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Maẓālim between Politics and Justice under the Mamluks

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To my parents and husband,

Mohamed Rashad, Safaa Abdel Ghaffar, and Fady El Sebai

I will forever be grateful.

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1

Introduction

The Prince knows that justice is the profitable capital of the kings and an act that brings them success. For it is justice that has made the states preserve and it is justice that builds provinces and it is justice that has made countries and men safe. So the Prince acts justly towards His subjects: to those who are close and distinct, present and absent. He investigates their wrongs, listens to their complaints and gives ear to the settlement of charges.[1]

This is an excerpt from sultan Qalāwūn's memorandum to his son al-Malik al Ṣāliḥ on running the state's affairs in his absence on a campaign. Qalāwūn emphasized the importance of "justice" in this memorandum, which reflects the extent to which the concept of justice and redress of wrongs was central to the Mamluks. There were different venues and forms of justice during the Mamluk period. Even though the work of al-Māwardī on *maẓālim* continued to be highly influential,[2] the institution under the Mamluks often tended to diverge from his directives and follow other criteria.

Maẓālim was one of these various venues of justice that existed under the Mamluks and underwent significant transformations. The objective of this thesis is to explore the political significance of the *maẓālim* institution during the Mamluks and to study *maẓālim* as a product of its period rather than strictly follow the provisions in al-Māwardī's work. While most of the literature

[1] This excerpt is taken from one of the state documents that were reproduced by Nāṣir al-Dīn Ṣāfī ibn ʿAlī al-ʿAsqalānī who worked as a clerk in the chancery between 1270 and 1280 and wrote the biography of sultan Qalāwūn. Nāṣir al-Dīn Ṣāfī Ibn Alī al-ʿAsqalānī, *al- Faḍl al- Maʾthūr min sīrat al-Sulṭān al-Malik al-Manṣūr* (Beirut: al-ʿAṣryya, 2019), 126; Paulina Lewicka, "What a King Should Care About: Two Memoranda of the Mamluk Sultan on Running the State's Affairs," *Studia Arabistyczne I Islamistyczne* 6 (1998): 12-15.

[2] Al-Māwardī, *al-Aḥkām al-sulṭānīyah wa-al-wilāyāt al-dīnīyah* (Beirut: al-ʿAṣryya, 2019), 94-113.

on *maẓālim* concentrates on the legal and administrative aspects of the institution, this thesis will attempt to focus on the place of *maẓālim* in the Mamluk state by identifying how the institution was politically utilized, in the light of its specific context. This will be done by understanding how and why *maẓālim* functioned during crucial moments in Mamluk legal history. I shall focus on four main moments of change in the history of *maẓālim*. These are mainly the years 1262, 1353, 1387, and 1457. The first moment of change occurred in 1262. Baybar decided to establish a particular venue for *maẓālim* that was called the Palace of Justice *(dār al-ʿadl)* and restructure the institution.[3] The second moment of change was between 1352 and 1353, when the jurisdiction of the chamberlain *(ḥājib)* was expanded into new legal areas. This expansion led to the emergence of a new institiution of justice that was called the *siyāsah* courts.[4] The third transformation that happened in the institution was in 1387 when Barqūq decided to move *maẓālim* from *dār al-ʿadl* to the Royal Stables (*al-iṣṭabl al- sulṭānī)* and changed *maẓālim* protocol.[5] The final change was the justice offered by the purchased Mamluks (*julbān*), who started to offer an alternative form of *maẓālim* between 1456 and 1457.[6]

This periodization is based on moments of change and not according to a ruler or dynasty. Although there was a degree of continuity, each period was marked by significant transformations that impacted the institution and the legal system. Therefore, each chapter will focus on moments of change and explore what triggered these significant developments. This thesis will also investigate the extent to which these key developments were informed by particular political, economic, and social conditions that impacted the institution's functioning and had broader implications for the Mamluk legal system.

[3] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* ed. Ayman Fuʾād Sayyid (London: Al Furqān Islamic Heritage Foundation, 2013), 3: 655.
[4] Ibid., 3: 712-718.
[5] Ibn al-Furāt, *Tārīkh Ibn al-Furāt* (Beirut: Maṭbaʿatal- Amīrkẖāniyyah, 1936), 9: 17.
[6] Ibn Taghrībirdī, *al-Nujūm al-zāhirah fī mulūk Miṣr wa-al-Qāhirah*, (Cairo: Maṭbaʿat Dār al-Kutub wa-al-Wathāʾiq al-Qawmiyya bi-al-Qāhirah, 2005), 16: 114.

Maẓālim under the Mamluks was one of the main venues of justice. It is essential, therefore, to understand first how this institution developed throughout history to recognize how it functioned under the Mamluks. Al-Māwardī is considered the first to provide a theoretical framework for the institution, in the eleventh century, in his book *al-Aḥkām al-sulṭānīyah wa-al-wilāyāt al-dīnīyah.* According to al-Māwardī, *maẓālim* is the office responsible for equitably settling disputes between litigants.[7] Al-Māwardī considers *maẓālim* the office responsible for judging cases that are related to any act of oppression committed by government officials, which includes but is not limited to unfair tax collection, property confiscation, and management of pensions and endowments. Furthermore, it is the office that is in charge of enforcing *sharīʿah* judgments and reviewing complaints about acts that harm public morals that the *muḥtasib* fails to deal with and ensuring that public worships are correctly performed.[8] Under the Mamluks and mainly for the first ninety years, *maẓālim* focused on cases that involved abuses of power. Then, two transformations happened in the second half of the fourteenth century. The first was the expansion of the jurisdiction of *maẓālim* to include matrimonial and debt cases.[9] The second was the emergence of a new form of *maẓālim,* which was led by the *ḥājib* and was called the *siyāsah* court.[10] Starting in the second half of the fourteenth century, the *ḥājib,*who was responsible for settling disputes between the Mamluks based on the *Yāsā*,[11]passed judgements on people.[12] Eventually, the jurisdiction of the *ḥājib* and other military officers overlapped with the *sharīʿah* courts.[13] This thesis will explore whether al-Māwardī's view, was implemented or if the political pressures under various sultans shaped the *maẓālim* in a different direction.

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[7] Al- Māwardī, *al-Aḥkām al-sulṭānīyah wa-al-wilāyāt al-dīnīyah*, 94.
[8] Ibid., 99-100.
[9] Yossef Rapoport, "Royal Justice and Religious Law: *Siyāsah* and *Sharīʿah* under the Mamluks," *Mamluk Studies Review* 16, no. 1 (2012): 81.
[10]Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshā,* ed. Muḥammad Ḥusayn Shams al-Dīn (Beirut: Dār al-Kutub al-ʿIlmiyah, 2000), 5: 423; al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3:717.
[11] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,*3: 717; Robert Irwin, "The Privatization of "Justice" under the Circassian Mamluks," *Mamluk Studies Review* 6, no. 1 (2002): 70.
[12] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,*3 :318.
[13] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 717; Rapoport, "Royal Justice and Religious Law," 86.

There is a consensus among scholars that *maẓālim,* as a judicial system, is more flexible and practical than the *sharīʿah* court, with regard to procedures and investigations; it accepts documentary evidence and relies more on witnesses.[14] Based on al-Mawārdī's theoretical framework for *maẓālim*, which remained the cornerstone of the institution throughout history,[15] there are significant dissimilarities between the office of *maẓālim* and *sharīʿah.* Since *maẓālim* is concentrated in the hands of political and not religious authorities, *nāẓir al-maẓālim* possesses more power to settle disputes, broader freedom to pass judgments, use intimidation and circumstantial evidence. He has more time than a *sharīʿah qāḍī* to review cases of doubt and the authority to impose reconciliation. Furthermore, *nāẓir al-maẓālim* can hear the testimony of an unqualified witness and ask him to take the oath if he doubts his intention. Finally, he could begin by calling for the witnesses and hearing their testimony before the plaintiff's.[16]

Maẓālim, as we know it is the state's prerogative. The concept of *maẓālim* emerged at the end of the Caliphʿ Alī's reign, and he is often regarded as the first to oversee *maẓālim,* but he did not create an independent office for it. With the rapid expansion of the Islamic empire, this sole jurisdiction that was used by ʿAlī became more structured. ʿAbd al-Malik b. Marwān was the first caliph to assign a specific day for the redress of wrongs; this was done under the supervision of the eminent *qāḍī* Abū Idrīs al-Awdī. ʿUmar b ʿAbd al-ʿAzīz was the first caliph to preside over *maẓālim* personally. Caliphs al-Mahdī, al-Hādī, al-Rashīd, al-Maʾmūn and al-Muhtadī followed the same tradition. According to Ibn Taymīyah, the Abbasids established *maẓālim* when they found that they had to judge between people, and they did not have enough knowledge about *al-siyāsah al-ʿādila*.[17] In that respect, the institution often fell under state authority and not the judiciary. The

[14] Maaike Van Berkel, "Abbasids Maẓālim between Theory and Practice," *Bulletin d'études Orientates* 63 (2014): 240.
[15] Al-Māwardī is considered the first to provide a framework for the institution. His work clearly defines the institution, officials responsible for it and their traits. He also provides a brief history of the institution and its development. Then, he tries to focus on the practical side of the institution by identifying the type of cases that are brought before *maẓālim*, evidence and witnesses. Furthermore, his work highlights the role of *nāẓir* at *maẓālim* versus the *qāḍī* and the process of delegating *maẓālim* authority. Al-Māwardī, *al-Aḥkām al-sulṭānīyah wa-al-wilāyāt al-dīnīyah*, 94-113.
[16] Ibid., 100-101.
[17] Ibn Taymīyah, *Majmūʿat fatāwá Ibn Taymīyah* (Medina: Mujamʿ al-Malik Faḥd, 2004), 20: 392.

concept of *maẓālim* was not entirely novel, as it was present in pre-Islamic Arabia and was used to settle disputes between tribes.[18]

Eventually, *maẓālim* was found to be a useful tool and became an integral part of Islamic rule. Niẓām al-Mulk, in his book *The Book of Government or Rules for Kings,* maintains that an ideal ruler should hold sessions for the redress of wrongs twice per week. During these sessions, the ruler should directly deal with his subjects without an intermediary, and in some instances, he should receive written petitions.[19] Hence, presiding over *maẓālim* was often considered a sign of power and sovereignty that was practiced by different dynasties.[20] Rulers continually used it because they found that it was a useful way of asserting their authority.

Framework

The Mamluks inherited the Ayyubids legal system and did not intend to introduce momentous modifications.[21] In the course of my thesis, I will try to explore some of the features in the *maẓālim* that were shaped by Mamluk political conditions and ideology. The Mamluks had their distinct ruling ideology and political environment, which shaped and structured the legal system differently from their predecessor. *Maẓālim* was one of these legal institutions which were structured differently under the Mamluks. The literature on *maẓālim* tends to focus on the legal and administrative aspects of the institution. Therefore, it was essential for me to try to find out how *maẓālim* functioned as a part of a particular political narrative. The primary objective of this thesis is to explore the place of *maẓālim* in the Mamluk state by identifying how this institution was politically utilized and to what extent rulers used it to assert their power in different ways. On the basis of this objective, it was useful for me to adopt a periodization that corresponded to some of

[18] Ibid.,95.
[19] Niẓām al-Mulk, *Siyāsat'nāmah: The Book of Government or Rules for king: The Siyar al Muluk or Siyasat-nama of Nizam al-Mulk* by Hubert Darke (London: Curzon, 2002), 14.
[20] When Aḥmad Ibn Ṭulūn broke away from the Abbasids caliphate, he held *maẓālim* which was considered a sign of independence. Jørgen Nielsen, *Secular Justice in an Islamic State: Maẓālim under the Baḥrī Mamluks, 662/1264–789/1387* (Leiden: Nederlands Historisch-Archaeologisch Instituut te Istanbul, 1985), 8.
[21] Kristen Stilt, *Islamic Law in Action: Authority, Discretion and Everyday Experiences in Mamluk Egypt* (New York: Oxford University Press, 2011), 14.

the critical changes in this institution. I was able to identify four main moments of change: 1262, 1353, 1387, and 1457. The reason behind this periodization is that, although there was a continuity, as each chapter will try to show, significant transformations marked each phase. The first moment of change was the restructuring of *maẓālim* and its institutionalization, which started in 1262 with the establishment of the first *dār al-ʿadl*. [22] *Maẓālim* also played a crucial role in the legal system during this period. The cases that were brought before Baybars in *maẓālim* triggered the appointment of the four chief *qāḍī*s in 1265.[23] This innovation had further implications for the state. The quadruple legal system allowed the state to play an active role and indirectly intervene in the legal system; the state exploited the differences between the *madhāhib*, and this was reflected in *maẓālim.* [24] The second moment of transformation was the expansion of the jurisdiction of the *ḥājib*. Between 1352 and 1353, al-Malik al-Ṣaliḥ Ṣālih b. Muḥammad b. Qalāwūn (r. 1351-1354) ordered *amīr* Sayf al-Dīn Jurjī, the chamberlain, to settle a debt case that was brought before the sultan in *dār al-ʿadl*.[25] *Maẓālim* legitimised the emergence of a new form of justice, which eventually developed an alternative jurisdiction to the *sharīʿah* courts. This new form of justice, which was derived from *maẓālim,* was known by the *siyāsah* court and was led primarily by the *ḥājib.*[26] The third moment of change in the history of Mamluk *maẓālim* was under Sultan Barqūq. He tried to bring the institution closer under sultanic overview. He made *maẓālim* more accessible to the public by moving it from *dār al-ʿadl* to the Royal Stables in 1387.[27] However, in the fifteenth century, the institution became less structured and decentralized. The last transformation in the *maẓālim* institution under the Mamluks was the justice offered by the purchased Mamluks *(julbān).* Between 1456 and 1457, the *julbān* offered an alternative form of *maẓālim*. The sultan's *julbān* offered a privatised form of justice through the *dikak* placed in front of their houses and received a sort of

[22] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,*3 :655.
[23] Nielsen, *Secular Justice in an Islamic State*, 127; Rapoport, "Legal Diversity in the Age of *Taqlid*: The Four Chief *Qāḍī*s Under the Mamluks," *Islamic Law and Society* 10, no. 2 (2003): 210.
[24] Rapoport, "Royal Justice and Religious Law," 77.
[25] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 717; Rapoport, "Royal Justice and Religious Law," 82-84.
[26] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,*3 :717-718.
[27] Ibn al-Furāt, *Tārīkh Ibn al-Furāt*, 9: 17.

extortion in return from plaintiffs.[28] This led to the commercialization of justice. The redress of wrongs was no longer concentrated in the sultan's hand or one of his subordinates as the *ḥājib.* It was shared with different Mamluk factions. *Maẓālim* sessions were held in multiple locations. These were crucial moments in Mamluk legal history, as Rapoport asserts, and, as this thesis will argue, in the history of *maẓālim.* This thesis will document these key developments, which impacted the institution, were informed by particular political, economic, and social conditions, and had broader implications for the legal system as a whole.

The second objective of this thesis is to study *maẓālim* in relation to other forms of justice, which are mainly *sharīʿah, siyāsah, and Yāsa*. In theory and practice, the legal sphere was divided between two major powers, which were juristic doctrine and *siyāsah* authority. The former was controlled by the *ulama,* while the latter was concentrated in the hands of political authorities, who always wanted to have a greater say in judicial matters. Nevertheless, they wanted to maintain and enhance the legitimacy that they gained from the *ulama*. The religious and political establishments were aware that they could not govern without the existence of one of them. However, they sometimes competed over authority and jurisdiction.[29] This perspective is vital when dealing with *maẓālim* because it was the venue where this complex relationship between both powers manifested itself. Furthermore, this approach helps in understanding why some forms of justice expanded or shrank. This is one of the focal points that this thesis will explore.

The Sources Available to Study Mamluk *Maẓālim*

Whereas the Mamluks created a very bureaucratic process for *maẓālim*, very few petitions survived, such as the documents that were obtained from the monastery of St. Catherine in Sinai.[30] Even the surviving petitions have some limitations, as they all belong to the same place. The petitions are

[28] Robert Irwin, "The Privatization of Justice, "*Mamluk Studies Review* 6, no. 1 (2002): 68.

[29] Moreover, some jurists, such as Ibn Taymīyah tried to theorize the relationship between rulers and jurists. For Ibn Taymīyah, *fiqh* by default governed *siyāsah,* and it shaped the rules and the parameters of it. He called for *al- siyāsah al- sharʿiyya* which implied that *siyāsah* was limited and governed by *sharīʿah* and any *siyāsah* policy was accepted given that it did not come into conflict with *shariʿah*. Stilt, *Islamic Law in Action,* 32-33.

[30] S. M. Stern, " Petitions from the Mamluk Period: Notes on the Mamluk Documents from Sinai," *Bulletin of the School of Oriental and African Studies* 29, no. 2 (1996): 223-276.

almost the same, and they reflect similar problems. The decrees do not include the name of the officials who were involved, nor the venue of hearing the cases. Consequently, we cannot generalize from this data.[31] In contrast with petitions, Mamluk chronicles provide more information about the cases, officials who were involved, and the venue of hearing or submitting petitions, a type of data that we cannot extract from the petitions of the monastery of St. Catherine.

Together, these two significant sources reveal part of the institution in practice. Relevant to this discussion is the secondary literature and the type of information it reveals. Although *maẓālim* is an integral part of any research that deals with the Mamluk legal system, very few works are fully dedicated to the study of Mamluk *maẓālim*. " Petitions from the Mamluk Period: Notes on the Mamluk Documents from Sinai," by S. M. Stern and *Secular Justice in an Islamic State: Maẓālim under the Baḥrī Mamluks, 662/1264–789/1387* by Jørgen Nielsen are two major sources worthy of attention. These two sources rely on documentary evidence and focus on the practical side of the institution. Stern has tried to compare the documents that were obtained from the monastery of St. Catharine to two leading handbooks which are *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ* by al-Qalqashandī, and *Masālik al-abṣār fī mamālik al-amṣār, Dawlat al-mamālīk al-ulá,* by al-ʿUmarī.[32] His work reveals the administrative side of the institution. On the other hand, Jørgen Nielsen has depended on a broader range of sources, which are mainly chronicles, handbooks and surviving petitions.[33] Therefore, his work is considered more comprehensive than Stern's, mainly because he focused on *maẓālim* from the rise of the Mamluks until the reign of sultan Barqūq. He concludes that *maẓālim* under the Mamluks was a "passive" institution; its proper functioning relied on the system.

While Stern and Nilsen, primarily, focused on *maẓālim* during the *Baḥrī* Mamluks, Albrecht Fuess provides an overview of Mamluk *mazālim* from the rise to the fall of the Sultanate in his article, "Ẓulm by *Maẓālim*? The Political Implications of the Use of *Maẓālim* Jurisdiction by the Mamluk Sultans." This article provides a summary of the institution under the Mamluks listing the

[31] The petitions are all related to requesting protection against Bedouin raids, corrupted officials, unfair tax collection and issues related to the monastic *waqf*s. Nielsen, *Secular Justice in an Islamic State,* 38.
[32] Stern, " Petitions from the Mamluk Period," 223-276.
[33] Nielsen, *Secular Justice in an Islamic State.*

sultans who presided over *maẓālim* and the reasons behind various locations. Fuess highlights the role played by different sultans and their objective behind holding *maẓālim* sessions. He concludes that *maẓālim* was an integral part of legitimacy for various sultans. From his point of view, *maẓālim* was the place at which litigants expressed their complaints, but they did not necessarily receive just verdicts, and the sultan concentrated all the state's affairs, including the judiciary, in his hands.[34] Finally, the article of Fumihiko Hasebe, "Sultan Barqūq and his Complaining in the Royal Stables," is an important source that focuses on *maẓālim* under Barqūq. In this article, Hasebe argues that the movement of *maẓālim* from *dār al-ʿadl* to the Royal Stables had social and political implications. Sultan Barqūq wanted to project himself as a court of appeal against the *shariʿah* and *siyāsah* courts. This was guided by his motive to attract a new audience to *maẓālim* sessions, who were mainly residents of rural areas, and encourage them to complain about abuses of power. In Hasebe's viewpoint, this movement was also intended to enhance his public image as a just ruler.[35]

Methodology and Sources

Even though these sources provide extensive information about the institution and reveal the legal and administrative sides, there is still a lot that requires exploration of *maẓālim* as a part of a particular political narrative. Therefore, the primary objective of this thesis is to explore to what extent this institution was politically utilized. This will be done by focusing on the subjects of cases that were brought before *maẓālim,* identifying the officials involved in and the venue of the sessions, considering the political objectives of the regime and the social and economic conditions during each period. Then, it will try to determine to what extent these elements impacted the functioning of the institution and led to significant developments, which impacted other venues of justice.

[34] Albrecht Fuess, "Ẓulm by Maẓālim? The Political Implications of the Use of Maẓālim Jurisdiction by the Mamluk Sultans," *Mamluk Studies Review* 13, no.1 (2009): 121-147.
[35] Fumihiko Hasebe, "Sultan Barqūq and his Complaining in the Royal Stables," *Taylor and Francis Online* 21, no. 3 (2009): 315-330.

This study will survey a broad range of sources, which are mainly chronicles, handbooks, biographies, and secondary literature. This thesis will primarily rest on chronicles as they record cases in detail and provide a background to the major political, economic, and social events. *Al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār, Kitāb al-Sulūk li-maʿrifat duwal al-mulūk* and *Ighāthat al-ummah bi-kashf al-ghummah* by al- Maqrīzī, and *al-Nujūm al-zāhirah fī mulūk Miṣr wa-al-Qāhirah by* Ibn Taghrībirdī, and *Nihāyat al-arab fī funūn al-adab* by al-Nuwayrī. Then, it will compare three leading handbooks, which are *al-Aḥkām al-sulṭānīyah wa-al-wilāyāt al-dīnīyah* by al- Māwardī and *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ* by al-Qalqashandī, and *Masālīk al-abṣār fī mamālik al-amṣār, Dawlat al-mamālīk al-Ulá* by Ibn Faḍl Allāh al-ʿUmarī to chronicles and try to highlight the differences between theory and practice. As for biographies, this thesis surveys *Al-Rawḍ al-Ẓāhir fī Sīrat al-Malik al-Ẓāhir* by Ibn ʿAbd al-Ẓāhir and *Tārīkh al-Malik al-NāṣirMuḥammad ibn Qalāwūn al-Ṣaliḥī wa-awlādih* by al-Shujāʿ and *Al Fadl al-maʾṭhūr min sīrat al-Sulṭan al-Malik al-Manṣū*r by Nāṣir al-Dīn Sāfī Ibn Alī al- ʿAsqalānī to complement the images that are portrayed in chronicles.

Thesis Outline

Chapter one will primarily focus on *maẓālim* during the period of state formation between 1260 and 1265 and how Baybars tried to utilize the institution politically. It will also highlight how *maẓālim* functioned for the first ninety years of Mamluk rule. This period is quite significant for several reasons. It was the period of setting up a new state. The regime was striving to establish its legitimacy. The Mamluks rise to power often entailed violence,[36] so various sultans wanted to project a positive public image and gain public acceptance by appearing as just rulers. It was also a period of political instability; the state had to counter the external threats, which were posed by the Mongols and Crusaders.[37] This chapter will try to propose some reasons for the development of a bureaucratic process, a special ceremony known as *khidma*, and a venue for *maẓālim* as *dār al-ʿadl*.

[36] Fuess, "Ẓulm by Maẓālim," 124.
[37] Nasser O. Rabbat, "The Ideological Significance of the Dār al-ʿAdl in the Medieval Islamic Orient," *International Journal of Middle East Studies* 27, no. 1 (1995):19.

It will try to understand to what extent these sultans used *maẓālim* to respond to some of the challenges they encountered in this period, such as legitimization, and to what extent this impacted the institution's functioning. This chapter will also tackle the relationship between *sultanic* and religious authorities. This will be done by focusing on the role played by the *sharīʿah qāḍī*s during the sessions and studying the changes that took place in *maẓālim* in relation to other legal innovations such as the appointment of four chief *qāḍī*s in 1265.

Chapter two deals mainly with the expansion of the *ḥājib* jurisdiction between 1352 and 1353. It will also tackle how *maẓālim* functioned under the descendants of al-Nāṣir Muḥammad between 1341 and 1382. The period under examination was marked by political instability and the beginning of the economic crisis. The weak rule of the Mamluk sultans was one of the main reasons behind the political instability. Twelve sultans came to the throne from the Qalāwūnids house between 1341 and 1382; eight out of them were minors who did not receive training and were brought up in the *harem*.[38] The state was run by *al-amīr al-kabīr* and *majlis al-mashūra,* and the majority of the Qalāwūnids sultans played a nominal role.[39] Furthermore, the economic crisis which started in 1348 weakened the position of the state. The most obvious reasons for the economic crisis were the black death and weak administration, which resulted in ineffective land management and abuse of power by governors, tax collectors, and military officials.[40] This period was marked by one of the key developments in *maẓālim* history, which was the expansion of its jurisdiction over debt and matrimonial cases.[41] Cases that were always dealt with by the Islamic judiciary and were judged constantly by *qāḍī*s and had explicit *Qurʾānic* provisions were judged by the *ḥājib*. There were important repercussions. Youssef Rapoport argues, the primary objective of this expansion

[38] Amalia Levanoni, "The Mamluk Conception of the Sultanate," *International Journal of Middle East Studies* 26, no. 3 (1994): 381.
[39] Ibid., 383.
[40] Amina Elbendary, *Crowds and Sultans: Urban Protest in Late Medieval Egypt and Syria* (Cairo: AUC Press, 2015), 7.
[41] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3 :712, 717; Rapoport, "Royal Justice and Religious Law, 81.

was to avoid the formalism of the *sharīʿah* court and guarantee access to justice.[42] There could be other reasons for this transformation, such as the competition between religious and political authorities or between the *sharīʿah* and *Yāsā*. I will explore this thorny question further. The case that triggered this development was brought before a Ḥanafī judge who failed to deliver a just verdict because of the formalism of the *sharīʿah* law, which made debtors escape payment.[43] Given the broadening of its competences, this innovation was marked by the expansion of the *siyāsah* courts between 1352-1353, which was led by the *ḥājib* and was followed by the appointment of *muftī dār al-ʿadl* in 1360.[44] This chapter will try to understand the relationship between the expansion of the *siyāsah* courts and the economic and political conditions during this period. This expansion impacted not only *maẓālim* but also other venues of justice and the relationship between political authorities and religious authorities who could not approve such a step.

