## THE REASON FOR THE FITNAH

Al-Nuwayrī says:

And on Thursday the 5th of the month of Rajab, of the year 727, a huge *fitnah* occurred in the port (*thaghr*) of Alexandria between the people of that city and its governor (*mutawallih*), Rukn al-Dīn Baybars al-Karakī. And the cause of this *fitnah* is that a group of common folks (*jamā'ah min 'awāmm al-thaghr*) gathered on that day for sightseeing as they habitually do (*li-yatafarrajū 'alá 'adatihim*). They stood at a storyteller's circle outside the port, between the two gates, the Green and the Sea Gate. In the circle there was a *Firanjī* who belonged to the emissaries of the Byzantine ruler (*rusul šāhib Iṣṭanbūl*), and whenever the storyteller mentioned the Prophet (prayer and peace be upon him) the people raised their voice in prayer as Muslims habitually do in that case. One of them said: get this *Firanjī* away from among us for we pray for the Prophet (prayer and peace be upon him) and he does not pray for him. So they wanted to get him away from the circle but he refused to leave. So he was pushed away from it. A foot soldier from the governorate of the city came to his aid (*fa-a'ānahu ba'd rajjālat al-wilāyah bi-al-thaghr*) and said that he belongs to the emissaries who had just arrived to [meet] the sultan. Some of the commoners beat the foot soldier who then sought help from a group of his comrade foot



soldiers. The commoners outnumbered them and beat them and thereafter the *fitnah* rose up.<sup>12</sup>

At least two points relevant to the discussion should be noticed in al-Nuwayrī's description of this event. First, he uses the word *'awāmm* to describe the Egyptians who were sightseeing on that Thursday afternoon, and he uses the word *Firanj* to denote Europeans or Byzantines. Second, he reports that the incident around the storyteller's circle originated as a religious dispute, namely suspicion or misunderstanding of the European's failure to participate in the prayer. The suspicion aroused by the presence of the European at the storyteller's circle could be understood within the context of religious xenophobia. The perceived lack of respect for the Prophet, and as such also for Muslims, led to the desire to exclude him from the circle. The audience, or at least one in the crowd, wanted to remove the European from the circle on the grounds that he did not share in the blessing for the Prophet. This would seem to suggest that if the European willingly excluded himself from the circle, nothing would have happened. But since he had to be removed forcibly, the fault and the responsibility for the ensuing problems, the source would suggest, lies with the European.

Al-Maqrīzī reports on this incident in two of his works. In the *Sulūk* version, he does not mention the storyteller or the sightseeing activity, because, as he insists, he was giving a summary account (*mulakhkhas*) of the incident. He says:

On Thursday the 5th of the month [of Rajab] the *fitnah* took place in Alexandria and its summary [account] is that a *Firanjī* merchant had an exchange (*fāwaḍah*) with a Muslim and had hit him. And that [happened] because the *Firanjī* stood near a beardless youth (*ṣabī amrad*, a minor) to take him and do with him that act (*li-yakhudhahu wa-yaf'ala bi-hi dhālika al-fi'l*). A Muslim man forbade him and told him: "that is not lawful." The *Firanjī* then hit the [Muslim's] face with a shoe. Other Muslims rose up against the *Firanjī* whose companions rose up to protect him. Evil fell between the two groups and they fought [each other] with weapons. The governor of the city, al-Karakī, rode [to the scene] to find that the people had banded together and [that they] had brought out their weapons. The people testified against the *Firanjī* with what necessitated his execution (*shahidū 'alā al-firanjī bi-mā yūjību qatlahu*) and they carried him off to the qadi. The markets of the city and its gates were shuttered.<sup>13</sup>

<sup>12</sup>Al-Nuwayrī, *Nihāyat*, 33:232–33.

<sup>13</sup>Al-Maqrīzī, *Sulūk*, 284.



In his version in the *Khiṭaṭ*, which is even more truncated, al-Maqrīzī mentions this incident with some modification and says that a *Firanjī* merchant went to the place by the sea where common folks go sightseeing. There, the European merchant approached a beardless youth and solicited sexual acts, as understood from al-Maqrīzī's words "*ta'arraḍa ilā ṣabī amrad yurāwiduhu 'an nafsihi.*"<sup>14</sup>

Al-Maqrīzī, as we have read, is consistent in his reference to the *Firanj* as a party to the incident. However, he refers to them as merchants, not as emissaries. And instead of using the word *āmmah* to describe the Egyptians, al-Maqrīzī described them as Muslims. We know, of course, that the emissaries could be merchants and vice versa and we know also that at the time the majority of the inhabitants of Alexandria were Muslims. Neither of the accounts is fundamentally flawed, but it is the choice of words and how they color the story that should be noted here. The most serious difference between the two accounts is the point of interaction between the two parties. Al-Nuwayrī describes a cultural scene: people sightseeing, a storyteller's circle on the corniche, and a fight motivated, as we have seen, by religious sentiments. Al-Maqrīzī cites inappropriate sexual advances towards a boy as the cause of the fight. This introduces a more nuanced conflict between the two sides, one that includes other issues, such as honor, morality, and cultural values, especially regarding homosexuality. This is problematic, given that contemporary Arabic sources speak of homosexuality as a practice recognized in certain social circles.<sup>15</sup> But although acknowledged in the literature, the practice was not necessarily condoned. It was also considered a serious crime to attack young boys. Al-Jazarī reports several cases that resulted in the castration and death of those accused of assaulting young boys.<sup>16</sup> Therefore, when the *Firanjī* merchant solicited the boy, it was regarded as an affront towards religious as well as cultural and moral sensibilities. Not only was it considered a "sinful" act (not *ḥalāl*); the objection could have been also on the grounds of homophobic reactions or even against pedophilia. That this exchange was perceived by the Muslim as an insult, perhaps even to his own honor, is reinforced by the

<sup>14</sup>Al-Maqrīzī, *Khiṭaṭ*, 1:326. For a more famous example, the expression, *yurāwiduhu 'an nafsihi* is mentioned in the Quran, 12:23–61, in reference to the attempted seduction of Joseph.

<sup>15</sup>See, for example, Everett Rowson, "Two Homoerotic Narratives from Mamlūk Literature: al-Ṣafadī's *Law'at al-Shākī* and Ibn Daniyāl's *al-Mutayyam*," in *Homoeroticism in Classical Arabic Literature*, ed. J. W. Wright and Everett Rowson (New York, 1997). For a review of other recent literature on the subject of homosexuality see S. Schmidtke, "Homoeroticism and Homosexuality in Islam: A Review Article," *Bulletin of the School of Oriental and African Studies* 62, no. 2 (1999): 260–66.

<sup>16</sup>See al-Jazarī, *Ḥawādith*, 3:677, where a black slave was castrated in Cairo because he used to "*yata'arraḍu li-awlād al-nās.*" Two other cases involved young boys, but the executions resulted from their murder. See, for example, *ibid.*, 2:346, 386.



account that the European hit the Egyptian's face with his shoe, a decidedly disrespectful thing to do to a Muslim.

For all we know, such effrontery as reported by al-Nuwayrī or as reported by al-Maqrīzī may or may not have occurred at all. But we are faced with two different versions for the same event. Could these variant explanations have been rumors circulated in the aftermath of Alexandria's troubles? Or could the religious and the sexual explanations serve as convenient tropes to describe "triggers" for social uprisings? Both authors reported what they deemed a sufficient pretext to explain or to justify people's anger against the European's perceived transgression, whatever it may have been. In the absence of any context other than that provided by al-Nuwayrī and al-Maqrīzī, these authors seem to suggest that the Egyptians were reacting to this or to that provocation only. Isolated and out of context, these versions of events could have misled modern historians to describe this incident merely as a brawl.

However, a brawl it was not, for "brawl" suggests a brief noisy quarrel that may involve a number of people. Al-Jazarī supplies information that points to city-wide and long term discontent and resentment based on specific economic grievances. And far from the price one pays for a brief quarrel, the people of Alexandria endured a month-long government extortion that severely punished the town.

Al-Jazarī, in the course of listing notable events of the year 727, says that he had a conversation with Muḥammad ibn Nāṣir al-Dīn al-Tānī, a traveling merchant (*tājir saffār*) and resident of Alexandria, along with Aḥmad ibn al-Ṣabbāb al-Ḥarrānī, also a traveling merchant who had been in Alexandria when the *fitnah* took place. They told him:

When it was in the afternoon, on Thursday, the 6th of Rajab, emissaries on behalf of the *Firanj* had arrived and were staying inside the Sea Gate, between the two gates, where people (*al-khaliqu*) pour in for sightseeing. One of the *Firanj* went out sightseeing [also] and stood next to a group of people. There [among them] stood a beardless youth (*ṣabī amrad*) and [the *Firanjī*] stood next to him and stepped on his foot [intending that] as signal to him (*fa-da'asa 'alā rijlihi ishāratan ilayhi*). A man said to the *Firanjī* "this is not lawful." The *Firanjī* was carrying a leather shoe with which he hit the face of the man who disapproved [of his intent]. Another man came forth and disapproved [of what the European did] and then the talk widened. The discord intensified and there was much hitting [between them]. The news went to the governor, who rode out with his men and ordered the gates of the city shut. He sought those who



caused the disturbance, but the people fled from his clutches. The wali then brought the *Firanj* [back] to the place of their residence and he returned to his own.<sup>17</sup>

So far, this is not much different from the previous accounts, except that the merchants supply a more exact location where the altercation took place, on the corniche and in the span between the two gates facing the sea. However, an important additional element in the merchants' account is the actual physical contact that was understood to be the solicitation when the *Firanjī* stepped on the boy's foot, intending it as a signal. A signal to do what, they did not say, but it is implied that he was seeking sex with the boy. It is not clear why stepping on the boy's foot was meant to be a signal for what al-Maqrīzī referred to in one instance as "to do with him that act" and in another "*yurāwiduhu 'an nafsihi*." Here again, the *Firanjī* hit the man's face with a shoe, now of leather, before others joined in the melee. Once again, the sexual trope is used as the basis of the quarrel, albeit taking place in an environment that combines al-Nuwayrī's location (now more precise) and al-Maqrīzī's sexual solicitation. As we shall see below, however, the Egyptians were reacting to more than hearsay "triggers" for their grievance against the Europeans and the government.

### THE IMMEDIATE AFTERMATH: FRIDAY 6TH OF RAJAB

Matters did not come to an end after al-Karakī secured the safety of the Europeans by taking them to their quarters. Al-Karakī had to deal with an angry town on the verge of insurrection. Yet, no further action against the Europeans is reported by any of the accounts. Resentment, discontent, and violence were directed, from now on, at al-Karakī and his aids. Armed clashes took place and resulted in death and injury. The government was on the retreat and al-Karakī seemed to lose his grip on the situation, prompting him to seek aid from Cairo. In reporting on this, here too the three reports are nuanced.

Al-Nuwayrī says that when al-Karakī rode out to repulse the people after they had overpowered the troops, the people stoned him and his aides, whereupon he ordered the city gates closed, preventing many people outside from going back home. An official with the title of *rayyis al-khilāfah* came around the corniche in a boat loaded with archers and began to shoot at the crowd, killing many of them. The chief judge of Alexandria, 'Imād al-Dīn al-Kindī, counseled al-Karakī to cease and desist (*ashāra 'alā al-mutawallī bi-al-kaff*), but al-Karakī refused to listen. Al-

<sup>17</sup>Ibid., 2:185–86. According to calculations based on Freeman-Granville the 5th of Rajab falls on Thursday (G. S. P. Freeman-Granville, *The Muslim and Christian Calendars: Being Tables for the Conversion of Muslim and Christian Dates from the Hijra to the Year A D 2000*, 2nd ed. [London, 1977], 37, 62).



Nuwayrī adds here that “it was said” that ‘Imād al-Dīn told the populace that it was therefore lawful to fight the government, fanning the flames of the *fitnah* to the extent that al-Karakī and his aides were besieged in their residences. In the meanwhile, a group of people attacked the residence of the *rayyis al-khilāfah*, where arms were stored, and looted everything in it. Another group went to the prison and broke its doors and let prisoners out. Al-Nuwayrī adds, in what seems to be an afterthought, that the people had intended to free the Mamluk commanders imprisoned there, but the latter refused to leave. This last act prompted al-Karakī to relay the news to the sultan in Cairo.<sup>18</sup>

Al-Maqrīzī does not mention any of this at all. Rather, he says that trouble started again after the late evening prayer, when al-Karakī opened the gates to let in those who had been locked out since the afternoon. He says that, in the crush of the people coming in, ten people perished and many others were injured, in addition to some loss of property. In a curious twist, al-Maqrīzī says that it was then that al-Karakī recognized the extent of the people’s resentment against the Europeans. And, never mind that it was late at night and the Europeans were safely tucked away, al-Maqrīzī says that it was then that al-Karakī rode against the people but they stood their ground until they forced him to retreat after much blood was shed on both sides. In response, al-Karakī dispatched carrier pigeons to Cairo to inform the sultan of the news.<sup>19</sup>

The story as related by al-Jazarī seems to indicate that some calm was restored after al-Karakī delivered the Europeans to their quarters, except of course for those who were locked out of the city and were becoming increasingly anxious at the late hour. A group of city notables went later that night to al-Karakī requesting that he open the gates. Al-Karakī obliged and had the gates opened, and, according to the merchants, he also deployed a group of archers right then and there who proceeded to shoot at the people coming in and assaulted them, even with swords, so that more than ten people were killed and many were wounded. Thereafter, that is on Friday morning the 6th of Rajab, the people of Alexandria woke up lamenting the death and injury to their kin and slapping their faces in grief. Al-Karakī, coming to inspect the scene in the morning, faced a hostile crowd who stoned him all the way back to his residence, where he shut himself off from the angry crowd.<sup>20</sup>

But the merchants broke off their narrative here to say that problems had actually started twenty days earlier. They said:

<sup>18</sup> Al-Nuwayrī, *Nihāyat*, 33:233.

<sup>19</sup> Al-Maqrīzī, *Sulūk*, 284–85.

<sup>20</sup> Al-Jazarī, *Hawādith*, 2:186.



Before all of this by about twenty days, there came to the governor two middlemen (*samāsirah*, sg. *simsār*) from the storehouse known as the Qaysāriyah of the 'Ajam and said: The middlemen of the *qaysāriyah* have agreed with the silk weavers, and likewise with the criers (*dallālīn*, sg. *dallāl*) that they would buy [the silk] from them [directly] and take their commission from the merchants (*ya'tābūna min al-qazzāzīn wa-yakhudhū min al-tujjār al-samsarah*). The additional charge [thus] will fall on the strangers, especially the foreigners (*wa-an yaqa'u al-ḥayf 'alā al-gharīb, khuṣūṣan al-'ajam*). [Accordingly] they had made most of the selling of goods, the buying of textiles, and the selling of crops in [other] bazaars and storehouses, and thus the revenue of the sultan and the people was lost in those [transactions]. So the governor decreed that nothing will be bought or sold except in the Qaysāriyah of the 'Ajam, and any one who sells in [other] storehouses will be disciplined.

Ibn al-Ṣabbāb continued: [Thereafter] the affairs of the silk weavers were ruined. So, before this incident, they had gone [then] to the aforementioned gate and threw stones at the governor and he ordered it shut between him and the people, fearing [more] stoning and [further] disturbance. In the meanwhile, a man from Alexandria named Ibn Ruwāḥah came to the governor and apologized for those of the ignorant and of the silk weavers who acted in such a manner, and secured [from the governor] his decree that the [silk weavers] could conduct their business as they had done before. And the affair was settled. But [some informants] kept giving the governor information by saying [the proverb]: "*Oil is only extracted in the presses,*" and similar talk.<sup>21</sup>

Having given us the *casus belli*, the merchants resumed their account regarding the Friday morning events. They said that having driven al-Karakī back to his residence once more, two individuals set the gate that protected him on fire and broke the prison door, which happened to be adjacent, and let some prisoners out. The cells in which the Mamluk commanders were imprisoned were located on the second floor. When fire and smoke reached them they began to cry out for help. Al-Karakī and his archers climbed to the roof top and began shooting again at the people below, forcing them to retreat. From there, the people proceeded towards some official buildings, including the secretary's residence, and looted them. It was then that al-Karakī summoned help from Damanhūr, among other areas

<sup>21</sup>Ibid., 2:187.



around Alexandria, including Bedouin auxiliaries. He also wrote to the sultan informing him of the events. The merchants add that al-Karakī misrepresented the people and exaggerated their actions when he described them as declaring their disobedience to the sultan (*wa-ḥarrafa ‘alayhim wa-fakhhama, wa-anna ahl al-balad kharajū ‘an al-ṭā‘ah*). The secretary who wrote the letter, the merchants add further, is the one whose house was looted.<sup>22</sup>

Some observations are warranted here due to the issues raised and the discrepancies found among the three authors. Al-Nuwayrī’s account leads one to believe the fighting was done on the outside, during the same afternoon, and that the flames of the *fitnah* were fanned by the qadi ‘Imād al-Dīn after he deemed it lawful to fight the government. This *fatwā* emboldened the people, who besieged al-Karakī and then proceeded to loot *dār rayyis al-khilāfah* and to break the prison door. Clearly these were acts of civil disobedience, and al-Nuwayrī seems to blame ‘Imād al-Dīn and the people for this turn of events. His interjection that the people had intended to set free the imprisoned Mamluk commanders reflects, as he once was a government official, the concerns of the central government, who, as we shall see below, took immediate steps to secure itself against a possible conspiracy. Al-Karakī, on the other hand, seems to be carrying out his official duties, however badly. Al-Maqrīzī also leans favorably toward al-Karakī, regardless of the discrepancies in his version. Al-Maqrīzī says that al-Karakī, without the intercession of the notables, had the gate opened. The death and injury that followed resulted from the crush of the people coming in and was not the fault of al-Karakī. The merchants’ account, however, gives us the distinct impression that death and injury at the gate were not only unnecessary but also that they were due to the treachery of al-Karakī. They also clearly blame him for his lies and exaggeration in describing the people’s actions. Thus, while al-Nuwayrī and al-Maqrīzī could blame the Europeans for starting the initial troubles, albeit based on hearsay and altogether different grounds, the two seem to cast their blame on the people for the ensuing trouble, not the state.

The merchants’ account, as related to us by al-Jazarī, is decidedly on the side of the people. First and foremost, trouble had been brewing because of the economic loss that the people of Alexandria had endured due to the restrictions imposed by al-Karakī. Therefore, the initial grievance that created the resentment against the European merchants lies here, and it is the only concrete reason, from what had been reported, that may have led to the altercation on the cornice. For, as today the cornice in Alexandria is a very busy place, one can imagine that it was also a busy place on that Thursday afternoon, as understood from the choice of words in the merchants’ account, *tansabbu al-khaliq lil-furjah*, “the throngs pour in for sightseeing.” Could it be expected that the European should have been fluent in

<sup>22</sup>Ibid.



Arabic so as to recognize every mention of the Prophet by the storyteller? Could the European have been pushed out simply because the Egyptian was already ill-disposed to his presence because of the economic grievance? Also, could the European have accidentally stepped on the boy's foot, given the comings and goings on the cornice on Thursday afternoons? Is it possible to see that the ambiguity of this act is reflected in the ambiguity of the report, which said only that stepping on the foot was a "signal"? Was it this lacuna that prompted al-Maqrīzī to fill in his clarifications nearly a century later by explaining that the signal was "to do with him that act" or by adding the more unmistakable phrase "*yurāwiduhu 'an nafsīhi?*"<sup>23</sup> Furthermore, the religious and the sexual are *sui generis* explanations of the same incident. We understand that they are tropes because it is taken for granted that such reasons were sufficient to cause popular discontent. No doubt, it is possible that both explanations were mere rumors that began to circulate after the scuffle. Of course, rumors themselves could lead to misunderstandings and suspicion, among other reactions, including the action described above, whether based on this or that trigger. The inclusion of the sexual trope in the merchants' account supports this also, even though they were the source of the initial grievance. These merchants stayed in Alexandria for the next five months and were in touch with the people in its market place and thus picked up, so to speak, the talk of the town.

It is thanks to them that they provided a context when they rooted their story in a sequence of events beginning with the grievance of the silk weavers, a grievance that led then to similar social action played out in the same geographic location and with a similar pattern. If not for the merchants, the state's responsibility for the rise of popular discontent, at least in this case, would have remained unknown. Thus, the rebellion was based on concrete reasons, i.e., the effects of the tax/monopoly policy on the textile sector, especially the silk weavers. What amounts to a brawl in these accounts seems to have been one in a series of confrontations over a period of two months in the spring of 1327.<sup>24</sup> The great extent of the popular grievance could perhaps be gauged by taking into account that in 1380 fourteen thousand active looms were in Alexandria.<sup>25</sup> We do not have a figure for 1327 but we do for 1295, prior to the famine that devastated many areas in Egypt, including Alexandria. Al-Jazarī says that the number of looms then

<sup>23</sup>It is very likely that al-Maqrīzī was summarizing from *Ḥawādith al-Zamān* and from *Nihāyat al-Arab*.

<sup>24</sup>The summary provided by Ibn Aybak al-Dawādārī, who provides a paraphrased account, also suggests this continuity. *Chronik*, 1:342.

<sup>25</sup>Mackie, "Toward an Understanding of Mamluk Silks," 127. The same figure for 1388 is given in Marzouk, *Textile Industry*, 79, and the same figure for 1394 is given in Walker, "Social Implications of Textile Development," 171.



was 12,000, a number that was severely reduced due to the disease and famine that caused so many deaths that year.<sup>26</sup> Alexandria's economy, however, recovered quickly, especially after 1310, and throughout al-Nāṣir Muḥammad's third reign. In 1324, Symon Simeones admired the fine quality and enormous quantity of silks, linens, and cottons that were being produced in Alexandria.<sup>27</sup> Thus, the number of looms in 1327 must have become high enough again to employ a wide social base, since the demand for the city's silks and other textiles was high. Furthermore, the fact that Egyptians had been dealing with Europeans before this event without incidents of this nature suggests that the resentment harbored by the Egyptians was not against Europeans per se. Rather, they were against dealing with those merchants (and they could have been of any origin) under the unfavorable conditions created by al-Karakī's decree, which was the source of the ill feeling in the first place.

### THE RESPONSE OF THE CENTRAL GOVERNMENT

Cairo stepped in roughly three days after the scuffle on the corniche. Al-Maqrīzī says that the carrier pigeons arrived in Cairo the following Sunday morning. The sultan became angry and very anxious, especially regarding the Mamluk commanders. According to al-Jazarī, he immediately convened a council which included judicial representatives, to give their *fatwās* regarding subjects who rebel against the sultan. The sultan indeed suspected that this affair may have been a conspiracy and took immediate precautions in Cairo; the three sons of the imprisoned Mamluk commander Sayf al-Dīn al-Abū Bakrī were arrested. It is possible to reconstruct the reaction of the central government using the three accounts, keeping in mind that each author had his own biases and concerns. For example, the affair of the imprisoned Mamluk commanders seems to be the overriding concern of al-Nuwayrī and al-Maqrīzī. Between them, we have a list of the imprisoned commanders who were transferred to the citadel prison in Cairo, as well as the locations where they were eventually incarcerated. This attention to detail is contrasted with their vague references to the population. They use general designations like *jamā'ah*, *nās*, *āmmah*, or *ahl al-thaghr*. As for the money extracted, they shared terms such as *ṣādara*, *akhadha*, *faraḍa*. Yet they give two different totals for the fines that were collected. Al-Jazarī does not mention anything regarding the Mamluk prisoners. Rather, attention is paid here to the extortions imposed on Alexandria and how the population suffered. Differences in their emphasis and detail notwithstanding, these accounts provide us a glimpse at the state in action and a measure of what happened after Cairo weighed in.

<sup>26</sup> Al-Jazarī, *Ḥawādith*, 1:282.

<sup>27</sup> See Marzouk, *Textile Industry*, 79.



Command was promptly assigned to 'Alā' al-Dīn Mughaltāy al-Jamālī, whose titles are given as *wazīr*, *mudabbir al-dawlah*, and *ustādh al-dār al-āliyah*, and he was immediately dispatched to Alexandria. Mughaltāy was accompanied by Sayf al-Dīn Aldamur (*amīr jandār*) and Sayf al-Dīn Ṭughān (*mushidd al-dawāwīn*). There was also Tāj al-Dīn Abū Ishāq, *wakīl* and inspector of the privy purse (*wakīl al-sulṭān* and *nāzīr al-khawāṣṣ al-sharīfah*) who either came along or, according to al-Jazarī, came a week later. They left "in what remained of Sunday" and must have marched continuously, for they were ready to tackle the issues before them by Tuesday morning. According to al-Maqrīzī, this party left with *tadhākīr*, memoranda regarding what to do in Alexandria. More instructions came later as communication with the central government continued for the next three weeks.

Mughaltāy and his party took up their post in Dīwān al-Khums, the government's warehouse where it collected the duty of 1/5 (*khums*) from European merchants. Starting on Tuesday morning, Mughaltāy took command of the situation and proceeded to undertake several measures to accomplish the tasks with which he was charged. In the following reconstruction, I will explain his actions in each area separately.

### 1. THE QADI 'IMĀD AL-DĪN AL-KINDĪ

All three accounts mention the punishment meted out to the qadi with some details added here and there. Al-Nuwayrī says that Mughaltāy summoned the qadi, insulted him, declared him to be incompetent (*akhraqa bi-hi*), and then removed him from his post. Al-Nuwayrī added that the post was given to 'Alam al-Dīn al-Ikhnā'ī. He recognized that 'Alam al-Dīn was the first Shafī'i ever to hold the post. Furthermore, the qadi and one of his deputies, Shams al-Dīn al-Mudhdhin al-Bulbaysī, who was also removed from his post, had to pay a fine. Al-Nuwayrī does not specify how much the fine was, but rather lumps it with the rest of the population and the Kārimī merchants. He says that the total collected here equaled 50,000 dinars, of which 20,000 dinars came from the Kārimī merchants.<sup>28</sup> Al-Maqrīzī does not mention any of this. His reference to the qadi is brief, mentioning only that he was about to be executed when Mughaltāy changed his mind at the last minute, informing the sultan that he investigated the accusations against the qadi and found them to be false.<sup>29</sup>

The implied charges of sedition against the qadi were serious and it is from al-Jazarī's account that we get more information, including an exchange between Mughaltāy and the qadi. When the qadi and his deputies were summoned, they were humiliated by having been brought over to Mughaltāy in chains. Mughaltāy

<sup>28</sup>Al-Nuwayrī, *Nihāyat*, 33:234.

<sup>29</sup>Al-Maqrīzī, *Sulūk*, 286.



proceeded to berate the qadi and his deputies and charged them with dereliction of their duty, since they did nothing to calm the situation even though the cry went out in Alexandria that “whoever wants to fight in the path of Allah should come.” The implication here is that there was a declared rebellion against the state since fighting against it was tantamount to fighting in (the ever legitimate) “path of Allah.” Acquiescing to such a cry, or not responding to it, made the qadi and his deputies, according to Mughaltāy, accomplices in such action. The qadi, however, responded that the rebellion took place without their orders or involvement and that even had they wished to stop it, they would not have been able to repulse the great masse of participants (*mā naqdiru narudda al-sāwad al-aʿzam*). Mughaltāy, nonetheless, removed the qadi and his deputies, and the Malikis never recovered the post after that. The qadi’s deputies each had to pay a fine; al-Bulbaysī paid five hundred dinars and Ibn al-Tinnīsī paid six hundred dinars.<sup>30</sup>

This must have been a serious setback for the Malikis. According to Jonathan Berkey, the latter Fatimids allowed the Maliki jurist al-Ṭurṭūshī to establish the first Sunni madrasah in Alexandria.<sup>31</sup> The post of chief qadi must have remained in their charge until this incident. Al-Ikhnāʿī, we know from a different context, was soon promoted to chief judge of Damascus.<sup>32</sup>

## 2. IBN RUWĀḤAH, CHIEF OF DĀR AL-ṬĪRĀZ

Once again, all three authors mention Ibn Ruwāḥah in the course of their reports. Al-Jazarī, however, mentions him only in the context of the early disturbances, when he intervened on behalf of the silk weavers after they expressed their discontent regarding al-Karakī’s decree to limit the sale of goods to the government’s warehouse. Al-Nuwayrī and al-Maqrīzī imply serious charges of sedition and incitement against him. Al-Nuwayrī says that Ibn Ruwāḥah had come to Mughaltāy and promised that he, along with his men (about four hundred strong), would protect the port with no additional stipend. However, all withdrew to a place called Munyat Murshid and sought the protection of a holy man, Muḥammad al-Murshidī. Thereafter, Mughaltāy sought him out and brought him back to Alexandria, where he was executed along with others who met the same fate. Mughaltāy informed the sultan that Ibn Ruwāḥah was the head of the rebellion

<sup>30</sup> Al-Jazarī, *Hawādith*, 2:188

<sup>31</sup> Jonathan Berkey, “Culture and Society during the Late Middle Ages,” *Cambridge History of Egypt*, 400–1. See also idem, *The Transmission of Knowledge in Medieval Cairo* (Princeton, 1992), 131, where he says that Riḍwān ibn al-Walakhshī, a Sunni vizier for the latter Fatimids, founded a Maliki madrasah in Alexandria in 1137–38 and another vizier, Ibn al-Sallār, followed with a Shafīʿi madrasah a decade later.

<sup>32</sup> Mahmood Ibrahim, “Practice and Reform in Fourteenth-Century Damascene Madrasahs,” *Mamlūk Studies Review* 11, no. 1 (2007): 75.



(*ras fitnah*). Al-Maqrīzī adds that Ibn Ruwāḥah gave weapons and other provisions to the people, inciting them against the Europeans.<sup>33</sup>

### 3. CONFISCATIONS, FINES, AND OTHER ACTS OF EXTORTION

Al-Nuwayrī and al-Maqrīzī do not give precise figures regarding these activities even though they mention specific numbers, albeit different totals. Al-Nuwayrī, as mentioned above, says that Mughaltāy collected a sum of 50,000 dinars from various people, including the qadī, his deputies, Kārimī merchants (20,000 dinars), and other townsmen. Al-Maqrīzī reports that Mughaltāy imposed a fine of 500,000 dinars (could a zero have been added in error, or in exaggeration?) and proceeded to confiscate money for the next 20 days until he collected the lower figure of 260,000 dinars. Ibn al-Dawādārī puts the figure at 1,070,000 dirhams.<sup>34</sup>

Al-Jazarī provides more detail and specific information regarding Mughaltāy's actions in this regard, although he does not give a final figure. The fines imposed on the qadī and his deputies have already been mentioned. Mughaltāy then sought out the Kārimī merchants, the town notables, the silk weavers, and those who had property inside and outside of the town. Mughaltāy took from each category of people an amount commensurate with their means. For example, Tāj al-Dīn ibn al-Kuwayk, the Kārimī merchant, paid 2000 dinars. Each silk loom paid a fine of 100 dinars. Each linen loom paid 50 dinars. Each *funduq* paid 3 months rent in advance.<sup>35</sup> Each orchard paid an amount commensurate with its produce. Although no final figure is given, al-Jazarī says that fines, confiscations, and loss affected everyone in Alexandria, "the large and the small, the high and the lowly. Calamity and harm spread to all the people of Alexandria so that no one was spared the loss, and many became impoverished, especially the silk weavers who could not pay back the European merchants their due."<sup>36</sup>

### 4. EXECUTIONS

We have already seen that Ibn Ruwāḥah was executed along with others. There were many who were executed, in addition to the ten individuals who died at the gate earlier or during the fighting that ensued after the initial incident. Al-Nuwayrī says that Mughaltāy executed (literally *waṣṣaṭa*, split in half) a group of

<sup>33</sup> See al-Nuwayrī, *Nihāyat*, 33:234–35; al-Maqrīzī, *Sulūk*, 285; Ibn al-Dawādārī, *Chronik*, 1:342.

<sup>34</sup> Al-Nuwayrī, *Nihāyat*, 33:234; al-Maqrīzī, *Sulūk*, 286; Ibn al-Dawādārī, *Chronik*, 1:342.

<sup>35</sup> For a discussion of some of these *fanādiq* and other commercial and artisan establishments, see Niall Christie, "Reconstructing Life in Medieval Alexandria from an Eighth/Fourteenth-Century *Waqf* Document," *Mamlūk Studies Review* 8, no. 2 (2000): 163–90.

<sup>36</sup> Al-Jazarī, *Hawādith*, 2:188.



commoners. Al-Maqrīzī says that Mughaltāy arrested a group of *ardhāl* (lowly) and split them in half. Others had their hands or legs cut off.<sup>37</sup>

Al-Jazarī gives a few more details regarding these executions. Apparently the town was under some sort of lockdown (*mahbūsīn fī al-balad*) and no one was allowed to leave the town except those who performed necessary functions, in addition to the Bedouins, perhaps the auxiliaries who had been summoned earlier. Tension and suspicion of Mughaltāy's actions must have been high given the confiscations and other punitive measures. On Friday the 20th of Rajab Mughaltāy executed 30 individuals outside the city gates, just before the Friday prayers. The news of this calamity spread quickly to the mosque and all the congregants began to flee in panic, fearing that they were to be attacked next. In their panic, many fled without their shoes and other property. Some merchants lost the gold coins that they had in their possession. It was a chaotic scene that was described as the "end of days" (*wa kānat ka-qiyāmah qad qāmat*). The tense atmosphere was eased somewhat when, according to al-Jazarī, Tāj al-Dīn, the sultan's *wakīl*, arrived and began to calm the people down and allowed them to move about.<sup>38</sup>

##### 5. MISCELLANEOUS ACTIONS

There were other acts that only al-Nuwayrī and al-Maqrīzī report. Al-Nuwayrī says that the storehouse of the archers (Ibn Ruwāḥah's men) was emptied of its contents. He adds that Mughaltāy arrested nearly 90 men, slaves and freemen, who were pressed into chain gangs and were later used for construction work.<sup>39</sup> Al-Maqrīzī says that Mughaltāy counted the suits of armor usually stored in the town to be used in its defense in case of a foreign attack and found that there were six thousand pieces. He had them stored in a warehouse and sealed it.<sup>40</sup>

##### 6. THE MAMLUK PRISONERS

Only al-Nuwayrī and al-Maqrīzī report on the fate of the Mamluk prisoners at this time, and their lists are nearly identical.<sup>41</sup> According to al-Nuwayrī, these

<sup>37</sup> Al-Nuwayrī, *Nihāyat*, 33:234; al-Maqrīzī, *Sulūk*, 285.

<sup>38</sup> Al-Jazarī, *Hawādith*, 2:188–89.

<sup>39</sup> Al-Nuwayrī, *Nihāyat*, 33:234

<sup>40</sup> Al-Maqrīzī, *Sulūk*, 286.

<sup>41</sup> These Mamluks were arrested and released several times starting in 710, after al-Nāṣir Muḥammad came to power for the third time. Some of them were involved in the conspiracy of Baybars al-Jashnikir against him; others were involved in later conspiracies or seem to have abused their authority. See Abū al-Maḥāsīn Ibn Taghribirdī, *Al-Nujūm al-Zāhirah fī Mulūk Miṣr wa-al-Qāhirah* (Cairo, 1963), 8:232 ff., 9:12–15; al-Nuwayrī, *Nihāyat*, 32:165, 169, 175, 196, 199, 220–21. See also Robert Irwin, *The Middle East in the Middle Ages: The Early Mamluk Sultanate 1250–1382* (Carbondale, IL, 1986), 106–8.



prisoners were packed off to Cairo with a contingent to guard them, and everyone arrived on Sunday the 22nd of Rajab, 12 days after they were sent off. Al-Maqrīzī says that they arrived on the 18th of Rajab. These prisoners include:

- Sayf al-Dīn Baktamur al-Abū Bakrī (whose three sons had been arrested earlier). Al-Abū Bakrī was eventually sent to al-Karak to be imprisoned there.<sup>42</sup>
- Sayf al-Dīn Tamur al-Sāqī, former governor of Tripoli. He was also packed off to al-Karak, but may have been transferred back to Alexandria some time later.
- ʿAlam al-Dīn Sanjar al-Jāwili. He was imprisoned in the Lions' Tower in the Cairo Citadel.
- Sayf al-Dīn Bahādur al-Maghribī. He was also imprisoned in the Lions' Tower.
- Sayf al-Dīn Tughluq.
- Ghānim ibn Atlas Khān.
- Sayf al-Dīn Qutlubak al-Miʿlāʾī, known also as al-Awshāqī.
- ʿIzz al-Dīn Aydamur al-Yūnisī.
- Sayf al-Dīn Kajkan.
- Fakhr al-Dīn Ayāz, formerly governor of Qalʿat al-Rūm, also called Qalʿat al-Muslimīn.

The last six commanders were thrown into the dungeons in the Cairo Citadel, but Fakhr al-Dīn Ayāz was later freed due to his advanced age and frailty.

Al-Maqrīzī adds a few more names to those who were thrown in the dungeons. These were Sayf al-Dīn Balāṭ al-Jūkandār, Sayf al-Dīn Burulghī al-Ṣaghīr, Ḥusām al-Dīn Lajīn Zīrbāj al-ʿUmarī, Rukn al-Dīn Baybars al-ʿAlamī, and Sayf al-Dīn Ṭushtumur, brother of Batkhās (or Banhās) al-Manṣūrī. According to al-Nuwayrī, however, these men were held back in Alexandria's prison. Indeed, al-Jazarī says in the context of the events of 735 (8 years after the rebellion) that he received a letter from his colleague in Alexandria, Najm al-Dīn ibn al-Miḥaffdār, saying that 13 Mamluk commanders, among whom the above disputed names were mentioned, were transferred to Cairo, where they were set free.<sup>43</sup>

Mughaltāy and his company returned to Cairo at the end of Rajab loaded with gold. He took up residence in the vizierate hall in the Citadel, which was newly

<sup>42</sup>According to Ibn Taghrībirdī, Baktamur died a year later in the Citadel prison; see: *Al-Nujūm al-Zāhirah*, 9:274.

<sup>43</sup>The lists appear in al-Nuwayrī, *Nihāyat*, 33:235–36, and in al-Maqrīzī, *Sulūk*, 286. Al-Jazarī reports on their freeing in *Ḥawāidith*, 3:764.



built opposite the Dār al-Inshāʾ (chancellery). Other officials came along that day and sat according to their rank in places that had been prescribed for them, and proceeded to execute the affairs of the state. According to al-Jazarī, the sultan Muḥammad did not take any of the confiscated money. Rather, he distributed it among his loyal commanders.<sup>44</sup>

## CONCLUSION

The penchant of some Mamluk chroniclers to copy from one another, to summarize lengthy accounts according to their own interests, and to often reduce complex events to simple and brief descriptions poses a potential source of confusion and misunderstanding. The writing of history becomes, in part, a process of deconstruction and reconstruction. We are fortunate that bits and pieces of information can still be found to allow us a closer look at society, to recreate a fuller account of events under investigation, as we have learned from the above, and to correct false impressions that may have been constructed earlier. The three accounts, put together, give us a glimpse at a moment in the life of Alexandria under Mamluk rule, a moment rich with detail when the townspeople were up in arms against the state. These accounts, infused with realism, breathe life into that moment of social action. At first glance, this action could be described as a riot, brawl, or some similar term implying that the action was haphazard and based on a flimsy rationale. But upon further investigation, thanks to the merchants' reports related by al-Jazarī, we find that this social action, an uprising of sorts, was based instead on concrete economic grievances against a specific state policy. Rather than being haphazard or spontaneous, this rebellion reveals a degree of awareness which implies conscious and deliberate, rather than passive, participation. This was also a sustained social action that went on for a period of two months before the state brought its full weight to bear and crushed the uprising.