Chapter three focuses on *maẓālim* under the Circassian Mamluks, who faced similar economic challenges. However, under their rule, the sultan restored his authority and was able to dominate the political scene.[45] This period is marked by the movement of *maẓālim* sessions from the magnificent venue *dār al-ʿadl* to the Royal stables by sultan Barqūq in 1387 and some changes in *maẓālim* protocol.[46] This chapter will try to propose some reasons for these significant transformations that took place during this period. It will also try to look at these critical developments as part of the regime's attempts to confront the economic crisis and restructure the state. The second part of this chapter deals with *maẓālim* in the fifteenth century. It was a very tough period on multiple levels. The prolonged economic decline was one of the main challenges that faced the state. Various sultans strived to improve the financial situation of the state, which was unattainable in this period.[47] Although the social structure of the Mamluks, which capitalized on

[42] Rapoport, "Royal Justice and Religious Law, 75, 84.
[43] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 386.
[44] Rapport, "Royal Justice and Religious Law," 81-82, 84.
[45] 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) 196.
[46] Hasebe, "Sultan Barqūq and his Complaining in the Royal Stables," 316.
[47] Igarashi Daisuke, "The Financial Reforms of Sultan Qāytbāy," *Mamluk Studies Review*13, no. 1 (2009). 27-51.

factionalism, never changed throughout their rule, and the military elite often possessed power,[48] this issue intensified in the fifteenth century. The economic and financial situation of the state forced it to share power with different social groups. The state started selling some of the public offices, which were occupied by civilians to military officers in an attempt to compensate for the lost revenue and indirectly pay *Mamluk amīr*s, with the collapse of the *iqṭāʿ* system.[49] One of the factions who gained power at the middle of the fifteenth century were the *julbān*, who directly interfered in the administration of justice. They offered a private form of justice through the *dikkak,* located in front of their households.[50] It was considered an alternative form of *maẓālim.* In that sense, the administration of justice was decentralized, as Amina Elbendary points out.[51] It was no longer an exclusive state activity, but different factions interfered in it. This was what Robert Irwin called "The privatization of justice."[52] This section aims to understand how the critical economic and political conditions of the state led to the commercialization of justice. It will also try to highlight how different social groups interfered with the administration of justice. How did all these factors impact the *maẓālim* institution and other forms of justice?

[48] Levanoni, "The Mamluk Conception of the Sultanate," 374.
[49] Ibid., 1, 12.
[50] Fuess, "Ẓulm by *Maẓālim*,"140; Robert Irwin, "The Privatization of Justice,"69.
[51] Elbendary, *Crowds and Sultans,* 42.
[52] Irwin, "The Privatization of Justice," 63-70; Elbendary, *Crowds and Sultans,* 42.

2

Maẓālim in the Period of State Formation

(1260-1341)

Context

Maẓālim during the period of (1260-1341) can be best understood in the context of the process of state formation under the early Mamluks. During the first few decades, they undertook several changes in the ruling institutions, including the *maẓālim*, which corresponded to the political scene and the early decades of their rule's internal and external threats.

The Mamluks inherited this state from their masters the Ayyubids, mainly by claiming loyalty to al-Malik al-Ṣāliḥ Najm al-Dīn Ayyūb (r. 1240-1249). He was the one who formed a new military elite known of the Baḥrīa Mamluks; Baybars (r. 1260-1277) and Qālawūn (r.1279-1290) belonged to this faction.[53] While the Mamluks in 1250 inherited an established state, the circumstances were different, which forced them to encounter external and internal threats. The Mamluks had to defend their borders against the Crusaders and Mongols, who posed a military and economic threat by dominating major trade routes.[54] The Mamluks' genealogy was also problematic, and they came from different racial and ethnic backgrounds.[55] The social and political structure of the Mamluk regime was distinct; it capitalized on factionalism, which made violence ever present. Political legitimacy was granted to the victorious and powerful faction.[56] These were

[53] Robert Irwin, *The Middle East in the Middle Ages: The Early Mamluk Sultanate* 1250-1382 (Southern Illinois: University Press, 1986), 43.
[54] Northrup, "The Bahrī Mamluk Sultanate, 1250–1390," 248, 277.
[55] Baber Johansen, "A Perfect Law in an Imperfect Society: Ibn Taymīyah's Concept of Governance in the Name of the Sacred Law," *Harvard,* 259.
[56] Levanoni, "The Mamluk Conception of the Sultanate," 377.

all factors that fuelled disintegration rather than unity. Under these critical conditions, the Mamluks insisted on founding a state and gaining acceptance. They strived to build an empire that capitalised on various pillars. During this period, one of the main elements that they relied on was building and reshaping institutions in a way that consolidated their rule.

During the early period of state formation, mainly between 1260 and 1265, the Mamluks introduced measurable changes in some of the key institutions. One objective of these changes was to centralize their rule. They developed a hierarchical structure for the military more than their predecessors, the Ayyubids.[57] The military was divided into three main groups: the Royal Mamluks, *amīr*s' Mamluks and *ḥalqa* troops. The Royal Mamluks were considered the backbone of the army and had various ranks.[58] Whereas during the Ayyubids the *iqṭāʿ* was hereditary, in this new system the rank of the *Mamluk* was what determined the size of the *iqṭāʿ* that he received.[59]As part of centralisation, a close link was established between the military and the government; key offices in the administration were occupied by the Mamluks or supervised by them.[60] Furthermore, an advanced postal system was initiated, which served both the government and military; through this system, news reached Damascus from Cairo in four days.[61] As for the judiciary, in the beginning, the Mamluks maintained the same judicial system that was instituted by the Ayyubids. Then, in 1265, Baybars decided to apply the quadruple legal system. There are multiple readings for this radical transformation, but the indubitable consequence was that by this system, the four legal schools relatively enjoyed an equal status. The Mamluks also enhanced and innovated the *madrasa* system, and this was done through the properties that they donated as endowments *(awqāf)*,[62] which allowed them to become more involved in religious life.[63] The chancery was also one of the institutions that the Mamluks tried to restructure. It was expanded and restructured so as to become

[57] Northrup, "The Baḥrī Mamluk Sultanate, 1250–1390," 260.
[58] David Ayalon, "Studies on the Structure of the Mamluk Army," *Bulletin of the School of Oriental and African Studies, University of London* 15, no. 2 (1953): 205.
[59] Sayyidah Fatima Sadeque, *Baybars I of Egypt* (Dacca: Oxford University, 1956), 70.
[60] Northrup, "The Baḥrī Mamluk Sultanate, 1250–1390," 263.
[61] Sadeque, *Baybars I of Egypt*, 72.
[62] Matthew B. Ingalls, "Mamluk State and Law," *The Oxford Handbook of Islamic Law* 10, (2017), 8.
[63] Northrup, "The Baḥrī Mamluk Sultanate, 1250–1390," 270.

more hierarchical. One of the most important posts that they introduced was *kātib al-sirr,* who was considered the head of the chancery (*ṣāḥib ḍīwān al-īnshāʾ)*; he was the confidential secretary of the sultan and one of the most influential personnel in the *maẓālim* institution.[64] This office was occupied by civilians, who received a religious education, and was monopolised by certain families.

Maẓālim was also one of the key institutions that the Mamluks tried to reshape during the period of state formation. They established a particular venue and an elaborate bureaucratic process, which eventually made *maẓālim* become an integral part of the administration. While the primary objective of *maẓālim* was to redress wrongs committed by officials, the Mamluks tried to utilise the institution in a way that yielded more benefits to the regime. In this chapter, I will argue that the Mamluks politically utilised *maẓālim* during the period of state formation to consolidate their legitimacy. Historians have discussed this matter in several works that the Mamluks relied on the caliphate and projected themselves as the Islamic empire's defenders through their wars with the Crusaders to consolidate their legitimacy.[65] In that sense, they have relied on two leading institutions, which were the caliphate and military. I will argue that they used multiple ways to do this, such as the *waqf* foundation they used to support the *ulama*. *Maẓālim* could be added to these institutions and was one of the main pillars that the Mamluks capitalised on to consolidate their legitimacy and gain public acceptance during the period of state formation. This chapter will focus on the role played by Baybars in *maẓālim* because he is considered the real founder of the Mamluk sultanate, who laid the foundations of the state. *Maẓālim* was one of the institutions that were reshaped during this process. Qalāwūn and al-Nāṣir Muḥammad followed the same tradition that was initiated by Baybars and considered *maẓālim* an integral part of the administration and created a special venue for it. Baybars was able to politically utilise *maẓālim* to consolidate the legitimacy

[64] Linda Northrup, *From Slave to Sultan: The Career of al- Manṣūr Qalāwūn and the Consolidation of Mamluk Rule in Egypt and Syria* (Stuttgart: F. Steiner, 1998), 54; "The Baḥrī Mamluk Sultanate, 1250–1390," 264.
[65] Sherman A. Jackson, "The Primacy of Domestic Politics: Ibn Bint al-Aʿazz and the Establishment of Four Chief Judgeships in Mamluk Egypt," *Journal of the American Oriental Society* 15, no.1 (1995):52; Jonathan Berkey, "Mamluk Religious Policy," *Mamluk Studies Review* 13, no. 2 (2009): 11; Northrup, "The Baḥrī Mamluk Sultanate, 1250–1390," 255.

of the regime. Baybars played an active role in *maẓālim;* this does not imply that he reviewed every single petition, but, at times, he delegated this authority, which was accepted according to the theory of al-Māwardī.[66] Baybars was able to utilize the institution in multiple ways while preserving its primary objective, which was the redress of wrongs. There were moments when Baybars took advantage of the institution to magnify his role as a just ruler to gain public acceptance, and there were others when he used *maẓālim* to achieve specific political objectives such as the quadruple legal system. These were attempts that helped him project a positive public image and consolidate the legitimacy of the regime.

The idea that the Mamluks wanted to consolidate their legitimacy and gain public support remained a central ideology, especially in the early period of state formation. The victory of ʿAyn Jalut in 1260 was a turning point in the Mamluk history as it projected their supreme military power.[67] Between 1261 and 1262, Baybars decided to recognise one of the members of the Abbasids family to reign as caliph in Egypt.[68] Baybars tried to legitimise the Mamluk regime by reestablishing the caliphate, which was one of the foundations of an Islamic state. Robert Irwin asserts that Baybars also had another objective, which was to project the Mamluk system as pious and fair and eliminate any unfavourable memory that was attached to the regime.[69] However, for Sherman Jackson, it was very challenging to eliminate the unfavourable image that was attached to the regime for three main reasons. Although the presence of the caliph was essential to provide legitimacy for the regime,[70] in the viewpoint of Sherman Jackson, he remained an outsider, who was anonymous to the Egyptian population.[71] Furthermore, people were scared of the Mamluks mainly because accession to the throne often entailed violence,[72] including Baybars. Their slave

[66] Al-Māwardī, *al-Aḥkām al-sulṭānīyah wa-al-wilāyāt al-dīnīyah,* 94.
[67] Matthew B. Ingalls, "Mamluk State and Law," *The Oxford Handbook of Islamic Law* 10, (2017): 2; Jackson, "The Primacy of Domestic Politics: Ibn Bint al-Aʿazz," 59.
[68] Sadeque, *Baybars I of Egypt*, 43.
[69] As Robert Irwin asserts, Mamluk sultans preferred to reign by virtue of their traits and not only appointment. For this reason, they projected their military success along with just and pious deeds. Irwin, *The Middle East in the Middle Ages,* 43; Berkey, "Mamluk Religious Policy," 11.
[70] Ingalls, "Mamluk State and Law," 4; Nielsen, *Secular Justice in an Islamic State,* 117.
[71] Jackson, "The Primacy of Domestic Politics: Ibn Bint al-Aʿazz," 59.
[72] Ibid.," 58.

origin remained a stigma, which negatively impacted their legitimacy. If we consider all these factors, the desire of the Mamluk sultans to appear as just and ideal rulers becomes clearer. It also underscores how consolidating their relation with their subjects was key and was one of the means of achieving their objective.

As Linda Darling rightly notes, the Mamluks considered the idea of appearing as just rulers a main source of legitimacy. This urged them to strengthen their relationship with their subjects.[73] *Maẓālim* was one of the institutions that rendered Mamluks sultans the opportunity to project their justice to convey a positive public image and gain public support since the sultan was present in person to its sitting, which consolidated their legitimacy. This is particularly evident because of the nature of the institution and the way the Mamluk utilized it to achieve this political objective. Three main traits distinguish *maẓālim* during the Mamluks. The first was creating a particular venue for it.[74] This was important because it provided a public space for petitioners to appear. The second was the considerable emphasis place on *maẓālim* as a public event, and litigants possibly saw the sultan in person. This emphasized his image as a just ruler. The third was the elaboration of its bureaucratic process. These innovations reflect how *maẓālim* was restructured and institutionalized under the Mamluks to serve their political objectives.

Dār al-ʿadl

One of the main objectives of *maẓālim* according to al-Māwardī is to guarantee access to justice, especially when the *qāḍī*'s court failed to do so because of the strict rules of the *sharīʿah* or the defendant's power or social position.[75] Since it was one of the primary duties of the ruler to make sure that justice prevailed, he must offer the public the opportunity to complain about any unjust act in a broad sense and officials' usurpation in particular.[76] Therefore, the sultan had to

[73] Linda Darling, *A History of Social Justice and Political Power in the Middle East: The Circle of Justice from Mesopotamia of Globalisation* (New York, Rutledge: 1989), 120.
[74] *Dār al-ʿadl,* which was built by the Mamluks, was considered the main venue for *maẓālim*, whereas the Ayyubids did not confine holding of *maẓālim* sessions to this location.
[75] Al-Māwardī, *al-Aḥkām al-sulṭānīyah wa-al-wilāyāt al-dīnīyah,* 94; Tillier, "The Maẓālim in Historiography," 2.
[76] Al-Māwardī, *al-Aḥkām al-sulṭānīyah wa-al-wilāyāt al-dīnīyah,* 97; Nielsen, *Secular Justice in an Islamic State,* 1.

make himself accessible to the public on fixed days and in specific locations.[77] This what the Mamluk sultans did by creating a particular venue for *maẓālim* as *dār al-ʿadl,* which they were in attendance at on Mondays and Thursdays. According to Jørgen Nielsen, the building of *dār al-ʿadl* did not only mark the presence of an elaborate bureaucratic process and institution, as will be discussed,[78] but it also highlighted the accessibility of the sultan, who was keen on solving the problems of his subjects, and by that, he supported his legitimacy.[79]

The Mamluks did not invent this; it was already before them. According to al-Maqrīzī, the first of these magnificent establishments were found by Nūr al-Dīn Zankī in Damascus in 1163. One of the indispensable traits of this building since its foundation was that it highlighted the accessibility of the sultan and projected his justice to the public. According to the sources, what triggered Nūr al-Dīn's attention and made him establish a special venue for *maẓālim* as *dār al-ʿadl* was that he discovered that many people were complaining about abuses of power that were committed by the deputies of one of his most influential officials, Asad al-Dīn Shīrkūh. In response to these complaints, Nūr al-Dīn decided to establish and hold *maẓālim* sessions twice per week in *dār al-ʿadl* in the presence of judges and jurists.[80] Then, when the founder of the Ayyubid dynasty Ṣalāḥ al-Dīn attained to the throne, he followed the same tradition of his master and held *maẓālim* on Mondays and Thursdays in *dār al-ʿadl.*[81] Probably the building itself acquired a significant place as it projected the justice of the sultan and correlated with powerful rulers, which encouraged later sultans to establish it. According to al-Maqrīzī, the second *dār al-ʿadl* was established by al-Ẓāhir Ghāzī in Aleppo, in 1189. The third was founded by al-Kāmil Muḥammad, in 1207, in Cairo.[82] Although Ayyubid sultans established *dār al-ʿadl*, they did not confine holding *maẓālim* sessions to

[77] Nielsen, *Secular Justice in an Islamic State,* 1.
[78] Nielsen, *Secular Justice in an Islamic State,*15.
[79] Mathieu Tillier, "The Maẓālim in Historiography," 10.
[80] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3 : 363 ; Rabbat, " The Ideological Significance of the Dār al-ʿAdl," 3; Nielsen, *Secular Justice in an Islamic State,* 49.
[81] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 363 ; Rabbat, " The Ideological Significance of the Dār al-ʿAdl," 3.
[82] According to Nasser Rabbat, there is no reference that *dār al-ʿadl* that was built by al-Kāmil Muḥammad in Cairo was used for holding *maẓālim* sessions. Rabbat, "The Ideological Significance of the Dār al-ʿAdl," 12.

this location. As multiple sources reveal, *maẓālim* under the Ayyubids was often held in *al-Ṣāliḥiyya* madrasa.[83] Holding *maẓālim* in the *al- Ṣāliḥyya* madrasa under the Ayyubids is quite significant. It shows that under the Ayyubids *maẓālim* authority was not necessarily concentrated in the hands of political authorities but was delegated to the members of the religious establishment. In that respect, the sultan did not personally preside over *maẓālim* under the Ayyubids, but he delegated his authority to *nāʾib dār al-ʿadl,* who by virtue of the location belonged to the *ulama* class.[84]

Al-Ṣāliḥiyya madrasa remained the main venue for *maẓālim,* and even Aybak used it for holding *maẓālim* sessions until Baybars decided in 1262 to build a new *dār al-ʿadl* at the edge of Citadel of Cairo.[85] Baybars was probably inspired by the legacy of the building and wanted to project his justice. His decision to establish *dār al-ʿadl* underlines several innovations that emerged under the Mamluks. According to al-Maqrīzī and Ibn Faḍl Allāh al-ʿUmarī,[86] the sultan used to sit in his *īwān* or *dār al-ʿadl* on Mondays and Thursdays.[87] According to al-Maqrīzī, over ninety years, three *dār al-ʿadl*s were built. The first one was built by Baybars in 1262.[88] In 1284, Qalāwūn destroyed Baybars's *dār al-ʿadl* and built his own, which was known by *al-īwān* al- Manṣūrī. When his son al-Ashraf Khalīl attained to the throne, he renovated the building of his father.[89] Then, al-Nāṣir Muḥammad, in 1311, demolished the *īwān* that was built and renovated by his father and

[83] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3 : 365 ; Nielsen, *Secular Justice in an Islamic State,* 51; Nielsen," Maẓālim," *Encyclopaedia of Islam Second Edition.*
[84] Nielsen, *Secular Justice in an Islamic State,* 14.
[85] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3 :363.
[86] The information that we get from Ibn Faḍl Allāh al-ʿUmarī reveals the practical side of the institution, as he worked in the Mamluk chancery and served al-Nāṣir Muḥammad. His father Muḥyī al-Dīn Yaḥyā Ibn Faḍl Allāh was also *kātib al-sirr.* In 1339, Ibn Faḍl Allāh al-ʿUmarī was appointed to the post of *kātib al-sirr,* in Damascus. His two significant works *Masālik al-abṣār fī mamālik al-amṣār* and *al-Taʿrīf bi 'l-muṣṭalaḥ al-sharīf* are manuals for administration. These two sources are considered authoritative on Mamluk administration. Salibi, K.S., "Ibn Faḍl Allāh al-ʿUmarī," *Encyclopaedia of Islam Second Edition*. Al-Qalqashandī, who produced one of the most important manuals for Mamluk administration frequently refers to Ibn Faḍl Allāh al-ʿUmarī, who combined both the practical and theoretical experiences. Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 5: 135.
[87]The *īwān* or *dār al-ʿadl* both words are used interchangeably by Ibn Faḍl Allāh al-ʿUmarī and al-Maqrīzī. Ibn Faḍl Allāh al-ʿUmarī, Masālik al-abṣār fī mamālik al-amṣār, ed. Kamal Salman Dar al-Kutub al-ʿIlmiyyah), 3; 292-293; al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3:363;
Ibn Faḍl Allāh al-ʿUmarī, *Masālik al-abṣār fī mamālik al-amṣār,*3; 364.
[88] Rabbat, "The Ideological Significance of the Dār al-ʿAdl," 12.
[89] Ibid., 13.

brother. In 1333, he established a new one[90] which, as al-Maqrīzī maintains, was one of the most magnificent Mamluk buildings.[91] Under Baybars, Qalāwūn, and al-Nāṣir Muḥammad, the main venue for *maẓālim* sessions was *dār al-ʿadl.*[92] While *maẓālim* was the primary function of *dār al-ʿadl,* the building was used for other purposes such as receiving public delegations, announcing appointments and carrying ceremonial events.[93] In other words, its political identity was maintained. It was also used for receiving messengers from kings and reviewing the troops.[94] Historians tend to interpret the continuous building and demolishing of *dār al-ʿadl* as a sign of disintegration from the predecessor and an attempt by each sultan to leave his mark on administration and Cairo. Based on that, each sultan selected the most accessible location from his viewpoint.[95] Despite the multiple interpretations that historians provide for this idea of establishing and renovating this building over this span, it is clear that *dār al-ʿadl* often played a very crucial role. The venue allowed the sultan to offer royal justice and highlighted his accessibility to the public. This enabled the sultan to project a positive public image and consolidate his legitimacy. In that respect, Yossef Rapoport maintains that *dār al-ʿadl* formalized the sultan's jurisdiction and underscored his judicial authority.[96]

Maẓālim* as a *Khidma

Dār al-ʿadl became the primary location for holding *maẓālim* sessions. Based on al-Maqrīzī's narrative this venue became the main site of *khidma,* which was the ceremony of *maẓālim*.[97] The sultan usually went to *dār al-ʿadl* in a public procession know by *mawkib* to hold *maẓālim* sessions. While the practice of going to *dār al-ʿadl* in a *mawkib* was present since the

[90] Amalia Levanoni, *A Turning Point in Mamluk History the Third Reign of Al Nasir Muhammad ibn Qalāwūn* (Leiden: Brill, 1995), 157.
[91] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 361; Fuess, "Ẓulm by Maẓālim," 125.
[92] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 361, 364.
[93] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 365; Nielsen, *Secular Justice in an Islamic State,* 58.
[94] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 364; Rapoport, "Royal Justice and Religious Law," 81.
[95] Nielsen, *Secular Justice in an Islamic State*; 51; Fuess, "Ẓulm by Maẓālim," 127.
[96] Rapoport, "Royal Justice and Religious Law," 81.
[97] Nielsen, *Secular Justice in an Islamic State,* 54; Jørgen Nielsen, "Maẓālim," *Encyclopedia of Islam Second Edition.*

establishment of the institution, according to Jørgen Nielsen, the real innovation was the elaborate form of the *khidma*.[98] It was extensively elaborated upon to emphasize hierarchy. Under the Mamluks, the *mawkib* of the sultan to *dār al-ʿadl* included different levels of officials. In this procession, the sultan was accompanied by the highest-ranking officials in the military, administration, and judiciary.[99] The idea that *dār al-ʿadl* had other functions and all various levels of the officials accompanied the sultan in the *khidma* made *maẓālim* sessions a public event that reflected the real power of the state. Part of the Mamluks' concern with *maẓālim khidma* was their eagerness to follow the same tradition of the founder of this venue Nūr al-Dīn Zankī, who tried to make use of this location as a place, which resembled justice and was backed up by the physical power of the state.[100] This idea becomes more evident by considering the accounts of Ibn Faḍl Allāh al-ʿUmarī and al-Maqrīzī of *maẓālim* sessions under the Mamluks.[101] According to both authors, in *maẓālim* sessions, the sultan used to sit on a chair that made his feet barely touch the ground and was placed beside the throne.[102] On the right side of the sultan used to sit the four chief *qāḍī*s in the following order Shāfiʿī, Ḥanafī, Mālikī, and Ḥanbalī and beside them were the agent of the public treasury (*wakīl bayt al-māl),* and supervisor of the *ḥisba* of Cairo *(nāẓir al-ḥisba)*.[103] On the left side of the sultan sat the confidential secretary (*kātib al-sirr)* and vizier; if he were one of the men of the sword, he would stand at a distance from the holders of other offices. If he were vicegerent (*nāʾib al-sālṭana)*, he would stand with the men of the pen.[104] Behind the sultan from his right and left side two rows of the *silāḥdāriyya, jamadāriyya* and *khāṣṣakiyya* used to stand. These were the bearers of arms, keepers of the robes, and young *mamluks* who were brought up by the sultan. On

[98] Nielsen, "Maẓālim," *Encyclopaedia of Islam Second Edition.*
[99] Nielsen, *Secular Justice in an Islamic State,* 54.
[100] Ibid., 61.
[101] Ibn Faḍl Allāh al-ʿUmarī, *Masālik al-abṣār,* 3: 293; al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 366-367.
[102] The sultan that al-Maqrīzī is referring to is al-Nāṣir Muḥammad. Nasser O. Rabbat, "The Ideological Significance of the Dār al-ʿAdl," 15-17.
[103] Al-Maqrīzī provides this order while Ibn Faḍl Allāh al-ʿUmarī and al-Qalaqshandī do not provide a specific order for the four chief *qāḍī*s.
[104] This office was abolished by al-Nāṣir Muḥammad, in 1338. Karl Stowasser, "Manners and Customs at the Mamluk Court," *Muqarnas*2, (1984): 16.

fifteen cubits from the sultan was the place of the elderly and senior *amīr*s, who were known by *amīr*s of consultation *(umarāʾ al-mashūra)*.[105] Behind them sat the high ranking *amīr*s and holders of the offices. The rest of the *amīr*s had to stand behind *umarāʾal- mashūra.* Then, the chamberlains (*ḥujjāb)* and the *dawādāriyya* would stand behind this circle that surrounded the sultan to collect *maẓālim* petitions (*qiṣaṣ)*. Then, *kātib al-sirr* and the scribe of the bench (*kātib al-dast)* would start reading the petitions to the sultan.

These arrangements gave a visual dimension to the power structure. Interestingly enough, the sultan would refer to the *qāḍīs* the cases that involved *sharīʿah.*[106] This reflected the symbiotic relationship that existed between the political authorities and religious authorities. This was considered the tradition until al-Malik al-Ṣaliḥ b. Qalāwūn between 1352 and 1353 decided to delegate a case that fell under the *sharīʿah* jurisdiction to the *ḥājib*. While if the complaint was against the *amīrs* of *iqṭāʿāt,* then the supervisor of the army (*nāẓir al-jaysh*) would read it to the sultan. If the sultan required consultation, he would review the case with the *ḥājib* and *nāẓir al-jaysh.* The sultan would judge other cases based on what he saw.

Despite the minor differences between the accounts of Ibn Faḍl Allāh al-ʿUmarī and al-Maqrīzī, they are quite significant for multiple reasons. They show the vast emphasis that the Mamluks placed on *maẓālim* as a public event, in which they projected the power of the state. Jurgen Paul argues that the concept of the *khidma* was quite significant throughout Islamic history. It was one of the means of projecting royal authority in different areas of the empire. It also allowed the ruler to establish a direct connection with his subjects and define his relationship with different regime members.[107] The *khidma* was indicative and represented the military nature of the Mamluk state.[108] Furthermore, according to al-Qalqashandī, the sultan had seven modes of appearance in

[105] *Umarāʾal-mashūra* were considered the sultan's official advisors. Ibn Faḍl Allāh al-ʿUmarī, *Masālik al-Abṣār,* 3: 293.
[106] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 367.
[107] Jurgen Paul, "Khidma in the Social History of Pre-Mongol Iran," *Journal of the Economic and Social History of the Orient* 57, no. 3 (2014): 393-394, 396.
[108] Nielsen, *Secular Justice in an Islamic State,* 14.

royal protocol. The first mode was his appearance in *dār al-ʿadl* to hold *maẓālim* sessions. This shows that *maẓālim* was considered a public event, and the appearance of the sultan in it was central. Al-Qalqashandī, also, maintains that on regular days the seating arrangement of the officials and the *amīrs* was very close to *maẓālim* sessions.[109] The public appearance of the sultan in *maẓālim* sessions was central to the regime; eventually, it became an integral part of the administration.

The *khidma* reflected the proper functioning of the institution as it made *maẓālim* a public event. The regime tried to convey a message to the public that *maẓālim* functioned properly. It also highlighted the presence of just rulers and proper government. Jørgen Nielsen argues that the presence of an effective government would encourage the public to come and express their complaints and expect a fair judgment.[110] Albrecht Fuess asserts that *maẓālim* allowed the public, who were on the receiving end, to complain about officials. Ideally, none was exempted from *maẓālim*; even the sultan himself could be complained about in *maẓālim*.[111] This idea becomes more evident by considering one of the remarkable *maẓālim* cases, which made Baybars stand on an equal footing with his opponent, who was a soldier. The background of this incident, according to Ibnʿ Abd al- Ẓāhir, the biographer of Baybars, [112] was that one of the *mamluk*s of the sultan died and was buried in a particular area. Baybars later found a need for a well in the same area, so he ordered its establishment.[113] In 1262, the person who constructed the well claimed that the owner of it was one of the soldiers who was called Jamāl al-Dīn Maḥmūd and requested compensation. This person acted aggressively and harmed the feelings of the poor about the use of this well. This news reached the sultan, so he called Maḥmūd, who came and demanded that his case would be judged based on the *sharīʿah*. The deputies of *dār al-ʿadl* sent a petition to the *atābak* and the sultan; they requested that this case be judged based on the *sharīʿah*. In response to this petition, the *atābak* requested the presence of the chief *qāḍī* Ibn bint al-Aʿazz, who was responsible for the management of *waqf*s and mosques. The sultan, *atābak*, chief *qāḍī*, and four jurists of the four *madhāhib* were all present on the assigned day for *maẓālim*.

[109] Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 4: 46, 47.
[110] Nielsen, *Secular Justice in an Islamic State,* 40.
[111] Fuess, "Ẓulm by Maẓālim," 121.
[112] Qāḍī Muḥyi al-Dīn Ibnʿ Abd al-Ẓāhir was one of the contemporary historians. Most of this manuscript was written during Baybars's life. However, the manuscript that we have access to ends in 1265. Muḥyi al-Dīn Ibn ʿAbd al-Ẓāhir, *Al- Rawḍ al-ẓāhir fi sīrat al-Malik al-Ẓāhir*, ed. Sayyidah Fatima Sadeque (Oxford: Oxford University, 1956), 89.
[113] Ibid., 25-26.

The *atābak* asked the sultan to stand on an equal footing with his opponent without his sword. The chief *qāḍī* asked both to sit down and explain the case from their point of view. It turned out that the sultan was right. The *atābak* asked the four jurists about their opinion, and they agreed that the sultan was the owner of the well. However, some of the materials belonged to Maḥmūd, so the sultan had to compensate him. In order not to harm the feelings of the poor, the sultan endowed a property that would fund the expenses of the well. After this session, the sultan granted the *atābak* a robe of honour for administering justice. The sultan also gifted robes of honours to the chief *qāḍī* and his opponent.[114] This case is remarkable because it was one of the public moments when the sultan was subject to the law and did not utilize his authority as a sovereign. The relationship between religious law and non-religious law is quite significant in that case.
While *maẓālim* is a state prerogative and technically fell under *sultanic* authority and not religious authority, the early Mamluk sultans referred to the *qāḍī*s the cases that involved the *sharīʿah*. It reflects the power structure until the death of al-Nāṣir Muḥammad and the symbiotic relationship between both authorities.

This case also shows the extent to which Mamluk sultans were keen on appearing as ideal and just rulers, who could stand on an equal footing with their opponents in front of the public. Baybars attempt to appear as an ideal rule is evident in the biography of Ibnʿ Abd al-Ẓāhir, who emphasised that Baybar was a just ruler.[115] According to Ibnʿ Abd al-Ẓāhir Baybars's justice manifested itself in two main ways: abolishing all the unfair taxes which were on land and properties, reviewing, investigating, and delivering just verdicts in *maẓālim* sessions.[116] This shows the great emphasis placed on *maẓālim* as one of the sultan's primary that projected his justice to the public. This is also one of the instances that shows how Baybars publicly projected his justice, which consolidated the legitimacy of the regime. Ibnʿ Abd al-Ẓāhir asserts that after this case, everyone was afraid to commit any wrong act. People believed that the sultan was subject to the law.[117] Appearing as ideal and just rulers was very crucial for the Mamluk sultans. The involvement of members of the religious establishment, along with other officials in this case reflected proper governance, as it projected a desirable public image of the sultan and his regime. This was very

[114] Ibnʿ Abd al-Ẓāhir, *al-Rawḍ al-ẓāhir fi sīrat al-malik al-Ẓāhir*, 25-26; Fuess, "Ẓulm by *Maẓālim*," 123.
[115] Ibnʿ Abd al-Ẓāhir, *al-Rawḍ al-ẓāhir fi sīrat al-malik al-Ẓāhir*, 25-26; Albrecht Fuess, "Ẓulm by Maẓālim," 31.
[116] Ibnʿ Abd al-Ẓāhir, *al-Rawḍ al-ẓāhir fi sīrat al-malik al-Ẓāhir*, 22.
[117] Ibid., 25-26.

crucial for Baybars in the period of state formation. This case also confirms the idea that Mamluk sultans used *maẓālim* and their presence in *dār al-ʿadl* to publicly announce that they adhered to the *sharīʿah,*[118] which was an integral part of their legitimacy during this period.[119]

Maẓālim as an Integral Part of the Administration

Presiding over *maẓālim* was often considered a sign of power and sovereignty. Jørgen Nielsen maintains that the power of a vizier was determined by two main factors, which were his authority over finances and *maẓālim*.[120] The redress of grievance, as al-Māwardī asserted, was a practice that different rulers since the rise of Islam were keen on, which implies that it was an integral part of Islamic political theory.[121] Mathieu Tillier maintains that *maẓālim* remained the direct intervention of the sultan in the administration of justice and an articulation of his legitimacy.[122] In his viewpoint, *maẓālim* became one of the main " pillars of the social game," which strengthened the power of the ruler and made him control his entourage. Mathieu Tillier argues that rulers were very keen on the administration of justice to guarantee successful and stable reigns. Therefore, the redress of wrongs (*radd al- maẓālim*) was one of the most important concepts because it was a sign of sovereignty.[123] On the other hand, Karl Stowasser asserts that the Mamluks projected themselves as the champions of Sunni Islam. They tried to restore classical Islamic institutions such as *maẓālim* and restructured them in a way that suited their needs and magnified their role as Sunni rulers. The Mamluks were always keen on highlighting this role and used every possible public occasion to project their supreme military and authority and deliver this message to their subjects and visitors.[124] This idea becomes evident by considering *maẓālim* sessions as described by both Ibn Faḍl Allāh al-ʿUmarī and al-Maqrīzī.[125] The presence of military and civil

[118] Tillier, "The *Maẓālim* in Historiography," 10.
[119] Guy Burak, "Between the Kānūn of Qāytbāy and Ottoman Yasaq: A Note on the Ottomans' Dynastic Law," *Journal of Islamic Studies* 26, no.1 (2015): 18.
[120] Nielsen, *Secular Justice in an Islamic State,* 6,8.
[121] Al- Māwardī, *al-Aḥkām al-sulṭānīyah wa-al-wilāyāt al-dīnīyah*, 95, 98, 102.
[122] Tillier, "The Maẓālim in Historiography," 9.
[123] Ibid.,11.
[124] Karl Stowasser, "Manners and Customs at the Mamluk Court," *Muqarnas* 2, (1984): 15.
[125] Ibn Faḍl Allāh al-ʿUmarī, *Masālik al-abṣār*, 3; 292-293; al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār* 3:366.

officials with all their levels along with members of the religious establishment in *maẓālim* sessions were quite significant. It was, in essence, a sign of sovereignty and an articulation of the legitimacy of the regime. It also made the sultan control his entourage, as Mathieu Tillier asserts.[126] The essential elements of power that were members of the military, administration, and judiciary were all under the sultan's control in *maẓālim* sessions.

These public sessions indicate that *maẓālim* became a highly structured institution, with clear protocols and personnel. Unlike their predecessor, the Mamluks developed an elaborate institution and considered it an integral part of their rule. They placed a huge emphasis on it as an integral part of rule and one of the primary duties of the sultan. In that sense, they tried to follow the theory of *maẓālim* as described by al-Mawardī to appear as just and ideal rulers. This idea is further confirmed by the memorandum that Qalāwūn prepared for his son al-Malik al-Ṣaliḥ on how to run the state affairs during his absence on a campaign.[127] In this memorandum, the redress of wrongs appears as one of the primary duties of the sultan. Qalāwūn highlighted the importance of justice, and he explicitly mentioned that it is the assets of kings that their success was closely tied to it. He also advised his son to act justly towards all his subjects, regardless of their relation to him; he had to investigate their cases, consider their complaints, and listen to their settlements. For Qalāwūn, the prince had to review cases in the presence of both parties. As *maẓālim* protocol dictates, Qalāwūn advised his son to consult appointed *qāḍī*s for cases of a religious nature.[128] The same idea appears in the accounts of Ibn Faḍl Allāh al-ʿUmarī, al-Maqrīzī and al-Qalqashandī, which also shows that *maẓālim* became an integral part of the administration and that consultation with *qāḍī*s was indispensable. Qalāwūn followed the same theory of al-Māwardī, which entailed that the ruler

[126] Tillier, "The Maẓālim in Historiography,"11.
[127] *Al- Fadl al-maʾṭhūr min sīrat al- sulṭan al-Malik al-Manṣūr* by Nāṣir al Dīn Sāfī Ibn ʿAlī al-ʿAsqalānī is a vital source as this is considered a biography of sultan Qalāwūn. Sāfīstarted writing this biography during Qalāwūn's life. The author highlighted more than once his involvement in the incidents that he narrated. Sāfīwas probably frequently around the sultan, which gave him access to certain information and royal documents, like the one that is discussed. Nāṣir al Dīn Sāfī Ibn Alī al-ʿAsqalānī, *Al Fadl al-maʾṭhūr min sīrat al-sulṭan al-Malik al-Manṣūr* (Beirut: al-ʿAṣriyya 2019), 126; Paulina Lewicka, "What a King Should Care About: Two Memoranda of the Mamluk Sultan on Running the State's Affairs," *Studia Arabistyczne I Islamistyczne* 6 (1998): 7.
[128] Ibn al-ʿAsqalānī, *Al Fadl al-maʾṭhūr,* 126; Paulina Lewicka views this memorandum part of Qalāwūn's plan for the dynastic rule. Paulina Lewicka, "What a King Should Care About," 8.

should be present and accessible to the public. Al-Māwardī also considered the *sharīʿah qāḍī*s and jurists primary attendees in *maẓālim* sessions for consultation.[129] This is quite significant as it reflects the symbiotic relationship between the sultan and members of the religious establishment in *maẓālim*. It may explain the extent to which referring to the *ḥājib* debt and matrimonial cases between 1352 and 1353 represented a dramatic transformation.[130] *Qāḍī*s often acquired a special place in *maẓālim* sessions. This was not only confirmed by Qalāwūn's memorandum but also by the seating arrangement in *maẓālim* sessions. It was a vivid representation of the power structure and the symbiotic relationship between both authorities.

The major variation between Qalāwūn's view of *maẓālim* protocol and the previously mentioned authors is in his opinion about the cases that were not of a religious nature. Ibn Faḍl Allāh al-ʿUmarī, al-Maqrīzī and al-Qalqashandī tend to agree that the sultan had to consult the *ḥājib* and *nāẓir al-jaysh* in cases that involved the *amīr*s. On the other hand, Qalāwūn asserted that the prince should handle these cases, as they fell under the domain of his royal power, and he was the one who was able to establish the truth.[131] In the second chapter of this memorandum, Qalāwūn advised his son to disregard the social status of the parties. In the third chapter of this memorandum, Qalāwūn asserted that even on his absence, the deputies of *dār al-ʿadl* had to be present in the assigned days. Officials who are customarily obliged to attend should review complaints and administer justice.[132] This memorandum shows the extent to which *maẓālim* became an integral part of the administration and governance that even in the absence of the sultan it had to operate. This is further confirmed by the fact that the Qalāwūn dedicated three chapters to *maẓālim,* and the rest of the memorandum dealt with different military and administrative affairs of the state and *amīr*s.[133] It also shows that the sultan had to deal with the cases personally, and this allowed him to project his justice to his subjects. Qalāwūn referred to the same concepts that Niẓām al-Mulk mentioned

[129] Al-Māwardī, *al-Aḥkām al-sulṭānīyah wa-al-wilāyāt al-dīnīyah*, 97.
[130] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 712.
[131] Ibn al-ʿAsqalānī, *Al Fadl al-maʾṭhūr,* 126*;* Lewicka, "What a King Should Care About," 13.
[132] Ibn al-ʿAsqalānī, *Al Fadl al-maʾṭhūr;*118-135; Lewicka, "What a King Should Care About," 15.
[133] Lewicka, "What a King Should Care About," 17.

about *maẓālim*.[134] This reflects the extent to which the Mamluks considered *maẓālim* an integral part of Islamic government and an indispensable source of legitimacy and social order.

While Qalāwūn's memorandum reflects the extent to which *maẓālim* became integrated into the administration and one of the main principles of governance, the elaborate bureaucratic process for *maẓālim,* which is represented in the multiple channels for submitting petitions that the Mamluks developed underscores this key development. According to al-Qalqashandī, there were six methods for submitting *maẓālim* petitions. The first was presenting petitions directly to the sultan on ordinary days, and this was by giving it to *kātib al-sirr,* who would hand it to the chancery clerks.[135] The second was submitting petitions to the head of the chancery (*ṣāḥib dīwān al-īnshāʾ)*. There were two ways to present petitions through this channel, which varied based on the social class of the petitioner. If the petitioner was one of the Royal Mamluks or belonged to the elite class, he had to present his petition to *ṣāḥib dīwān al-īnshāʾ* directly; based on the petition's nature, *ṣāḥib dīwān al inshāʾ* would determine whether this case would be sent to the sultan, or deal with it directly. If the petitioner was one of the public, he had to submit his case to one of the sectional heads of the chancery, who would review it and submit it to the *saḥib dīwān al inshāʾ*. He would review the case and determine its eligibility to be presented to the sultan.[136] The third method was presenting petitions to the sultan at *dār al-ʿadl*. In this method, *kātib al-sirr* and *kātib al-dast* played a crucial role, as they were the ones who chose which petitions would be presented to the sultan, and they read it out. They translated the sultan's decision based on the sign that he gave with his head or hand and wrote it on the back of the petition. Then, it was returned to one of the chancery clerks.[137] The fourth method was presenting petitions to (*nāʾib al kāfīl),* who would assign the task of reading the petition to *kātib al-dast,* who had to record his order and refine the petition. Then, the petition was carried to *kātib al-sirr,* who would submit it to one of the chancery clerks.[138]

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[134] Niẓām al-Mulk, *Siyāsat'nāmah,* 13-14.
[135] Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 6: 196; Nielsen, *Secular Justice in an Islamic State,* 65.
[136] Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 6: 197; Nielsen, *Secular Justice in an Islamic State,* 66.
[137] Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 6: 197-198; Nielsen, *Secular Justice in an Islamic State,* 67.
[138] Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 6: 198.

Presenting petitions to the *atābek* or *al-amīr al-kabīr* was the fifth method. According to al-Qalqashandī, this often happened when the sultan was a minor.[139] *Katīb al-dast* played a crucial role, as he was the one who judged clear matters such as enforcing rights and presented to the *atābek* only the debatable issues.[140] The last channel was presenting petitions to the *dawādār*, who usually carried a message from the sultan and informed *kātib al-sirr* the decision of the sultan regarding a specific case.[141] It is important to note that al-Māwardī's theory and Qalāwūn's memorandum highlight the significance of the participation of the *qāḍī*s in the decision process of *maẓālim* cases. However, the bureaucratic process does not confirm this. It appears that *qāḍī*s played a crucial role in the public *maẓālim* sessions only. They did not participate in the bureaucratic process. In that sense, the regime used *qāḍī*s to project a positive public image by showing that they delivered just verdicts that complied with the *sharīʿah.*

The various channels for submitting *maẓālim* petitions, which are presented by al-Qalqashandī, reveal the elaborate bureaucratic process that the Mamluks developed. The multiple channels that were noted by al-Qalqashandī uncover the power that some of the civilian officials acquired, such as *kātib al-sirr* and *kātib al-dast*.[142] They were the personnel who decided to deal with a case or referred it to the sultan or high officials. One should not ignore that the way they read the petitions and how they translated the sultan's decision could have impacted the judgment, though they took an oath that they should not deliver unintended meanings.[143] Since many sultans

[139] Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 6: 198. However, this contradicts with St. Catherine petitions which were reviewed by the *atābak* Fāris al-Dīn Aqtāy al-Sāliḥī al-Najmī during the reign of Baybars. S. M. Stern, "Petitions from the Mamluk Period," 244.
[140] Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 6: 198-199; Nielsen *Secular Justice in an Islamic State,* 68.
[141] Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 6: 199; Nielsen, *Secular Justice in an Islamic State,*70.
[142] According to Jørgen Nielsen, *kātib al-sirr* played the same role as the vizier during the Abbasids. He was the connecting channel between the ruler and the public. *kātib al-sirr* was one of the most vital personnel because he was the one responsible for handling *maẓālim* petitions. This post was monopolized by certain families Banū al-ʿUmarī.They were educated civilians, who received religious training and occupied a social status which was very close to the *ulama*. Nielsen, *Secular Justice in an Islamic State,* 136-138.
[143] Tāj al-Dīn ʿAbd al-Wahhāb ibn ʿAlī Subkī, in his book *Muʿīd al-niʿam wa-mubīd al-niqam* asserts that *kātib al-sirr* was responsible for signing instead of the sultan, and he knew all his secrets. He was also responsible for signing the appointments and dismissal decrees of officials. He was the one responsible for presenting *maẓālim* petitions to the sultan and clarifying cases for the sultan until he understood the issue. In al-Subki's viewpoint, if the sultan delivered an unfair judgment, *kātib al-sirr* was the one to be blamed, as he did not clarify the matter to the sultan. Tāj al-Dīn ʿAbd al-Wahhāb ibn ʿAlī Subkī, *Muʿīd al-niʿam wa-mubīd al-niqam* (Cairo: Maktabat al-Khānjī, 1993), 30; Nielsen, *Secular Justice in an Islamic State,* 70-71.

found it hard to understand petitions, as they did not know Arabic,[144] the presence of *kātib al-sirr* was vital; he was the personnel reading and clarifying the petition to the sultan.[145] This also reflects how the chancery and *maẓālim* were restructured and reveals the close link that was established between these two institutions. The methods of presenting petitions and the procedures uncover the bureaucratic process. They also reveal that though in theory petitions should be submitted to the sultan, the norm was that different officials dealt with petitions based on their content.[146] While in theory and according to Qalāwūn's memorandum, *qāḍī*s should participate in this process, the bureaucratic process that the Mamluks developed gave a higher authority to the military officials and chancery personnel.

Institutionalization

The idea that *maẓālim* became an integral part of the administration calls attention to institutionalization. This argument is based on the fact that the elaborate bureaucratic process that the Mamluks developed was what defined *maẓālim* as an institution.[147] The Mamluks tried to institutionalize *maẓālim* by creating a very detailed bureaucratic process and special venue for it, which reflected their concern for the redress of wrongs and making it one of the main principles of governance as Qalāwūn asserts in his memorandum. The question is, why did the Mamluks attempt to institutionalize *maẓālim,* by making it an integral part of the administration? There are multiple reasons for this, some of which can be attributed to the institution in general. The Mamluks found that it could serve their political objectives in the period of state formation. While the integration of *maẓālim* in the administration was a sign of sovereignty and articulation of the regime's legitimacy, it allowed the sultan to directly interfere in the administration of justice and impose policies that yielded benefits to the regime and, more importantly, without being viewed as violating the *sharīʿah*.

[144] Stowasser, "Manners and Customs at the Mamluk Court," 16.
[145] Nielsen, *Secular Justice in an Islamic State,* 70-71.
[146] Ibid.,73.
[147] Jørgen Nielsen, *Secular Justice in an Islamic State,*74.

The following section will focus on *maẓālim* in a specific moment, which is 1265. This period is considered one of the landmarks in the Mamluk legal history. Baybars decided to appoint four chief *qāḍī*s, in response to complaints that were brought before *maẓālim*. This section will try to highlight how *maẓālim* was politically utilised to serve broader objectives of the regime, which were all related to consolidating their legitimacy and projecting a positive public image.

In general, *maẓālim* was often the way through which authorities interfered in the administration of justice. In the viewpoint of Albrecht Fuess, the institution developed when rulers no longer played a dual role and were forced to delegate their judicial authority to appointed *qāḍī*s.[148] According to Joseph Schacht, in theory, the *qāḍī* 's office was an independent body that could be a rival to political authorities, mainly rulers. In practice, however, matters were dramatically different as *qāḍī*s had to refer to political authorities to enforce their judgments, especially in criminal and fiscal matters.[149] As Jonathan Berkey asserts, Mamluk sultans also indirectly controlled the legal system by appointing and dismissing *qāḍī*s and interfering in the application of the law.[150] It is important to note that *maẓālim* was one of the means through which the sultan directly exercised an extraordinary judicial authority. *Maẓālim* is often viewed, and as the theory of al-Māwardī suggests and various contemporary historians assert, a " superior justice" that is concentrated in the hands of the ruler who delegated his judicial power to the *qāḍī*.[151] According to Wael Hallaq, *maẓālim* allowed the ruler to restore his judicial authority, which was delegated to the *qāḍī* at any point.[152] In that respect, *maẓālim* could be viewed as the institution that justified the interference of the ruler in the administration of justice. This was an essential element for the

[148] Fuess, "Ẓulm by Maẓālim," 122.
[149] Joseph Schacht, " Islamic Law Under the First Abbasids; Legislation and Administration," in *An Introduction to Islamic Law* (Oxford University Press, 1967), 50-51.
[150] Jonathan Berkey, "Mamluk Religious Policy," 54.
[151] Al- Māwardī, *al-Aḥkām al-sulṭānīyah wa-al-wilāyāt al-dīnīyah*, 94; al-Nuwayrī, *Nihāyat al-arab fī funūn al-adab* (Beirut: Dar al-Kutūb al-'Ilmiyah, 2004), 5:224; al-Maqrīzī, *al-Mawā'iẓ wa-al-i'tibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 362; al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 3:297.
[152] Wael Hallaq, "The Judiciary Coming of Age," in *The Origins and Evolution of Islamic Law* (Cambridge: Cambridge University Press, 2005), 99-100; Tillier, "The *Maẓālim* in Historiography," 2.

Mamluks, who wanted to project a positive public image. Consequently, they tried to find grounds for their actions and avoid any deeds that would harm this portrayal.