The state employed what seems to have been a disproportionately severe set of punitive measures that included the arrest and execution of many people, in addition to financial exactions that heavily burdened the economy and the people's livelihood. This was no punishment for a brawl, unless the brawl is seen as only the cover for the response to this heavy-handed appropriation of surplus wealth for the state's own ends (the government was then nearly bankrupt). Moreover, this was no isolated incident. Indeed, this attack on Alexandria could be considered the watershed that allowed al-Nashw, the sultan's new *wakīl*, to continue a feverish confiscation policy from 1332 to 1339 that damaged several sectors of the

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<sup>44</sup>Al-Jazarī, *Hawādith*, 2:189.



economy, not to mention those who were flogged to death in an effort to extract money from them.<sup>45</sup>

The Mamluk state, after the end of the Crusades and the disappearance of the Mongol threat, developed an apparent sense of insecurity. We have seen that the central government's immediate reaction was to treat the event as a conspiracy, as indicated by the arrest of the sons of al-Abū Bakrī. Conspiracies against the reigning sultan were in fact not unusual; indeed, al-Nāṣir Muḥammad had a long history of facing such conspiracies. He also became the subject of an assassination attempt a few years later, but he survived the assassin's dagger.<sup>46</sup> The Mamluks, having lost—or one might say fulfilled—their initial *raison d'être* as a military elite that defended the lands of Islam under their rule (largely the Arab Middle East), later shifted their energy inward and turned against each other, causing political instability at a time when greater powers were arising around them.<sup>47</sup> Attacks against the textile producers and the Kārimī merchants, among other productive sectors, would eventually undermine their whole economy. The third reign of al-Nāṣir Muḥammad represented at once the pinnacle of peace and the point at which the Mamluk system of government became redundant.<sup>48</sup> This must be one of the reasons that contributed to the eventual demise of the Mamluk system of governance.

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<sup>45</sup>Almost every year in that period one or another sector of the market was attacked. For an accounting of what was extracted see Levanoni, *Turning Point*, 150–54.

<sup>46</sup>Al-Jazarī, *Ḥawādith*, 3:673.

<sup>47</sup>For an interesting analysis of how political violence served the Mamluk system, see Daniel Beaumont, "Political Violence and Ideology in Mamluk Society," *Mamlūk Studies Review* 8, no. 1 (2000): 201–25.

<sup>48</sup>This was raised by Linda Northrup, "The Bahri Mamluk Sultanate," 262, and it is the main point of Levanoni's *Turning Point*.



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## Finding Meaning in the City: al-Maqrīzī's Use of Poetry in the *Khīṭaṭ*

A notable feature of the *Khīṭaṭ*<sup>1</sup> by al-Maqrīzī is the incorporation of poetry in many sections devoted to the structures or landscape features of Cairo.<sup>2</sup> This poetry is especially evident in the Bulaq edition, where the dense blocks of Arabic text are occasionally interrupted by columns of verses. The *Khīṭaṭ* has been mined by scholars as a source of information about elements of the historic city of Cairo; historical works on the cityscape of Cairo are indebted to the book for the who and when and how of its structures.<sup>3</sup> From the standpoint of documenting the history of Cairo, this emphasis has been useful, but has led to the poetry in the *Khīṭaṭ* being passed over, as these poems rarely contain anything in the way of objective historical facts. Li Guo, at the conclusion of an essay on the poet Ibn Dāniyāl, writes “...human emotions, collective sentiments, and public opinions all count; and the *adab* material, especially poetry, represents an ideal vehicle for such ‘soft data.’”<sup>4</sup> The present article looks closely at what is added to the *Khīṭaṭ* and our understanding of Cairo by the inclusion of this poetry.

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<sup>1</sup>*Al-Mawā'iz wa-al-I'tibār fī Dhikr al-Khīṭaṭ wa-al-Āthār* (Bulaq, 1854). In the translations for this article I make use of the edition of Ayman Fu'ād Sayyid, published by the Al-Furqān Islamic Heritage Foundation (London, 2002–4). Page numbers refer to the standard Bulaq edition.

<sup>2</sup>This use of poetry in the *Khīṭaṭ* comes as no surprise since it was a common feature of Mamluk histories, both chronicles and biographical dictionaries. Al-Maqrīzī should be understood as participating in what has been called the “literarization” of history writing in the Mamluk period, a notion developed by Ulrich W. Haarmann in *Quellenstudien zur frühen Mamlukenzeit* (Freiburg, 1969), and something of its growing importance among Mamluk historians is portrayed by Robert Irwin in “Mamluk History and Historians,” in *Arabic Literature in the Post-Classical Period*, ed. Roger Allen and D. S. Richards (Cambridge, 2006), 159–70. The redistribution of the poetic material into sections of the *Khīṭaṭ* relating to topographic features casts this material in a new light, allowing us to see relations between the poetry and features of the landscape that could be obscured by chronological or biographical methods of organization.

<sup>3</sup>The building by building approach to Cairo taken by Doris Behrens-Abouseif in *Islamic Architecture in Cairo: An Introduction* (Cairo, 1989) and more recently in *Cairo of the Mamluks: A History of the Architecture and Its Culture* (New York, 2007) is an example of an approach made possible by the wealth of information on each building collected by al-Maqrīzī.

<sup>4</sup>“Reading *Adab* in Historical Light: Factuality and Ambiguity in Ibn Dāniyāl's ‘Occasional Verses’ on Mamluk Society and Politics” in *History and Historiography of Post-Mongol Central Asia and the Mongol East*, ed. Judith Pfeiffer and Sholeh A. Quinn (Wiesbaden, 2006), 400.



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The poetry in the *Khiṭaṭ* falls broadly into two categories. The first is poetry that occurs incidentally within a larger passage cited on a specific topic. An example of this would be a passage from the *Risālah* of Abū al-Ṣalt al-Andalusī (d. 528/1134), containing a record of poetry composed on the occasion of Abū al-Ṣalt's visit to the pyramids.<sup>5</sup> The second type of poetry in the *Khiṭaṭ* is that collected by al-Maqrīzī himself, presumably in much the same way that he excerpted other bits and pieces of geographical, religious, or historical information related to Egypt. The holograph notebook of al-Maqrīzī represents a sample of the method by which he collected the poetry.<sup>6</sup> The conclusion of the section in the *Khiṭaṭ* on the pyramids offers an example of al-Maqrīzī's editorial handling of poetry as it concludes with eight poems, in different meters and ranging from two to thirteen verses in length. The poems follow each other with no commentary or explanation.<sup>7</sup> Clearly al-Maqrīzī found poetry an important addition to the *Khiṭaṭ*, as it is not only incidentally included, but purposefully collected and organized.

### THE *KHIṬAṬ* AS SOCIAL TEXT

We continue to learn much through the "Maqriziana" studies of Frédéric Bauden about al-Maqrīzī's editorial/authorial process for compiling the *Khiṭaṭ*. His compositional work included the use of notebooks and note cards to select passages drawn from a wide number of books that touched in some way on Egypt and Cairo. These studies have left us with a view of al-Maqrīzī as a lively curator of information, and as an editor able to deftly summarize and hone in on crucial passages.<sup>8</sup> In a serious charge as to the intellectual honesty of al-Maqrīzī, we learned how he incorporated into his own working manuscript large sections of a previous manuscript by his near contemporary al-Awḥadī, who died in 811/1408.<sup>9</sup> The natural emphasis in these inquiries has been on al-Maqrīzī as author, but we should perhaps not ignore a second result: a view of the *Khiṭaṭ* as a social text.

<sup>5</sup>*Khiṭaṭ*, 1:118 = *Risālah al-Miṣrīyah*, in *Nawādir al-Makḥṭūṭāt*, vol. 1, ed. 'Abd al-Salām Hārūn (Cairo, 1951), 26–27.

<sup>6</sup>Frédéric Bauden, "Maqriziana I: Discovery of an Autograph Manuscript of al-Maqrīzī: Towards a Better Understanding of His Working Method: Section 1," *Mamlūk Studies Review* 7, no. 2 (2003): 21–68. For an example of the collection of poetry see section XXXIII in "Maqriziana I: Discovery of an Autograph Manuscript of al-Maqrīzī: Towards a Better Understanding of His Working Method: Section 2," *Mamlūk Studies Review* 10, no. 2 (2006): 81–139.

<sup>7</sup>*Khiṭaṭ*, 1:121–22.

<sup>8</sup>In addition to Maqriziana I/1 and I/2, see "Maqriziana II: Discovery of an Autograph Manuscript of al-Maqrīzī: Towards a Better Understanding of His Working Method Analysis," *Mamlūk Studies Review* 12, no. 1 (2008): 51–118.

<sup>9</sup>Frédéric Bauden, "Maqriziana IX: Should al-Maqrīzī Be Thrown Out with the Bath Water? The Question of His Plagiarism of al-Awḥadī's *Khiṭaṭ* and the Documentary Evidence," *Mamlūk Studies Review* 14 (2010): 159–232.



That is to say, the *Khīṭaṭ* can now more than ever be understood as the product of a community rather than of a single author, somewhat more Wikipedia than *Decline and Fall of the Roman Empire*. The *Khīṭaṭ* speaks with many voices, and was not so much the expression of one man as the result of a shared interest in Cairo and its history.<sup>10</sup>

If we approach the *Khīṭaṭ* as a social text, then the poetry gains a unique interest for us: it provides evidence for the contemporary experience of sites. The passages of poetry embedded in the *Khīṭaṭ* are other voices that ascribe value (beauty, piety, power) to sites independently of the author's insistence. As we will see when examining the poetry more closely, there is good evidence that much of this poetry was exchanged and circulated among its contemporary audience, and so the poetry gives us a glimpse of widespread views of sites. If we were able to read poetry from this era only in the context of a traditional *dīwān*, we would be forced to make many guesses as to its reception. In the *Khīṭaṭ* much of the poetry is embedded in historical contexts and lines of argument that allow us to see how it interacted with the social spaces of Cairo. If historical enquiry is broadened to include details about the experience of a city, then these poems, found throughout the *Khīṭaṭ*, can be invaluable. The lived experience evident here will of course be limited to the males who read and circulated this formal poetry.<sup>11</sup>

We learn something more about the audience for the *Khīṭaṭ* by sampling the placement of the poetry. If we step back and examine the sections in the *Khīṭaṭ* to which poetry is attached, we find in Cairo a select number of nodes of attention. These nodes are by no means limited to buildings, but include natural features such as the Nile and the ponds (*birak*) in the vicinity of Cairo. Poetic attention was not determined by the sheer splendor of a mosque. The mosque of the Citadel, built by Sultan al-Nāṣir Muḥammad in 718/1318, was richly decorated in marble and unique in several aspects of its construction; al-Maqrīzī speaks highly of its

<sup>10</sup>Particularly suggestive in this direction is the way al-Maqrīzī can be understood as taking up a project begun by his two colleagues Ibn Duqmāq and al-Awḥadī, both of whom had the misfortune of dying before bringing their work to completion. See "Maqriziana IX," 205.

<sup>11</sup>The poetry cited in the *Khīṭaṭ* reflects the elevated register of the formal *qaṣīdah*. Although the *Khīṭaṭ* was written in the midst of what has been described as the "heyday of popular Arabic literature," the poetry here gives no glimpses of the rich popular tradition that was blossoming among the *ʿāmmah*. Nevertheless we should not confine the readership of even this formal poetry to a group of elites, but rather assume a wide circulation for many of these poems. See Margaret Larkin, "Popular Poetry in the Post-Classical Period" in *Arabic Literature in the Post-Classical Period*, 191–242. Thomas Bauer underlines this point about the mixed audience for formal poetry in "In Search of 'Post-Classical Literature': A Review Article," *Mamlūk Studies Review* 11, no. 2 (2007): 153–55.



beauty.<sup>12</sup> But no poems are present in this section that would point us to discussions or arguments that revolved around this structure.

More broadly, the Citadel, while extensively described in the *Khiṭaṭ*, has little poetry attached to the sections that cover its structures, with the exception of two short poems on the great *īwān*, described as having been written at the point of its construction under Sultan al-Nāṣir Muḥammad.<sup>13</sup> These poems on the *īwān* are clever lines of propaganda for the rule of Sultan al-Nāṣir Muḥammad, making use of the very visible *īwān* as a symbol of his power. It makes sense that the *īwān*, clearly visible from lower Cairo as we know from nineteenth-century representations, would be taken up in propagandistic praise poetry. But the Citadel as a whole appears to have been resistant to poetic use, likely reflecting the “exclusion” and “segregation” from the general populace of Cairo that was an important part of the Mamluk ruling ethos.<sup>14</sup> The absence of poetry tells us something about the nature of that space, indicating a lack of personal experience and knowledge of the individual sites on the part of civilians. Specific elements of this military complex were simply not available for poetic composition and popular discussion.

The concluding section of the *Khiṭaṭ* reviews places of worship for Jews and Christians. In contrast to the mosques and madrasahs, which can fairly bristle with passages of poetry, these final sections are devoid of poetry. The exception is again insightful: poetry is used on a several occasions as monasteries are being described. This is a result of the public nature of some monasteries. On some occasions a monastery served as an open park where individuals could take relaxation. Al-Maqrīzī notes that the Monastery al-Quṣayr was much beloved because of its overlook, and then cites a poet who wrote of the amusements here:

How often at the al-Quṣayr Monastery I had revelry  
with every possessor of youthful passion and charm.  
I amused myself there with a flirtatious fawn,  
marvels of description falling far short of this place.<sup>15</sup>

<sup>12</sup>Al-Maqrīzī writes of the mosque of the Citadel: “He made it an excellent structure and had much on the interior crafted from splendidly colored marble...The mosque took its place as one of the most sublime and greatest mosques in Egypt.” *Khiṭaṭ*, 2:325.

<sup>13</sup>Ibid., 2:209.

<sup>14</sup>Nasser Rabbat uses these terms to describe the unique place of the Citadel in Cairo. As is well known, the Mamluk system provided few positions for native Egyptians in the upper levels of the state. Under Sultan al-Nāṣir Muḥammad a somewhat more open version of the Citadel emerged with “semi-public” access being allowed for the mosque and the *īwān*. Presumably this would represent the point of maximum openness for the Citadel, and in times of stress it would revert to being characterized by “exclusion” and “segregation.” See *The Citadel of Cairo: A New Interpretation of Royal Mamluk Architecture* (Leiden, 1995), 283–87.

<sup>15</sup>*Khiṭaṭ*, 2:502.



It would seem that to attract poetic composition a site had to be on the map of the elite who composed this formal poetry. Undoubtedly there were Christians and Jews who wrote and circulated poetry about their repasts, but the poetry in the *Khīṭaṭ* represents that which the Muslim elite would have consumed.<sup>16</sup>

We will now examine some sections of the *Khīṭaṭ* that were rich in poetry.

### MISFIRES OF PANEGRIC

The amir Sarghitmish constructed his madrasah right next to the venerable mosque of Ibn Ṭulūn, then nearing 500 years old. The madrasah of Amir Sarghitmish, completed in 757/1356, is remarkable for several elements of its design, and al-Maqrīzī is complimentary: “The madrasah became one of the most marvelous and beautiful structures, and one of the most delightful also on the interior.”<sup>17</sup> Amir Sarghitmish appointed as teacher of Islamic law at the madrasah a man known as Qiwām al-Dīn, whose full name was Amīr Kātib ibn Amīr ‘Umar al-‘Amīd ibn al-‘Amīd Amīr Ghāzī al-Atqā‘ī. At the grand opening, which in good Mamluk style took the form of a great repast in the new madrasah, Qiwām al-Dīn stood up and delivered a poetic panegyric for the founder<sup>3/4</sup> and his appointer<sup>3/4</sup> Amir Sarghitmish. As recorded in the *Khīṭaṭ* this eulogy is made up of 21 verses. The poem is introduced by al-Maqrīzī as being “in the height of odiousness” (*fī ghāyat al-samājah*). We immediately recognize the reason for this characterization as we read the poem, which truly is remarkable for its exaggerated praise:

Have you seen the one who has strength  
and arrives near to God and expels suspicion?  
He appears as a banner, lofty with nobility.  
He advances having achieved victory!  
He races ahead with piety and bestows right guidance;  
he gives generously and loves liberality.  
He exemplifies custom; he makes vivid the sunnah.  
He sweetens our time with his excellent judgment.  
This one Sarghitmish, the days  
of his princehood have sent forth nourishing rain clouds.  
He takes away barrenness to bring abundance,  
and distress to bring a carefree heart.<sup>18</sup>

<sup>16</sup>The record for Jewish composition of poetry is strong thanks to the Geniza documents, through which we see an active community involved in poetry that has parallels to broader Islamic culture. See S. D. Goitein, *A Mediterranean Society: An Abridgement in One Volume*, ed. Jacob Lassner (Berkeley, 1999), 165, 215.

<sup>17</sup>*Khīṭaṭ*, 2:403.

<sup>18</sup>*Ibid.*, 2:404.



This is only the first third of the poem, and the remaining lines go on like this or even advance a notch in exaggeration. Amir Sarghitmish handsomely rewarded Qiwām al-Dīn 10,000 dirhams for these lines of praise.

A first point to make about this poem is simply that it has been cited at such length. It was such a standout example of exaggerated praise that a full 21 verses made it into the *Khīṭaṭ*—quite a block of text for lines that add nothing factual, either about the mosque or the biography of Amir Sarghitmish. It is hard to resist the conclusion that this is an example of lines being included for the sole reason that it was a striking example of bad poetry—and possibly thus entertaining for the reader.

This panegyric raises questions about composition. How did these lines, delivered orally in 757/1356, get placed with such accuracy into this particular historical event? As it happens, due to the amount of manuscript materials relating to the composition of the *Khīṭaṭ* we are able to trace with surprising precision how this poem came to be placed here.<sup>19</sup> Al-Maqrīzī found the poem in the biographical sketch of the poet Qiwām al-Dīn contained in *A'yān al-ʿAṣr* by the historian al-Ṣafadī (d. 764/1363).<sup>20</sup> We know that al-Maqrīzī came across this poem some time after he had composed a draft of this section on the mosque of Amir Sarghitmish since we find in the margins of his rough draft the note *yudhkar madh Qiwām al-Dīn fihā* (“panegyric of Qiwām al-Dīn should be cited here”). This note functioned as a reminder that the panegyric poem should be inserted in this section when a final copy was made, and in the manuscripts of the finished works we indeed find it here. Since the poem is not found in the biography of Amir Sarghitmish composed by the same al-Ṣafadī in another historical work, *Kitāb al-Wāfi bi-al-Wafayāt*,<sup>21</sup> we can attribute to al-Maqrīzī the positioning of this poem in a place that was bound to get more readers than within the biographical sketch of a poet who was not well known. In this instance he is in no way following an earlier account of the mosque, but inserting a lengthy poem he had come across in his reading. The motivation for bringing this poem to the attention of readers was its inherent interest as an example of an odious praise poem.

Our knowledge of the social context in which this poem was delivered enhances our sense of the use and abuse of poetry in the Mamluk era. We can imagine coming across a eulogy like this in a *dīwān*, and wondering who could

<sup>19</sup>The following discussion is indebted to personal communication from Frédéric Bauden.

<sup>20</sup>Al-Ṣafadī, *A'yān al-ʿAṣr wa-A'wān al-Naṣr*, ed. ʿAlī Abū Zayd (Beirut, 1997–98), 1:622–27.

<sup>21</sup>Al-Ṣafadī, *Kitāb al-Wāfi bi-al-Wafayāt*, ed. Sven Dederling (Wiesbaden, 1981). The extent to which al-Maqrīzī made use of this work by al-Ṣafadī, though without explicit citation, is demonstrated in Bauden, “Maqriziana XI: al-Maqrīzī et al-Ṣafadī: Analyse de la (Re)Construction d'un Récit Biographique,” *Quaderni di Studi Arabi* 4 (2009): 99–136.



possibly have been impressed with all this exaggerated praise, but the introduction by al-Maqrīzī marking the poem as “the height of odiousness” allows us to understand that the poem was by no means free from criticism among its audience. We might think of poems such as this in the *Khiṭaṭ* as embodied miniatures, giving us both a glimpse of actual context and reception.

In an introduction to the Arabic poetry of the “post-classical age” Salma Khadra Jayyusi remarks on the difficulty that later Arabic poets had in continuing the tradition of panegyric in an age of rulers who held sway over smaller regions: “The poet’s enthusiasm was blunted; one can easily imagine his psychological difficulties and the artificiality that pervaded the writing of his panegyrics...The only innovation they could introduce was the pursuit of exaggeration, which diminished poetic appeal still further.”<sup>22</sup> One way to approach this particular poem, then, is as a vivid example of this problem. The amir Sarghitmish<sup>3/4</sup>powerful, but not sultan<sup>3/4</sup>is praised with a couplet such as the final one above: “He takes away barrenness to bring abundance/and distress to bring a carefree heart.” This was still a variety of poetry that was in demand from powerful men who wished to have words of praise directed at themselves, but it is now characterized by a social misfire, as it is received cynically by other elites. In fact, in this case it is held up to almost unbearable ridicule by being cited at length.