Historians have agreed that *maẓālim* played a crucial role in the of appointment of the four chief *qāḍī*s. Jørgen Nielsen asserts that the inheritance case of the heirs of al-Nāṣir, one of the Mamluk *amīr*s, triggered the appointment of the four chief *qāḍī*s. In his viewpoint, this general case impacted the state structure. [153] On the other hand, Sherman Jackson maintains that according to al-Maqrīzī the complaints that the sultan received against the Shāfiʿī chief *qāḍī* Ibn bint al-Aʿazz from various *amīr*s, including *amīr* Jamāl al-Dīn Aydughdī, triggered the appointment of the four chief *qāḍī*s.[154] The background of the incident, according to al-Maqrīzī, was that while the sultan was presiding over *maẓālim* in *dār al-ʿadl* at the end of 1265, more than one case was brought before him, and they were all against the chief *qāḍī* Ibn bint al-Aʿazz. The first case was by the heirs al-Nāṣir. They complained that after they purchased the mansion of the chief judge Badr al Dīn al-Sinjārī, in his life, his heirs claimed that this property was a *waqf*. This case was a point of conflict between *amīr* Jamāl al-Dīn Aydughdī and Ibn bint al-Aʿazz. Amir Jamāl al-Din was often against *qāḍī* Ibn bint al-Aʿazz's polices due to the rigidity of his judgments. The judgment of *qāḍī* Ibn bint al-Aʿazz was that if the *waqf* was confirmed, the heirs had to return the money to the buyers. The sultan interrupted him by asking about the position of the heirs of al-Nāṣir, if they were not able to pay. The answer of Ibn bint al-Aʿazz was that "The *waqf* is confirmed… the buyers receive nothing."[155] Based on al-Maqrīzī's narrative, it was clear that the answer of Ibn bint al-Aʿazz dissatisfied the sultan. Then, another case was brought before Baybars; one of the messengers of the *amīr* of Medina complained that Ibn bint al-Aʿazz refused to give him the allocated money for the *waqf* that was under his control. In this case, *qāḍī* Ibn bint al-Aʿazz overruled the orders of Baybars, and when he was asked about the reason behind this action, he justified his deed by claiming that he could not give the money to someone he did not know. In the viewpoint of Ibn bint

[153] Nielsen, *Secular Justice in an Islamic State,* 130.
[154] Jackson, "The Primacy of Domestic Politics: Ibn Bint al-Aʿazz,"54.
[155] Al-Maqrīzī, *Kitāb al-Sulūk li-maʿrifat duwal al-mulūk,* 2 :27.

al-Aʿazz, the money had to be given to someone he trusted his faith. Then, one of the *amīr*s complained about *qāḍī* Ibn bint al-Aʿazz and said that he refused to consider his testimony without a valid reason. When Aydughdī asked *qāḍī* Ibn bint al-Aʿazz about his rationale, he argued that he had to test the moral uprightness of this person.[156] However, it was clear that *qāḍī* Ibn bint al-Aʿazz refused his testimony because of his *madhhab*. Then, *amīr* Aydughdī suggested that in order to solve this constant struggle, the sultan could appointment four chief *qāḍī*s, one from each *madhhab*. Baybars considered the suggestion of the *amīr;* on the following Monday, he appointed four chief *qāḍī*s. Ibn bint al-Aʿazz remained the chief *qāḍī* of the Shāfiʿī *madhhab* and retained exclusive jurisdiction over some issues, which pertained to public treasury and orphans properties'.[157]

The establishment of the quadruple legal system could be viewed as one of the instances when *maẓālim* was politically utilized. The complaints that were brought before the sultan on one day in *dār al-ʿadl* did not only push the sultan to impose this policy, but more importantly, it justified his decision as the cases involved both members of the regime and ordinary subjects. The cases that were brought before the sultan on this day negatively impacted the interest of the public and political elites. The petitions were all complaints against the chief *qāḍī* Ibn bint al-Aʿazz and his insistence on applying very strict rulings and his rejection of the rulings that were not in accordance with the Shāfiʿī *madhhab*.[158]

Baybars's decision to appoint four chief *qāḍī*s, in 1265, did not come suddenly; we can find roots for this policy two years earlier. According to *qāḍī* Muḥyi al-Din Ibn ʿAbd al- Ẓāhir, the biographer of Baybars, in 1262 Baybars realized that the population of Cairo increased, and it was the capital of the empire. Since all the jurists from different *madhāhib* were gathered in it, he ordered the appointment of three deputies for the chief *qāḍī* Ibn bint al-Aʿazz to accommodate the needs of the growing population. He appointed Ḥanafī and Mālikī deputies but did not appoint a

[156] Ibid., 2 :27.
[157] Ibid., 2 :28.
[158] Ibid., 2 :27.

Ḥanbalī as they were not too many, but he opened a registrar for them.[159] Interestingly enough, Baybars decided to take this decision in the same year that he ordered the construction of *dār al-ʿadl* at the foot of the citadel.[160] We can consider that the appointment of the deputies and the establishment of *dār al-ʿadl* set the stage for the measurable legal reform that was introduced in 1265, which marked the sultan's direct interference in the administration of justice. According to Yossef Rapoport, *dār al-ʿadl* that was established by Baybars was a significant part of his judicial reform, which had a crucial impact on the Mamluk legal system. From his point of view, the establishment of *dār al-ʿadl* and application of the quadruple system could be viewed as two vital developments that highlighted the involvement of the sultan in the administration of justice.[161]

Another interpretation that Yossef Rapoport and Ido Shahar provide is that Baybars wanted to accommodate growing population's needs and create a more flexible and predictable system.[162] Ibn bint al-Aʿazz refused to comply with the rulings of the other three *madhāhib*,[163] as the above cases reveal. It is evident that he ignored the opinions of his non-Shāfiʿī deputies.[164] This created a pressing need for the appointment of four chief *qāḍī*s. For Jørgen Nielsen, the way the cases were brought before Baybars in *maẓālim* suggests that Baybars was waiting for the chance to diminish the power of Ibn bint al-Aʿazz. In his viewpoint, Baybars wanted to weaken the position of the Shāfiʿī *madhhab* and to promote the Ḥanafī *madhhab* that the Mamluks adhered to.[165] Sherman

[159] Qāḍī Muḥyi al-Dīn Ibn ʿAbd al-Ẓāhir is one of the contemporary historians, and most of the manuscript was written during Baybars life. Ibn ʿAbd al- Ẓāhir, *al- Rawḍ al-ẓāhir fi sīrat al-Malik al-Ẓāhir*, 89.
[160] Ibnʿ Abd al- Ẓāhir, *al- Rawḍ al-ẓāhir fi sīrat al-Malik al-Ẓāhir*, 90.
[161] Rapoport, "Royal Justice and Religious Law," 81.
[162] Rapoport, "Legal Diversity in the Age of Taqlid: The Four Chief Qāḍīs Under theMamluks," *Islamic Law and Society* 10, no. 2 (2003): 210-211; "Royal Justice and Religious Law," 77; Ido Shahar, "Legal Pluralism and the Study of Sharīʿah Courts," *Islamic Law and Society* 15, no.1 (2008): 132-133.
[163]Sherman Jackson asserts that Ibn bint al-Aʿazz occupied the office of the chief judge from 1261-1267. In the Ayyubid and the Mamluk, legal systems, the authority of the deputies was derived from the chief judge who received and confirmed judgments, so the deputies did not possess real power. When a judgment was authenticated, it was documented in *dīwān al-ḥukm*. This was the case unless the judge was directly appointed by the sultan; he had the authority of *tasjīl* (registering). The problem arose because of this system; if the principal belonged to a different *madhhab* than the deputy, he could refuse to authenticate the judgment. In that sense, with the monopoly that the Shāfiʿī *madhhab* enjoyed the judgments of other *madhāhib* were not enforced. Jackson, "The Primacy of Domestic Politics," 61- 62; Stilt, *Islamic Law in Action*, 35.
[164] Rapoport, "Legal Diversity in the Age of Taqlīd," 212; Berkey, "Mamluk Religious Policy," 13.
[165] In that respect, Baybars was not responding to a problem that aroused and petitions that were submitted in *dār al-ʿadl,* but he was waiting for the right time to interfere in the legal system. Jørgen Nielsen, "Sultan al-Ẓāhir Baybars and the Appointment of Four Chief Qāḍīs," *Studia Islamica*, 60 (1984): 171-172; Irwin, *The Middle East in the Middle Ages,* 43.

Jackson suggests an alternative scenario that triggered Baybars decision, which was the dissatisfaction of the jurists of the other three *madhāhib*. Baybars did not want a conflict to arouse between the *ulama*, who were one of the most important groups of the society.[166] Consequently, the sultan had to choose either to recognise the four schools or dismiss Ibn bint al-Aʿazz from his position.[167] It was a critical moment seeing that Baybars was still trying to consolidate his legitimacy and gain public support.[168]Amalia Levanoni agrees with Sherman Jackson that Baybars wanted to eliminate the unfavorable image of the Mamluk, which was portrayed for ten years, as the rise of the Mamluks often entailed violence.[169] Consequently, people lacked the sense of the state with a lack of continuity and legitimacy, and this was what motivated Baybars to appoint four chief *qāḍī*s.[170]

While the views about reasons behind the appointment of the four chief *qāḍī*s are controversial, it appears that *maẓālim* played a crucial role. It was politically utilized to achieve a particular political objective. This issue becomes more apparent by looking at the implications of the appointment of four chief *qāḍī*s on the public and state levels. On the public level, this system offered flexibility and predictability for litigants, which as Ibnʿ Abd al-Ẓāhir maintains, was essential to accommodate the growing social needs of the population.[171] Furthermore, in the view of Yossef Rapoport, the quadruple legal system overcame the rigidity that was created by the shift in Islamic jurisprudence from *ijtihād* to *taqlīd.*[172] Occasionally, the Shāfiʿi *madhhab* failed to

[166] Jackson, "The Primacy of Domestic Politics," 53.
[167] Baybars could not dismiss Ibn bint al-Aʿazz from his office due to the wide support that he had, which could have impacted his legitimacy. The best option that Baybars found was to recognise the four *madhāhib*. Shahar, "Legal Pluralism and the Study of Sharīʿah Courts," 133.
[168] Jackson, "The Primacy of Domestic Politics of Ibn Bint al-Aʿazz," 57.
[169] According to Levanoni, Mamluk sultans were often assassinated; most probably, the one who planned for the assassination became the head of the faction and eventually the sultan. This what Baybars did with Qutuz, but he always tried to eliminate this violent image. Levanoni, "The Mamluk Conception of the Sultanate," 377.
[170] Jackson, "The Primacy of Domestic Politics: Ibn Bint al-Aʿazz," 57.
[171] This system offered litigants the opportunity to choose the *madhhab* that suited their case, regardless of their affiliation. The appointment decrees of the judges specified that they were expected to rule based on the predominant opinion of their school to guarantee the predictability of the system. To guarantee objectivity, *siyāsah* policy banned judges from rendering judgments that did not abide by their school. Ido Shahar, "Legal Pluralism and the Study of Sharīʿah Courts," *Islamic Law and Society* 15, no.1 (2008): 132; Rapoport, "Royal Justice and Religious Law," 77; Ibnʿ Abd al-Ẓāhir, *al- Rawḍ al-ẓāhir fi sīrat al-Malik al- Ẓāhir*, 89.
[172] A significant transformation happened in the area of deriving law by which it was no longer based on *ijtihād*. *Taqlīd* became the new mode, and jurists accepted the doctrine of the school without going through a long methodological

accommodate some of the major issues that were related to stipulations in a marriage contracts, marriage of minor orphans, and declaration of bankruptcy to avoid paying. The rigidity of the law increased not only because of the Shāfiʿī *madhhab* but due to the shift from *ijtihād* to *taqlīd*. Thus, Yossef Rapoport agrees with Kristen Stilt and Ido Shahar that the quadruple legal system was essential to decrease the rigidity of the law and to avoid the limitations of a single *madhhab*.[173] This was a shift that benefited different segments of the society.

On the state level, the quadruple system allowed the state to play a very active role and indirectly intervene in the legal system. The state exploited the differences between the *madhāhib*.[174]Although the Shāfiʿī judges retained exclusive jurisdiction over some issues which were related to public treasury and orphan's properties',[175] the four Sunni schools relatively enjoyed equal status. One of the vital implications of this system, as Jonathan Berkey asserts, was that Cairo, which was the capital of the Mamluk sultanate, became the center of Sunni Islam and culture. This complimented one of the broader strategies of the Mamluk regime, as they projected themselves as champions of Sunni Islam.[176]

Despite the multiple readings that historians provide for the appointment of the four chief *qāḍī*s and its implications, one of the objectives of this radical transformation remains political, and it consolidated the legitimacy of the Mamluks. *Maẓālim* was one of the means through which this political objective was achieved. This incident also represents one of the instances when *maẓālim* was used as a "superior justice." Baybars used the judicial authority that *maẓālim* granted to him and directly interfered in the administration of justice and introduced one of the legal innovations that continued to form the basis for the Mamluk legal system. This is even clear from al-Maqrīzī's narrative; he asserts that due to the number of complaints that the sultan received against Ibn bint

process to confirm the validity of a specific law. Rapoport, "Legal Diversity in the Age of Taqlid," 214, 220; Stilt, *Islamic Law in Action,* 27.

[173] Rapoport, "Legal Diversity in the Age of Taqlid," 214, 220; Stilt, *Islamic Law in Action,* 27; Shahar, "Legal Pluralism and the Study of Sharīʿah Courts," 132.

[174] Rapoport, "Royal Justice and Religious Law," 77; Shahar, "Legal Pluralism and the Study of Sharīʿah Courts."139.

[175] Al-Maqrīzī, *Kitāb al-Sulūk li-maʿrifat duwal al-mulūk,* 2: 28.

[176] Berkey, "Mamluk Religious Policy," 13.

al-Aʿazz, "it was agreed that the sultan would sit in *dār al-ʿadl* on Monday." [177] This implies that the Baybars was planning to appoint four chief *qāḍī*s. However, probably, he could only apply this through the channel of *maẓālim* and its "superior justice" that enabled him to directly interfere in the administration of the justice, without appearing as violating *sharīʿah*, something the Mamluks wanted to avoid, especially in the period of state formation. This would have harmed their legitimacy, which they were trying to consolidate by multiple means, one of which was by projecting themselves as the defenders of Sunni Islam.[178]

The first decades of the Mamluk sultanate were quite challenging due to the various threats that they had to encounter. One of the primary objectives of the regime was to set up a state that capitalized on various institutions to consolidate their legitimacy. *Maẓālim* was one of the leading institutions that the Mamluk relied on to achieve this political objective. While preserving the primary objective of the institution, which is the redress of wrongs, Mamluk sultans politically utilized the institution to magnify their role as just rulers and achieve specific objectives such as the quadruple legal system. In that respect, *maẓālim* could be considered one of the institutions that projected a positive public image of Mamluk sultans and allowed them to interfere in the administration of justice without harming their portrayal, which was a cornerstone in their legitimacy.

[177] Al-Maqrīzī, *Kitāb al-Sulūk li-maʿrifat duwal al-mulūk,* 2 :27.
[178] Stowasser, "Manners and Customs at the Mamluk Court,"15; Berkey, "Mamluk Religious Policy," 10; Rabbat, "The Ideological Significance of the Dār al-ʿAdl," 19; Stilt, *Islamic Law in Action,*31.

3

Maẓālim and the Expansion of the *Ḥājib* Jurisdiction (1341-1382)

The previous chapter looked at *maẓālim* during the period of state formation, mainly between 1260 to 1341. Three main traits distinguished Mamluk *maẓālim* during this period; these were the creation of a particular venue, the considerable emphasis that was placed on *maẓālim* as a public event, and the elaborate bureaucratic process that was developed. These innovations reflected the place of *maẓālim* in the Mamluk state and how it became an integral part of the administration, which calls attention to institutionalization. The reasons behind institutionalization could be that the Mamluks tried to utilize the institution politically. *Maẓālim* allowed Mamluk sultans to offer royal justice, highlighted their accessibility to the public, allowed them to impose policies that yielded benefits to the regime. Through *maẓālim,* Mamluk sultans were able to consolidate their legitimacy, which was one of their primary objectives during this period.

Context

The Mamluks expected the fourteenth century to be a period of stability and prosperity with the end of the Crusaders and the Mongol invasions, as the military and economic threats that were posed by these two dominant powers were eliminated.[179] However, the state entered a new phase with the death of al-Nāṣir Muḥammad in 1341. This new phase emerged with its distinct internal political, economic, and social challenges. After the death of al-Nāṣir Muḥammad, the state entered

[179] Linda Northrup, "The Baḥrī Mamluk Sultanate, 1250–1390," 284.

a new phase of political instability with the weak rule of the Qalāwūnid s, which was accompanied by economic and social challenges.[180]Amalia Levanoni and Linda Northrup agree that a gradual deterioration occurred starting the third reign of al-Nāṣir Muḥammad (r. 1310-1341). According to Amalia Levanoni and Linda Northrup, the military and economic reforms that al-Nāṣir Muḥammad introduced were the main reasons behind the decline of the Baḥrī Mamluks;[181] the impact of these reforms manifested themselves after his death. Al-Nāṣir Muḥammad altered the social structure of the Mamluk regime by allowing the recruitment of non-Mamluks and sons of Mamluk *elites* (*awlād al-nās)* to senior military positions. His advancement strategy was different from his predecessors; it was based on gifts and marriage alliances more than performance and loyalty to the household.[182] The impact of these reforms led to the increase of the financial demands of the *amīr*s. this forced al-Nāṣir and his successors to distribute *iqṭāʿāt* in a way that pleased the *amīr*s and consumed the resources of the state.[183]

The second half of the fourteenth century was a period of economic and social crises, and this issue intensified with the emergence of the bubonic plague. It was one of the devastating events in Egypt and Syria; it started in 1347, and its peak was between 1348 and 1349.[184] It was a catastrophic period for the sultanate, as it was already experiencing famine.[185] The very high mortality rates had economic and social drawbacks; the plague's recurrent waves affected the army and the public.[186] The plague directly contributed to the economic crisis because it impacted the workforce, mainly peasants, who were responsible for agricultural production. Since Egypt was an agrarian society and land tax was one of the primary sources of revenue, the plague's impact was

[180] Ibid., 253.
[181] Levanoni, *A Turning Point in Mamluk History,* 1-2; Northrup, "The Baḥrī Mamluk Sultanate, 1250–1390," 253.
[182] Levanoni, *A Turning Point in Mamluk History,* 33, 40, 42, 46; Linda Northrup, "The Baḥrī Mamluk Sultanate, 1250–1390," 262, 287.
[183] Northrup, "The Baḥrī Mamluk Sultanate, 1250–1390,"263; Levanoni, *A Turning Point in Mamluk History,* 68-69.
[184] Stilt, *Islamic Law in Action,* 21; Northrup, "The Baḥrī Mamluk Sultanate, 1250–1390," 287.
[185] Northrup, "The Baḥrī Mamluk Sultanate, 1250–1390," 287.
[186] Ibid., 253.

devastating on the economy and the army, as the state failed to buy new recruiters to replace those who died.[187]

The Mamluk state suffered not only from chronic economic problems during this period but also from political instability. The struggle between factional powers intensified under the Qalāwūnid rule, and this was one of the many factors that created instability.[188] Between 1341 and 1382, twelve sultans came from the Qalāwūnid house; eight of them were minors, who did not receive military training and were brought up in the women's quarter (*ḥarīm).* Jo Van Steenberg and Frederic Bauden argue that the Qalāwūnid s were weak characters, who followed the orders of their officials, and their presence on the throne was a matter of convenience for the Mamluk oligarchy.[189] In the middle of the fourteenth century, accession of the Qalāwūnids to the throne was based on the support of the dominant faction; their guarantee that this sultan would secure their benefits informed their choice.[190] The sultan gradually became a nominal figure, and the real authority was concentrated in the hands of the Mamluks. When al- Muẓaffar Ḥājjī (r. 1346-1347) was overthrown in 1347, the treasury was found empty. This created a pressing need for the formation of *majlis al-mashūra*; this counsel tried to control the state's financial resources and resolve the economic crisis.[191] In 1347, *majlis al-mashūra* diminished the power that the sultan had over the treasury and made him receive an allowance. The distribution of *iqṭāʿ* and promotions of the *mamluk*s, which were one of the primary duties of the sultan, were transferred to *majlis al-mashūra*.[192] Some sultans as al-Malik al-Ṣaliḥ ibn Qalāwūn (r.1351- 1354) and al-Nāsīr Ḥassan (r. 1354-1361), but *majlis al-mashūra* hindered them.[193] Eventually, real power was concentrated in

[187] Elbendary, *Crowds and Sultans*, 7-8.
[188] Northrup, "The Baḥrī Mamluk Sultanate, 1250–1390,"287.
[189] Jo Van Steenberg, "Is anyone my guardian . . .?" Mamluk Under-age Rule and the Later Qalāwūnids," *Routledge* 19, no. 1 (2007): 55-65; Amalia Levanoni, "The Mamluk Conception of the Sultanate," 381-382; Frederic Bauden, "The Sons of al-Nasir Muhammad and the Politics of Puppets: Where did it All Start?" *University of Massachusetts Amherst* 13, no. 1 (2009): 53- 54.
[190] Steenberg, "Is anyone my guardian . . .?" 57.
[191] Levanoni, "The Mamluk Conception of the Sultanate," 383.
[192] Ibid., 383.
[193] Ibid., 381-382.

the hands of the grand *amīr* and his faction and not the sultan; this set the stage for Barqūq to attain the throne in 1382.[194]

As various changes took place in the economic, social, and political environments in the second half of the fourteenth century, major transformations occurred in some vital institutions such as *maẓālim.* This was a time of change in *maẓālim.* New positions appeared, and there was a struggle over jurisdiction between the political and religious establishments. These significant changes were marked by the expansion of the jurisdiction of the chamberlain (*ḥājib)* between 1352 and 1353 and were followed by the introduction of the post of *muftī dār al-ʿadl* in 1360.[195] One of the focal issues pertaining to the study of this innovation is that some of the key terms are defined in various ways; to avoid confusion, I will clarify the meanings and implications of some of the fundamental terms in this chapter. The *ḥājib* is usually translated as the chamberlain; the term also applied to doorkeepers, military officers, and governors. In the Mamluk sultanate, the *ḥājib* played a crucial role; he was a slave soldier, who held the rank of "commander of a thousand." According to al- Maqrīzī, he was the second after *nāʾib al-sālṭana* and replaced him during his absence.[196] He was primarily responsible for settling disputes between the Mamluks. It is often believed that the *ḥājib* used the *Yāsā* to settle disputes between the Mamluks. The *Yāsā* is considered the legal law of Genghis Khan that he developed in 1206 to declare his supremacy over the Mongol tribes.[197] The role of the chief *ḥājib* expanded in the middle of the fourteenth century to hear *maẓālim* petitions and other legal cases in a particular form of justice that was known by the *siyāsah* courts. Mamluk sultans initially led these courts; then, in the middle of the fourteenth century, Mamluk sultans decided to delegate this authority to the chief *ḥājib.*[198] The chief *ḥājib* employed the *siyāsah* authority in his court. *Siyāsah* is the discretionary authority of the sovereign and his subordinates

[194] Northrup, "The Baḥrī Mamluk Sultanate, 1250–1390," 287.
[195] Al-Maqrīzī traces the expansion of the jurisdiction of the *ḥājib* to a case that took place around 1352-1353. Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār*, 3:717, 718. According to Rapoport, the office of *muftī dār al-ʿadl* was introduced around 1360. Rapoport, "Royal Justice and Religious Law," 81-84, 86.
[196] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 712.
[197]" Yāsā," *Encyclopaedia of Islam, Second Edition.*
[198] "*Ḥājib*," *Encyclopaedia of Islam Three.*

that was exercised outside the realm of the *sharīʿah.*[199] Theoretically, it allowed the ruler to apply and complement the *sharīʿah*. In practice, it offered him the opportunity to legislate and regulate laws.[200] The *siyāsah* is the administrative justice that can be exercised by the sultan or his political subordinates. The *maẓālim* is one of the applications of the *siyāsah*.[201] Mathieu Tillier agrees with Robert Irwin and Jørgen Nielsen that *maẓālim* during the Mamluks overlapped with *siyāsah* and was considered an integral part of it; in practice, *maẓālim* was regarded as a distinct form of *siyāsah.* This correlation between *maẓālim* and *siyāsah* authority became more apparent with the expansion of the jurisdiction of the *ḥājib* over the population.[202] In that respect, this chapter's objective is to unpack the various implications of these fundamental transformation, with particular emphasis on their relationship to *maẓālim* in the middle of the fourteenth century. As for *muftī dār al-ʿadl,* his primary role was to give legal advice to the sultan or other military officials during *maẓālim* sessions.[203] This office was introduced in the middle of the fourteenth century after the expansion of the *ḥājib'*s jurisdiction around 1360. It is essential to highlight that all of these transformations reflect complexities and overlapping. They also suggest a continual change in some of these key positions and their functions, which shows that institutions were constantly changing.

The literature on the expansion of the jurisdiction of the *ḥājib* is centered around the idea that the *ḥājib* passed judgments over the population; the secondary scholarship focuses on the rivalry between the *ḥājib*'s and *qāḍī*'s courts, highlighting the idea that the *ḥājib* used the *Yāsā* to settle disputes between the Mamluks. Then, between 1352 and 1353, his jurisdiction expanded over the public, at times. This expansion transgressed the *qāḍī's* courts. On other occasions, it complemented.[204] While these views are fundamental and will be explored, this chapter will try to

[199] "Siyāsa," *Encyclopaedia of Islam, Second Edition.*
[200] Schacht, *An Introduction to Islamic Law,* 53-55.
[201] Ibid.
[202] Tillier, "The Maẓālim in Historiography," 10; Nielsen, *Secular Justice in an Islamic State,* Irwin, " The Privatization of Justice, " 64; Apellaniz, " Judging the Franks: Proof, Justice, and Diversity," 353.
[203] Ingalls, "Mamluk State and Law," *The Oxford Handbook of Islamic Law* 10, (2017).
[204] Tillier, "The Maẓālim in Historiography,"3. Irwin, " The Privatization of Justice, " 63-70; Shahar, " Legal Pluralism and the Study of Sharīʿah Courts,"; Darling, *A History of Social Justice and Political,* 123; Apellaniz, " Judging the Franks: Proof, Justice, and Diversity," 353, 372.

examine the expansion of the jurisdiction of the *ḥājib* from a different angle that considers the state's political and economic conditions. This chapter will argue that the expansion of the *ḥājib*'s jurisdiction was one of the moments when *maẓālim* was politically utilised by the Mamluks to achieve broader objectives. *Maẓālim* was the channel that allowed the Mamluks to expand the jurisdiction of the *ḥājib* and legitimise the emergence of a new form of justice as *siyāsah* courts; the state used *maẓālim* to legitimise the expansion of the jurisdiction of the *ḥājib.* It could also signify competition between different elements of the ruling class, especially as prevailing conditions somewhat weakened the sultans of the later fourteenth century. The theory of al-Māwardī offered the ruler the right to delegate the supervision of *maẓālim* to one of his subordinates.[205] This provided grounds for the Mamluks to expand the jurisdiction of the *ḥājib*. This chapter will argue that two main factors informed the expansion of the *ḥājib*'s jurisdiction. The first was the will of the sultans and *amīr*s to have a greater say in judicial matters, together with their constant need for legitimization. This made them want to interfere in the judicial matters without harming their public image, which they strived to build over the years. The second was the state's economic condition that forced it to control its financial resources. These were the main reasons behind the expansion of the jurisdiction of the *ḥājib* and the emergence of the *siyāsah* courts. In that respect, the objective of this chapter is to highlight the struggle between the political and religious establishments. The conflict was not because the *ḥājib* violated some of the provisions of the *sharīʿah,* as some of the contemporary historians and jurists claimed.[206] The presence of the *ḥājib*'s court meant that an independent and a parallel form of justice emerged, widening its sphere of influence, and enabling the Mamluks to have a greater say in judicial matters. Most importantly, members of the religious establishment such as al-Maqrīzī and Tāj al-Dīn al-Subkī wanted to remain the sole interpreters of the law, so they rejected the emergence of this new form of justice because it challenged their

[205] Al- Māwardī, *al-Aḥkām al-sulṭānīyah wa-al-wilāyāt al-dīnīyah,* 111-112; "Siyāsa," *Encyclopaedia of Islam, Second Edition.*
[206] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 317; al- Subkī, *Muʿīd al-niʿam wa-mubīd al-niqam,* 22, 40- 41.

authority. They tried to add a heretical flavor to the *siyāsah* and the *ḥājib*'s post.[207] Even though the *ḥājib's* court proved to be very effective in financial cases, which was vitally needed given the state's economic condition during this period, the religious establishment rejected the expansion seeing as they did not have authority over this new form of justice.