We should be cautious, however, in attributing this tension in praise poetry to the Mamluk era alone. Suzanne Pinckney Stetkevych has shown in an essay on panegyric in the Abbasid era that such tensions were inherent in the genre. Indeed, al-Mutanabbī’s poetry dedicated to Kāfūr, Ikhshidid ruler of Egypt in the fourth/tenth century raises some of the same questions. Stetkevych treats panegyric through the lens of ritualized exchange, in which praise and monetary reward mutually support each other. In a perfect world the excellence of the poetry and the patron are matched, but in fact this was rarely the case, and tension arose: “If the panegyrist is a bad poet, no amount of virtue and heroism on the part of the patron will enable him to produce a good poem, and as the poor or mediocre poem is consigned to oblivion, so, too, is the renown of the patron.”<sup>23</sup>

Al-Maqrīzī provides us with a dramatic miniature that allows us to complicate this view of praise. By any reasonable account the praise poetry delivered by Qiwām al-Dīn should be judged successful. The poet delivered the bombastic lines and those lines were ratified by the generous reward from his patron, the amir Sarghitmish. This is exactly the ideal spelled out by Stetkevych. Despite that suc-

<sup>22</sup>Salma Khadra Jayyusi, “Arabic Poetry in the Post-Classical Age,” in *Arabic Literature in the Post-Classical Period*, 33–34.

<sup>23</sup>Suzanne Pinckney Stetkevych, “Abbasid Panegyric and Political Allegiance: Two Poems of al-Mutanabbī on Kāfūr,” in *Qasida Poetry in Islamic Asia and Africa*, ed. Stefan Sperl and Christopher Shackle (Leiden, 1997), 1:40.



cess the poem was not well-received. Al-Maqrīzī counted the poem as a misfire. Reading the verses it is hard not to agree with al-Maqrīzī's characterization of them as "the height of odiousness." Even if the externals of this gift-giving situation were strictly followed by poet and patron, it is clear that for the audience something was lacking. This third party of the audience and their participation is not taken up by Stetkevych, but it is a necessary element for this ritual exchange.

We owe to the *Khiṭaṭ* a number of miniatures such as this in which we learn to read poetry within a fleshed-out context. Another panegyric misfire takes place in the madrasah of Sultan Qalāwūn, which as a grand building in the center of Cairo gets a lengthy section devoted to it in the *Khiṭaṭ*. Al-Ashraf Salāḥ al-Dīn Khalīl was the first successor to Sultan Qalāwūn, and his reign was a short three years (689–93/1290–93). Upon completion of a successful jihad against the Franks, he returned to Cairo and after a grand entrance to the city, came to the madrasah-mausoleum of Qalāwūn. Al-Maqrīzī sketches the mausoleum as "packed with judges, elites, readers, shaykhs, and legal scholars." In the midst of the ceremony in honor of the sultan's return, a poet<sup>24</sup> climbed the pulpit and began to declaim a poem written in honor of the sultan. The poem began with this verse:

Visit your parents and stop by their tombs,  
It is as if you were transferred to them.<sup>25</sup>

This turned out to be a spectacularly ill-chosen line to begin his panegyric. Al-Maqrīzī notes that Sultan Khalīl understood the meaning of the line (which could not be taken for granted for a Turkish Mamluk) and rose immediately in outrage at the bad omen of these words (the mention of movement to tombs). Sultan Khalīl was calmed, but returned immediately to the Citadel. Al-Maqrīzī informs us that the poet did not get a reward.

We see again the misfire of panegyric, though this time on the more straightforward basis of unhappiness on the part of the patron. Words whose glory was to be found in ornamented elusiveness are brought crashing to the ground on account of a sultan who took the words literally and found them to be an ill omen. The story brings a dash of humor with it, as we read the expression of outrage from the sultan: "This guy couldn't find anything to say except that line?"<sup>26</sup>

Reading the *Khiṭaṭ* we enter a society in which event, place, and words were closely linked. Events were celebrated at monumental constructions whose very names specified the person they were meant to memorialize. Poetry was a vital part of an event, and in turn those poems came to be associated in social memory

<sup>24</sup>Al-Maqrīzī gives the poet's full name as Najm al-Dīn Muḥammad ibn Faṭḥ al-Dīn Muḥammad ibn 'Abd Allah ibn Muḥalhal ibn Ghayyāth ibn Naṣr, known as Ibn al-'Anbarī the exhorter.

<sup>25</sup>*Khiṭaṭ*, 2:381.

<sup>26</sup>The Arabic text is "mā wajada hadhā shay'an yaqūluhu sawa hadhā al-bayt!"



with those sites. The *Khiṭaṭ* as developed by al-Maqrīzī builds upon these interconnections and mimics the connections that were already present in society.

## FALLING MINARETS

One delicate point in the architecture of medieval Cairo was the minaret, whose spindly form and vulnerability to earthquakes made it liable to collapse. The tragedy of a minaret failure was a major event in medieval Cairo, and in the case of the tumble of the minaret under construction at the mosque of Sultan Ḥasan, it could be quite a deadly event. Through the editorial addition of poetry into his *Khiṭaṭ*, al-Maqrīzī allows us to catch a glimpse of the social use of poetry in making sense of such an incident.

The *Khiṭaṭ* provides a superb example of a running dialogue conducted through poetry. This exchange surrounded the failure of a minaret during the construction of the madrasah-*khānqāh* of Sultan al-Muʿayyad in 821/1418. Since this construction took place within the lifetime of al-Maqrīzī and well after the point where he is known to have begun compiling the material for the *Khiṭaṭ*,<sup>27</sup> there should be no surprise that the stages in the construction of this large mosque are noted in detail. For example, we learn that on the 27th day of Shawwāl in 819/1416 the magnificent door originally installed in the madrasah of Sultan Ḥasan was transferred to the new construction. Then on the 17th day of Rabiʿ II there occurred an accident in which ten workers fell from the mosque, four of whom died. These are just two examples of the detailed nature of al-Maqrīzī's reporting on the construction of this mosque.

Shortly after the completion of the madrasah-*khānqāh* in 821/1418, a lean was discovered in a minaret that stood over Bāb Zuwaylah. This minaret was one of two built over the older gate in association with the new madrasah-*khānqāh*. In what turns out to be a fascinating account of the procedure in such an event, the engineers made a report to the sultan and then the sultan authorized the tearing down of the minaret. The engineers commenced a controlled destruction of the minaret, but two days later a portion of it fell, destroying some buildings and killing a man. At that point Bāb Zuwaylah was closed for a month, and al-Maqrīzī writes: "No collapse like this had been known since Cairo was founded."<sup>28</sup>

The response of the elite to this event was to chatter. Al-Maqrīzī writes: "The literary men of the age wrote lots of poetry about the collapse of this minaret." He goes on to give six samples of the poetic chatter that came about as a result of the collapse. In lining up these poems one after another al-Maqrīzī makes clear their

<sup>27</sup>With respect to the date for the composition of the *Khiṭaṭ*, Frédéric Bauden has argued that the rough drafts can be dated between 811 and 816/1408 and 1413 ("Maqriziana IX," 204–5).

<sup>28</sup>*Khiṭaṭ*, 2:329.



interrelationship. Introducing the second poem he notes that the person wrote “countering him” (*yu'arīduhu*). Following another poem he writes: “the people circulated this poem” (*wa-tadāwala hadhā al-nās*). These poems were not isolated examples that came to light years later in poetic collections, but opinions exchanged in the immediacy of the event.

The first poem is by Shihāb al-Dīn Aḥmad ibn 'Alī ibn Ḥajar al-<sup>ᶜ</sup>Asqalānī, best known for his hadith scholarship and biographical compendia.<sup>29</sup> Here is Ibn Ḥajar's response to the failure of the minaret:

The mosque of our master al-Mu'ayyad is splendid;  
its minaret is radiant with beauty and adornment.  
It says, having leaned over them, “Go slowly,  
for there's nothing against my body more harmful than the eye.”<sup>30</sup>

At the conclusion of these lines al-Maqrīzī points out a double entendre (*tawriyah*) that might otherwise elude us. On the one hand there is the obvious meaning that the “eye” (*al-<sup>ᶜ</sup>ayn*) makes reference to “the eye that strikes things and thus ruins them”<sup>34</sup> that is, the evil eye. The second meaning is that “the eye” is a reference to Shaykh Badr al-Dīn Maḥmūd al-<sup>ᶜ</sup>Ayntābī, the scholar better known by the shortened form of his name, al-<sup>ᶜ</sup>Aynī. The people among whom this poem circulated had no trouble seeing in these lines the cut-down aimed at a man who had some connection to the new construction. That warranted a response on the part of al-<sup>ᶜ</sup>Aynī:

A minaret when revealed is like a handsome bridegroom;  
its destruction comes through the judgment of God and fate.  
They say: “It was struck by ‘the eye.’” I say: “That's wrong!  
Nothing deserves destruction except worthless stone (*ḥajar*).”<sup>31</sup>

This poem is similar to the first. A gnomic comment on the handsomeness of the minaret is followed by a verse that points a finger of blame. The lines can be interpreted literally as turning back the notion that the evil eye could cause a minaret to collapse, but with an insider's reading we see that it is a statement of the author's own innocence (as “the eye”) and then a shift of the rhetorical blame onto his accuser, whose name included the word “*ḥajar*” or stone. We should understand that Ibn Ḥajar is being equated with “worthless stone.”

<sup>29</sup>For an analysis of his poetic output see Thomas Bauer, “Ibn Ḥajar and the Arabic Ghazal of the Mamluk Age,” in *Ghazal as World Literature I: Transformations of a Literary Genre*, ed. Thomas Bauer and Angelika Neuwirth (Beirut, 2005), 36–55.

<sup>30</sup>*Khiṭaṭ*, 2:329.

<sup>31</sup>*Khiṭaṭ*, 2:329.



This kind of word play is often mentioned as one of the characteristics of Mamluk-era poetry. In his review of contemporary criticism of Mamluk-era poetry, Th. Emil Homerin cites Bakrī Amīn Shaykh’s opinion that Arabic poems of the age were marked by intricate word-play, and that this tendency is most visible in the area of invective, where tribes or society were no longer criticized, but only individuals.<sup>32</sup> The exchange captured by al-Maqrīzī so far conforms to this view. We see quibbling word play tied to invective aimed at individuals. These are not lines that would be anthologized and appreciated by a modern audience, as they are simply too local and personal in their concerns.

As it happens, al-Maqrīzī was in agreement with the above critique in his explicit judgment of the lines. This kind of comment from al-Maqrīzī is rare, and it gives us some clues as to the grounds of reception for poetry like this. Al-Maqrīzī writes: “Neither of these poets achieved his aim, for neither al-‘Aynī Badr al-Dīn Maḥmūd, overseer of pious donations, or Shaykh Shihāb al-Dīn Aḥmad ibn ‘Alī ibn Ḥajar had any real relation to the minaret so that he might serve as a useful double entendre.”<sup>33</sup> In other words, these are examples of failed poems, whatever their popular currency, on account of their disconnect from the event at hand. This was an example of personal animosity being transferred to discussion of a current event with which neither man was appreciably involved. Thus the double entendre is labeled by al-Maqrīzī a failure. He then cites a third poem:

Upon the tower (*burj*) of Bāb Zuwaylah was founded  
 a minaret for the house of God and place of safety.  
 That damn tower (*burj*) abandoned it, causing it to lean.  
 So, people, shout: “Damnation to the tower (*al-burj*)!”<sup>34</sup>

These lines would again strike us as somewhat innocuous, except for the extra information supplied by al-Maqrīzī: the manager and overseer of the construction of the madrasah-*khānqāh* was a man by the name of Bahā’ al-Dīn Muḥammad ibn al-Burjī. Re-reading the short poem we can note that the three references to “the tower” (*al-burj*) can be understood as criticism of the man to whom construction was assigned. The final invective “damnation to the tower!” now has a more personal point to it. Because of the real connection between actual builder and poetic effect, al-Maqrīzī judges this to be effective in a way the previous two were not. This double entendre must have been striking since the next three poems cited by al-Maqrīzī employ variations of it. This is the poem that al-Maqrīzī specifies as being circulated by the people.

<sup>32</sup>Th. Emil Homerin, “Reflections on Arabic Poetry in the Mamluk Age,” *Mamlūk Studies Review* 1 (1997): 70.

<sup>33</sup>*Khiṭaṭ*, 2:329.

<sup>34</sup>*Ibid.*



A second section in the *Khiṭaṭ* deals with the fall of another minaret. In this case it is a fall that resulted in a real tragedy: 300 lives were lost in the year 762/1361 when one of the minarets under construction for the madrasah of Sultan Ḥasan toppled. Most of the dead were orphans busy learning the Quran at the nearby *maktab al-sabīl*, though a few non-orphans were in that number. This was a momentous tragedy<sup>35</sup> as it would be considered today. Al-Maqrīzī provides a snapshot of the public reaction: “When the minaret fell the general populace (*‘āmmah*) of Fustat and Cairo talked continually (*lahijāt*) about how it was a warning about the downfall of the state.”<sup>35</sup>

As we have already noted in the much less tragic case of the failure of a minaret connected to the madrasah-*khānqāh* of Sultan al-Mu’ayyad, one central use of poetry in this era was as a way to identify and set public meaning for an event. Al-Maqrīzī tells us that the people of Cairo “talked continually” about the event, leading to a popular interpretation of impending trouble for the current state. Poetry, as should be clear now, was another way for this society to talk about an occurrence, and al-Maqrīzī provides an example of how a poet tried to step in and even re-direct opinion concerning this one. The following is the full poem, consisting of 9 verses, cited by al-Maqrīzī:

Rejoice! For, O sultan of Egypt, a messenger  
of your fortune brought a saying that circulated like a proverb.  
The minaret did not fall because of any fault,  
but because of a hidden secret that has been revealed to me.  
Underneath were readers of the Quran, so the minaret listened  
and its passion in this state led it to lean!  
If God were to reveal the Quran upon a mountain  
its peak would lift from the power of its emotion.  
The stones of the minaret did not cease moving, and finally fell  
from fear of God, not because of any weakness or fault.  
Its sultan was absent, so it became despondent and threw  
itself down from passion with heart ablaze.  
So praise God, a fortune liable to envy vanished because of what  
the Merciful One decreed in eternity.  
No harm struck the madrasah after that day;  
You built the edifice with knowledge and craft  
You continued until you saw this world by the madrasah  
filled with knowledge, for there’s no one in Egypt without work.<sup>36</sup>

<sup>35</sup>Ibid., 2:316.

<sup>36</sup>Ibid. The full name of the author of these lines was Shaykh Bahā’ al-Dīn Abū Ḥāmid Aḥmad ibn ‘Alī ibn Muḥammad al-Subkī.



The point of the lines is to exculpate the sultan from any possible wrongdoing in the death of the orphans. Building on the notion that Quran recitation was going on directly underneath the minaret, the poet gives us a vivid image of the minaret out of piety leaning to hear the Quran, and thus falling onto the school. This line of reasoning is bolstered with an allusion to the episode in the Quran in which Mt. Sinai is seen by Moses to crumble in the process of revelation.<sup>37</sup> Stones, apparently, are supposed to crumble when confronted with the Quran. A second, less fully developed reason for the fall is also given in the dejection of the minaret at the absence of its sultan. The last two verses praise the sultan for his construction and for filling the world with knowledge<sup>34</sup>and, incidentally, providing work for everyone in Egypt.

This poem was clearly meant to defend the sultan and deflect the tongue-waggers that saw in this event a bad omen. But as it happened, those who saw in it a portent were proven correct when the sultan was killed a mere 33 days after this incident, according to al-Maqrīzī. That is a remarkable fact since it allows us to date this poem quite precisely to the immediate aftermath of the minaret's fall. This was not a poem written in repose and calmly meditating on a past event, but one written in the heat of public discussion of an event. The goal of the poem was to shift public discourse away from blaming the sultan and toward understanding the incident as actually in support of his piety, or, at least, as an act of God.

The poetry that came to surround these two minaret failures can be seen as contributing toward the social memory of these events. James Fentress and Chris Wickham write about the formation of social memory: "How does one make individual memory 'social,' then? Essentially by talking about it."<sup>38</sup> Poetry in medieval Cairo was one way for society to talk about the events that mattered to it and that demanded explanation. In both the above examples we see that major events were closely followed by the chatter of poetry assigning blame or excuses.

## THE BOAT ON THE SHRINE

The mausoleum of Imam al-Shāfi'ī is located in the southern cemetery of Cairo, known as al-Qarāfah. The official embrace of Sunni Islam by Ṣalāḥ al-Dīn and his Ayyubid successors paved the way for the monumental mausoleum built over the grave of Imam al-Shāfi'ī, who had died in Fustat several centuries before in 204/820. The massive domed structure that now marks the tomb was erected by a successor to Ṣalāḥ al-Dīn, Sultan al-Malik al-Kāmil, in 607/1211.

<sup>37</sup>The well-known story is at 7:142–44.

<sup>38</sup>James Fentress and Chris Wickham, *Social Memory: New Perspectives on the Past* (Oxford, 1992), ix–x.



Al-Maqrīzī treats the mausoleum under the heading of “tomb” (*qabr*).<sup>39</sup> The focus of the section is on the remains of Imam al-Shāfi‘ī, beginning with a note about his death and burial in the cemetery outside Fustat, and then moving on to a story about the attempted relocation of his body to Baghdad during the Fatimid era. This planned relocation was foiled by the combination of popular unrest and a miraculous sign. Only after this earlier history does al-Maqrīzī mention the later Ayyubid construction of the mausoleum (*qubbah*) that now marks the tomb.

Although the section on the mausoleum is only of medium length (slightly over one page in the Bulaq edition), it is marked by an abundance of poetry. Seven short poems are included: three near the opening that lavish general praise on Imam al-Shāfi‘ī, then four at the conclusion. These last four were explicitly written about the mausoleum itself, and in particular one feature that stirred interest: the copper boat that sits upon the dome.

Al-Maqrīzī introduces the four concluding poems with a short introductory gloss: “A number of poems have been written about this mausoleum.” Multiple inclusions of a site in poetry is a positive sign of its cultural importance, demonstrating that social chatter centered on it, but what further makes these poems worthwhile to study is their engagement with a deeper cultural question about the confines of knowledge in this era. The mausoleum and its boat evidently afforded people of Cairo an opportunity to reflect on the development of Islam, from its early pure days to their own time.

Although the boat has undoubted links to ancient Egyptian religious practices,<sup>40</sup> J. M. F. Van Reeth points out how the boat took on a particular meaning as a result of the political/religious context of this mausoleum, arguing that in the context of the religious transformation of Egypt under the Ayyubids the boat becomes an allusion to the story of Noah. Just as in the story of Noah a small group remained faithful and were brought through the flood, so in the case of Imam al-Shāfi‘ī we find an example of faithfulness and resistance to heresy. Van Reeth writes: “L'imām fournissait ainsi l'exemple, le modèle *par excellence* de la conversion. Comme lui, l'Égypte avait besoin de se disculper: elle<sup>3/4</sup>ou du moins ses dirigeants<sup>3/4</sup>avait été chiite; il fallait maintenant retourner à l'orthodoxie sous l'étendard de la théologie šāfi'ite.”<sup>41</sup>

There can be no doubt that the story of Noah, in this circumstance, could easily serve as a metaphor for the changes in Egypt; the theme of fidelity to orthodoxy

<sup>39</sup> *Khiṭāṭ*, 2:462–63. A mosque built beside the earlier tomb during the reign of Ṣalāḥ al-Dīn is briefly treated at 2:296.

<sup>40</sup> Doris Behrens-Abouseif, *Islamic Architecture in Cairo: An Introduction* (Cairo, 1989), 85.

<sup>41</sup> “La Barque de l'Imām Aš-Šāfi‘ī,” in *Egypt and Syria in the Fatimid, Ayyubid, and Mamluk Eras, II: Proceedings of the 4th and 5th International Colloquium Organized at the Katholieke Universiteit Leuven in May 1995 and 1996*, ed. U. Vermeulen and D. De Smet (Leuven, 1998), 258–59.



is strong in both. The specific connection of the boat on the mausoleum to the story of Noah is confirmed by many elements of later popular devotion, and this combined with the general note of restoration evident in the inscriptions from the mausoleum make for a plausible case that this is workable interpretation of the mausoleum at the time of its construction. Van Reeth pushes this too far, though, when he assumes that all references to the boat and the story of Noah reference the Ayyubid transformation. The poems compiled by al-Maqrīzī in the section on the mausoleum must be interpreted on their own, without the assumption that later poets could not have applied the same system of metaphors in a novel way.

The first of the four poems with which al-Maqrīzī concludes his section on the mausoleum is a description of a small group approaching the mausoleum:

I passed near the dome of al-Shāfi‘ī  
and my eye spotted upon it a river boat.  
So I said to my companions: “Now don’t be amazed  
if there are boats above the water!”<sup>42</sup>

This is an effective way to begin this group of poems as it points out, from the vantage of a group of friends, the physical detail that will be central throughout this small group of poems: that odd boat upon the mausoleum. There is no attempt in these lines to set meaning, rather we find just a clever reference to a curious point of Cairo’s topography. The lines serve as a reminder that the boat was a well-known feature, and as such open to creative re-use.

The second poem in the series is by ‘Alā’ al-Dīn Abū ‘Alī ‘Uthmān ibn Ibrāhīm al-Nāblusī, and constructs a view of the importance of Imam al-Shāfi‘ī in Egypt:

Al-Shāfi‘ī has become master (*imām*);  
among us his school of law is gold.  
He was truly a sea of knowledge when he departed,  
for atop his grave is a ship.

The first verse is a statement of fact: the legal school of Imam al-Shāfi‘ī was indeed preeminent in Egypt, and had been since the rejuvenation of Sunni Islam under Ṣalāḥ al-Dīn.<sup>43</sup> His school of law could plausibly be called “gold” (*mudhhab*) since it received wealthy endowments from Cairo’s rulers. In this case the boat atop the mausoleum is used as a clue to Imam al-Shāfi‘ī’s importance: the fact that a boat is there is fitting, because it is over a man who can be considered a

<sup>42</sup> *Khiṭaṭ*, 2:462 = Muḥyī al-Dīn ibn ‘Abd al-Zāhir, *Al-Rawḍah al-Bahīyah al-Zāhirah fī Khiṭaṭ al-Mu‘izzīyah al-Qāhirah* (Beirut, 1996), 80.

<sup>43</sup> André Raymond provides a brief description of the changeover of Egypt to Sunni Islam, and the raising of the Shafi‘i school of law to a place of pre-eminence in Egypt, in *Cairo*, trans. Willard Wood (Cambridge, 2000), 102–4.



“sea of knowledge.” Although the actual reasons for the boat’s placement should be sought among the continuities between medieval popular religion and more ancient Egyptian practices, the poet in this case used the boat as an indicator for the nature of the person buried there.

The next poem is by a poet who is not named, but simply referred to as “someone else” (*akhar*).

I came to the tomb of al-Shāfi‘ī to make visitation  
but an ark stood opposite us even when there was no sea.  
So I said, “God be exalted, this is a sign  
indicating that his grave has drawn together the sea.”

The context in this case is a “visitation,” the technical word for a pious visit to a grave or other site viewed as having *barakah*. Except for the explicitly pious intention of the writer, these lines are similar to the first poem of the group. The word *fulk* (“ark”) is used also in the Quran for Noah’s ark,<sup>44</sup> which sets us unavoidably in the context of that story. The poet claims to discover in this sight a sign: the grave marked by the boat “embraces” or “draws together” (*damma*) the sea. What “sea” means in this case is not wholly clear, but given the allusion to the story of Noah, we can begin by identifying it with the uncontrolled waters of the flood. Given the context of the poems immediately before and after this one, we might assume that again the “sea of knowledge” is in mind. In this case the boat is accorded tremendous power; it is a powerful organizer or even master of the chaotic sea. The sea of knowledge is envisioned as an unruly entity, but the religious thought of Imam al-Shāfi‘ī, as represented by the boat on his tomb, is nevertheless able to master it.

The final poem of the series is by the famous Mamluk poet Sharaf al-Dīn Abū ‘Abd Allāh Muḥammad ibn Sa‘īd ibn Ḥammād al-Būṣīrī, author of the *Burdah*.

On the dome of the grave of al-Shāfi‘ī is a ship  
that came to anchor on the sturdy construction above the rocks.  
Ever since the deluge of knowledge receded to his grave  
this ark sits firmly at the mausoleum as upon Mount Judi.

The first verse begins in the same place as the previous ones, pondering the significance of the boat. As earlier noted, the mausoleum of Imam al-Shāfi‘ī lies toward the Muqaṭṭam Hills, and the poet makes use of this placement to communicate the idea of bedrock: the boat has anchored “above the rocks” (*fawq jalmūd*). The foundation rocks are immediately contrasted with the “deluge of knowledge”

<sup>44</sup>This word can be found in Quran 7:64.



(*tūfān al-<sup>c</sup>ulūm*).<sup>45</sup> That is a surprisingly vivid metaphor for knowledge, or more precisely, the religious sciences.<sup>46</sup> These sciences are made to appear chaotic and uncontrollable as they are likened to the deluge. In the midst of that deluge is a boat, again connecting us to the story of Noah with the use of the Quranic word *fulk*. In this case the “ark” that provides safety for the righteous comes to rest not on a mountain but at the bedrock of the tomb of Imam al-Shāfi‘ī. Mount Judi is the mountain in present-day Turkey upon which the ark was thought to have come to rest after the flood.<sup>47</sup> At this point we can recognize how the series of metaphors again underlines the scholarly mastery of Imam al-Shāfi‘ī.

What al-Maqrīzī thought about these poems is difficult to know, beyond the obvious fact that he was so struck by their similarity that he lined them up one after another. By citing them in his section on the mausoleum of Imam al-Shāfi‘ī he constructs what I have called a social text. These short poems break out of any fixed meaning that al-Maqrīzī brought to his presentation of the mausoleum and give us a glimpse of how the site was experienced by the elite more broadly. In this case we find a broad agreement on the cultural importance of Imam al-Shāfi‘ī given metaphoric resonance through the incorporation of the well-known boat atop the mausoleum. This is perhaps what Th. Emil Homerin had in mind at the conclusion of his essay on Mamluk poetry when he wrote: “...reading poetry by Muslims in the Mamluk Age can heighten our perceptions of their lives by helping us to feel more sharply and with more understanding some of what they may have felt and believed in their own day...”<sup>48</sup> The meaning of this site can be seen to arise through the intertwining of a general understanding of the past with the physical presence of the mausoleum itself.

## CONCLUDING THOUGHTS

None of the poems considered in this essay are likely to make it into the next edition of the *Norton Anthology of World Literature*. In the creation of such an anthology the literatures of past and present cultures are sifted for texts that are deemed approachable by students in our own time. David Damrosch elucidated a three-point definition of world literature. His second point is of interest to us: “World

<sup>45</sup>The word here for deluge (*tūfān*) is used in Quran 7:133 and 29:14, the former in a list of plagues brought on Egypt in the time of Moses, the latter for the Deluge proper.

<sup>46</sup>How this image of a “deluge of the religious sciences” could be taken as a reference to Fatimid rule is not explained by Van Reeth (“La Barque de l’Imām Aš-Šāfi‘ī”). Reference to the same story does not mean its application has remained stable, and in this case the details of the poem break down if the Ayyubid situation is applied with any rigor.

<sup>47</sup>Mount Judi is named as the resting place for Noah’s boat in Quran 11:44. See also Yāqūt, *Mu‘jam al-Buldān* (Beirut, 1957), 2:179–80.

<sup>48</sup>Th. Emil Homerin, “Reflections on Arabic Poetry in the Mamluk Age,” 85.



literature is writing that gains in translation.” Discussing why some literature translates and other literature does not, he writes: “It is important to recognize that the question of translatability is distinct from questions of value. A work can hold a prominent place within its own culture but read poorly elsewhere, either because its language doesn’t translate well or because its cultural assumptions don’t travel. Snorri Sturluson’s dynastic saga *Heimskringla* is a major document in medieval Nordic culture, but it only makes compelling reading if you are fairly knowledgeable about the political history of Norway and Iceland.”<sup>49</sup>

This provides us with a frame for understanding what we encounter in the poetry that al-Maqrīzī has framed for us in the *Khīṭaṭ*. It is poetry that translates only with difficulty because it is so closely tied to its social and physical context. In other words, it is not poetry that abstracts easily into discussions of the universal human spirit, as its interest is in negotiating meaning for concrete events and places.

It is often exactly on the score of “universality” that Mamluk poetry is criticized. This can be seen in a recent essay on “Arabic Poetry in the Classical Age” in the last volume of the *Cambridge History of Arabic Literature*: “The poet seems incapable of capturing the particular, of exploring inner experience and so arriving at the essence of life. He does not see beyond the expected, the recurrent, beyond the conventional routine and formality of externalized living.”<sup>50</sup> If we look closely at the terms we see that the author is reaching for some standard of universality in the poetry. The poet is supposed to look *through* the world to the underlying elements of the human condition. But if we have discovered anything in the poems analyzed here, it has been their unwillingness to forget about where they are. The framing of these poems by al-Maqrīzī attaches them to a time and place, and these dramatic miniatures in turn allow the poetry to stand out as lively and even artful texts that interact with their setting in an effort to create meaning.

One result of thinking of these poems so sharply within a particular context is to make us re-think the notion of universality. Here we can get some help from anthropologist Clifford Geertz, who addressed the notion of universal and particular in the study of human beings. He argued that the study of human beings does not consist in discovering universally shared traits (religion, marriage), but studying the particulars of different cultures. That particularity opens up the danger of losing touch with any hope for broader relevance or for connecting discrete facts about human beings back to some larger picture. Here Geertz points

<sup>49</sup>David Damrosch, *What Is World Literature?* (Princeton, 2003), 289.

<sup>50</sup>Salma Khadra Jayyusi, “Arabic Poetry in the Post-Classical Period,” 29. I take this only as representative of a large body of negative opinions on Mamluk poetry. For an overview of the standard critical evaluation of this poetry see Th. Emil Homerin, “Reflections on Arabic Poetry in the Mamluk Age,” 63–64.



us to another kind of universal: "...the mechanisms by whose agency the breadth and indeterminateness of his inherent capacities are reduced to the narrowness and specificity of his actual accomplishments."<sup>51</sup> That is to say, what should hold our attention are the universal mechanisms (cultural, psychological) by which human beings create their social worlds.

Thinking of the Mamluk poetry examined here in this light, we can acknowledge that it is not the sort of poetry that most readily translates into modern concerns; nevertheless, we find in it lively examples of human beings attaching meaning to their experience. This has been evident in each of the poems cited in this article, whether it be the panegyric and its interpretation, the attribution of blame for the failure of a minaret, or meditation on that boat sitting on top of the mausoleum. Each time, we see traces of lively public discussions seeking to find some frame for understanding events and the world. Each of these poets is busy at what Geertz describes (with use of a phrase from John Dewey) as a human being putting "a construction upon the events through which he lives, to orient himself within 'the ongoing course of experienced things...'"<sup>52</sup>

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<sup>51</sup>Clifford Geertz, "The Impact of the Concept of Culture on the Concept of Man," in idem, *The Interpretation of Cultures* (New York, 1973), 45.

<sup>52</sup>Ibid., 45.



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## An Arabic History of the Byzantine Empire

The pre-Islamic history of the Fertile Crescent barely occupied the medieval Muslim historians.<sup>1</sup> Their use of early non-Arabic sources to reconstruct the past of Egypt and Syria is minimal.<sup>2</sup> Hence it was a great surprise to discover that recently an Egyptian professor edited an Arabic chronicle of Byzantium.<sup>3</sup> It is not an original Arabic writing, but an adoption of an unknown Greek chronicle that tells the history of the East-Roman Empire from the days of Constantine (324–37) to the emperor Leo the Isaurian (717–41).

The text does not name the composer, nor the date and place of its writing. From internal data we may assume that this Arabic text was composed after the conquest of Constantinople (Istanbul 857/1453)<sup>4</sup> by the Ottomans but prior to their conquest of Syria and Egypt (1516–17).<sup>5</sup> The usage of Mamluk administrative terminology suggests that the composer was a contemporary.<sup>6</sup> His use of Syriac names of the months indicates that he was a Syrian priest familiar with the Seleucid (*rūmī*) calendar.<sup>7</sup>

In October 1453 an ambassador sent by Muḥammad ibn ʿUthmān (Fatih Sultan Mehmed) arrived in Cairo and informed the sultan al-Ashraf Sayf al-Dīn Abū al-Naṣr Īnāl (or Aynāl) that on Tuesday the twentieth of Jumādā I (29 May 1453) the Ottomans had seized Constantinople (Istanbul).<sup>8</sup> It is likely that this news gener-

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<sup>1</sup>Bernard Lewis, "The Use by Muslim Historians of Non-Muslim Sources," in P. M. Holt and Bernard Lewis, *Historians of the Middle East* (London and New York, 1962); reprinted in Lewis, *Islam in History: Ideas, People and Events in the Middle East* (London, 1973, 1993), 118.

<sup>2</sup>Michael Cook, "Pharaonic History in Medieval Egypt," *Studia Islamica* 57 (1983): 67–103.

<sup>3</sup>*Tārīkh Mulūk al-Qusṭantīniyah*, ed. Ṭāriq Maṣṣūr (Cairo: Miṣr al-ʿArabīyah lil-Naṣr wa-al-Tawzīʿ, 1428/2008).

<sup>4</sup>P. 133: "Where stands today the mosque of the Sultan Muḥammad who conquered the city."

<sup>5</sup>P. 132: "It survived to these days in an elevated place [within the Hagia Sophia], where the leader of the [Ottoman] Turks is praying."

<sup>6</sup>*Kharāj* (p. 123); *manshūr* (p. 124).

<sup>7</sup>Tishrīn (p. 127); Shubāt (p. 128); Nīsān (p. 125); Āb (p. 85); Illūl (Aylūl) (p. 98). On these months see S. P. Brock, "A Dispute of the Months and some Related Syriac Texts," *Journal of Semitic Studies* 30 (1985): 193–96; George Saliba, "A Medieval Note on the Himyarite Dialect," *Journal of the American Oriental Society* 105 (1985): 715–17.

<sup>8</sup>Abū al-Maḥāsīn Jamāl al-Dīn Yūsuf Ibn Taghrībirdī (813–74/1411–70), *Al-Nujūm al-Zāhirah fi Mulūk Miṣr wa-al-Qāhirah*, ed. J. al-Shayyāl and F. M. Shaltūt (Cairo, 1427/2006), 16:70–71; idem,



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ated mix reactions in Cairo. While the official response was a festive welcome, among the Christian subjects of the Mamluk Sultanate it evoked a nostalgic atmosphere. Hence, it seems sound to speculate that the dramatic information on the fate of the Byzantine capital city stimulated intellectual curiosity among the governing echelons of the sultanate, as well as among its Christian subjects. This anonymous chronicle reflects this mood.

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*Ḥawāḍith al-Duhūr fī Madā al-Ayyām wa-al-Shuhūr*, ed. M. K. ‘Izz al-Dīn (Beirut, 1410/1990), 2:453–54; Muḥammad ibn Aḥmad al-Ḥanafī Ibn Iyās (852–930/1448–1524), *Badai’ al-Zuhūr fī Waqā’i’ al-Duhūr [Die Chronik des Ibn Ijās]*, ed. M. Muṣṭafā (Wiesbaden, 1975, repr. Cairo, 1429/2008), 2:316.



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## Book Reviews

Katia Cytryn-Silverman, *The Road Inns (Khāns) in Bilād al-Shām*. British Archaeological Reports, International Series, 2130 (Oxford: Archaeopress, 2010). Pp. vi, 290.

Reviewed by Olivia Remie Constable, University of Notre Dame

This new study of rural *khāns* in Mamluk Syria provides a very useful compilation of material on these road inns. The author brings new data to our knowledge of the buildings' patronage, architecture, and historical details, although the book does not add significantly to our overall understanding of these institutions. The most important new contributions made by Katia Cytryn-Silverman are laid out in Chapter 5 (pp. 83–159), a "Gazetteer" surveying twenty-three rural *khāns* and presenting data collected by the author during five years of field research, followed by one hundred pages of plates and figures (pp. 179–280) containing maps, plans, and photographs of these buildings, both in black and white and in color.

The volume is laid out in five chapters, starting with a short introduction (Chapter 1) and ending with the Gazetteer (Chapter 5), followed by a brief conclusion, a bibliography, and the extensive collection of images. The emphasis throughout is on Mamluk buildings, although the author includes a considerable amount of comparative evidence of Ayyubid, Saljuq, Ottoman, and Iranian *khāns* and other similar courtyard buildings and hostelryes.

In Chapter 2, Cytryn-Silverman tackles the vexing question of terminology; she seeks to pin down the exact meaning of *khān*, and describes the chapter's aim as "to avoid taking misinterpreted structures into consideration by establishing clear parameters before commencing the proper sorting" (p. 2). The chapter is organized into sections on epigraphical evidence, from inscriptions on the buildings themselves, evidence from other written sources (both Islamic and European), and a survey of modern scholarship on the question of terminology. In general, this provides good coverage of the available evidence, although it does have some flaws. For instance, the author believes that Western sources are especially useful for terminology because their transcriptions can show "contemporary popular use." This was indeed sometimes the case, but she goes on to assert that these outsiders were "not biased by traditional uses of terminology" because "they were usually learning the terms for the first time" (p. 36). This seems unlikely. Not only were words like *fondaco* well known in Mediterranean Europe by the later Middle Ages, but most Western travelers came to Palestine and Syria by way of



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Egypt, where they would have encountered all sorts of local hostelries and related institutions. Following her line of reasoning about local usage, Cytryn-Silverman cites Anselme Adorno's visit in the early 1470s to a recently-built *funduq* on the road to Damascus, and makes the point that "his spelling of the term according to Arabic phonetics (*très beau fondouk*), not in the Italianized manner *fondaco*, no doubt reflects what he heard" the building called (p. 38). But the French that she cites is the modern translation by Jacques Heers, while Adorno's original Latin (*pulcherrimo fundico*) does reflect the Italianized term.<sup>1</sup> In her survey of the modern scholarship on terminology, the author considers my 2001 article on Crusader *fondacos*. However, my 2003 book (listed in the bibliography) would have been much more helpful, since it provides a considerably more detailed discussion of the topic.

Returning to the main point of Chapter 2, while the "proper sorting" of buildings and their terminology is a worthy objective, there is always a danger that such clarity of purpose will impose organization on a disorganized and inconsistent reality. The author dismisses as "simplistic and even misleading" R. Hillenbrand's warning that "it is worth emphasizing once more that the use of these various terms may imply no more than differences in regional vocabulary rather than connoting distinctive functions or types" (p. 5). My own research tends to support Hillenbrand's point that terminology can be flexible and contextual. Although Cytryn-Silverman is quite correct that *khān* was the dominant term used for the rural inns that she is studying during the Mamluk period, the word also appears in other settings—she admits that "the parallel use of the term *khān* for urban inns is...confusing" (p. 162)—and at times the term *khān* could be interchangeable with other words (*funduq*, *wakālah*, *qal'ah*, etc.). Sometimes, seeking regularized usage and meaning may itself be simplistic and misleading.

Chapter 3, on the patronage of Mamluk rural inns, looks at the patterns and chronology of *khān* foundations. At least twenty-seven such buildings were founded in greater Syria during the period between 1291 and 1477, by at least eighteen Mamluk patrons. Ten of these *khāns* were founded during the reign of Sultan Qalāwūn, and Cytryn-Silverman agrees with J. Sauvaget that these especially catered to the *barīd* service. Through an analysis of other foundations by the same patrons, the author finds a variety of motivations for the foundation of rural *khāns*, including piety, charity, wealth management, personal prestige, and financial gain. These motives for patronage are not surprising, but it is useful to have their foundations contextualized within the broader nexus of political, economic, and social events in Mamluk Syria.

<sup>1</sup>*Itinéraire d'Anselme Adorno en Terre sainte: 1470-1471*, ed. and trans. Jacques Heers (Paris, 1978), 322–23.



Chapter 4 is devoted to a consideration of architecture. *Khāns* built in the Mamluk period, together with counterparts built under the Ayyubids and Saljuqs, all shared a common courtyard plan, with access through a single entrance. Beyond this, Cytryn-Silverman identifies and describes a number of architectural features that particularly defined Mamluk road inns in Syria. Only twenty-three of these buildings still offer enough remaining material for an architectural analysis, but the author discusses layout, spatial organization, and evidence of fortification. Beyond the basic plan, we learn details about water supply, masonry, and the decoration of façades and other features. The chapter concludes with a summary of the architectural data, presented in table form, that allows comparison of Mamluk *khāns* with their Ayyubid predecessors (pp. 79–81). The next chapter, the Gazetteer, contains detailed information on each of the twenty-three Mamluk inns noted in Chapter 4.