While the expansion of the jurisdiction of the *ḥājib* is considered a turning point in the history of *maẓālim*, it is also vital to underscore how *maẓālim* functioned between 1341 and 1382. This will help in understanding the context out of which this development took place. The shift in political power that occurred under the sons of al-Nāṣir Muḥammad, which made the Mamluk oligarchy stronger and allowed them at times to diminish the authority of the sultan, was projected in *maẓālim.* Until the third reign of al-Nāṣir Muḥammad (r. 1310-1341), the sultan customarily presided over *maẓālim,* as this marked his sovereignty and consolidated his legitimacy, as explained in the previous chapter. However, under the weak rule of the Qalāwūnid s, the power of *maẓālim* was shared between the sultan and the viceroy (*nāʾib al-sālṭana)*.[208] While al-Maqrīzī reported that the descendants of al-Nāṣir Muḥammad followed the tradition of their father and used to sit in *al-iwān* to review *maẓālim* petitions,[209] al-Shujā'ī maintained that *nāʾib al-salṭana* presided over *maẓālim*; these sessions were usually held at his palace (*dār al-niyābah)*.[210] This reflects a more general power struggle that was taking place during this period. Some of the sons of al-Nāṣir Muḥammad remained very keen on presiding over *maẓālim* such as al-Malik al-Ṣaliḥ b. Qalāwūn. The expansion of the *ḥājib's* jurisdiction occurred during the reign of al-Malik al-Ṣaliḥ.[211] Although under the Qalāwūnids *dār al-ʿadl* was still present, the magnificent venue lost its glory, as *maẓālim*

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[207] Al-Maqrīzī, *al-Mawā'iẓ wa-al-i'tibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 312-317; al- Subkī, *Mu'īd al-ni'am wa-mubīd al-niqam*, 22, 40- 41.
[208] According to al-Shujā'ī, al-Nāṣir Muḥammad abolished the post of *nāʾib al-sālṭana,* but his son al-Nāṣir Aḥmad (r. 1342) restored it when he attained the throne. Al-Shujā'ī, *Tārīkh al-malik al-NāṣirMuḥammad ibn Qalāwūn al-Ṣāliḥī wa-awlādih* (Cairo: Qism al-Dirāsāt al-Islāmīyah, al-Ma'had al-Almānī lil-Āthār bi-al-Qāhirah), 205.
[209] Al-Maqrīzī, *al-Mawā'iẓ wa-al-i'tibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 662.
[210] Al-Shujā'ī, *Tārīkh al-Malik al-Nāṣir Muḥammad ibn Qalāwūn al-Ṣālihī wa-awlādih*; Fuess, "Ẓulm by Maẓālim," 126.
[211] Jørgen Nielsen cites several cases that were decided by al-Malik al-Ṣaliḥ ibn Qalāwūn. He was one of the sons of al-Nāṣir Muḥammad, who personally presided over *maẓālim* more than once and was reported by chroniclers. Nielsen, *Secular Justice in an Islamic State,* 143, 155; Al-Shujā'ī, *Tārīkh al-malik al-Nāṣir Muḥammad wa-awlādih,* 205, 217; Fuess, "Ẓulm by Maẓālim," 125-126.

was not necessarily held in it, when the authority of the holder of the office of *nāʾib al-sālṭana* increased during this period. According to al-Subkī, *nawwāb al-salṭana* had the same duties as the sultan, and they had the right to revoke the orders of the sultan if he commanded anything that was against welfare.[212] They also had the authority to interfere in the administration of justice and review the verdicts that were delivered by the *qāḍī*s, if they felt that they exceeded the limits.[213] The is also confirmed by al-Shujāʿī's narrative that reportes how *nāʾib al-sālṭana* addressed the sultan. Al-Shujāʿī reported how one of *nawwāb al-salṭana* addressed sultan al-Ṣaliḥ Ismāʿīl b. Qalāwūn when he appointed him to the post in 1342. *Nāʾib al-sālṭana* said, "I accept, but on one condition. The sultan has to consult the Mamluk in what he says, and none objects to what I do."[214] In that sense, the interference of *nawwāb al-salṭana* in the administration of justice in general and *maẓālim* in particular was one of the distinguishing features of the period. Another distinct characteristic of *maẓālim* in the fourteenth century was that its jurisdiction expanded over debt and matrimonial cases; this was different from the thirteenth century, as most of the cases that were brought before *maẓālim* focused on abuses of power.[215]

The Expansion of Officials' Roles in *Maẓālim*

a) The Expansion of the Jurisdiction of the *Ḥājib*

The question of the *ḥājib*'s jurisdiction has aroused a number of different views among scholars and historians. For example, Jørgen Nielsen, in his exceptional monograph, has refuted the idea that the *ḥājib* had any substantial jurisdiction. He rejects the notion of equating the office of the *ḥājib* with *maẓālim*. He argues that this argument was promoted by al-Qalqashandī and al-Maqrizī, who equated the institution of *maẓālim* that was described by al-Māwardī with the *ḥājib*'s jurisdiction. For Nielsen, this is a flawed argument as confusion exists between the nominal and public role of the *ḥājib*. More importantly, al-Qalqashandī did not include a text of appointment to

[212] al- Subkī, *Muʿīd al-niʿam wa-mubīd al-niqam,* 21.
[213] Ibid., 23.
[214] Al-Shujāʿī, *Tārīkh al-Malik al-NāṣirMuḥammad wa-awlādih,* 255.
[215] Rapoport, "Royal Justice and Religious Law," 75.

the *ḥājib* that would state that *maẓālim* was one of his primary duties.[216] Furthermore, the *ḥājib* was not one of the officials responsible for reviewing *maẓālim* petitions that al-Qalqashandī presented. According to Jørgen Nielsen, the *ḥājib* was one of many officials who were present in *maẓālim* sessions and attended the *khidma*. It is possible that the nature of his post allowed him to attain more authority than any other official; the *ḥājib* was one of the officials who handled the cases that were reviewed by the sultan. Occasionally, he could deal with a case without referring it to the sultan, if he felt that there was no need for this, and this was the reason behind assuming that the *ḥājib* had jurisdiction. Jørgen Nielsen argues that the *ḥājib* was, in essence, a military judge; he decided cases that were related to *iqṭāʿ* and income distribution.[217]

While Nielsen's argument is valid, there is further evidence that needs to be considered. According to al-Qalqashandī, the office of the *ḥājib* in the Mamluk sultanate was the equivalent to the office of the master of the gate (*ṣāḥib al-bāb)* during the Fāṭimids.[218] According to al-Maqrizī, one of the duties of the holder of this office was the administration of *maẓālim.*[219] Furthermore, according to Robert Irwin, al-Subkī, al-Maqrīzī, and al-Qalqashandī could not promote this groundless claim when it did not exist. This is further confirmed by the fact that al- Subkī wrote his treatises in the Baḥrī period, while al-Maqrīzī and al-Qalqashandī wrote during the Circassians.[220] Moreover, Ibn al-Furāt and Ibn Taghrībirdī confirm the fact that the *ḥājib* acquired substantial judicial authority.[221] While these authors were expressing the opinion of some of the members of the religious establishment and society, it is implausible that they all made this unfounded assertion. Jørgen Nielsen maintains that he reached this conclusion based on "indirect evidence;" they did not know Arabic, which would hinder them from reviewing *maẓālim* petitions.[222] This is a weak argument considering that Robert Irwin agrees with Yossef Rapoport that many of the *ḥujjāb* and

[216] Nielsen, *Secular Justice in an Islamic State,* 83.
[217] Ibid.,84.
[218] Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 5:432.
[219] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 363.
[220] Irwin, "The Privatization of "Justice," 65;
[221] Ibn al-Furāt, *Tārīkh Ibn al-Furāt,* 9: 17; Ibn Taghrībirdī, *al-Nujūm al-zāhirah fī mulūk Miṣr wa-al-Qāhirah*, 7: 185.
[222] Nielsen, *Secular Justice in an Islamic State,* 84.

*amīr*s had a very good understanding of the Ḥanafī *madhhab*.[223] This suggests that they probably knew Arabic, or they were assisted. Furthermore, there were scribes and translators in the *ḥājib* courts.[224] Consequently, the *ḥājib* could resort to them if he encountered difficulties.

How did the jurisdiction of the *ḥājib* develop? Robert Irwin maintains that one of the main characteristics of the Mamluk state was the expansion of the duties of certain personnel. The *ḥājib* did not spend his life opening and closing the door of the sultan, but his duties expanded to include the administration of justice between the *Mamluk*s.[225]According to al-Maqrīzī, since the Ayyubids and the early Mamluks the *ḥājib* was responsible for settling disputes among soldiers and *amīr*s with minimal jurisdiction over government officials.[226] He used to judge these cases based on the *Yāsā*, the law of Genghis Khan.[227] It is essential to underline that the *ḥājib* played an active role in *maẓālim* sessions. According to al-Qalqashandī, the *ḥājib* was the official responsible for collecting *maẓālim* appeals from petitioners. The chief *ḥājib* presented the petitions to the sultan, recorded his orders, and informed *kātib al-sirr* of the sultan's decision.[228] This indicates that the *ḥājib* had two positions and was involved in the administration of justice prior to the expansion of his jurisdiction over the public. Al-Maqrīzī provides some information about the development of this post. According to al-Maqrīzī, the first *ḥājib* to judge between people was *amīr* Sayf al-Dīn Sunqur al-Nāṣrī in 1345. He was an *amīr* and a chief *ḥājib.* He was appointed by sultan al-Kāmil Shaʿbān b. Muḥammad b. Qalāwūn (r. 1345-1346) to the post of *nāʾib al-sāltana* in 1345. Al-Maqrīzī asserted that he judged between people as part of the duties of *nāʾib al-sāltana.* In the following month, al-Kāmil decreed that *amīr* Raslān would be appointed to the post of the *ḥājib* and would judge between people. Al-Maqrīzī maintained that during the reign of al- Muẓaffar Ḥājjī (r.1346-1347) the judicial power of the *ḥujjāb* diminished. However, when al-Malik al-Ṣaliḥ attained the throne in

[223] Irwin, "The Privatization of "Justice," 70; Rapoport, "Royal Justice and Religious Law," 88.
[224] Apellaniz, "Judging the Franks: Proof, Justice, and Diversity," 376.
[225] Robert Irwin, "The Privatization of "Justice" under the Circassian Mamluks,"63.
[226] Rapoport, "Royal Justice and Religious Law," 75.
[227] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3:717.
[228] Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 5:92.

1351, he appointed *amīr* Sayf al-Dīn Jurjī, to the office of the *ḥājib* and decreed that he would review debt cases based on *siyāsah* authority.[229] Between 1352 and 1353 the first case was brought before *amīr* Sayf al-Dīn Jurjī in *dār al-ʿadl.*[230] From al-Maqrīzī's perspective, the judicial authority that the *ḥājib* enjoyed among the Mamluks was accepted. The problem arose when his jurisdiction extended to the public.[231] It is evident that the power of the *ḥājib* gradually increased; he was the first delegate of the sultan; then, he judged matters related to the army. After that, he judged *maẓālim* cases that were related to the *dīwān*s,[232] The jurisdiction of the *ḥājib* eventually expanded, and by 1353 they heard merchants and civilians petitions, and by that al-Maqrīzī maintained that the *ḥājib* transgressed the *qāḍī*'s court.[233] Although al-Maqrīzī traced the expansion of the *ḥājib*'s jurisdiction, he did not provide reasons for it. One of the possible readings for this could be that al-Maqrīzī's objective was to underscore how the *ḥājib* violated the *sharīʿah* and transgressed the *qāḍī*'s authority. Hence, he did not provide reasons for the expansion, which could defend the *ḥājib*'s office.

According to al-Maqrīzī, the following case marked the expansion of the jurisdiction of the *ḥājib*. This was during the reign of al-Malik al-Sāliḥ ibn Qalāwūn. Al- Malik al- Sāliḥ ordered *amīr* Sayf al-Dīn Jurjī, the *ḥājib*, to settle a debt case that was brought before the sultan in *dār al-ʿadl*, between 1352-1353. The background of this incident, according to al- Maqrīzī, was that this debt case was reviewed by the Ḥanafī chief *qāḍī* Jamāl al Dīn ʿAbd Allāh al- Turkmānī; he followed the doctrine of his school and declared the bankruptcy of the debtors and imprisoned them. The creditors, who were Persian merchants, brought their case before the sultan in *dār al-ʿadl,* as they

[229] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3 :717.
Ibn Taghrībirdī maintained in *al Manhal al-ṣāfī wa-al-mustawfá baʿda al-wāfī* that *amīr* Sayf al-Dīn Jurjī was one of the Mamluks of al-Nāṣir Muḥammad. He served al- Muẓaffar Hājjī, al-Malik al-Ṣāliḥ, and al-Nāsīr Hassan. He occupied multiple positions; he was a second and grand *dawādār* and a second *ḥājib*. He was one of the prominent *amīr*s. He tried to avoid great sins except for money and injustice. Ibn Taghrībirdī, *al Manhal al-ṣāfī wa-al-mustawfá baʿda al-wāfī* (Cairo:al-Hayʾah al-Misṛīyah al-ʿĀmmah lil-Kitāb), 4:262-263.
[230] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3 :386.
[231] Ibid.
[232] Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 5: 423.
[233] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3 :717; Irwin," The Privatization of "Justice" under the Circassian Mamluks," 70.

believed that the Ḥanafī judge delivered an unfair judgment. The debtors refused to pay the price of the merchandise they bought from them, claiming that they did not have money, while they used the money for other purposes. When the sultan heard their case, he ordered his *ḥājib amīr* Sayf al-Dīn Jurjī to take over the matter. The *ḥājib* overruled the judgment of the chief *qāḍī* Jamāl al Dīn ʿAbd Allāh al- Turkmānī and took the debtors out of prison; he punished them until they delivered back the money to the Persian merchants.[234]

This case is considered a landmark in the history of *maẓālim,* as the sultan overruled the judgment of the *sharīʿah* court. According to al-Maqrīzī, this was the first time a *ḥājib* would judge and interfere in *sharīʿah* matters.[235] In theory, the judgments of *sharīʿah* courts were irrevocable and final, as long as they did not involve misconduct or corruption.[236] It should be emphasised that the judgment that the chief *qāḍī* delivered was in accordance with his school and that the Ḥanafī school is very strict concerning debt cases. According to the Ḥanafī school, a debtor must be imprisoned for some time before being declared bankrupt. The rest of the schools do not consider imprisonment a condition.[237] However, al- Malik al Sāliḥ b. Qalāwūn rebuked the Ḥanafī chief *qāḍī* and prohibited him from reviewing debt cases, as he believed that the judgment that the *qāḍī* rendered prevented the proper administration of justice.[238]

This case is considered a landmark in the history of *maẓālim* because it led to significant changes in the subsequent period. It marked the expansion of the *ḥājib* jurisdiction and the rise of *siyāsah* courts, an independent form of justice that had a parallel jurisdiction to the *sharīʿah* courts. The decree of al- Malik al-Ṣāliḥ b. Qalāwūn authorised the chief *ḥājib* to settle a debt dispute, a type of legal cases that were always brought before the *qāḍī*'s court. This case constitutes a change in the relationship between the sultan and *qāḍī*'s office. While al-Manṣūr Qalāwūn declared in his

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[234] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3 : 717-718; Rapoport, "Royal Justice and Religious Law," 82-84.
[235] Al-Maqrīzī, *Kitāb al-Sulūk li-maʿrifat duwal al-mulūk,* 4 :156-157.
[236] Wael Hallaq, "Islamic Law: History and Transformation," in *The New Cambridge History of Islam,* ed. Robert Irwin (Cambridge: Cambridge University Press, 2010), 162.
[237] Rapoport, "Royal Justice and Religious Law," 83.
[238] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3 : 717-718.

memorandum that any *sharīʿah* case should be referred to the *qāḍīs,*[239] al-Malik al-Ṣāliḥ ibn Qalāwūn challenged this established norm and referred it to the *ḥājib*. This is one of the crucial developments of the period in question.

b) The Appointment of *Muftī dār al-ʿadl*

The *muftī* was a jurist whose role was to give legal advice and answers to very specific questions.[240] Although the post of the *muftī* appears as an independent profession that aimed at serving private individuals, the state often interfered in the designation of *muftī*s, since the seventh century, as it felt that this office correlated to public authority and informed the decisions of private individuals. Eventually, the post of the *muftī* became one of the public offices and religious professions.[241] The office of the *muftī* was responsible for rendering legal advice to the rulers, *qāḍī*s, and public.[242] One of the innovations that the Mamluks introduced in *maẓālim* was the post of *muftī dār al-ʿadl.* There is no mention in al-Māwardī's theory of this particular post. In that respect, this had been initiated in relation to the particular needs of this period. While we do not know the exact date when this post was introduced, historians tend to agree that this position was introduced in the middle of the fourteenth following the expansion of the *ḥājib'*s jurisdiction around 1360.[243] Some of the prominent jurists who occupied this office were Ibn al-Ṣāʾigh in 1364 and Taqī al-Dīn al-Subkī.[244]According to al-Qalqashandī, *muftī dār al-ʿadl* was one of the religious professions.[245] In Cairo, there were four *muftī dār al-ʿadl,* one for each *madhhab.*[246] In Damascus and Aleppo, there were only Shāfiʿī and Ḥanafī *muftī*s.[247] Al-Qalqashandī maintained that the role of the holder of this office was to be present in *dār al-ʿadl* to give legal advice to any case or matter

[239] Al-ʿAsqalānī, *al-Fadl al-maʾṭhūr min sīrat al-Sulṭan al-Malik al-Manṣūr*, 126.
[240] Norman Calder, "Al-Nawawī's Typology of Muftīs and Its Significance for a General Theory of Islamic Law," *Islamic Law and Society* 3, no. 2 (1996):142.
[241]"Fatwā, " *Encyclopaedia of Islam, Second Edition*.
[242] Stilt, *Islamic Law in Action,* 37.
[243] Nielsen, *Secular Justice in an Islamic State,* 92; Rapoport,"Royal Justice and Religious Law," 84; Tillier, "The Maẓālim in Historiography," 6. Apellaniz, " Judging the Franks: Proof, Justice, and Diversity," 358.
[244] Rapoport, "Royal Justice and Religious Law," 84.
[245] Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 4:227, 228.
[246] Ibid., 4:37.
[247] Ibid., 4:228.

that was brought before *dār al-ʿadl*. It was one of the most prestigious religious positions a scholar could occupy. In terms of status, *muftī dār al-ʿadl* was very similar to the military judge and used to sit beside the four chief *qāḍī*s.[248]

The post of *muftī dār al-ʿadl* is often viewed as one of the innovations that the Mamluks introduced in *maẓālim*; it accompanied the expansion of the *ḥājib*'s jurisdiction. The jurisdiction of *siyāsah* courts developed along with appointed *muftī*s, who had jurisdiction over criminal and civil cases, and they were independent of the *qāḍī*'s jurisdiction.[249] Part of the duties of *muftī dār al-ʿadl* was to give legal advice to the sultan and *ḥājib* during *maẓālim* sessions. Therefore, *muftī*s were one of the officials who were obliged to attend *majlis al-maẓālim* like the four chief *qāḍī*s regularly.[250] Although many of the *qāḍī*s and state officials who regularly attended *maẓālim* sessions were initially *muftī*s, they were not officially appointed to this position until the second half of the fourteenth century when offering legal advice became a state activity.[251] In *maẓālim* sessions, the ruler used to seek the advice of some of the legal scholars, and by the second half of the fourteenth century, the post of *muftī dār al-ʿadl* became a permeant position.[252]

Although al-Maqrīzī, Ibn Taghrībirdī, and Ibn Iyās cited the names of the jurists and judges, who occupied the office of *muftī dār al-adlʿ* in Cairo and Damascus, some of whom were also military judges, we do not have enough information about the role they played in *maẓālim* sessions.[253] According to Eleonora Fernandes, some *muftī*s insisted on their legal positions and were praised by chroniclers such as *qāḍī* Tāj al-Dīn al-Ṭarābulusī, who was a *muftī dār al- adlʿ,* refused to change them.[254] However, we do not have access to information about their role in these sessions, particularly the ones which were led by the *ḥājib*. One of the possible readings for this as Jørgen

[248] Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ*,4:37; 11: 205.
[249] Apellaniz, "Judging the Franks: Proof, Justice, and Diversity," 358- 359.
[250] "Fatwā, " *Encyclopaedia of Islam, Second Edition*.
[251] Rapoport, "Royal Justice and Religious Law," 84.
[252] Tillier, "The Maẓālim in Historiography," 5.
[253] Al-Maqrīzī, *Kitāb al-Sulūk li-maʿrifat duwal al-mulūk*, 4:342, 382 5:58, 240. Ibn Taghrībirdī, *al-Nujūm al-zāhirah fī mulūk Miṣr wa-al-Qāhirah*, 11:217; Ibn Iyās, *Badāʾiʿ al-Zuhūr fī waqāʾiʿ al-duhūr*, ed. Muḥammad Muṣṭafá (Al Hayʾa al- Massrīyya al-ʿamma, 1984), 1.1: 588, 1.2:12, 101,109, 158.
[254] Eleonora Fernandes, "Between Qāḍīs and Muftīs: To Whom Does the Mamluk Sultan Listen?" *Mamluk Studies Review* 6 (2002): 100.

Nielsen argues could be that *muftī dār al- adlʿ* played a nominal role.[255] Building on Nielsen's argument, this innovation could be viewed as seeking to maintain a balance between the political and religious establishments. Political authorities introduced the office of *muftī dār al adlʿ* to please the jurists and judges while preserving the judicial authority that they gained through the expansion of the *siyāsah* courts. Eleonora Fernandes argues that, the sultans and *amīr*s resorted to *muftī*s to legitimise their actions that were met by opposition because they had a broader scope of interpretation. It is important to note that resorting to a *muftī* remained a risk, as not all of them were corrupt and accepted bribes.[256] However, it was risky to issue a *fatwā* that went against the sultan's interest, according to Eleonora Fernandes. By the end of the fourteenth century, this issue intensified.[257] Therefore, the office of *muftī dār al-ʿadl* could be viewed as providing a balance to the relationship between these two authorities, who were often in a continuous struggle over jurisdiction. While the post was considered very prestigious, and the highest rank a *muftī* could occupy, *muftīs* did not play a crucial role in *maẓālim* sessions.[258] One of the reasons behind this could be that by the time the post of *muftī dār al-ʿadl* was introduced, the jurisdiction of the *ḥājib* already expanded. The *ḥājib* could resort to the *Yāsā*, which *muftī*s could not comprehend and did not have any authority over. In that sense, this post was a title only and did not entail an influential role in *maẓālim*.

The Will of the Political Establishment to Interfere in Judicial Matters

While the expansion of the *ḥājib*'s jurisdiction and the appointment of *muftī dār al-ʿ adl* were two key developments that took place in *maẓālim* in the second half of the fourteenth century, it appears that the impact of the expansion of the *ḥājib'*s jurisdiction was more profound. This development had broader implications for the Mamluk legal system. The expansion of the *ḥājib'*s jurisdiction through *maẓālim* legitimized the emergence of a new form of justice that was

[255] Nielsen, *Secular Justice in an Islamic State,* 136.
[256] Fernandes, "Between Qāḍīs and Muftīs," 99.
[257] Ibid., 99,101.
[258] Morimoto Kosei, "What Ibn Khaldun Saw: The Judiciary of Mamluk Egypt, "*Mamluk Studies Review* 6 (2002): 123.

concentrated in the hands of political and not religious authorities. This idea becomes more apparent when we consider the theoretical discussions on the role of the *ḥājib* and *siyāsah.*

The verdict that the chief *ḥājib* Sayf al-Dīn Jurjī rendered was based on *siyāsah* authority.[259] In theory, the ruler did not have the right to legislate but to issue administrative regulations that were confined by the *sharīʿah*. The aim behind these administrative regulations was to apply, complement, or enforce the *sharīʿah*. According to Joseph Schacht, it is one of the main reasons police, taxation, and criminal justice did not fall under the *qāḍī'*s jurisdiction.

One cannot deal with the expansion of the *ḥājib* jurisdiction without tackling three main forms of justice: *siyāsah, Yāsā*, and *sharīʿah*. They intertwine with *maẓālim*. Al-Maqrīzī asserts that the *ḥājib* delivered his judgments based on the *siyāsah,* which for him was, in essence, the *Yāsā*, the law of Genghis khan.[260] The distinction between these two forms of justice is quite significant, as they uncover the resentment among the religious establishment and the reason why the literature on *maẓālim* often focuses on the tension between the *qāḍī'*s and *ḥājib's* courts*,* ignoring other possible readings, which were related to the desire of the sultan and *amīr*s to have a greater say in judicial matters. This was the core of the matter.