The final third of the book, devoted to plates and figures, is impressive and interesting. These images provide visual evidence for many of the points that the author discusses in the text, especially architectural details. However, the images are of varying quality, reflecting their diverse origins. Many are copied from nineteenth- and twentieth-century publications and photographs, some are aerial images, while others are (presumably) the author's own photographs. Most of the pictures illustrate points made in the Gazetteer, so a considerable amount of flipping back and forth is necessary in order to link arguments and illustrations. Many of the images are quite small and crowded, sometimes laid out with more than ten to a page. The author includes numerous floor-plans of *khāns* and other similar courtyard buildings, collected together over several pages (pp. 182–85, 194–95), and it is sometimes hard to know what to make of these. The compilation of plans certainly confirms general similarities of form, but the different origins of the images mean that they differ in presentation and style. For instance, on the page, most of the *khāns* look to be much the same size, but this is misleading since many floor-plans have no scale indicated, while those that do have a scale indicator often use different formats depending on their source. This could have been corrected and regularized by the addition of a standard scale indicator (measurements were provided in the table at the end of Chapter 4).



Ṣalāḥ al-Dīn Khalīl ibn Aybak al-Ṣafadī, *Kashf al-Ḥāl fī Waṣf al-Khāl*. Edited by Sihām Ṣallān (Damascus: Dār Saʿd al-Dīn, 1420/1999). Pp. 153, incl. 2 plates.

Ṣalāḥ al-Dīn Khalīl ibn Aybak al-Ṣafadī, *Kashf al-Ḥāl fī Waṣf al-Khāl*. Edited by ʿAbd al-Raḥmān ibn Muḥammad ibn ʿUmar al-ʿUqayl (Beirut: al-Dār al-ʿArabīyah lil-Mawsūʿāt, 1426/2005). Pp. 367, incl. 12 plates.

Ṣalāḥ al-Dīn Khalīl ibn Aybak al-Ṣafadī, *Kashf al-Ḥāl fī Waṣf al-Khāl*. Edited by Muḥammad ʿĀyish (Damascus: Dār al-Awāʾil, 2006). Pp. 173, incl. 5 plates.

Also: Copenhagen, Royal Library (Kongelige Bibliotek) MS Cod. Arab. 294, 58 ff., n.d., purchased in Cairo by Frederik Christian von Haven in 1763, available online at <http://www.kb.dk/permalink/2006/manus/254/>.

Reviewed by Adam Tali b, University of Oxford

Ṣalāḥ al-Dīn Khalīl ibn Aybak al-Ṣafadī (b. 696/1297 in Ṣafad, d. 764/1363 in Damascus) was the most important litterateur of the fourteenth century. He left a voluminous oeuvre, much of which remains in manuscript, so the publication of any of his works is cause for celebration.<sup>2</sup> The book under review may appear a tad peculiar at first glance. It is, after all, a narrow nevrological study-cum-poetry anthology; but it is a most intriguing collection of fourteenth-century scientific, cultural, and poetic material on a common epidermal feature, which, when fortuitously placed, ineffably enhances beauty.<sup>3</sup> Another famous, and prolific, Mamluk author, Shams al-Dīn Muḥammad ibn Ḥasan al-Nawājī, produced his own nevi poetry anthology entitled *Ṣaḥāʾif al-Ḥasanāt fī Waṣf al-Khāl* (available in a critical edition edited by Ḥasan Muḥammad ʿAbd al-Hādī) in response to al-Ṣafadī's work. And yet despite al-Ṣafadī's importance as an *adīb* and the need to redress the legacy of neglect that continues to hinder the study of Mamluk literature, the publication of one of his works by three different editors in editions of varying quality within a decade strikes me as a bit excessive.

In 1999, Sihām Ṣallān published the first edition of *Kashf al-Ḥāl*. This edition, apparently the result of her master's thesis work, is clearly deficient and uncritical, but, as space is limited, I will direct the curious to the extensive criticism that

<sup>2</sup>For details of al-Ṣafadī's life and oeuvre, see the essay by Everett Rowson in the new collection *Essays in Arabic Literary Biography II: 1350–1850*, ed. Joseph E. Lowry and Devin Stewart (Wiesbaden, 2009), 341–57.

<sup>3</sup>I should make a disclosure of self-interest here: I am the possessor of a fairly prominent birthmark and the reader should be aware of a bias on my part. Yet I would just say that, although my birthmark does not deface my face, I am still waiting for it to make me very beautiful.



this edition has already attracted.<sup>4</sup> Proceeding chronologically, the next edition, published in 2005, is—in spite of its atrocious cover art—very good.<sup>5</sup> The editor, ‘Abd al-Raḥmān ibn Muḥammad ibn ‘Umar al-‘Uqayl, based his edition on Copenhagen MS 293 (copied in 996/1587), in consultation with three other versions of the text, which he calls abbreviations.<sup>6</sup> In early 2011, an older manuscript (dated to 847/1444) turned up in a Christie’s auction, but it seems not to have been examined by scholars and its provenance is not explained.<sup>7</sup> Al-‘Uqayl’s edition includes a comprehensive critical apparatus including footnotes containing textual variants, cross-references, glosses, and biographies, as well as six indexes of Qurānic citations, *aḥādīth* and *āthār*, proper nouns, locations, and books. Unfortunately, the editor’s outdated and uncritical appraisal of Mamluk poetry and his positivistic attitude toward modern pseudoscience and medieval epistemology is a blemish on the façade of his fine edition.

The editor’s antiquated attitude toward the aesthetics of Mamluk poetry rehashes many of the shop-worn criticisms of Mamluk literary arts that still seem to circulate: “But al-Ṣafadī was a child of the Mamluk period and one of those poets that went around in a vicious cycle[:] emulating one another, recycling tropes, talking to themselves, and stealing from those who came before them. Like the other poets of his day, al-Ṣafadī was mad about excess in rhetorical arts like parallelism, emulation, double entendre, etc., which he overdid with the worst kind of hyperbole” (pp. 26–27). I understand that this conventional wisdom regarding the aesthetic value of Mamluk literature is a regrettably widespread tenet of faith among many scholars as well as laypeople, so one cannot indulge in too much

<sup>4</sup>See Abū ‘Abd Allāh al-Junādī’s review in *Majallat ‘Ālam al-Kutub* 23, No. 5–6 (Rabī‘ I–Jumādā II 1423/May–August 2002): 539–46; as well as in ‘Uqayl’s edition of the text in the section “Al-Nashrah al-sābiqah min al-kitāb,” 96–100.

<sup>5</sup>The cover depicts an attractive young woman, complete with a *khāl* near her lips, turned a quarter toward the camera, but she is rendered horrifically ugly by the grossly inartistic embossing of her lips and pupils, which makes her look like a bogeyman.

<sup>6</sup>“*Wa-thalāth makhṭūṭāt mukhtaṣarah min al-kitāb*” (62): these are Cairo, Dār al-Kutub MS 221 *adab Taymūr*; Damascus, Zāhirīyah Library [presumably now in the Asad National Library] MS 6927 (used by Ṣallān for her edition); and Paris, Bibliothèque Nationale MS 3973. For more information on the Copenhagen MS Cod. Arab. 293, see *Catalogue of Arabic Manuscripts: Codices Arabici and Codices Arabici Additamenta, Book Three*, ed. Irmeli Perho (Copenhagen, 2007), 1137–41.

<sup>7</sup>I would like to thank Kristina Richardson of Queens College, The City University of New York, who alerted me to the presence of this manuscript. I tried to contact Christie’s about the MS, but have yet to hear back from them. The MS is included in a codex along with two other works: Ṣamaw’al al-Maghribī’s “Nuzhat al-Aḥbāb wa-Mu’āsharat al-Aṣḥāb” and Badr al-Dīn al-Ḥasan al-Shāfi’ī’s “Dalīl al-Mujāz bi-Arḍ al-Ḥijāz,” copied on 15 Rajab 843 22 December 1439 and 12 Rabī‘ I 859/2 March 1455 in Aleppo. See the Christie’s lot description (lot 99/sale 7959: “Art of the Islamic and Indian Worlds,” held in London on 7 April 2011), which—bafflingly, to me—is silent about the codex’s provenance.



Mamluk-style *mubālaghah* in condemning it, but I do consider it even more regrettable when it is espoused by a scholar who has made a welcome contribution to the study of Mamluk literature.<sup>8</sup>

Having nitpicked the editor's introduction slightly, I must say that the edition he has produced is very good. The text itself is composed of two introductions—the first a lexical investigation of the word *khāl*, said to be one of the most polyvalent words in Arabic, the second a medical and physiognomic treatise on birthmarks, including answers to such questions as “Where's the best place to have a birthmark?” and “What does the color of a birthmark signify?” as well as a section on famous people who had birthmarks—and a large anthology of short poems (86% of the poems are two-liners and 97% of them are of four lines or less) on the theme at hand, organized alphabetically by rhyme-letter. In all, the book contains, according to al-ʿUqayl, “some 790 verses,” ninety-five percent of which appear in the anthology section (*al-natījah*), with the other five percent sprinkled through the two introductions (*muqaddimah*) (pp. 68–69) (By my count, there are 800 verses in the *natījah* alone.) The editor also mentions the practice of copyists or owners adding verses on the topic to their copies; this in his eyes is rather inconvenient, though it must have been ubiquitous and even one of the great appeals of anthological texts.<sup>9</sup>

The most recent edition of this text was prepared by Muḥammad ʿĀyish and published in Damascus in 2006.<sup>10</sup> According to the editor, he took the same Copenhagen MS 293 as his primary witness and also compared it with the Damascus manuscript mentioned above. This edition is, therefore, in terms of manuscripts consulted alone less critical than the one prepared by al-ʿUqayl. Yet having fewer witnesses is not the only thing wrong with this edition. There are a few peculiarities in the edition that defy explanation as well as a healthy proportion of simple errors. I was able to compare a few pages of these two editions to each other as well as to Copenhagen MS 294, which neither editor used and which is

<sup>8</sup>Al-ʿUqayl writes that he is preparing an edition of the same author's *Ladhdhat al-Samʿ fī Waṣf al-Damʿ* (p. 44).

<sup>9</sup>Al-ʿUqayl criticizes the copyist of the Damascus Zāhirīyah MS for incorporating the verses of ʿĀʾishah al-Bāʿūniyah (d. 922/1516), which were written in the margin of the Copenhagen MS 293; this poet lived a couple of centuries after al-Ṣafadī and therefore her verses could not have been included in the original work (pp. 66–67). It is a testament to the editor's respect for the text and the practice of critical editing that he includes these verses in a footnote (p. 259 n.), noting their spurious inclusion in the Zāhirīyah MS without suppressing them.

<sup>10</sup>ʿĀyish has also edited the same author's *Ikhtirāʿ al-Khurrāʿ fī Mukhālafat al-Naql wa-al-Ṭibāʿ* (Amman, 2004), *Tashnīf al-Samʿ fī Insikāb al-Damʿ* (Damascus, 2004), *Fadd al-Khitām fī al-Tawrīyah wa-al-Istikhdam* (Amman, 2005), *Rashf al-Zulāl fī Waṣf al-Hilāl* (Damascus, 2009), and [pseudo-]Ṣafadī, *Lawʿat al-Shākī fī Damʿat al-Bākī* (Damascus, 2003).



available online at the website given above.<sup>11</sup> A comparison of ‘Āyish’s text with even the few facsimile manuscript pages reproduced in both editions points to unnecessary errors.<sup>12</sup> Other deviations from al-‘Uqayl’s version could either be the result of an unacknowledged preference for the Damascus manuscript variant over the Copenhagen manuscript or occasional paleographical or grammatical difficulties.<sup>13</sup> The unexplained deviations from the text of al-‘Uqayl’s edition as well as the other Copenhagen manuscript raise questions as to the editor’s working method, but belaboring this point is unnecessary.

In sum, the edition of *Kashf al-Ḥāl* prepared by al-‘Uqayl is the most dependable, and while the editor’s narrow-minded literary estimations are unfortunate, they do not detract from the quality of his edition. He deserves many thanks for making available a very interesting text and adding to the still deficient, though growing, library of al-Ṣafadī’s works available to researchers and readers. It is all the more fortuitous that the Danish Royal Library has provided a digital copy of MS 294, which was not consulted by any of the editors, on its website for researchers to use. With the combination of al-‘Uqayl’s edition and Copenhagen MS 294, al-Ṣafadī’s text can be studied by researchers interested in social history and popular culture, medieval Islamic medicine, belles-lettres and poetry, as well as readers who are interested in exploring the breadth and depth of this great scholar’s literary output.

<sup>11</sup>On this MS, see *Catalogue of Arabic Manuscripts: Codices Arabici and Codices Arabici Additamenta*, Book Three, 1142–43. The MS is undated, but its title page reads: “*bi-rasm al-khizānah al-‘ālīyah al-‘alā’īyah Ibn Faḍl Allāh ṣāhib dawāwīn al-inshā’*,” and it is this vague reference that may link the MS with the Faḍl Allāh family of chancery secretaries who were so prominent in the Mamluk period. I admit that this identification is a guess.

<sup>12</sup>It is clear from the plates in al-‘Uqayl’s edition, for example, that the Copenhagen MS ‘Āyish claims to have used as his main witness (MS 293) has “*nashhadu anna Muḥammadan ...*” and this is also found in al-‘Uqayl’s edition as well as the digital copy of Copenhagen MS 294 available online (cf. al-‘Uqayl’s ed., 117). The Damascus MS has “*ashhadu*,” which may explain why ‘Āyish chose that reading, but it is unlike him not to have indicated that change in the footnotes, especially as he generously records the Damascus MS’s variant readings throughout his edition (‘Āyish’s ed., 33; cf. plate in al-‘Uqayl’s ed., 108). In my brief survey, I encountered only one error that al-‘Uqayl made and ‘Āyish did not. The first poem in the *natijah* section should begin “*wa-la-kam munītu ...*” not, as al-‘Uqayl has it: “*wa-la-kam munnītu ...*” as it does not fit the meter.

<sup>13</sup>E.g., ‘*adūwan la-hum* for ‘*adūw al-hamm*; *ka-anna al-Buḥturī* for *kāna al-Buḥturī*; *fa-mā aḥadan* for *fa-mā aḥadun*; ‘*amma bi-al-nās al-hudá* for ‘*amma al-nās bi-al-hudá*.



Mahdī As‘ad ‘Ar ‘Ar, *Dīwān Fayḍ al-Faḍl wa-Jam‘ al-Shaml* (Beirut: Dār al-Kutub al-‘Ilmiyah, 2010). Pp. 512.

Reviewed by Th. Emil Homer in, University of Rochester

‘Ā’ishah al-Bā‘ūniyah (d. 922/1517) was one of the most prolific woman authors in Islamic history. She composed panegyrics and *mawliids* in Arabic to the prophet Muhammad and wrote works on Islamic mysticism, including several volumes of mystical and devotional poetry. Surviving among the latter is her collection *Dīwān Fayḍ al-Faḍl wa-Jam‘ al-Shaml* (“The Emanation of grace and the gathering union”), which contains over 370 poems. In this verse, ‘Ā’ishah explored the full range of Arabic rhymes, meters, and poetic forms, including the quatrain (*dū bayt*), the ode (*qaṣīdah*), the love poem (*ghazal*), poems in praise of Muḥammad (*al-madiḥ al-nabawī*), as well as verse in praise of mystical wine (*khamrīyah*). ‘Ā’ishah also composed in newer poetic forms including the quintain (*takhmīs*), the strophic forms of *musammaṭ*, *zajal*, and *muwashshah*, and the *kān wa-kān*, a form using multiple internal rhymes and popular for sermons. This important collection has been recently edited and published for the first time by Mahdī As‘ad ‘Arār.

Following his preface and acknowledgments, ‘Arār provides a short introduction (pp. 11–25) on ‘Ā’ishah’s life growing up as the daughter of the chief Shafi‘i judge of Damascus, where she died in 922/1517. He recounts the story of ‘Ā’ishah’s trip with her son to Cairo during which highway men robbed their caravan and stole a dozen books that she had composed earlier in Damascus. Arriving destitute in Cairo, ‘Ā’ishah was befriended by Ibn Ajā, the personal secretary to the sultan al-Ghawrī, who looked after her and her son. ‘Arār also mentions that ‘Ā’ishah led a religious life and was thoroughly familiar with Islamic mysticism thanks to her spiritual masters Ismā‘īl al-Hawwārī and Yaḥyá al-‘Urmawī. However, ‘Arār gives no information about either teacher, nor does he even mention that ‘Ā’ishah and her extended family were members of the Qadariyah Sufi order. Even more surprising, ‘Arār says nothing about ‘Ā’ishah’s husband, Aḥmad ibn Muḥammad Ibn Naqīb al-Ashrāf (d. 909/1503), with whom she also had a daughter, Barakah (b. 899/1491). ‘Arār does mention the friendly exchange of poems between ‘Ā’ishah and the litterateur ‘Abd al-Raḥīm ‘Abbāsī (866–963/1463–1556) in Cairo, and then provides a brief inventory of ‘Ā’ishah’s writings, with a few comments on her by later historians. ‘Arār’s brief biography is adequate, though lacking important details to be found in recent scholarship on ‘Ā’ishah al-Bā‘ūniyah. Though my work in English (including MSR 7:211–34) may not have been readily available to ‘Arār, I was surprised that he did not mention the useful works by Ḥasan Rabābi‘ah, including his study *‘Ā’ishah al-Bā‘ūniyah: Shā‘irah* (Irbid: Dār al-Hilāl lil-Tarjamah, 1997).



In his next section (pp. 26–55), ‘Arār makes a number of observations on the collection *Fayḍ al-Faḍl wa-Ḥam‘ al-Shaml*, which he values for its literary quality and fine mystical poems. ‘Arār notes that this collection contains a number of poems that had appeared in earlier works by ‘Ā’ishah, though it is by no means a complete collection of her verse; among the missing poems are her quintain on al-Būṣīrī’s *Burdah* and her most famous poem, the *Faḥ al-Mubīn fī Madḥ al-Amīn* (“The Clear inspiration in praise of the trusted prophet”). Next, ‘Arār reviews some of the poetic forms used by ‘Ā’ishah in her verse and several elements of style, citing brief examples of each, along with some of her major themes, such as love of God and the need to live a pious life. He also touches on ‘Ā’ishah’s poetic influences, which included al-Ḥallāj, al-Būṣīrī, and Ibn al-Fāriḍ, among others. ‘Arār then concludes this section with a review of some key Sufi terms frequently found in ‘Ā’ishah’s verse, such as *baṣṭ* (“exhilaration”), *jadhb* (“spiritual attraction”), *ḥāl* (“mystical state”), etc. ‘Arār provides a brief definition for each term and cites their use in several verses. Here again, he could have profited from Rabābī’ah’s *‘Ā’ishah al-Bā‘ūnīyah*, particularly the latter’s detailed discussion of ‘Ā’ishah’s poetic style and forms.

In the final section of his introduction (pp. 56–66), ‘Arār lists and describes the three manuscripts from Egypt’s Dār al-Kutub al-Miṣrīyah that he used for his published edition. He states that his primary manuscript (“A”) was MS 581 Shi‘r Taymūr, dated 1031/1622. His two other manuscripts were (“B”) MS 112 Shi‘r Taymūr and (“J”) MS 431 Shi‘r Taymūr, both also dated 1031/1622, though ‘Arār argues persuasively that this date for “B” and “J” most likely is the date of the original from which they were copied, probably “A.”