In essence, the legal sphere was governed by two main powers: juristic doctrine and sultanic authority, which set the parameters of the *siyāsah.* Jonathan Berkey and Kristen Stilt maintain that the sultan and religious establishment were aware that they could not govern without the existence of both of them. They were in a symbiotic relationship; each of them acknowledged that his existence was necessary for the survival of the other.[261] As Jonathan Berkey asserts, the Mamluks supplied the religious establishment with all their needs, which were either financial or physical, by building and sponsoring different madrasas and mosques. On the other hand, by sponsoring various endowments, the Mamluks were able to avoid the confiscation of their private wealth and preserve some of it for their heirs. At the same time, this allowed the Mamluks to please the *ulama,* who

[259] Al-Maqrīzī, *Kitāb al-Sulūk li-maʿrifat duwal al-mulūk,* 4:156.
[260] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3:713-714.
[261] Berkey, "Mamluk Religious Policy,"19-20; Stilt, *Islamic Law in Action,* 33.

were a very crucial source of legitimacy. Different sultans understood the importance of their relationship with the *ulama,* who were a momentous source of religious support.[262] For instances, Baybars did not immeditaly dismiss *qāḍī* Ibn bint al-Aʿazz from his post but tried to diminish his power gradually. Baybars was aware that he needed the support of the religious establishment and different Mamluk sultans recognized this. Mamluk sultans did not want to be viewed as violating the *sharīʿah*. However, at times circumstances forced them to act in a different manner. Jonathan Berkey and Kristen Stilt argue that they sometimes competed over authority and jurisdiction.[263] The expansion of the jurisdiction of the *ḥājib*, and the conflict that aroused due to its emergence, underscores this competition. The emergence of this new form of justice that acquired its jurisdiction from *maẓālim* reflected the need for political authorities, the sultan and *amīr*s, to have a greater say in judicial matters, and their constant need for legitimisation. This might have been one of the reasons that triggered the expansion of a new form of justice as the *siyāsah* courts that were led by the *ḥājib* and other military officials. Although *maẓālim* was considered one of the applications of *siyāsah*,[264] which was present and accepted, the jurists did not entirely accept the expansion of the siyāsah courts. Some jurists and contemporary historians refused to recognise this new form of justice that was led by the *ḥājib* or military officials starting the second half of the fourteenth century. Even though this was another form of *maẓālim,* and the aim behind it as Yossef Rapoport asserts was to avoid the formalism of *sharīʿah*,[265] al-Subkī, al-Maqrīzī and Ibn Taghrībirdī believed that this was a deviation.[266] In other words, it was always a point of contention among scholars.

The reason behind the rejection of al- Subkī, al-Maqrīzī, and Ibn Taghrībirdī was the source of the law that the *ḥājib* resorted to; the *Yāsā* and *siyāsah* were the core of the rejection. Al-Maqrīzī

[262] Berkey, "Mamluk Religious Policy,"19-20; Stilt, *Islamic Law in Action,* 33.
[263] Berkey, "Mamluk Religious Policy," 15,19-20; Stilt, *Islamic Law in Action,* 34.
[264] Ibn Taghrībirdī, *al-Nujūm al-zāhirah fī mulūk Miṣr wa-al-Qāhirah*,14: 173; Schacht, *An Introduction to Islamic Law*, 53-55.
[265] Rapoport, "Royal Justice and Religious Law," 75.
[266] al- Subkī, *Muʿīd al-niʿam wa-mubīd al-niqam*, 40- 41; al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3:712- 713; Ibn Taghrībirdī, *al-Nujūm al-zāhirah fī mulūk Miṣr wa-al-Qāhirah*, 7:185.

maintained that there were two types of *siyāsah,* one that was an integral part of the *sharīʿah* and just, and another one which was not based on the *sharīʿah* and was forbidden.[267] As Guy Buruak argues, it is essential to understand the claims that were promoted about the *Yāsā*, and against whom they were raised to understand how the negative perception about the *siyāsah* developed.[268] This question aroused much controversy both among the scholars of the fourteenth and fifteenth centuries and present day historians. The main problem that pertains to al- Maqrīzī's argument is that he equates the *Yāsā* with the *siyāsah*, while they are technically two distinct forms of justice. Al- Maqrīzī maintained and tried to present semantic grounds that the word *siyāsah* was derived from *Yāsā*.[269] Al-Maqrīzī promoted this claim, and some of the contemporary historians such as Ibn Taghrībirdī echoed it.[270] Al-Maqrīzī and Ibn Taghrībirdī based their arguments on the negative connotation of the *Yāsā*, and this was one the main reasons behind their rejection of the expansion of *siyāsah* courts and the *ḥājib*'s court. On the other hand, David Ayalon refutes al-Maqrīzī's claim that *siyāsah* was derived from the *Yāsā*.[271] In his viewpoint, the *Yāsā* was never codified, so the Mamluk *siyāsah* could not be derived from it. According to Linda Darling, the *Yāsā* was the customary law of the tribe of Genghis khan, along with some of his orders and advice, which were related to governance and military discipline. David Ayalon maintains that the military success of Genghis khan gave these decrees a higher value to the extent that his successors considered them law.[272] Furthermore, as David Ayalon asserts, al-Maqrīzī's informant, Ibn al-Burhān, did not know

[267] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 714.
[268] Guy Burak, "Between the Kānūn of Qāytbāy and Ottoman Yasaq: A Note on the Ottomans' Dynastic Law," *Journal of Islamic Studies* 26, no.1 (2015): 5-6.
[269] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 386.
[270] Ibn Taghrībirdī, *al-Nujūm al-zāhirah fī mulūk Miṣr wa-al-Qāhirah*, 7:182-183, 185.
[271] David Ayalon, "The Great *Yāsā* of Chingiz Khān: A Re-examination," *Studia Islamica* 33, (1971): 99. Two main views dominate the secondary literature on the *Yāsā*; the first is by Poliak, and the second is by Ayalon. They both present two contradicting images of the *Yāsā*; Poliak builds on al-Maqrīzī 's claim, while Ayalon refutes it. According to Poliak, *siyāsah* is the legal code of the Mamluk that was based on the Yāsā, which includes criminal and civil laws and rules that govern the political, economic, social and military life. A. N. Poliak, "The Influence of Ç̲hingiz-K̲h̲ān *Yāsā* upon the General Organization of the Mamluk State," *Bulletin of the School of Oriental and African Studies* 10, no.4 (1942): 862-875.
[272] According to Linda Darling, the outstanding military success of Genghis khan and the Mongol territories' expansion made his followers believe that he received a divine appointment. This idea continued after his death, as he was a unique leader. Darling, *A History of Social Justice and Political Power in the Middle East*,104-105.

other languages except Arabic, and there is no reference that he was interested in Mongol history.[273] David Ayalon argues that al-Maqrīzī focused on the edicts of the *Yāsā* that showed to what extent it contradicted with *sharīʿah.* Al-Maqrīzī focused on the Mongol traditions that contradicted Islam in diet, washing, and social ties; many of these edicts were taboos.[274] Even though Ibn Faḍl Allāh al-ʿUmarī maintained that some of the edicts of the *Yāsā* conformed to the *sharīʿah,* and others contradicted it,[275] al-Maqrīzī omitted all the parts that could bridge the gap between the *Yāsā* and *sharīʿah.*[276] David Ayalon argues that al- Maqrīzī failed to distinguish between laws and customs, which created various misconceptions. According to David Ayalon, al-Maqrīzī's main aim behind this was to defend the *qāḍī's* office against the *ḥājib*'s, who had a very high judicial power between the Mamluks elites and eventually broaden to the public.[277] The *ḥājib* did not only have a very high judicial authority between the Mamluks but also he knew all the details of the *Yāsā* law. This was considered a real threat for the jurists and judges.

In spite of the importance of the controversy on legal aspects, there is another dimension that should not be overlooked that is related to the power of who should legislate religious authorities or political authorities. If we ignored David Ayalon's refutation and accepted al-Maqrīzī's claims, the linguistic link between the *siyāsah* and *Yāsā*would not be the only reason behind its rejection and the opposing opinion. The conflict over jurisdiction between the jurists and the sultan and the *amīrs* is a crucial factor that is often ignored. One of the primary reasons behind the rejection by the religious establishment of the *Yāsā* was attributed to the fact that they did not fully comprehend it. If they accepted the presence of the *Yāsā*, this would entail that litigants will resort to a new form of justice, that they did not have power over and were not considered the sole

[273] David Ayalon, "The Great Yāsā of Chingiz Khān, 101-1-02; al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3:714.
[274] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,*3: 384-385; P. Jackson, "Yāsā," *Encyclopædia Iranica* (2013).
[275] Ibn Faḍl Allāh al-ʿUmarī, *Masālik al-abṣār fī mamālik al-amṣār*, 3; 96-99.
[276] Ayalon, "The Great Yāsā of Chingiz Khān," 106-107. See Al-Maqrīzī, *al-Mawāʿiz wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār*, 3: 384-385 for the detailed edicts that were presented by Al-Maqrīzī and contradicted with *sharīʿah.* It is important to note that, on the other hand, Ibn Faḍl Allāh al-ʿUmarī maintained that some of the edicts of the Yāsāconformed with *sharīʿah.* Ibn Faḍl Allāh al-ʿUmarī, *Masālik al-abṣār fī mamālik al-amṣār*, 3; 96-99.
[277] Ayalon, "The Great Yāsā of Chingiz Khān," 115.

interpreters of it. As Kristen Stilt asserts, scholars usually held a prestigious position in society, which mainly contributed to their knowledge of Islamic law. Scholars were distinguished by the positions that they held, so working as a *qāḍī* or *muḥtasib* was something that they strived for.[278] In that sense, it was very tough for the religious establishment to accept this new form of justice, which was concentrated in the hands of the Mamluks, who fully comprehended it and were able to settle their internal disputes based on it for long years and wanted to extend it over the public. Consequently, the jurists and judges rejected the expansion of the *ḥājib*'s jurisdiction and tried to add a heretical flavor to it by promoting specific arguments about the *siyāsah.*

The competition over jurisdiction between the ruling and religious establishment becomes evident by considering al-Subkī's view about the office of the *ḥājib.* While al-Maqrīzī justified his rejection of the *siyāsah* by claiming that it was derived from the *Yāsā,* al-Subkī argued that any form of justice that was not based on the *sharīʿah* was utterly rejected. This idea becomes apparent by considering al-Subkī's view about the post of the *ḥājib,* where he refers to the expansion of his jurisdiction based on the *siyāsah*. According to al-Subkī, the *siyāsah* was not useful, and it was one of the causes of corruption. The interest of people is in following God's divine law "*al-sharʿ",* as He knows what benefits and harms them. For al-Subkī, *al-sharʿ* was the saviour of the sultans, *nawwāb al-sulṭan*, *amīr*s, and *ḥujjāb*. Al-Subkī argued that all the people who followed *siyāsah* suffered.[279] Al-Subkī's concerns about the office of the *ḥājib* reflect the tension between the religious and the political establishments. Some of the jurists had the feeling that the expansion of the jurisdiction of the *ḥājib* would jeopardize their authority. A new form of justice emerged by the expansion of the *ḥājib* jurisdiction, and technically they did not have authority over it whether it was the *Yāsā* or *siyāsah*. Al- Subkī also underscored the authority that the jurists had over the interpretation of the law and that they were the only eligible individuals to deal with it. Francisco Apellaniz maintains that the resentment Mamluk historians and scholars showed towards the

[278] Stilt, *Islamic Law in Action,* 27.
[279] al- Subkī, *Muʿīd al-niʿam wa-mubīd al-niqam*, 40-41.

*siyāsa*h was expected, as they all belonged to the religious establishment. The expansion of *siyāsa*h courts challenged this foundational authority.[280]

Among the fourteenth century scholars, we find examples of scholars who were eager defendants of *siyāsah* and saw no contradiction to the *sharīʾah.* Some jurists tried to bridge the gap between the *sharīʿah* and *siyāsah.* Whereas al-Subkī was one of the main opponents of the *siyāsah,* Ibn Taymīyah was one of the jurists, who was not against the expansion of the *siyāsah* authority and tried to harmonise the relationship between the *sharīʿah* and *siyāsah.*[281] According to Kristen Stilt, Ibn Taymīyah was one of the scholars who tried to theorise the relationship between the ruler and jurists.[282] Ibn Taymīyah and al-Subkī equated *siyāsah* with personal opinion.[283] The significant difference between both, as Yossef Rapoport rightly notes, is that al -Subkī refused to acknowledge the rigidity of the law, in particular cases, and insisted that the *siyāsah* should follow the schools of law, while Ibn Taymīyah admitted it.[284] For Ibn Taymīyah, a strong correlation existed between the *siyāsah* and *maẓālim* as the institution was founded when the Abbasidscaliphs felt that they did not have enough knowledge about *al-siyāsah al-ʿādila,* so they established *maẓālim*.[285] In that respect, *siyāsah* was the main source of law that was always resorted to in *maẓālim.* According to Ibn Taymīyah, the *sharīʿah* and *siyāsah* did not contradict one another. The root of the conflict between these two authorities was because those who rejected the *siyāsah* interpreted the *sharīʿah* from a very rigid perspective and ignored the different sources of the law. On the other hand, those who based their judgments upon *siyāsah* followed their personal opinion and ignored the *Qurʾān* and *sunna*. This could open the gate to corruption.[286] Ibn Taymīyah argued that justice could prevail as long as these two bodies cooperated.[287]

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[280] Apellaniz, "Judging the Franks: Proof, Justice, and Diversity in Late Medieval Alexandria and Damascus," 358.

[281] Ibn Taymīyah, *Majmūʿat fatāwá Ibn Taymīyah*, 20: 391-393.
[282] Stilt, *Islamic Law in Action,* 33.
[283] Rapoport, "Royal Justice and Religious Law," 95.
[284] Rapoport, "Royal Justice and Religious Law," 95.
[285] Ibn Taymīyah, *Majmūʿat fatāwá Ibn Taymīyah*, 20: 392.
[286] Ibid.,20:393.
[287] Ibid.,20: 393.

Ibn Taymīyah was one of the jurists who tried to harmonise the relationship between *siyāsah* and *sharīʿah*. As Yossef Rapoport argues, Ibn Taymīyah was one of the jurists who were not against the expansion of the *siyāsah* courts and tried to resolve the tension between both courts by suggesting the reliance on circumstantial evidence in criminal cases.[288] However, a different interpretation could be drawn from the same evidence. Ibn Taymīyah presented these ideas thirty years before the expansion of the *ḥājib'*s jurisdiction or *siyāsah* courts, around 1320. Consequently, he did not experience the rise of this independent jurisdiction that did not fall under the religious establishment's authority. Even if Ibn Taymīyah was not against the *siyāsah* authority to the extent of al-Subkī and other contemporary historians, we cannot assume that he accepted the emergence of this new form of justice that was led by the *ḥājib* and other military officials. Ibn Taymīyah's acceptance of *siyāsah* was based on the assumption that *sharīʿah* set its boundaries, and military officials followed the jurists.[289] Ibn Taymīyah attempted to elaborate and explain the difference between the jurisdiction of the *qāḍī* and military officials in his book *al-Ḥisbah fī al-Islām.* In essence, for Ibn Taymīyah, a division of labor existed between the judiciary and military officials. He argued that the ruler had to surround himself with honest and just individuals.[290] Eventually, these individuals were appointed to key positions. According to Ibn Taymīyah, based on *ʿurf*, military officials were responsible for applying *ḥudūd* punishments. This involved amputation of the hands of high way robbers and thieves. Moreover, military officials had the right to apply flogging instead of amputation. They had jurisdiction over criminal cases and "trial of suspicion," which were initiated by the *muḥtasib* or governor (*wālī).*[291] Military courts dealt with cases that were not accompanied by documentary evidence and witnesses; these were two basic requirements in the *qāḍī'*s court.[292] Ibn Taymīyah also identifies the role of the judiciary in this system. The judiciary was concerned with cases that had documentary evidence and witnesses. It was also

[288] Rapoport, "Royal Justice and Religious Law," 92-93.
[289] Ibn Taymīyah, *Majmūʿat fatāwá Ibn Taymīyah,* 20: 393.
[290] Ibn Taymīyah, *al-Ḥisbah fī al-Islām* (Beirut: Dar al-Kutub al-ʿIlmiyyah), 12.
[291] Ibn Taymīyah, *al-Ḥisbah fī al-Islām,* 15; Rapoport, "Royal Justice and Religious Law," 80.
[292] Rapoport, "Royal Justice and Religious Law," 79.

responsible for protecting rights and reviewing the cases that involved *waqf* supervisors and orphans' guardians.[293] Ibn Taymīyah asserted that both military officials and *qāḍī*s had jurisdiction, but each one of them exercised judicial authority over certain legal cases. According to Ibn Taymīyah, whereas in the Mamluk state military officials had jurisdiction over certain legal cases, in other places their role was to enforce the law, which was administered by the *qāḍī*s.[294] While Ibn Taymīyah distinguished between the jurisdiction of the *qāḍī* and military officials, he also argued that this distinction was inaccurate as God's commands were accessible to anyone who judged between people whether he was a *qāḍī* or *wālī.*[295]

The aim of these military courts, as Yossef Rapoport asserts, was to avoid the formalistic procedure of *sharīʿah* courts, which at times hindered the proper administration of justice. In that respect, the objective behind the jurisdiction of these military officials was to secure public order.[296] Consequently, these military courts had lenient laws of procedure, and torture was accepted to extract confessions. These courts helped in the administration of justice, especially in cases that did not have witnesses or documentary evidence.[297] It is implied that the role of military courts was limited to particular legal cases. While the arguments of Yossef Rapoport are valid, we should not ignore that Ibn Taymīyah was writing his treaties before the expansion of *siyāsah* courts. Until his time, the *ḥājib* did not develop into an independent jurisdiction. The s*harīʿah* set the boundaries of the system that Ibn Taymīyah described, and the jurists and judges played a very active role in it; the central role of military officials was to apply the law that the jurists interpreted. According to Kristen Stilt, Ibn Taymīyah tried to theorise the relationship between the ruler and the jurists. For Ibn Taymīyah, *fiqh* by default governed *siyāsah* and shaped its rules and parameters. Thus, he called for *al- siyāsah al- sharʿiyya*, which implied that the *siyāsah* was limited and governed by the

[293] Ibn Taymīyah, *al-Ḥisbah fī al-Islām,* 15-16.
[294] Ibid.*,* 16.
[295] Ibn Taymīyah, *Majmūʿat fatāwá Ibn Taymīyah,* 20: 391. The *wālī* was one of the most important officials, and his power descended directly from the sultan; he was the city governor and chief of police. He had the authority to act independently or based on the sultan's instructions based on the situation. Stilt, *Islamic Law in Action,* 37.
[296] Rapoport, "Royal Justice and Religious Law," 80.
[297] Ibid., 80.

sharīʿah and any *siyāsah* policy was accepted given that it did not come into conflict with the *sharīʿah.*[298] This does not imply that the *siyāsah* violated the *sharīʿah,* but it was an independent form of justice that emerged in the middle of the fourteenth century that was concentrated in the hands of the Mamluks and not the jurists. In that respect, the competition over jurisdiction was the main reason behind the rejection.

Why were great jurists concerned with the *siyāsah* authority to that extent in the middle of the fourteenth century? There are multiple readings for this phenomenon; a possible interpretation for this could be that the members of the religious establishment felt that the expansion of *siyāsah* authority would jeopardize their jurisdiction. Consequently, they had to defend their authority and position. Some of them tried to set the boundaries of the *siyāsah* and to integrate the *fiqḥ* and *siyāsah* in one framework as Ibn Taymīyah while guarding the status of the jurists and judges in this system. On the other hand, there were others who rejected the expansion of the *siyāsah* entirely and tried to add to it a heretical flavour and provide rational and irrational grounds for their refusal. Al-Subkī, al-Maqrīzī and Ibn Taghrībirdī were advocates of this approach. The core of their rejection was that an independent and parallel form of justice emerged, which challenged the religious establishment's authority.

The Economic Crisis and the Need to Control Financial Resources

Regrading the case mentioned before, which triggered the expansion of the *ḥājib*'s jurisdiction in 1353, Yossef Rapoport asserts that, apparently, the debtors knew that based on the Ḥanafī *madhhab* they should spend some time in the *qāḍī*'s jail. During this time, either the Persian merchants would have fled, or the debtors would have declared bankruptcy; in both cases, they would escape payment. According to Yossef Rapoport, this case is very significant for several reasons. Firstly, it highlighted one of the *sharīʿah* loopholes, which made the sultan rebuke the Ḥanafī chief *qāḍī,* as he felt that the debtors used one of the legal loopholes to avoid paying the money. Secondly, it shows how the formalism of the *qāḍī*'s court could have enabled the debtors to

[298] Stilt, *Islamic Law in Action,* 33.

get out of debt. Francisco Apellaniz agrees with Yossef Rapoport that the jurisdiction of the *siyāsah* expanded over the cases that the *sharīʿah*'s formalistic attitude prevented the proper application of justice.[299] Thirdly, it projected the limitations of the quadruple legal system. Even though the Ḥanafī *madhhab* is the most critical regarding debt cases, the sultan felt that the *qāḍī'*s jurisdiction would prevent justice, owing to the fact that they were foreign merchants; they needed more protection. On these grounds, the sultan decided to transfer the case to the chief *ḥājib*.[300]

While the arguments of Yossef Rapoport are valid and provide substantial grounds for the expansion of the *ḥājib*'s jurisdiction, another dimension that should not be ignored is the economic condition of the state during this time. By 1347, the Mamluk state encountered multiple economic challenges with the plague's recurrent waves, which forced it to control its financial resources. Furthermore, the litigants were foreign merchants; and the state tried to enhance its weak position in international trade by creating strong partnerships. It is essential to highlight that, according to al-Maqrīzī, in the same year and the year before the expansion of the *ḥājib'*s jurisdiction, many Persian merchants left their countries and decided to move to Egypt and Syria because of the injustice of their rulers. Al- Maqrīzī reported that between 1351 and 1353, various Persian merchants came to Egypt and Syria because of the injustice committed by their *wālī* al-Ashraf Damerdāsh. In 1353, al-Ashraf Damrdāsh wrote to al-Malik al-Ṣaliḥ b. Qalāwūn and requested the return of his Persian subjects and mainly merchants.[301] They refused to go back. This may explain why al-Malik al-Ṣaliḥ ibn Qalāwūn took this radical decision and transferred the case of the Persian merchants to the *ḥājib.* The presence of these foreign merchants directly contributed to the economy. Hence, the sultan's interference, in this case, was not only to plug in one of the *sharīʿah* loopholes, as Yossef Rapoport argues,[302] but it could also be viewed as one of the means to control financial resources during the economic crisis. It was one of the sultan's primary duties to ensure the proper administration of justice, and the state's economic condition created a pressing need.

[299] Apellaniz, "Judging the Franks: Proof, Justice, and Diversity," 359.
[300] Rapoport, "Royal Justice and Religious Law," 82-84.
[301] Al-Maqrīzī, *Kitāb al-Sulūk li-maʿrifat duwal al-mulūk,* 4:156.
[302] Rapoport, "Royal Justice and Religious Law," 84.

Through the "superior justice" of *maẓālim,* the sultan was able to interfere in the administration of justice directly and delegate his judicial authority to one of his subordinates, who in this case was the *ḥājib*.

According to Yossef Rapoport, the *ḥājib* had a very effective jurisdiction over commercial cases, even though works of jurisprudence cover this matter extensively. This effective jurisdiction developed in the second half of the fourteenth century through *maẓālim*, and its impact manifested in the fifteenth century.[303] Robert Irwin maintains in the fifteenth century, the *ḥājib* had a very effective jurisdiction over commercial cases, despite the multiple attempts to limit his authority.[304] While Francisco Apellaniz was trying to refute the argument that the *ḥājib* delivered arbitrary judgments and usurped the *qāḍī*'s judicial authority based on Venetian descriptions, his data reveals another angle of the *ḥājib's* jurisdiction. The *ḥājib* tried to follow a procedural tradition that was very similar to the *qāḍī*'s court. He held trials for merchants that could not be viewed as arbitrary. In his trials, he used coercion which, as Ibn Taymīyah argued, was accepted in military courts and sent all parties to jail until he extracted the confession.[305] In that respect, he was able he was able to administer justice properly but following a different approach, especially in commercial cases. He accepted the oath by swearing on other scriptural texts as the Gosples.[306] His court proved to be very efficient in the cases involving Venetian and Genoese traders, who were, as noted before, vital trading partners for the Mamluks.[307] As Francisco Apellaniz asserts, the *siyāsah* justice proved to be very useful in cases that involved financial disputes. The *ḥājib* relied on various evidence; he reviewed account books and considered written evidence that was presented by unrighteous witnesses from the perspective of the *sharīʿah* courts.[308]

[303] Ibid., 86.
[304] Irwin, "The Privatization of "Justice," 67.
[305] Apellaniz, "Judging the Franks: Proof, Justice, and Diversity," 372-373.
[306] Francisco Apellaniz maintains that the Venetian notary priest held the Gosples. Apellaniz, "Judging the Franks: Proof, Justice, and Diversity," 373.
[307] Ibid., 372-375.
[308] Ibid., 365, 375.

The idea that the state was trying to control its financial resources and improve its economic condition through the expansion of the jurisdiction of the *ḥājib* becomes more clear by considering the fact that starting in the second half of the fourteenth century, the *ḥājib* settled disputes that involved non-Muslims and Frankish traders who used to resort to *sharīʿah* courts or appealed to the sultan in his *maẓālim* sessions.[309] Francisco Apellaniz asserts that, at times, Muslim merchants abused *maẓālim* and filed cases against foreign merchants and did not show up. In this case, *maẓālim* inflicted damage, which made Frankish traders prefer the *ḥājib*'s courts. In *siyāsah* courts, the Frankish traders had the opportunity to be heard by an official instantly with a more flexible procedure. Foreign merchants brought their cases before *siyāsah* courts, as they felt that it protected their rights; they were judged on equal grounds. However, in the *qāḍī's* court, at times, the formalistic procedure of *sharīʿah* prevented the administration of justice; some litigants were able to use some of the *sharīʿah* loopholes as in the case of the Persian merchants. This implies that as Francisco Apellaniz argues, *siyāsah* courts did not replace *sharīʿah,* and it was not a sort of secular justice. However, the jurists and state were adapting to changing circumstances and the presence of foreigners and non-Muslims.[310] The involvement of the state in trade was critical during this period, in view of the fact that it was trying to improve its economic condition. The expansion of the jurisdiction of the *ḥājib* ensured the proper administration of justice; the presence of this particular jurisdiction regulated the economic life in a way that was needed during this critical period.