For my own work on ‘Ā’ishah al-Bā‘ūnīyah, I have used and made copies of both “A” and “J,” and in addition, I have two other copies of *Fayḍ al-Faḍl*, Cairo MS 4384 (Adab), dated 1341/1922, and Rabat’s Bibliothèque Generale #734. Using these manuscripts, I read through ‘Arār’s edited edition. Unfortunately, I found many errors and discrepancies, too many to be listed in this review. The most common error was that ‘Arār did not note many variant readings among the manuscripts, or note, in some cases, where he appears to be offering his own reading. An example of this problem is the following couplet as found in the printed edition (p. 74):

*tawājadtu ḥattá lāḥa lī fī tawājūdī*  
*wujūdun ‘ani-l-aghyāri lil-qalbi ṣārifu*  
*fa-lā wājidun illā li-ḥālī wājidu*  
*fa-lā ‘arīfun illā bi-mā qultu ‘arīfu*

*I was rapt, until in my rapture there appeared*



*an existence for the heart free from others.  
So no one is ravished save he finds my state,  
and there is no gnostic save he knows what I say.*

The issue here is the term *wujūdun* in the nominative case, when all of the manuscripts that I have cite the word in the accusative case: *wujūdan*. This would lead to a different reading and translation, something like:

*I was rapt, until in my rapture he appeared  
with an existence for the heart free from others.  
So no one is ravished save he finds my state,  
and there is no gnostic save he knows what I say.*

Now, it may be that ‘Arār took his reading from MS “B,” which I do not have, but he does not mention any variations whatsoever. In another poem (pp. 105–6), without a note, ‘Arār omits verse 15 as found in “A”:

*wa-la yustama‘ fihī bi-sh-shāfa‘ata shāfi‘in  
siwāka yā khayra-l-khalqi min jinn wa-insin*

*No intercessor’s word will be heard save yours,  
you, the best of creation among humans and jinn.*

While the vast majority of ‘Arār’s omissions are of minor textual variations, some may affect the reading of individual poems in subtle ways, and so serious scholars will still need to consult the manuscripts of the *Fayḍ al-Faḍl* in the course of any research on ‘Ā’ishah al-Bā‘ūniyah that involves this work. Nevertheless, having edited manuscripts myself, I want to be clear that I am not disparaging the good intentions and dedicated efforts of the editor, Mahdī As‘ad ‘Arār. Yet, had another reader given his manuscript close attention, ‘Arār would have been in a position to publish a more rigorous edition. That being said, over the last few years, many publishers have reduced their staff and too frequently rely on authors to serve as their own copy editors. When one must read over a text many times, it is all too easy to read through and miss omissions and mistakes, and I believe this may have happened with ‘Arār’s published edition of the *Fayḍ al-Faḍl*. Still, Mahdī As‘ad ‘Arār has made a useful contribution to Arabic literature in that he has provided wider access to the verse of an important Arab Sufi poet.



Alan Mikhail, *Nature and Empire in Ottoman Egypt: An Environmental History* (Cambridge: Cambridge University Press, 2011). Pp. xxv + 347.

Reviewed by Mart yn Smit h, Lawrence University

As is evident from the title, the focus of this book is on Egypt during the Ottoman period. Yet the book warrants attention from readers of this journal for its methodology as well as for details that throw light on the Mamluk period. Alan Mikhail is not the first to take up issues concerning water usage or commodities in Egypt during this time, but his approach to these topics through the theoretical lens of environmental history makes this an especially noteworthy work. The field of environmental history emerged in the 1970s and gained momentum through the 1980s and 1990s. Historians writing within this field have enriched our understanding of various regions and periods by emphasizing the dynamic interaction of human beings with the natural world. In their work the natural world is not simply a static backdrop for human events, but a dynamic actor in its own right.

Previous to this book the Middle East had not yet attracted a self-consciously environmental history on this scale. In an overview of the state of environmental history in 2003, J. R. McNeill writes: "...in Arab and Ottoman historiography, almost all researchers remain indifferent to the possibilities of environmental history..."<sup>14</sup> McNeill goes on to point out how the rich Ottoman archives could form the basis for an environmental history of the Middle East. Mikhail cites this passage in its entirety in the introduction to *Nature and Empire in Ottoman Egypt* (p. 16), and it defines his project both in terms of aim and sources. This book fills a methodological gap in historical accounts of Egypt and challenges us to consider similar approaches to other periods of history.

Mikhail makes good use of archival records, which include documents from rural Egyptian courts, imperial orders, and local petitions, to tell a sweeping story of the changing relationship of the Ottoman Empire to the natural world. Broadly this change can be described as a transformation from a dependence on local knowledge and expertise in solving problems related to the natural world to the imposition of top-down projects that seek to control nature. Considering the present environmental challenges of Egypt, what comes first to mind are likely expansive projects such as the Aswan High Dam or recent efforts to engineer residential cities outside the Nile Valley. Mikhail traces this penchant for large-scale projects back to the construction of the Maḥmūdīyah Canal from 1817 to 1819. As many as 360,000 peasants labored in the construction of this canal, out of which

<sup>14</sup>J. R. McNeill, "Observations on the Nature and Culture of Environmental History," *History and Theory* 42 (December 2003): 30.



an astounding 100,000 died from disease and hardship. This attempt to engineer the landscape would turn out to be typical of the next two centuries of Egyptian history, but Mikhail demonstrates that this centralized approach to nature was not typical of the earlier Ottoman Empire.

The first three chapters of this book lay out in some detail the management of natural resources that prevailed in the first centuries of Ottoman rule. The first, entitled “Watering the Earth,” is the most interesting with respect to implications for study of the Mamluks. In the decades after their conquest of Egypt in 1517 the Ottomans undertook a survey of Egypt’s irrigation system. This survey contains fine-grained details of the irrigation practices in Egypt down to the level of the village. An important issue this survey attempted to define was whether a canal should be classed as *sultānī* or *baladī*. If the former, the maintenance of the canal was a public good undertaken by the state; if the latter, the local group that benefited from the canal was responsible for its maintenance. Any survey of irrigation practices from the early Ottoman period had to reflect practices and assumptions that extended back into the Mamluk period. This dependence on earlier practices in respect to irrigation is evident in the Ottoman law code for Egypt, the Kanunname, where frequent reference is made to what was done during the reign of the Mamluk sultan Qāyrbāy (p. 12). This Ottoman way of going about the administration of the irrigation system of Egypt signaled a fundamental respect for local precedent, and that precedent was often inherited from the Mamluk period.

The two further chapters on the Ottoman management of the natural world have fewer implications for the study of the Mamluks since they detail the circulation of commodities (grains and wood, primarily) within the larger empire itself. This issue of the circulation of commodities has been a central interest for environmental historians, evident in a classic work of environmental history such as *Nature’s Metropolis: Chicago and the Great West* (1991) by William Cronon. Mikhail argues that the early Ottoman Empire developed remarkably efficient modes of distribution for these commodities, circulating Egypt’s grain to meet the needs of pilgrims in the Hijaz or residents of Istanbul, and thus achieving “caloric parity across the empire” (p. 123). On the other hand, wood was quite scarce in Egypt but abundant in other parts of the Ottoman empire, so Egyptian grain was partially balanced by import of another commodity. Mikhail describes this circulation as “natural resource management” (p. 123). Although Mikhail early on cautions that his descriptions should not be seen as “romanticizing” elements of this early modern Ottoman system (p. 33), he provides us with a largely positive image of the early Ottoman state managing the natural world in a sustainable manner.

The big story that Mikhail tells in this book is the way this Ottoman system got out of whack in the later period, especially in its waning days under the ad-



ministration of Mehmet Ali. Making Egypt into a modern state in the nineteenth century was a wrenching experience, and that experience has been narrated in other books, such as *All the Pasha's Men* (1997) by Khaled Fahmy. Mikhail's view of the critical events of this era is inflected by environmental history, which he connects to a breakdown in the previous distribution system of commodities. His account of Mehmet Ali's invasion of Syria from 1831 to 1841 allows us to see more clearly his theoretical vantage point. Other historical works (such as that by Fahmy, for example) have pointed out the importance of Syria's wood in the calculus for the invasion. But Mikhail lends this need for wood a deep explanatory power: "Mehmet 'Ali's ten-year incursion into Syria and Anatolia was largely driven by his desire to acquire usable wood supplies for his province" (p. 167). Having already seen how the Ottoman state achieved a studied balance in commodities, we grasp that as Egypt became an independent power it would run against a fundamental imbalance in commodities, and this imbalance would push the state outward. This understanding of the circulation of commodities could be useful in trying to understand the forces that determined Mamluk territorial ambitions as well, and it is certainly to be hoped that this approach will be taken up further in the study of the Mamluks.

My criticism of the book is that while Mikhail has delivered a book that fills an important gap in modern scholarship on Egypt, to a surprising extent he is rediscovering the emphases of Egyptian historians themselves. This goes oddly unacknowledged even as Mikhail cites Egyptian historians in order to make his points. This appears most starkly in Chapter 3, which takes as its subject the circulation of wood. On pages 130 and 131 al-Jabartī is cited no less than nine times in the footnotes. A sample note from these pages reads: "The timber yards of Bu-laq were at the base of al-Khurnub Tenement near a huge market complex built from stone and wood..." Details of Egypt's dependence on and use of wood are often drawn from this Egyptian historian. Something similar happens in the final chapter detailing the construction of the Maḥmūdīyah Canal, where Mikhail sketches the history of the canal and draws extensively from Mamluk historian al-Maqrīzī (pp. 264–65). It is evident that Egyptian historians shared this interest in commodities and the management of water. The central writers of history in the Egyptian tradition have themselves emphasized many of the principal themes of environmental history.

In the work of the Mamluk historian al-Maqrīzī we can find a view of history that has many parallels with the work of environmental historians, though obviously not expressed through modern assumptions. An example can be seen in his economic treatise known as the *Ighāthah*,<sup>15</sup> in which he advances a strident argu-

<sup>15</sup>*Mamluk Economics: A Study and Translation of al-Maqrīzī's Ighāthah*, ed. and trans. Adel Al-louche (Salt Lake City, 1994).



ment against the Mamluk management of the natural world and the currency. In one section al-Maqrīzī recounts historical instances of *ghalāʾ*, or scarcity. Arriving at the Fatimid conquest of Egypt in 358/969, he emphasizes the crisis in commodity prices at that point.<sup>16</sup> He thus encourages the reader to understand a central historical event as a result of a crisis in resources, paralleling an approach to history that we have seen in the book by Mikhail. More broadly, the well-known *Khiṭaṭ* of al-Maqrīzī takes up many of the particular topics that are at the heart of Mikhail's book. In his section on Nilometers al-Maqrīzī describes how levees and canals are maintained by a percentage of the land tax and that the cutting of the levees takes place in accordance with the expertise of locals (1:61). Part of what animated al-Maqrīzī is that this system of precedents was failing, and he wrote in the midst of what he felt to be a crisis. But it is here that we should look for the forebears to an environmental approach to Egyptian history. An unexpected result of *Nature and Empire in Ottoman Egypt* is that it allows us to better perceive the strengths of historians like al-Maqrīzī and al-Jabartī.

Leigh Chipman, *The World of Pharmacy and Pharmacists in Mamlūk Cairo* (Leiden and Boston: Brill, 2010). Pp. viii + 318.

Reviewed by Li Guo, University of Notre Dame

The book under review sets out to analyze a popular medieval Arabic manual for pharmacists and, in light of this key text, to explore various related issues. The manual is the *Minhāj al-Dukkān*, “How to manage a [drug] store [hereafter: Handbook],” attributed to one Abū al-Munā Dāwūd al-Kūhīn al-ʿAṭṭār (fl. 1260), a Jewish druggist living and practicing in late Ayyubid and early Mamluk Cairo. Based on the author's Hebrew University dissertation (2006), this well-written book combines solid, old-fashioned textual research (materials in Arabic, Judeo-Arabic, Latin, Greek, and Hebrew) with sound technical synthesis and delicate historical contextualization. The result is a richly documented and carefully argued essay on the history, theory, and practice, as well as social and cultural impact, of pharmacy and pharmacists in what S. D. Goitein would call a “Mediterranean Society,” where Arab, Jewish, and Christian physicians and pharmacists worked side by side, sharing common resources.

The book is divided into two main parts: Part One (3 chapters) deals with the textual and technical aspects of the Handbook, while Part Two (2 chapters) ad-

<sup>16</sup>Ibid., 30.



dresses issues pertaining to the practice of pharmacy and its scientific, social, and legal context. Four appendices provide information about the manuscripts of the Handbook, its recipes, tests as suggested by various sources, and a glossary of terminology.

Chapter 1 lays the groundwork for analysis with a description of the content and structure of the Handbook. Through an outline of its chapters with translated headlines, Chipman confirms the Handbook's affiliation within the *aqrābādhīn* (Greek *graphidion*) tradition, albeit with its own compositional features. This is followed by a comparative analysis of sources: a chain of transmission—from Ibn Jumay<sup>c</sup> (d. 1198), via Ibn Abī al-Bayān (d. 1236), to al-Kūhīn al-ʿAṭṭār—is established through painstaking correlations, taking into consideration other indirectly quoted sources.

Following the above discussion of continuity and discontinuity of the Handbook vis-à-vis the *aqrābādhīn* tradition, Chapter 2 highlights the non-technical elements added to the Handbook. These elements show, as Chipman argues, greater similarities to a medical encyclopedia than to a druggist's recipe collection. This is evidenced in the Introduction and Chapter 23 of the Handbook, which spell out concerns relating to medical ethics, showing an affinity to the Greek tradition as inherited and transmitted by medieval Arab, Persian, and Jewish medical practitioners. The addition of these segments to the Handbook thus demonstrates al-Kūhīn al-ʿAṭṭār's indebtedness to a long chain of "physicians' writings for physicians," as the author compares these segments with the key "classic" texts of the genre. These additions set the Handbook apart from other how-to pharmacy manuals, and delineate an environment in Cairo where medical (and by extension pharmaceutical) moral injunctions evidently gained currency among local practitioners.

For those interested in learning more about the nuts and bolts of pharmaceutical practice at the time as described in the Handbook, Chapter 3 is perhaps the highlight of the book. Instead of a laundry list, the discussion is grouped under various thematic rubrics. Chipman is quick to point out that of the thousands of pharmaceutical items mentioned in the documentary sources such as the Cairo Geniza, only a fraction were in common use. This gap, Chipman argues, stimulated the development of lists of drug substitutes and synonyms, which, alongside the related matter of weights and measures, constitute the focal point of this chapter. Another topic discussed is the identification and treatment of *materia medica*. Other practical aspects scattered throughout the Handbook are summarized in the following segment.

Part Two, "The Pharmacist and Society," consists of two chapters that deal with the scientific context and social impact of the pharmacy and pharmacists on society, respectively. Biographical dictionaries and documents (the Cairo Geniza,



*waqf* collections) are utilized effectively in Chapter 4. A brief summary of the current scholarship on pharmacy and medicine within the context of scientific research in the post-Mongol Islamic Near East leads to a detailed account of the role played by the pharmacist in Mamluk society. It is interesting to learn that the terms commonly used at the time to denote “pharmacist”—*‘aṭṭār*, which also means “perfume seller,” and *‘ashshāb*, “herbalist”—indicate the broadening range of the craft. Chipman points out that the classical term *ṣaydalānī*, “pharmacist” per se, had fallen out of use by that time. Combing through the massive volumes of major Mamluk biographical dictionaries, the life and career of some seventy-five *‘aṭṭārs* (or *‘ashshābs*) are surveyed. The segment on pharmacists in hospitals is extremely informative as well.

In some ways, Chapter 5, “The Pharmacist in the Marketplace,” comes as a pleasant surprise, and for this reviewer, a treat. By utilizing materials usually considered irrelevant to the subject of “history of science,” or “Islamic medicine,” this chapter not only sheds rare light on hitherto seldom explored areas relating to the practice of medicine and pharmacy in the pre-modern Arab world, but also invites us to re-examine the value and use of non-historical sources for historical inquiry. The discussion of the fascinating topic of what we today might call “consumer protection” is based on a careful survey of an array of materials—legal and literary. There are so many things to learn from Chipman’s reading of these unconventional materials. There are, for example, almost no references to pharmacists or drugs *per se* in major Mamluk fatwa collections, while moralist treatises touch upon the matter only briefly, often within the context of correct behavior. It is in the *ḥisbah* manuals that specific guidelines, rules, and appropriate procedures regarding quality control are to be found.

Refreshingly informative is also the segment on the “image” of the pharmacist presented in popular literature, such as *The 1001 Nights* and shadow plays. The remarkable thing about these literary texts, “fiction” by nature, is that in addition to, as one would expect, shedding light on mentality and psyche, and on society’s attitudes and sentiments towards the perfumer-druggist, they also afford many *technical details* in relation to the pharmacy and pharmacist that are not found in “conventional” sources. This is particularly true with regard to the shadow plays. In one shadow play, a group of tricksters parade onto the stage; they represent a variety of “quacks,” among them a *ma‘ājīnī*, “seller of medicinal pastes,” and an *‘ashshāb*, “herbalist.” A translation of their self-portraits, in the form of monologue and songs, is provided. Here, the “fiction” offers some technical details that conventional medical texts fail to provide; and Chipman is to be commended for tackling this extremely challenging material, providing the reader, for the first time, with a full English translation. Speaking of the translation, I have only one note to add. Regarding the lyric sung by the *‘ashshāb*-herbalist, the word



*dashāsh* (“a powder”) in the Kahle edition would be better replaced by its variant, *ḥashāʾish*, “hashish, weed” (see Everett Rowson’s review of the edition in the *Journal of the American Oriental Society* 114 no. 3 [1994]). It not only fits the profile of an *herbalist*, but also is grammatically appropriate (feminine verbs follow), and scans the meter (which ought to be *mujtathth*, p. 167) as well. To use these kinds of literary sources is justified by the fact that the author of the shadow plays, Ibn Dāniyāl, was himself an eye doctor in Cairo. The technical accuracy of his description of the medicinal craft (including pharmacy) has been confirmed by modern Orientalist and practicing physician M. Meyerhof, among others. It is true that the theme of “quacks” becoming the butt of the joke had developed into a literary topos, but the reality and implication behind it cannot be denied. The figure of a druggist as a “greedy swindler” and trickster as represented in legal and popular literature, Chipman argues, may help to explain why we know so little about the pharmacist as a person: if chronicles are virtually silent on many an *ʿaṭṭār* when they appear in biographical dictionaries, it is because they were *literati* at the same time. Ibn Dāniyāl the eye doctor knew a thing or two about the sentiment against his fellow craftsmen in Cairo, insofar as his shadow plays and poetry are riddled with self-loathing while describing the profession of “health care” in general. As for al-Kūhīn al-ʿAṭṭār the druggist, not only was he ignored by biographical dictionaries, the “Hall of Fame” for medieval Muslim learned men, he was also shunned by his own kind: the best known figure in the history of Arab medicine, Ibn Abī Uṣaybiʿah, in his comprehensive roster of Arab physicians, did not say a thing about the Jewish druggist, who was actually his contemporary and a fellow student. The silence is telling: the Jewish druggist was not a physician; this shows us a further divide from within, between doctors and pharmacists, in medieval Cairo. Such is the fascinating, and rather sad, story of the pharmacist in Mamluk Cairo. We owe Leigh Chipman for bringing it to life.

Doris Behrens-Abouseif, *Cairo of the Mamluks: A History of the Architecture and Its Culture* (London and New York: I. B. Tauris, 2007). Pp. xix + 359, illus.

Reviewed by J. M. Rogers, The Nour Foundation

The development of Fatimid al-Qāhirah into the great metropolis it became under the Mamluks was by no means a foregone conclusion. Under Baybars Fuṣṭāṭ was not entirely neglected, though his Friday mosque in its northern sector, the Jāmiʿ al-Jadīd (660/1261–62), was already abandoned by al-Maqrīzī’s time, and al-Nāṣir Muḥammad’s mosque in the same area (no. 15), also called the Jāmiʿ al-Jadīd (711–



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12/1312–13) survived for an even shorter time. Baybars' works on the island of Rawḍah were similarly impermanent, and heralded his successors' concentration upon al-Qāhirah, its citadel, and the port of Būlāq on the Nile. The present volume combines Doris Abouseif's long familiarity with the rich Mamluk historical and biographical tradition and her deep knowledge of the historical topography of Cairo to give a masterly account of the city and its architecture between 1250 and the Ottoman conquest.

Though she takes due account of earlier scholarship, and of Creswell's meticulous surveys, Professor Abouseif's originality lies in the importance she gives to foundation documents (*waqfiyahs*). They frequently offset the errors of the historians whom she justly criticizes for their ignorance of architectural styles and technicalities; the *awlād al-nās* (like the historian Ibn Taghrībirdī), who were often directly involved in construction and its management, were generally much better informed. In the last resort *waqfiyahs* could not guarantee immunity from confiscation, and they only rarely state what must often have been the case, namely that a particular foundation was ad hominem, a madrasah, say, for a respected teacher or a *khānqāh* for a particularly revered Sufi. But they otherwise give a clear idea of the patrons' intentions and their conception of their role in the development of the city.