Although the *ḥājib* represented another form of legal pluralism, which was in line with the Mamluks legal strategy, his court was a matter of debate and competition for the jurist and judges, with the expansion of his jurisdiction over debt and matrimonial cases.[311] In theory, debt and matrimonial cases, which presumably touched a large portion of cases, fell under the *qāḍī*'s jurisdiction. This was one of the main reasons why the *siyāsah* courts were perceived as a rival for

[309] Ibid., 354.
[310] Ibid., 357.
[311] Shahar, "Legal Pluralism and the Study of Sharīʿah Courts," 127.

the *sharīʿah*.[312] The *siyāsah* courts, which were led by the *ḥājib,* were one of the attempts of the Mamluk state to deal with diversity. Therefore, there were Venetian scribes, translators, and the *ḥājib* borrowed different legal procedures. In the viewpoint of Francisco Apellaniz, this was a kind of adjustment and coexistence that aimed at facilitating transactions.[313] The Mamluks did not want to override the *sharīʿah*, but they only tried to accommodate diversity during economic crises.[314] Thus, one of the possible readings for the expansion of the jurisdiction of the *ḥājib* is that the state wanted to concentrate judicial authority in the hands of competent individuals, who were able to judge and enforce the law, but the expansion was rejected by some of the jurists and contemporary historians.

The expansion of the jurisdiction of the *ḥājib* was one of the key moments in the history of *maẓālim.* It set the stage for the expansion of a new form of justice known by the *siyāsah* courts derived from *maẓālim.* The *ḥājib* led it in the middle of the fourteenth century, and in the fifteenth century, other military officials presided over it. This was one of the moments when the institution was politically utilised to legitimise the emergence of a new form of justice. This chapter tried to look at the expansion of the jurisdiction of the *ḥājib* from a different angle and argue that two main factors informed this innovation. These were the will of the sultans and *amīr*s to have a greater say in judicial matters and the state's economic condition. This urged the state to control its financial resources and concentrate judicial authority in the hands of military officials as the *ḥujjāb* who were able to judge and enforce the law.

[312] Matthew B. Ingalls, "The Historiography of Islamic Law During the Mamluk Sultanate," *The Oxford Handbook of Islamic Law*, (2015): 2.
[313] Apellaniz, "Judging the Franks: Proof, Justice, and Diversity," 376.
[314] Ibid., 377.

4

Maẓālim under the Circassian Mamluks

(1382-1517)

Context

While the Mamluk sultanate entered a phase of political and economic instability since the middle of the fourteenth century, the role played by Circassian sultans (1382-1517) was quite significant, particularly when compared with the Qalāwūnid house; nine Circassian sultans attained the throne over one hundred and thirty-six years.[315] According to John Meloy, one of the distinct traits of the Circassian sultans was that they enjoyed a good deed of political authority due to their close relationships with the caliphate and the religious establishment.[316] These were often two indispensable sources of legitimacy. In that respect, the sultan was no longer a nominal figure, as noted under the Qalāwūnid s.[317] In 1382, Sultan Barqūq (r. 1382-1389/ 1390-1399), the founder of the Circassian regime, attained the throne and tried to restore the power of the sultanate, but he encountered various problems.[318] The financial status of the sultanate was one of the most complicated situations that he had to deal with. Historians have tried to provide various

[315] John Meloy, "The Privatization of Protection: Extortion and the State in the Circassian Mamluk Period," *Journal of the Economic and Social History of the Orient* 47, no. 2(2004): 196.
[316] Ibid., 196.
[317] Levanoni, "The Mamluk Conception of the Sultanate," 374.
[318] One of the key features of the Circassian Mamluks fiscal system was the presence of a special office known by *Dīwān al-Amlāk wa- al Dhakhīrah* that was responsible for the private properties of the sultan. The Circassian sultans had a tendency to hold private property in the form of land*waqf*. This office was introduced by Barqūq to manage these private assets. In this article, Igarashi Daisuke examines the role played by the state and traces the development of this special bureau, highlighting the critical changes that took place in the Mamluks financial system. Circassian sultans as well as *amīr*s were interested in property accumulation. The sultans and *amīrs* engaged in commercial activities and held *iqtāʿat* to guarantee a constant revenue source. Under critical circumstances, sultanic fisc covered the state's deficit. Eventually, the financial burdens of this bureau increased, and it had a negative impact on the deteriorating financial system. This matter has been explored in detail in: Igarashi Daisuke, "The Evolution of the Sultanic Fisc and al-Dhakhīrah during the Circassian Mamluk Period," *Mamluk Studies Review* XIV, (2010): 85,88, 105.

interpretations for the economic stagnation that the state entered. One of the primary reasons for this critical economic situation was the state's failure to cover its expenses. In the viewpoint of Igarashi Daisuke, the state failed to cover its enormous expenses because of the very high revenue that the military, women quarters (*harīm),* and eunuchs received, along with the large sums that were paid to the Royal Mamluks to guarantee their loyalty.[319] It is also important to note that the sultanate continued to suffer from the devastating impact of the plague that occurred between 1348 and 1349, which had a demolishing effect on agriculture. In rural areas, peasants suffered, as the government neglected land management, and *iqṭāʿ* holders extracted very high taxes.[320] Land management was one of the dilemmas that the state had to deal with during this period. This issue intensified with the privatisation and *waqfization* of land, which was the primary source of tax revenue, and the treasury highly depended on it. While the threat of external powers relatively diminished during the middle of the fourteenth century, this threat was regenerated towards the end of the century with the rise of the Ottoman empire.[321]

This chapter will focus on two key developments, emerging as a result of these conditions, that took place in *maẓālim* under the Circassian regime. The first is the movement of *maẓālim* to the Royal Stables by Barqūq in 1387, and the second is the justice offered by the purchased Mamluks *(julbān)* between 1456 and 1457. The aim of this chapter is to understand to what extent these key developments were informed by the economic and political conditions of the state. This chapter will be divided into two main sections. Section one will focus on the rise of the Circassian Mamluks under Barqūq, and the very centralised policy he adopted during this period. The objective is to understand the role played by the institution of *maẓālim* during this period and to show that Barqūq's policies towards centralisation and *maẓālim* were interrelated. This chapter will argue that the movement of *maẓālim* to Royal Stables by Barqūq in 1387 was a symbolic act, which reflected

[319] Igarashi Daisuke, "The Establishment and Development of al-Dīwān al-Mufrad: Its Background and Implication," *Mamluk Studies Review* X no. 1, (2006): 117.-140.
[320] Ibid., 119.
[321] Jean Claude Garcin, " The Regime of the Circassian Mamluks," in *The Cambridge History of Egypt*, ed. Carl F. Petry (Cambridge: Cambridge University Press, 1998), 291.

policy of centralisation. In other words, it was part of some administrative reforms that he introduced to encounter the financial crisis and gain better control over his entourage. In the fifteenth century, the economic recession continued, and the state entered a phase of deterioration. It seems that a gradual decentralisation process took place, and it was one of the solutions that the state had to accept to survive. Therefore, the second section will focus on the decentralisation process that took place on multiple levels, arguing that what was happening in *maẓālim* was part of a wider trend that was taking place in the fifteenth century. One of the key trends was the privatisation of different state activities such as justice, *ḥisba,* and protection. In the fifteenth century, the selling of public offices and accepting bribery were also very common practices. Carl Petry agrees with John Meloy that the state accepted the institutionalisation of these unlawful practices to increase its revenue.[322] In the fifteenth century, bribery and the purchase of public offices were among the key features of the administration. Eventually, it became embedded in the system and institutionalised.[323] *Maẓālim* was one of the institution that were impacted by these transformations. This chapter will argue that what happened in *maẓālim* was part of a broader trend of decentralisation and privatisation of different state activities. The aim behind it was to find other sources of revenue and to please the Mamluk class. In light of the above, this chapter will explore two main phases that *maẓālim* passed through under the Circassian Mamluks. The first was the movement of *maẓālim* to the Royal Stables. The second was the gradual decentralisation of the institution and the justice offered by the *julbān*.

The Movement of *Maẓālim* to Royal Stables

The movement of *maẓālim* from *al- īwān al-kabīr (dār al-ʿadl)* to the Royal Stables (*al-iṣṭabl al-sulṭānī)* was an indication of his political intentions. Barqūq tried to bring the institution closer to sultanic overview and made it more accessible to the public, which this section will discuss. Historians have agreed that *maẓālim* reappears as a powerful institution during the reign of

[322] Carl Petry, Protectors or Praetorians? *The Last Mamluk Sultans and Egypt's Waning as a Great Power* (Albany: State University of New York, 1994), 167-168; John Meloy, "The Privatization of Protection," 208.
[323] Meloy, "The Privatization of Protection," 208.

sultan Barqūq. The sultan encouraged the public to carry their petitions to *maẓālim*.[324] When sultan Barqūq restored the power of the sultanate, he held *maẓālim* in *dār al-ʿadl* for some time. Then, in 1387, according to al-Maqrīzī, Barqūq decided to move *maẓālim* sessions from *al-īwān al-kābīr,* which was built by al-Nāṣir Muḥammad, to the Royal Stables.[325] This place was located at the lower part of the citadel and more accessible to the public than *al-īwān al-kabīr*.[326] He changed the days of the biweekly sessions, so the *khidma* became on Sundays and Wednesdays instead of Mondays and Thursdays. Then, he changed it again to become on Tuesdays, Saturdays, and Fridays afternoons.[327]

The movement of *maẓālim* to the Royal Stables is often viewed as one of the key developments in the institution. Historians have tried to provide various interpretations for the choice of Barqūq to this unprecedented location, and a number of explanations have been forwarded. It is essential to highlight that the movement of *maẓālim* to Royal Stables did not imply that the institution became insignificant. Barqūq lived in *al-iṣṭabl al- sulṭānī* when he was *atābak al-ʿasākir.* This was the custom, at a time, that *al-amīr al-kabīr* or *atābak al-ʿasākir* to live in *al-iṣṭabl al- sulṭānī* and consider it the ruling complex. Then, he moved to the royal palace when he attained the throne.[328] For this reason, Linda Darling argues that the Royal Stables often symbolised political sovereignty.[329] On the other hand, Fumihiko Hasebe argues that the movement of *maẓālim* to the Royal stables had political and social implications that cannot be ignored. In his study of the cases brought before Barqūq, he has tried to find a connection between popular movements and *maẓālim.*[330] In his viewpoint, one of the reasons that triggered the movement of *maẓālim* was that

[324] Fuess, "Ẓulm by Maẓālim," 138; Rabbat, " The Ideological Significance of the Dār al-ʿAdl," 18; Fumihiko Hasebe, " Sultan Barquq and his Complaining in the Royal Stables," *Taylor and Francis Online* 21, no. 3 (2009): 316; Rapoport, "Royal Justice and Religious Law," 85.
[325] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 364.
[326] Tillier, "The *Maẓālim* in Historiography," 9.
[327] Fumihiko Hasebe asserts that Ibn al-Ṣayrafī maintained that Barqūq presided over *maẓālim* on these specific days because Sundays and Wednesdays were his entertainment days. Hasebe, "Sultan Barquq and his Complaining in the Royal Stables," 319.
[328] Levanoni, "The Mamluk Conception of the Sultanate," 384.
[329] Darling, *A History of Social Justice and Political Power,* 120.
[330] Hasebe, "Sultan Barquq and his Complaining in the Royal Stables," 316.

Barqūq was aware of the threat of having the state functions and *maẓālim* in the same building (*dār al-ʿadl*). This unity diminished the role of *maẓālim* and made the place represent ceremonies, so he decided to dissect them.[331] Fumihiko Hasebe provides another interpretation that Barqūq wanted to break from the Qalāwūnid s' practice and to establish his distinct ruling ideology and tradition. In his viewpoint, Barqūq came with a new ruling ideology that capitalised on the acceptance of the ruled, and he focused on the "cultural politics." This location enhanced this ruling ideology and reflected that the sultan went down from his place of power to the lower part of the citadel closer to the public to hear their complaints and to try to solve them.[332] In that respect, Fumihiko Hasebe agrees with Linda Darling that Royal Stables was a significant location that represented political sovereignty.[333] Another crucial factor that Fumihiko Hasebe highlights in the movement of *maẓālim* to the Royal Stables was that Barqūq eliminated the feeling of intimidation that litigants had to experience when they walked through the citadel.[334] This is further supported by the fact that this location was very close to Cairo's residential quarters.[335] Hence, this location highlighted the accessibility of the sultan, which was often one of the main objectives of the institution of *maẓālim*. Nasser Rabbat argues that different sultans tried to choose the most publicly accessible location, which explains the frequent change of the *maẓālim* location.[336] In the viewpoint of Fumihiko Hasebe, Barqūq moved *maẓālim* sessions closer to the *Rumayla* square and residential quarters, the place where popular movements took place.[337] By that, the movement of *maẓālim* to this new location allowed the sultan to have better control over his entourage and become closer to his subjects. This complemented his centralization policy.

The movement of *maẓālim* to the Royal Stables was one of the key developments that took place in the institution not only because of the significance of location but also because of other

[331] Ibid., 322.
[332] Ibid., 323, 324.
[333] Darling, *A History of Social Justice and Political Power,* 120; Hasebe, "Sultan Barquq and his Complaining in the Royal Stables," 323.
[334] Hasebe, "Sultan Barquq and his Complaining in the Royal Stables," 324.
[335] Rapoport, "Royal Justice and Religious Law," 84.
[336] Rabbat, "The Ideological Significance of the Dār al-ʿAdl," 14.
[337] *Rumayla* square was the horse market; public demonstrations usually took place in it staring the second half of the fourteenth century. Hasebe, "Sultan Barquq and his Complaining in the Royal Stables," 324.

factors. This movement was accompanied by significant transformations in the institution, in terms of the protocol, litigants, and types of cases brought before *maẓālim.* When Barqūq moved *maẓālim* to the Royal Stables, he encouraged his subjects to complain about any unjust act. His motive may have been to control state officials. Ibn al-Furāt asserted that Barqūq altered *maẓālim* protocol and introduced a new system that obliged litigants to pass first by the *ḥājib* or *qāḍī.* In that respect, litigants were allowed to submit their petitions directly to the sultan on one condition, that they had either passed first by the *ḥājib* or *qāḍī.* If the *ḥājib* or *qāḍī* passed a judgment that did not satisfy one of the parties, they could bring their case before the sultan, who would personally review it. Litigants who did not follow this procedure and directly submitted their petition to the sultan were beaten and forced to leave the session.[338] Ibn al-Furāt considered this procedure revolutionary in the history of *maẓālim,* mostly because Barqūq personally reviewed the cases and did not delegate this duty to one of his subordinates or informed the *ḥājib* his decision.[339] It is worthy of note that Barqūq was only accompanied by *kātib al-sirr*, *dawādār*s, and head of the police (*nāqib al-juyūsh)* in these *maẓālim* sessions.[340] There is no reference of the four chief *qāḍī*s, *mufti dār al-ʿadl, amīr*s*, wakīl bayt al-māl,* and *kātib al-dast.* These officials customarily attended *maẓālim* sessions, but Ibn al-Furāt did not mention their presence. This was another significant change in the protocol of *maẓālim*.

The new system that Barqūq introduced was considered one of the crucial developments in the institution at the end of the fourteenth century. Modern historians have tried to underscore its implications. Yossef Rapoport argues that Barqūq distinguished himself from the *sharīʿah* and *siyāsah* courts and directly intervened in the administration of justice.[341] In his viewpoint, Barqūq directly intervened in the legal system when he forced litigants to pass first by the *ḥājib* or *qāḍī*. Yossef Rapoport argues that the intervention of Barqūq in the legal system was more radical than

[338] Hasebe, "Sultan Barquq and his Complaining in the Royal Stables," 318.
[339] Ibn al-Furāt, *Tārīkh Ibn al-Furāt*, 9: 17.
[340] Ibid.
[341] Nielsen, *Secular Justice in an Islamic State,* 85.

Baybars's.[342] On the other hand, Fumihiko Hasebe argues that Barqūq's *maẓālim* served as a court of appeal against the decisions of the *sharīʿah* and *siyāsah* courts, which were led by the *qāḍī* and *ḥājib*. It is essential to highlight that Fumihiko Hasebe argues that Ibn al-Furāt did not regard Barqūq's *maẓālim* sessions as a superior court over the *sharīʿah* and *siyāsah* courts.[343] The insistence of Barqūq that litigants should pass first by the *ḥājib* or *qāḍī* could also be viewed that it marked the consolidation of the *ḥājib's* jurisdiction. The justice that the *ḥājib* offered became an integral part of the Mamluk legal system or one of the forms of justice that the state offered. This idea becomes more apparent by considering the fact that when Barqūq moved *maẓālim* to Royal Stables, he forced litigants to either pass first by the *ḥājib* or *qāḍī*.[344] This is further supported by the fact that Mathieu Tillier maintains that under Barqūq *maẓālim* and *sharīʿah* courts complimented one another. While Yossef Rapoport argues that Barqūq used *maẓālim* to intervene in the legal system, Mathieu Tillier asserts that these two forms of justice complimented one another under his rule; some of the cases that were brought before *maẓālim* were referred to *qāḍī*s.[345] It is important to note that Jørgen Nielsen argues that, in general, these two forms of justice never competed over jurisdiction and complimented each other. [346]

Barqūq did not only alter the *maẓālim* protocol, but he also encouraged a new audience to come and submit their petitions; these were the residents of rural areas. Ibn al-Furāt cited more than one case that was submitted by peasants to the sultan against governors. Interestingly enough, these cases were submitted against governors and *amīr*s who oppressed and unlawfully obtained money from the peasants. Clearly, the system offered the sultan a way to control these officials. The sultan took the side of the peasants and ruled with very harsh judgment. In one of the incidents, the sultan decreed that *amīr* Naṣr al-Dīn Muḥammad Shāh, the governor, would be whipped and dismissed

[342] Yossef Rapoport argues that Baybars's indirectly intervened in the administration of justice when he introduced the quadruple legal system. Rapoport "Royal Justice and Religious Law," 85.
[343] Hasebe, "Sultan Barquq and his Complaining in the Royal Stables," 318.
[344] Ibn al-Furāt, *Tārīkh Ibn al-Furāt*, 9: 17.
[345] Tillier, "The *Maẓālim* in Historiography," 9.
[346] Nielsen, *Secular Justice in an Islamic State,* 114.

from his position. [347] Fumihiko Hasebe argues that economic benefits often triggered Barqūq's judgments.[348] However, these incidents could be viewed as one of the moments when *maẓālim* was politically utilised to achieve broader objectives. This was part of Barqūq's reform plan to encounter the economic crisis, a symbolic act that reflected his centralisation policy. This idea is better understood when we consider the background of this incident and how Barqūq was trying to diminish the power of the *amīr*s over agricultural lands.

Barqūq was very focused on administrating justice in ruler areas. In his first *maẓālim* sessions, he gathered all the land administrators (*mubāshirūn)* who worked for the *amīr*s and warned them from imposing illegal taxes on peasants.[349] Barqūq wanted to limit the authority of the *amīr*s over land because the decrease in taxable lands was one of the main factors that contributed to the financial crisis. The lands that produced large sums were rented either by senior *amīr*s or were converted into *waqf*.[350] Barqūq tried by every possible means to limit this practice and believed that the transformation of many of the state's lands into *waqf* was one of the primary reasons behind the state's declining economic condition. This was because the increase in *waqf* meant less revenue for the treasury as these lands were tax- free.[351] These were all forces that alienated the lands that the state had control over and damaged many of the rural districts, which impacted the state's financial situation. This problem arose because some *amīr*s illegally obtained these lands when they found that their income dramatically decreased after the plague. They tried to increase their land share by gaining power over different areas. Most of these violations happened under the later Qalāwūnid s when the sultan had a very weak character, and his authority over governmental matters decreased.[352] In other words, the sultan tried to use the *maẓālim* to solve the land issues that restricted state revenue.

[347] Ibn al-Furāt, *Tārīkh Ibn al-Furāt*, 9: 335.
[348] Hasebe, "Sultan Barquq and his Complaining in the Royal Stables," 320.
[349] Hasebe, "Sultan Barquq and his Complaining in the Royal Stables," 321.
[350] Daisuke, "The Establishment and Development of al-Dīwān al-Mufrad," 120, 121.
[351] Ibid., 122.
[352] Daisuke, "The Establishment and Development of al-Dīwān al-Mufrad,"123.

Barqūq tried to restructure the sultanate and to confront the financial crisis that the state had drawn in. As Fumihiko Hasebe argues, although it was a period of economic crisis at the micro level, Barquq was very keen on reform.[353] *Maẓālim* could be viewed as one of the institutions that played a crucial role in this reform project and was part of Barqūq's plan to encounter the financial crisis. To understand this idea, one must look at one of the major developments that took place at the beginning of Barqūq's reign.[354] One of these early attempts was the introduction of a particular office known by *al-dīwān al-mufrad*. This financial office was established to provide monthly salaries and closing allowances for the Royal *Mamluk*s, one of the most important factions in the army. This office obtained its revenue from particular lands that did not fall under the treasury.[355] Barqūq established this system to guarantee a constant revenue source for the Royal *Mamluk*s, whose income decreased because of reduced state lands. Igarashi Daisuke argues that *dīwān al-mufrad* allowed Barqūq to gain better control over the military and the most powerful faction. This *dīwān* was independent of the state's financial system, as *iqṭāʿ* lands primarily funded it. Consequently, this *dīwān* avoided the financial difficulties that the state encountered and allowed the sultan to restore his authority over the Mamluks.[356]

It is important to note that *dīwān al-mufrad* was established to encounter the alienation of government lands from the treasury.[357] This was a solution that the Circassian sultan Barqūq came up with. In that respect, we can argue that *maẓālim* sessions that were held by Barqūq complemented the role played by this office. In other words, sultan Barqūq gave *maẓālim* a function that far exceeded that of the judiciary body. One of the main drawbacks of the *iqṭāʿ* system was that most of the lands were either inherited or privatized, which led to the collapse of this system. The Mamluk elites controlled most of the lands, and the state's lands were sold to them. Barqūq tried to

[353] Hasebe, "Sultan Barquq and his Complaining in the Royal Stables," 321.
[354] In 1395, Barqūq introduced *Dīwān al-Amlāk*; this office was responsible for the management of his private lands. In 1397, he introduced *ustādār al-amlāk wa-al-awqāf wa-al-dhkhīrah*, which was responsible for the administration of his waqf properties. Daisuke, "The Evolution of the Sultanic Fisc and al-Dhakhīrah" 88.
[355] Daisuke, "The Establishment and Development of al-Dīwān al-Mufrad,"124.
[356] Ibid.,127.
[357] Ibid., 138.

solve the problem of land management earlier. Barqūq believed that the transformation of many of the state's lands into *waqf* was one of the primary reasons behind its declining economic condition. This put him in direct conflict with the religious establishment. According to al-Maqrīzī, in 1379, Barqūq was ruling in his capacity as *atābak al-ʿasākir*.[358] He gathered the *ulama* and called for the cancellation of the lands that were transferred into *waqf* and its return under the treasury's control.[359] Igarashi Daisuke argues that Barqūq tried to diminish the power that the *amīr*s had over land because the increase in *waqf* meant less revenue for the treasury, as these lands were tax-free.[360] These were all forces that alienated the state's lands had control over, which negatively impacted its financial situation and damaged some rural districts. The *amir*s obtained these lands when their income dramatically decreased after the plague; they tried to increase their land share by gaining power over different agricultural areas to compensate for their lost revenue. This eventually became a common practice under the later Qalāwūnid s, especially during the reigns of the sultans, who had very weak characters and limited authority over governmental matters. The legality of the *amīr*s' violations remained unquestioned, as Igarashi Daisuke asserts until Barqūq tried to demolish this established norm. Al-Maqrīzī maintained that the *ulama* rejected the abrogation of *waqf* lands. It is important to note that the *ulama* depended on the *awqāf* and tried to protect this system as much as they could.[361] This incident reflected the power that the *amīr*s developed at the end of the fourteenth century that even the religious establishment could not challenge. Al- Bulqīnī, who was a military judge, explicitly mentioned that the *amī*rs were the ones who ordered the judges. If the judges did not obey their orders, they would be dismissed.[362] In that respect, judges were left with

[358] Although Barqūq attained the throne in 1382, he enjoyed exclusive authority since 1378. Garcin, " The regime of the Circassian Mamluks," 288, 290. He occupied this position by bestowing gifts on his Mamluks and appointing them to vital posts. He was the first *amīr* to mint coins that bore his symbol because of the broad support he received. Levanoni, "The Mamluk Conception of the Sultanate," 384.
[359] Al-Maqrīzī, *Kitāb al-Sulūk li-maʿrifat duwal al-mulūk,* 5:57; Daisuke, " The Establishment and Development of al-Dīwān al-Mufrad,"122. Interestingly enough, According to Igarashi Daisuke, in 1382, when Barqūq attained the throne, he tried to increase his private wealth by purchasing lands and transforming them into *waqf.* Daisuke, "The Evolution of the Sultanic Fisc and al-Dhakhīrah," 88.
[360] Daisuke, "The Establishment and Development of al-Dīwān al-Mufrad," 122.
[361] Ibid., 92.
[362] Al-Maqrīzī, *Kitāb al-Sulūk li-maʿrifat duwal al-mulūk,* 5: 57-58.

very few options and had to accept. Igarashi Daisuke asserts that some of the attempts of Barqūq to limit the power that the *amīr*s had over land eventually failed, and the state was only able to impose levies on some of these lands.[363] This incident is very indicative, as it shows the amount of power that Mamluk *amīr*s enjoyed to the extent that they could challenge the ruler's decision and the religious establishment, who ruled with the fear of dismissal.