Behrens-Abouseif's discussions of the individual monuments comprise a biography of the founder and the historical background of the structure; an analysis of the foundation document; and a description of the plan, fabric, and decoration. This last has often been complicated by the long-term activities of the Comité de conservation des monuments de l'art arabe, which, understandably, did not have the funds to embark on large-scale operations and which for much of its existence was advised by experts whose standards of authenticity fell well short of present-day conservators. Behrens-Abouseif usefully records such arbitrary restorations, though lack of space precludes mention of routine maintenance and repairs which may be recorded in later copies of the *waqfiyah*, or detailed descriptions of major alterations in the Ottoman period, for example to the mosque of Aqsunqur al-Nāṣirī (no. 24).

The author begins her survey with the mausoleum of the Ayyubid al-Ṣāliḥ Najm al-Din Ayyūb (no. 1), who was the creator of the Bahri regiment and a pioneer in the development of Bahri funerary architecture. In this she follows the historians, who gave the prime role in the expansion of al-Qāhirah to al-Ṣāliḥ's successors, whose mosque-foundations led the way for courtiers and 'the people' to settle in their vicinity. These figure prominently among the sixty monuments Behrens-Abouseif discusses in detail,<sup>17</sup> and her survey is largely a social, eco-

<sup>17</sup>Unlike Michael Meinecke's 2 volumes (*Die mamlukische Architektur in Ägypten und Syrien [649/1250 bis 923/1517]* [Glückstadt, 1992]), her chronological coverage is even—28 of the 60 monu-



nomic, and architectural study of sultans' pious foundations and their interaction with the urban fabric, as well as those of their amirs, with whom they often had ties of kinship or marriage. Periodization of architecture by reign is reasonable (with the obvious reservation that overlaps of some projects from reign to reign complicate a linear chronology), though Behrens-Abouseif observes that only al-Nāṣir Muḥammad and Qāyṭbāy can be said to have established a regnal style.

As foreign usurpers, and Hanafis at that, the Mamluk sultans were heavily dependent upon the goodwill of the ulama, and prudence might have led them to favor the Shafi'is, the predominant *madhhab* in Egypt. This *madhhab*, however, did not recognize the Turkish dynasties, which naturally were not of Qurayshi stock, as legitimate. Baybars' solution was to replace the Shafi'i imam with chief qadis for each of the four schools, a seeming even-handedness which in fact worked to the Hanafis' advantage. His successors also abandoned the immemorial Shafi'i principle that there should be no more than one congregational mosque in each quarter (*khutt*). The multiple *khutbahs*, along with the lack of space available in central Cairo for major building projects, increasingly favored neighborhood mosques and funerary oratories with residential features, where a funerary dome and a minaret became virtually essential markers. The latter, which were the work of specialist builders, were transformed into highly decorative architectural features, as well as foci of structural development.<sup>18</sup> Understandably, prestige vied with piety, the tomb generally occupying the most conspicuous position on the street front and, for example in the case of the amir Shaykhū (no. 25), even prompting the suppression of the mihrab to allow for a window to overlook the street.

With few exceptions (among them the mosque of Sultan Ḥasan, no. 27), even royal founders deliberately chose modestly proportioned buildings and multiple foundations rather than a single colossal unit, a tendency which, especially in the fifteenth century, must have further decreased the cost to the patron. The available figures suggest that the average building cost of even a royal foundation was not much more than the monthly pay of a royal Mamluk, and could not compare with what the sultans spent on luxuries in the market, imported at prices which they could not dictate. It was the luxury of their furnishings, Behrens-Abouseif suggests, that accounted for the much greater cost of palace architecture, most of which, ironically, has disappeared without a trace.

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ments chosen for detailed discussion are Burji. Meinecke's volume 2 is a very full summary catalogue of the monuments, either extant or historically attested, but in his general discussion in volume 1 Burji architecture in Cairo is allotted a mere 26 pages.

<sup>18</sup>See now Doris Behrens-Abouseif, with contributions by Nicholas Warner, *The Minarets of Cairo: Islamic Architecture from the Arab Conquest to the End of the Ottoman Empire* (London and New York, 2010).



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The degree to which Cairene architectural evolution was determined by the urban environment was unique in Islam, nor did the unification of Egypt and Syria under Mamluk rule lead to a merging of architectural styles. The sultans' limited intervention in Damascus and Aleppo gave even their viceroys' most splendid monuments a provincial air, well illustrated by Khayrbak's two mausolea in Cairo (no. 60) and in Aleppo (figs. 15–16), though the marked difference between them is also to be explained by the fact that the Cairene foundation was erected late in Khayrbak's life, when he was at the zenith of his career. Yet the cityscape was not just a haphazard agglomeration, and under al-Nāṣir Muḥammad urban planning and design were a conspicuous feature of his patronage. (In marked contrast to David Ayalon and his pupils, Behrens-Abouseif ascribes to al-Nāṣir Muḥammad a very positive role in the development of Cairo.) Architecture went hand in hand with civil engineering projects such as the building of canals, bridges, aqueducts, reservoirs, hippodromes, port installations, and maintenance of the Nile bed to keep the river navigable. Many later projects involved the exploitation of natural features, especially water,<sup>19</sup> and the fact that hunting lodges, palaces, grazing grounds, and amirs' residences were generally inside Cairo—along the Khalij, around the large reservoirs, and on the banks of the Nile—added to the amenities of the city. Moreover, pious foundations like the domed mosques of Yashbak at Maṭariyah and Ḥusayniyah (nos. 48–49) were part of complexes of gardens with residences and religious buildings.

For most of the period the sultan's circle in central Cairo largely monopolized patronage. The caliphs were kept in modest seclusion, well away from the center, though their tomb (no. 6), which Professor Abouseif identifies as originally intended for the sons of Baybars, was magnificently decorated. The pious foundations of the civilian elites associated with the ruling establishment, including viziers and other high bureaucrats, tended to take the form of substantial contributions to the maintenance and repair of existing royal foundations, like the Māristān of Qalāwūn (no. 8). The foundations of merchants, even those as rich as the Kārimīs, were conspicuously few and seem to have been confined to increasingly run-down areas like Fustāt.

In Behrens-Abouseif's view, the markets of Cairo and Damascus with their well-developed artistic traditions tended to make court workshops superfluous, though this is not to say that there were no long-term builders' workshops, or still less that building projects were extemporized. This leads her to a perceptive discussion of the organization of construction, which, for the most part, can be attributed to the work of skilled craftsmen under the administration of favorite amirs or qadis. However, the problem of coordinating the virtually discrete parts

<sup>19</sup>Cf. Doris Behrens-Abouseif, *Azbakiyya and its Environs: from Azbak to Ismā'īl, 1476–1879* (Cairo, 1985).



of Sultan Ḥasan's complex (no. 27), for example, was real enough. Inescapably (in this case at least), the supervisor's functions must have closely approximated to those of a modern architect. The lavish marble revetment to the qiblah *īwān* added after the sultan's death strongly suggests, moreover, that the material (all obtained from earlier monuments) must have been acquired at an early stage in the project and drawings prepared to show how the panels were to be assembled. Elsewhere, the *embarras de choix* which faced craftsmen and builders when it came to vaulting, *muqarnas*, façade designs, portals, etc., was evidently resolved in largely practical terms, without any pattern books, let alone such detailed records as the Timurid scroll published by Gülru Necipoğlu.<sup>20</sup> This must explain why there is so little resemblance between the four minarets erected by Qāyrbāy in Cairo—at his funerary foundation in the Cemetery (1474) (no. 47); at his madrasah on the Qal'at al-Kabsh (1475); at his madrasah on the island of Rawḍah (1491); and at al-Azhar (1495)—when standardization would have saved much labor and expense.

The skilled staff associated with the courts of the sultans and their viceroys must have been constantly overstretched, which would have precluded concentration on the provinces, where Cairene architectural influence was sufficiently infrequent to evoke comment. Qāyrbāy was exceptional in this respect, but the gang he dispatched to Jerusalem that built his *sabīl* in the Ḥaram<sup>21</sup> evidently did not include a specialist in dome construction, for research has shown that the dome's decoration is not fully adapted to the surface and some details were not executed, a diffidence which suggests both lack of supervision and inexperience on the workmen's part.

Construction was rapid and cheap. Oppression (*zulm*) was patently no bar to founding a *waqf*: the despoliation, confiscation, coercion, forced labor, and straightforward theft of which al-Maqrizī complained all substantially reduced building costs. The recycling of material from earlier buildings, which was much decried because of the abuses to which it gave rise (even Ibn Taghribirdī describes al-Mu'ayyad's acquisitions for his funerary complex at Bāb Zuwaylah [no. 35] as "a want of good behavior and chivalry"), may not, however, invariably have involved illegality, for the materials could have come from *awqāf*, the revenues

<sup>20</sup>Gülru Necipoğlu, *The Topkapı Scroll: Geometry and Ornament in Islamic Architecture: Topkapı Palace Library MS H. 1956, with an Essay on the Geometry of the Muqarnas by Mohammad al-Asad* (Santa Monica, 1995).

<sup>21</sup>Michael Hamilton Burgoyne and Christel Kessler, "The Fountain of Sultan Qāyrbāy in the Sacred Precinct of Jerusalem," in *Archaeology and the Levant: Essays for Kathleen Kenyon*, ed. Roger Moorey and Peter Parr (Warminster, 1978), 250–69; Michael Hamilton Burgoyne, with D. S. Richards, *Mamluk Jerusalem: An Architectural Study* (Jerusalem, 1987), 606–11.



of which were no longer adequate to keep the buildings in good repair, thereby permitting them to fall into ruin.<sup>22</sup>

It is generally agreed that, once the historians' stock invocation of the great arch of Ctesiphon is dismissed as a *topos*, foreign influence on Mamluk architecture in Egypt and Syria was limited to Iran and Anatolia. What about European influence, however? The Bahris, of course, were notorious for their conspicuous use of *spolia*: the doorway of the church of St. Andrew from Acre in the façade of the madrasah of al-Nāṣir Muḥammad in the Naḥḥāsīn (no. 13), or the column carved with Palestinian monuments incorporated into the façade of the mosque of Sultan Ḥasan. However, the street façade of Qalāwūn's madrasah-mausoleum-hospital (no. 8) strongly suggests that Crusader prisoners-of-war, possibly from north Syria, may have had a hand in its design. Later, features like fenestration, as in the madrasah of Uljāy al-Yūsufī (Rajab 774/January 1373) (no. 31), and moulded cornices also look startlingly European. Unfortunately, even when one can establish a chronological sequence of these developments, it is difficult to say more. Unlike Damascus, access to Cairo for much of the Mamluk period was restricted for Western travelers and merchants, the free movement of craftsmen was unpredictable, and the supply of Frankish prisoners-of-war to work on building projects after the reign of al-Nāṣir Muḥammad constantly fluctuated. Nor did Europeans necessarily build in their native styles: the two Mamluks from Oppenheim in the Palatinate who built the fortress of Qāyṭbāy in Alexandria (completed 1479), whom Felix Fabri met on the streets of Cairo, produced a building strongly reminiscent of fortress architecture in southern Italy.

Chapter 10 of Behrens-Abouseif's volume contains a useful Appendix by Philipp Speiser (pp. 101–5) surveying Mamluk building materials and construction methods. Considering the constant shortage of wood and the increasing shortage of marble and other building materials, the Mamluks, who relied upon techniques perfected in the Fatimid and Ayyubid periods, did well to maintain this skilled workmanship in increasingly unfavorable circumstances.

This volume is richly illustrated, and Nicholas Warner's plans and axonometric views are handsomely executed. It is, however, slightly let down by the copy-editing. The misprints are mostly benign, but it is much to be hoped that the confusion of "privy purse" with "privy" is corrected in subsequent editions.

<sup>22</sup>Sometimes, moreover, the ulama seem to have missed the point. When al-Ghawrī arbitrarily confiscated marbles for the decoration of his palace on the Citadel, the Baysariyah, instead of denouncing his action out of hand, Ibn Iyās criticizes him for not using the marbles instead in his funerary foundation (no. 56) in central Cairo.



*Emanations of Grace: Mystical Poems by ʿĀʾishah al-Bāʿūniyah (d. 923/1517)*, edited and translated by Th. Emil Homerin (Louisville, KY: Fons Vitae, 2011). Pp. 151.

Reviewed by Richard McGregor, Vanderbilt University

The study of religious life in the Mamluk Empire has benefitted greatly over the last fifteen years from the work of Emil Homerin. His studies of the Sufi poet Ibn al-Fāriḍ (d. 632/1235), along with a number of fine translations, have illuminated the important intersection of high poetry and mysticism. The translation under review here of selections from *Fayḍ al-Faḍl wa-Jamʿ al-Shaml* (The Emanations of grace and the gathering of union) is a significant advance in our knowledge of this corner of medieval religious life. The author is ʿĀʾishah al-Bāʿūniyah (d. 923/1517), a Syrian mystic and writer, who according to Homerin wrote more in Arabic than any other woman before the twentieth century. She was from a well-established family of scholars, most of whom spent their careers in Damascus. Several of her relatives were religious men of note; one great uncle was an ascetic, and an uncle a writer of devotional poems (p. 13). Her family were devotees of ʿAbd al-Qādir al-Jilānī (d. 561/1166) and associated with the Qadariyah Sufi order. ʿĀʾishah’s most immediate spiritual affiliation and training were with Jamāl al-Dīn Ismāʿīl al-Ḥawwārī (d. 900/1495) and Muḥyī al-Dīn Yaḥyá al-ʿUrmawī (fl. ninth–tenth/fifteenth–sixteenth c.). The Bāʿūnī family married a number of their daughters into the leading family of Sharifan descendants of the Prophet. ʿĀʾishah’s husband Aḥmad ibn Muḥammad ibn Naqīb al-Ashraf died in 909/1503, leaving behind one daughter and one son (p.14). It was with her son ʿAbd al-Wahhāb that ʿĀʾishah travelled to Cairo, in order to support his career in administrative service. She spent only three years there, but wrote several new poems and cultivated a network of contacts with the literati of Cairo. She travelled with ʿAbd al-Wahhāb to Aleppo, where she had an audience with Sultan al-Ghawrī in 922/1516, before returning finally to Damascus.

Although her connection to Ibn al-Fāriḍ is important, and will be treated below, her poetry is distinct in its focus on praise for the prophet Muḥammad. Beyond poetry, ʿĀʾishah also composed, copied, and epitomized works on Sufi theory; she drew on the great mystics of the tradition including al-Jurjānī (d. 816/1413), al-Kalābādhī (d. 385/995), al-Sulamī (d. 412/1021), ʿUmar al-Suhrawardī (d. 632/1234), and Ibn ʿAṭā Allāh al-Iskandari (d. 709/1309). Her acumen as a poet is well attested in her most famous work, *Faḥ al-Mubīn fī Madḥ al-Amīn* (The Clear inspiration in praise of the trusted prophet), in which she engages the various complex schemes of verse known as *badīʿ*. Remarkably, she also composed a commentary on this work in which she refers to nearly fifty earlier poets. The manuscript history of the *Fayḍ al-Faḍl*—the collection Homerin has translated here—is murky because it



seems to have been composed and copied at various points throughout her career. Nevertheless, Homerin suggests a terminal date of 919/1513 for the collection, the point at which she left ʿAmāscus for Cairo.

Homerin presents us with forty-five short poems, and the longer *Ode in “T”* (*al-ṭāīyah al-Bāʿūniyah*) at 252 verses, which is followed by a ten-page commentary entitled “Homage to Ibn al-Fāriḍ” composed by Homerin himself. A full-length study would be ideal, but this commentary serves as a very effective way of locating the two poets in relation to one another. Homerin highlights a number of passages from the *Ode in “T,”* connecting them with key texts from Ibn al-Fāriḍ’s poem of the same name. Central concepts such as love of God, annihilation in the divine, spiritual submission, and poverty are examined. Parallels are also drawn between the two poets’ use of devices such as wine, the drinking glass, and the seeker lost in drunkenness.

Homerin relies on both manuscript material and recently published editions of the poems (p. 10). He is currently at work on a critical Arabic edition of this material. My spot checks comparing the translations to a draft of Homerin’s edition show that the care and skill displayed in these translations is consistent and impressive. Researchers in the field will benefit not only from ready access to this material, but also from the poetic sensibility captured in the translations.

Perhaps surprisingly, the same attention has not been paid to the many short subtitles that appear throughout the collection. These phrases vary in length, with some providing cues to either ʿĀʾishah’s psychological state or to the circumstances in which the poems were composed. Occasionally a frame for reading is provided. For example, one poem is introduced with the following (p. 40): “From His inspiration upon her as was needed [to refute her critics],” and another (p. 45) “From His inspiration upon her as she stood before the Noble Stone (in Mecca),” and (p. 35) “From His inspiration upon her concerning the required mystical stages.” The significance of these introductory (and perhaps linking?) statements should not be over-stated; the content of the poems themselves remains central. Yet Homerin’s presentation does not do them justice, and they are at times awkwardly translated. The subtitle on page 35, for example, (*wa-min faṭḥihi ayḍan wa-jadda al-wajdu*) appears as “Also from His inspiration, and rapture was intense.” Perhaps easier on the ear would be to phrase the second half as “when the rapture was intense.” On page 36, the subtitle runs, “From His inspiration upon her, and patience was gone as loving desire increased,” which might better run, “Her inspiration when patience had given way to desire.” The poem on page 46 is introduced by “*wa-min faṭḥihi ʿalayhā thubutuhā bi-sharaf al-dhikr,*” which Homerin translates, “From His inspiration upon her regarding her certainty of the nobility of recollection.” While this is accurate, perhaps phrasing such as, “By inspiration of her high standing in divine remembrance” would resonate more



easily with an English reader. On page 66 the poem is introduced with, “From His inspiration upon her, indicating His blessing her with her exemplary faith,” but a more felicitous phrasing would run, “From a divine inspiration blessing her as spiritual exemplar.” In addition to these criticisms, the following should be addressed. Footnote 4 on page 54 is made redundant by the first footnote on page 34. Further, it would be helpful to identify the “axis al-Jilī” as ‘Abd al-Qādir al-Jīlānī on page 127 rather than later in the text on page 139. The source cited in footnote 17 on page 16, Mājid al-Dhahabī and Ṣalāḥ al-Khiyamī, “Dīwān ‘Ā’ishah al-Bā‘ūniyah” in *Turāth al-‘Arabī* 4 (1981), should be added to the bibliography. These small technical errors aside, Homerin has given us an excellent introduction to an important yet underappreciated medieval poet.



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- ‘ABD ALLĀH, ‘ABD AL-NĀṢIR SA‘DĪ AḤMAD. *Al-Yāfi‘ī wa-Manhajuhu al-Ṣūfī*. Cairo: Maktabat al-Thaqāfah al-Dīniyah, [2003]. Pp. 101.
- ‘ABD AL-MAHDĪ, ABD AL-JALĪL ḤASAN. *A’māl al-Maqdīsīyah al-Kāmilah: Vol. 1, Al-Madāris fī Bayt al-Maqdis fī al-‘Aṣrayn al-Ayyūbī wa-al-Mamlūkī, Dawruhā fī al-Ḥarakah al-Fikrīyah; Vol. 2, Al-Ḥarakah al-Fikrīyah fī Zill al-Masjid al-Aqṣá fī al-‘Aṣrayn al-Ayyūbī wa-al-Mamlūkī*. Amman: Wizārat al-Thaqāfah, 2009. 2 vols.
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ء	’	خ	kh	ش	sh	غ	gh	م	m
ب	b	د	d	ص	ṣ	ف	f	ن	n
ت	t	ذ	dh	ض	ḍ	ق	q	ه	h
ث	th	ر	r	ط	ṭ	ك	k	و	w
ج	j	ز	z	ظ	ẓ	ل	l	ي	y
ح	ḥ	س	s	ع	‘				
		ة	h, t (in construct)			ال	al-		
		َ	a	ُ	u	ِ	i		
		َـ	an	ُـ	un	ِـ	in		
		آ	ā	وُ	ū	يِ	ī		
		أ	ā	وُـ	ūw	يِـ	īy (medial), ī (final)		
		ى	á	وِ	aw	يِـ	ay		
						يِـ	ayy		

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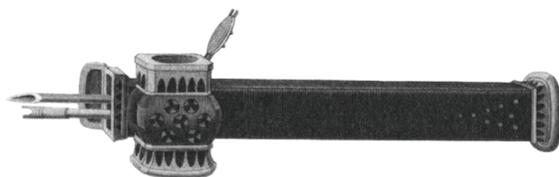
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