Under these critical economic conditions, Barqūq tried to find other means to limit the authority and control the state's financial resources. The *maẓālim* was one of the institutions that he relied on to achieve this objective. As Igarashi Daisuke rightly notes, the selling of the state's land was a common practice in the Mamluk sultanate, and the confiscation of the lands that were transformed into *waqf* was never considered a legal practice.[364] This may explain why *waqf* disputes remained the most controversial type of cases that were brought before *maẓālim*. In the viewpoint of Jørgen Nielsen, these cases reflected the struggle between the religious and the military establishments.[365] It could also be viewed that it reflected the struggle between the ruler and Mamluk elites. A large number of *waqf*s were confiscated mainly during the reign of Barqūq. According to Jørgen Nielsen, there is no evidence that disputes arose because of these confiscations.[366]

As Barqūq established *dīwān al-mufrad* to encounter the isolation of government lands from the treasury, he also tried to utilise *maẓālim* in a way that allowed him to monitor and limit the acts of the *amīr*s and administrators. This enabled him to protect land management and control his entourage. Mamluk *amīr*s and administrators were aware that the sultan was monitoring their actions through *maẓālim*. Barqūq encouraged peasants to complain about any act of oppression that was committed against them. As Fumihiko Hasebe rightly notes, Barqūq politically utilised the institution and was able to appear as a just ruler in the eyes of his subjects, though the religious

[363] Daisuke, "The Establishment and Development of al-Dīwān al-Mufrad,"124.
[364] Ibid., 124.
[365] Nielsen, *Secular Justice in an Islamic State,* 121.
[366] Ibid., 121.

establishment was not very content with what he was doing.[367] Carl Petry argues that Barqūq projected himself as the public's guardian whose rights were abrogated either by the jurists or state officials.[368] Barqūq achieved this objective by choosing this unprecedented location and introducing a new *maẓālim* protocol, which attracted a new audience to his sessions. Although Baybars and Barqūq had different ruling ideologies due to various circumstances, they were both able to project the image of the just ruler and politically utilise the institution.

Maẓālim in the Fifteenth Century

Towards the end of the fourteenth century, *maẓālim* had undergone significant transformations by its movement to the Royal Stables in 1387. The magnificent building of *dār al-ʿadl* was no longer considered the primary site of *maẓālim*, but some sultans, occasionally, held *maẓālim* in it. [369] Nasser Rabbat argues that *dār al-ʿadl* lost part of its glory in the fifteenth century because the idea of praising *jihad* and relying on it as one of the main pillars of legitimacy became less remarkable. More precisely, the Mamluks no longer depended on it to support their political agenda and consolidate their legitimacy. Furthermore, the Mamluk sultanate did not project itself as the Islamic empire's defender, as before.[370] This may explain why *dār al-ʿadl* was used for ceremonial events and not *maẓālim*. In the fifteenth century, the jurisdiction of *maẓālim* focused mainly on two types of petitions; these were regular *maẓālim* petitions, which complained about acts of injustice and oppression, and the second type were petitions that requested *iqṭāʿ* and official posts. [371] The second type of cases were triggered by the state's financial situation and the institutionalisation of some illegal practices.

According to al-Maqrīzī, although the successors of Barqūq, including his son al-Nāṣir Farg (r.1399-1405/ 1405- 1412), continued the long standing tradition of reviewing petitions in the same

[367] Hasebe, "Sultan Barquq and his Complaining in the Royal Stables," 322.
[368] Carl Petry, *The Criminal Underworld in Medieval Islamic Society: Narratives from Cairo and Damascus Under the Mamluks* (Chicago: Middle East Documentation Center, 2012), 298.
[369] Barsbāy occasionally held *maẓālim* sessions in *dār al -ʿadl*; Fuess, "Ẓulm by Maẓālim," 126; Stowasser, "Manners and Customs at the Mamluk Court," 17.
[370] Rabbat, "The Ideological Significance of the Dār al-ʿAdl," 22.
[371] Fuess, "Ẓulm by Maẓālim," 138.

location, *maẓālim* was no longer considered an effective channel of justice. In the words of al-Maqrīzī, "It was useful for others and unuseful for others, and its harm was more than its benefit."[372] The successors of Barqūq continued his policy and presided over *maẓālim*, in the fifteenth century. For instance, al- Muʾayyad Shaykh (r.1412-1421) also reviewed *maẓālim* petitions.[373] The grand *amīr* Ṭaṭar in 1421 held *maẓālim* sessions after ten days from the death of al-Muʾayyad Shaykh. He gathered the judges and *amīr*s, though he was still in a temporary position. This shows to what extent m*aẓālim* remained a crucial source of legitimacy after Barqūq's death. This could be considered one of his attempts to consolidate his legitimacy. Although al-Maqrīzī was not very content with the functioning of *maẓālim* under al-Nāṣir Farg and his successors, Ibn Taghrībirdī praised Ṭaṭar (r. 1421) for his just *siyāsah.* One of the reasons Ibn Taghrībirdī praised Ṭaṭar was because he studied Islamic jurisprudence and was trained in the Ḥanafī *madhhab.* In the viewpoint of Ibn Taghrībirdī, Ṭaṭar was considered a just ruler.[374]

The case of sultan Ṭaṭar sheds light on multiple developments that took place in the institution during the fifteenth century. One of the critical variations under the Circassian Mamluks was that *maẓālim* and *siyāsah* were used interchangeably. According to al-Maqrīzī, since the rise of the Circassian Mamluks *al-naẓir fī al-maẓālim* became known by *ḥukm al-siyāsah* that was administered by *nawwāb al-salṭana, ḥājib al-ḥujjāb,* and the sultan.[375] Before the rise of the Circassian Mamluks, it was not explicitly mentioned that *maẓālim* functioned based on *siyāsah* authority. When Ṭaṭar held *maẓālim* in 1421 in the Royal Stables, the senior *amīr*s, *Kātib al-sirr*, *nāqib al-juyūsh, walī, and ḥujjāb* attended his *maẓālim* sessions.[376] It is important to note that although Ibn Taghrībirdī praised Ṭaṭar for his justice, there is no reference for the four chief *qāḍī*s nor *muftī dār al-ʿadl*. This reflects that the institution functioned under the umbrella of the *siyāsah* and not *sharīʿah*. Interestingly enough, Ibn Taghrībirdī did not mention any comment that would

[372] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 666.
[373] Ibid., 3:364.
[374] Fuess, "Ẓulm by Maẓālim," 138.
[375] Al-Maqrīzī, *al-Mawāʿiẓ wa-al-iʿtibār fī dhikr al-khiṭaṭ wa-al-āthār,* 3: 666.
[376] Ibn Taghrībirdī, *al-Nujūm al-zāhirah fī mulūk Miṣr wa-al-Qāhirah*, 14: 173.

reflect his discontent with this idea. On the other hand, Ibn al-Furāt's discontent about the exclusion of the *qāḍī*s and scholars from Barqūq's *maẓālim* was evident when he mentioned that "we did not hear about this before from our scholars."[377] This could indicate that the tension that historians and jurists expressed in the middle of the fourteenth century about the *siyāsah* authority and its courts started to dissolve by the first half of the fifteenth century. It seems that the religious establishment accepted the fact that the *siyāsah* authority was concentrated in the hands of the political authority and allowed them to have a greater say in judicial matters without the need of the *qāḍī*s to legitimise this process. Furthermore, it seems that during these years, the grand *amīr* presided over *maẓālim* before attaining the throne. Barsbāy (r. 1422- 1438) also held *maẓālim* after the death of Ṭaṭar; then, he became the sultan.[378] This reflects the extent to which the institution remained an integral part of the Mamluks ruling ideology and an indispensable source of legitimacy.

It is important to note that in the fifteenth century, the *siyāsah* courts, which were derived from *maẓālim*, were not only led by the *ḥājib,* but there is evidence that other military officials held sessions.[379] While in the fourteenth century, the *siyāsah* courts were primarily concerned with debt issues, in the fifteenth century, their jurisdiction expanded to settle matrimonial cases.[380] Yossef Rapoport argues that during this period, the *siyāsah* jurisdiction became parallel to the *qāḍī*'s court; it was considered legitimate and supported by sultanic authority.[381] Ibn Taghrībirdī reported that, in 1452, a Muslim merchant filed a case against a Jewish merchant in the *sharīʿah* court. The core of the matter was that the Muslim merchant wanted to obtain a court order that would restrict the Jewish merchant from filing cases except before the *sharīʿah* courts. The *chief qāḍī* Walī al-Dīn al-Sūnbāty passed this verdict. The Jewish merchant refused to accept and said that he would submit a complaint. The *chief qāḍī* asked the translator to repeat the judgment, but the Jewish merchant refused to obey. The chief *qāḍī* got angry, so he tortured and imprisoned him. The Jewish merchant

[377] Ibn al-Furāt, *Tārīkh Ibn al-Furāt*, 9: 17.
[378] Fuess, "Ẓulm by Maẓālim," 138.
[379] Rapoport, "Royal Justice and Religious Law," 86.
[380] Ibid., 86.
[381] Ibid., 87.

submitted a complaint to sultan Jamāq who, when he heard the case rebuked the Malkī chief *qāḍī* and told him that "*siyasāh* runs the same course as the *shar'*" Ibn Taghrībirdī reported that the sultan overruled the judgment of the *qāḍī* and had him beaten. [382] This case shows that non-Muslims resorted to *siyāsah* courts, and it developed a parallel jurisdiction to *sharīʿah* courts.

The *dawādār* was one of the military officials whose jurisdiction expanded in the fifteenth century. The *dawādār* was responsible for the supervision of the scribes and chancery individuals. He was also responsible for official documents and an integral part of his duty was the postal service. The *dawādār* was in charge of foreign affairs and espionage.[383] It is worthy of note that the *dawādār* interfered in the administration of justice since the time of Baḥrī Mamluks. Jørgen Nielsen asserts that the *dawādār* was one of the powerful military officials to the extent that his opinion could impact *maẓālim* cases. He was responsible as the *ḥājib* for presenting *maẓālim* petitions. Jørgen Nielsen argues that the power of the *dawādār* increased to the extent that he participated in the decision process of *maẓālim* cases and passed the verdicts to *kātib al-sirr*.[384] According to al-Qalqashandī, he was one of the channels of submitting *maẓālim* petitions to the sultan.[385] A change happened between 1421 and 1422; the *dawādār* started to pass judgments over people.[386]

Ibn al- Ṣayrafī reported this case towards the end of the fifteenth century that shows that the *dawādār* developed an effective jurisdiction over matrimonial cases. The maternal aunt of an orphan girl filed a petition to the chief Hanafī *qāḍī* Muḥibb al-Dīn banū al-Shiḥnah asking him to permit one of the *qāḍī*s, who by coincidence was Ibn al- Ṣayrafī who was a Hanfī deputy *qāḍī*, to marry off her niece to a good husband. Yossef Rapoport maintains that the aunt's choice of the Ḥanafī school was because its the only school that allowed the *qāḍī* to marry off an orphan who was still a minor. After investigation, Ibn al- Ṣayrafī married the minor girl to a servant who worked at

[382] Ibn Taghrībirdī, *Ḥawādith al-duhūr fī mada al-ayyām wa-al-shuhūr*, 366; Rapoport, "Royal Justice and Religious Law," 84.
[383] Irwin, *The Middle East in the Middle Ages,* 39.
[384] In the viewpoint of Jørgen Nielsen, the significant difference between *kātib al-sirr* and *dawādār* was that the former had an office or department under him while the latter did not have. Nielsen, *Secular Justice in an Islamic State,*92.
[385] Al-Qalqashandī, *Ṣubḥ al-aʿshá fī ṣināʿat al-īnshāʾ,* 6: 199; Nielsen, *Secular Justice in an Islamic State,* 69.
[386] Irwin, "The Privatization of "Justice" under the Circassian Mamluks," 67.

one of the Royal Mamluks' house. Ibn al- Ṣayrafī inserted a clause that forbids the groom from consummating the marriage until the wife reaches puberty. What happened was that the groom ignored this clause and consummated the marriage. In 1470, the girl asked for a divorce, which the husband refused to grant her unless she financially compensated him. The maternal aunt brought this case before the grand *dawādār* Yashbak. The grand *dawādār* brought the groom and Ibn al-Ṣayrafī in his court. He asked the *qāḍī* on what grounds did he marry this twelve-year-old girl. Ibn al- Ṣayrafī replied that he had done so based on the permission that he obtained from the person who appointed him to this post and the doctrine of his school. He also mentioned he has reviewed the evidence and was sure that the girl's parents were absent. It seems that the grand *dawādār* Yashbak was not convinced with Ibn al- Ṣayrafī's arguments, so he ordered that the husband had to be flogged less than one hundered lashes and humiliated. He also commended the divorce settlement must be reviewed by a Ḥanafī *qāḍī*. Based on the *sharīʿah*, the husband paid four gold coins to the wife.[387] This case shows the expansion of the *dawādār*'s jurisdiction over matrimonial cases, which generally fell under the *sharīʿah* jurisdiction. It also reflects the way the *siyāsah* courts functioned and that they did not deliver arbitrary judgments. While the grand *dawādār* Yashbak applied *siyāsah* in his court, he referred the divorce to a Ḥanafī *qāḍī.*

It seems that the *dawādār* continued to play the same role until the reign of Qāytbāy (r.1468-1496). Carl Petry maintains that the judicial authority of the *dawādārs* grew over time. Qāytbāy depended on them in the cases that were brought before him. One of the cases that Carl Petry cites was that two purchased Mamluks brought their case before the sultan, over an *iqṭāʿ*. When this case was brought before the sultan he ordered the *dawādār* to secretly arrest one of the *julbān* who belonged to the Inaliya crops.[388]

It appears that the public recognised the jurisdiction of the *dawādār* and considered them one of the channels of submitting complaints until the downfall of the sultanate. In 1516, a group of

[387] Ibn al- Ṣayrafī, *Inbāʾ al-haṣr, bi-abnāʾ al-ʿasr* (Cairo: al-Hayʾah al-Misṛīyah al-ʿĀmmah lil-Kitāb, 2002), 226-229; Rapoport, "Royal Justice and Religious Law," 86.
[388] Petry, *Protectors or Praetorians*, 87.

peasants took one of the *julbān*, who was involved in the murder of a peasant, to the *dawādār*'s house. Even though the *dawādār* failed to protect the peasants because the recruiters threatened to burn his residence,[389] this case is significant for two main reasons. It shows that the public recognised the *dawādār* as one of the channels of submitting *maẓālim* petitions. It is one of the many cases that reflect the amount of threat and injustice that the *julbān* posed.

The violations committed by these *julbān* started in the middle of the fifteenth century, earlier to this case. They interfered in the administration of justice and offered an alternative form of *maẓālim*. The justice offered by the *julbān* and the emergence of a new location for *maẓālim*, which was the platform *(dikkah),* were two interrelated developments in the institution in the middle of the fifteenth century. It is essential first to understand the background of the *julbān* to comprehend how they were able to interfere in the administration of justice and offer an alternative form of *maẓālim*. The *julbān* were the junior Mamluks, who were purchased at an old age. Their number increased during the reign of Barsbāy (r. 1422-1437), and they constantly revolted for either delay in payments or increase in stipend.[390] They were one of the hardest factions that the sultan could control; they could infect the whole army with their revolts, and they committed disgraceful acts.[391] Carl Petry argues that the sultanate's leaders of invested large amounts of money in recruiting the *julbān* to maintain a self-sustained military system. It is essential to highlight that the military elite's welfare was closely related to their economic and social dominance. Hence, they justified the consumption of the state resources for their benefit.[392] The *julbān* were one of the groups that were inclined to violence, and they fuelled many of the riots that erupted during the reigns of Qāytbāy and al-Ghawrī. The violations that were committed bythe *julbān* were tolerable, but the problem accelerated when the regime failed to limit their actions and punish them. Although different sultans, including Qāytbāy, tried to punish them on multiple occasions, their power grew

[389] Ibid., 78.
[390] Ayman Fu'ād Sayyid, *Dawlat Salāṭīn al-Mamālīk fī Miṣr* (Cairo: al-Dār al-Miṣrīyah al-Lubnānīyah, 2019), 85- 86.
[391] Petry, *Protectors or Praetorians*, 90- 91.
[392] Ibid., 73.

beyond the regime's capacity.[393] Between 1456 and 1457, the sultan's *julbān* offered a privatised form of justice, and settled legal disputes and received a sort of extortion in return from plaintiffs.[394] The *julbān* offered a form of justice that was parallel to the state's *maẓālim*. While Mamluk sultans continued to preside over *maẓālim* personally, litigants had the option to bring their complaints before the *julbān* as well as *siyāsah* courts, which were led by the *ḥujjāb.* The major difference between the justice offered by the *julbān* and *ḥujjāb* was that the former were technically selling verdicts through the *dikkak* that were stationed in front of their households. At the same time, the latter functioned under the state's authority and by the fifteenth century was considered one of the official channels of submitting *maẓālim* petitions. Ibn Taghrībirdī gave an account of the expansion of *julbān's* jurisdictionduring the middle of sultan Īnāl's reign and considered it one of the main reasons behind corruption. Ibn Taghrībirdī reported that during this year, people did not resort to the *sharīʿah* or *siyāsah* courts to settle their disputes because of the power of the *julbān*. Anyone who had a complaint knew that he could bring it before one of the *julbān* to guarantee that he would receive not a just verdict but a one that would satisfy him. The leading *julbān* had guards and *dawādā*rs, who were stationed at their gates and were responsible for pursuing the defendants. The *julbān* passed verdicts that pleased the plaintiffs by intimidating the defendants; they tortured and punished them, if they refused to pay. Eventually, the *dikkak* that were stationed in front of the *julbān*'s households became one of the venues of justice. According to Ibn Taghrībirdī, the public decided to quit the *sharīʿah,* and *siyāsah* courts because of the presence of the *julbān.* This increased the authority of the *julbān* and their violations and weakened the authority of the main venues of justice, *sharīʿah,* and *siyāsah*.[395]

Technically, the *julbān* were selling verdicts, which Robert Irwin considered to be the "privatisation of justice." [396] This could also be viewed as commercialisation of justice. The *julbān*

[393] Ibid., 73.
[394] Irwin, "The Privatization of "Justice" under the Circassian Mamluks," 68.
[395] Ibn Taghrībirdī, *al-Nujūm al-zāhirah fī mulūk Miṣr wa-al-Qāhirah*, 16: 114.
[396] Irwin, "The Privatization of "Justice" under the Circassian Mamluks," 69.

infringed some of the provisions of *sharīʿah* to gain financial benefits.[397] This privatisation was marked by the spread of platforms (*dikkak)*; many of the Mamluk elites had *dikkak* in front of their houses, which enabled them to pass judgments.[398] In other words, the *julbān* offered an alternative *maẓālim.* This development did not offer access to justice but commercialised it. The state's economic situation and its failure to meet the financial demands of this rebellious faction could be considered one of the primary reasons behind the emergence of this alternative *maẓālim.* Since the *julbān* were inclined to violence, it was very hard to limit their interference. In that respect, the state did not deliberately accept the commercialisation of justice by the *julbān,* but the economic crisis forced it to accept the decentralisation of various activities and the institutionalisation of these unlawful practices to survive. The state was forced to accept the commercialisation of justice to pay the *julbān* indirectly. This idea could be better understood when we consider the state's policies during this period. This key development could be viewed as a part of a wider decentralisation trend that occurred in various institutions and was informed by the state's economic and political conditions. According to John Meloy, justice was one of the services that the state failed to supply in the fifteenth century. During this period, various changes took place on the internal and external levels. Under the Circassian rule, some of the critical offices had undergone significant transformations. The authority of some of the critical offices was reduced, while others were eliminated or altered.[399]Amina El Bendary has argued that a militarisation process took place on multiple levels in the fifteenth century.[400] Certain offices that were limited to civilians or *ulama* in administration became occupied by military officers. Various military officials worked as *muḥtasib*s, a post that was often limited to scholars and *qāḍī*s. Amina Elbendary points out that this was an indirect way to pay Mamluk *amīr*s with the collapse of the *iqṭāʿ* system; the *muḥtasib* was a lucrative position. This was one of the state's attempts to find revenue sources for different Mamluk

[397] Meloy, " The Privatization of Protection," 210.
[398] Fuess, "Ẓulm by Maẓālim," 140.
[399] Petry, *Protectors or Praetorians*, 132,133; Daisuke, "The Establishment and Development of al-Dīwān al-Mufrad," 117.
[400] Elbendary, *Crowds and Sultans,* 40.

factions.[401] The same could apply to the justice offered by the *julbān;* selling verdicts was a lucrative business for them. The state was forced to accept it to pay the *julbān* indirectly. In general, according to John Meloy, the state accepted the decentralisation of its critical duties because of its financial situation. The *julbān* infringed some of the provisions of *sharīʿah* to gain financial benefits like the protectors.[402] Protection (a*l-ḥimāyah)* was also one of the state activities that were privatised. The *ḥimāyah* was imposed on different social groups: peasants, establishments, sugar presses, shops, and residence buildings. It was a practice that was not limited to specific economic activities and was widely spread in the fifteenth century.[403] Although some sultans as Barsbāy and al- Ghawrī tried to limit the protectors' authority, who threatened the whole system, they were hard to control.[404] The same applies to the sale of public offices and the acceptance of bribes. In the fifteenth century, they became prevalent practices that the state had to accept to raise its revenue.[405] As Carl Petry rightly notes, fiscal corruption became public and was widely spread; even Qāytbāy, who was often praised for his justice by contemporary historians, sold offices to unqualified candidates. He accepted bribes from senior Mamluks and civilians. Al- Ghawrī also accepted bribes and promoted members of the administration and *amīr*s when he received them.[406] Some individuals paid bribes to downsize their tax obligations; certain officials occupied more than one office. *Dīwān* officials performed various covert services in exchange for money.[407] Furthermore, as Carl Petry argues, confiscation became central to the treasury during the Circassian period. Qāytbāy was often criticised for his confiscation strategy.[408] Extraordinary taxes were levied to guarantee the troops' loyalty, and subjects were forced to pay for state security. Carl Petry argues that a systematic process of appointment, dismissal, and restoration of officials occurred during the Circassian rule. From his standpoint, this process was covertly planned by the state as a sort of

[401] Ibid., 38.
[402] Meloy, " The Privatization of Protection," 210.
[403] Ibid., 205, 207.
[404] Ibid., 207.
[405] Petry, *Protectors or Praetorians*, 167, 168.
[406] Ibid.,136, 137.
[407] Ibid., 138.
[408] Ibid., 166.

income distribution to please different factions. Different sultans were forced to search for other sources of revenue as confiscation to raise revenue and please this factional network.[409] In that respect, John Meloy argues that the institutionalisation of such practices did not take place because the state wanted to implement this policy but because it was forced to accept it.[410] The financial status of the state was what forced it to accept specific actions such as private protection.[411] Different sultans were forced to search for other sources of revenue as confiscation to raise revenue and please various factions. John Meloy argues that the state did not deliberately and formally delegate some of its primary duties such as justice, protection, and *ḥisba* to other subordinates, but instead, it became very weak and had to accept this situation. In other words, it did not seek the instutionalization of such illegal acts, but it had to deal with it. The nature of the Mamluk system forced the sultan to accept these illegitimate acts to buy the loyalty of the Mamluks by offering them a continuous supply of cash and preserving their privileged status.[412] Carl Petry asserts that the Mamluks were hired warriors, and their service was closely tied to the number of privileges they received and not inherited loyalty ties.[413] They often threatened to revolt if their financial demands were not fulfilled. Towards the end of the Circassian period, the Mamluk sultans were left with very few options since they could not get rid of rebellious factions by recruiting new Mamluks because many Mamluks survived multiple reigns. Therefore, an arbitrary confiscation process took place, and chroniclers explained that these were the result of the pressure of the troops; the Mamluk elites believed that they had to be naturally privileged and that this was their right.[414] Amina Elbendary argues that the interference of the Mamluks in the administration of justice was part of the militarisation process that was taking place on multiple levels. While in theory, the administration of justice and *waqf* were the *ulama'*s primary responsibility, by the fifteenth century, military

[409] Ibid., 167.
[410] Meloy, " The Privatization of Protection," 208.
[411] Ibid., 209.
[412] Petry, *Protectors or Praetorians*, 81, 82.
[413] Ibid.
[414] Carl Petry, *Protectors or Praetorians*, 83.

officials played a crucial role in the judicial life.[415] In that respect, the interference of the *julbān* and other military officials in the administration of justice and mainly *maẓālim* was part of a broader trend of decentralisation and privitiazation of different state activities that were triggered by the economic and political conditions.

Although in the fifteenth century the process of submitting complaints was not only limited to the sultan or the *siyāsah* courts, with the interference of the *jūlban*s and other senior Mamluks in the administration of justice, Mamluk sultans remained very keen on personally presiding over *maẓālim*. In the middle of the fifteenth century, Mamluk sultans did not necessarily hold *maẓālim* sessions in the Royal Stables, but the *dikkah* (platform), located at the sultan's park (*ḥawsh*) became the leading site of *maẓālim.* This change in *maẓālim* location underscores the competition that was present over the administration of justice. By the second half of the fifteenth century, there were two types of *dikkak,* one which belonged to the public sector and was led by the sultan. The other was led by the *julbān,* and litigants had the right to decide to which sector they wanted to take their case. This innovation probably appeared in the period following Barsbāy's rule; *maẓālim* sessions were held at this new location.[416] In general, it seems that the *ḥawsh* acquired significant importance in the middle of the fifteenth century and became the main site of ceremonial events. According to Ibn Taghrībirdī, sultan Īnāl abolished the *khidma* that took place in the palace and used to sit in the *ḥawsh al-sultani* for ceremonial events.[417] In 1461, sultan Khushqdam (r.1461-1467) encouraged the public to come with their complaints to *maẓālim* and held his sessions at the *dikkah* also, but occasionally he used the Royal Stables. Although Qāytbāy invested immense amounts of money in restoring the *īwān,* it seems that he continued using the *dikkah* for *maẓālim* in Summer and the Royal Stables in Winter.[418] Al-Ghawrī revived the long-standing tradition of Mamluk sultans and held *maẓālim* at the *dikkah,* which was located inside the citadel. Al- Ghawrī

[415] Elbendary, *Crowds and Sultans,* 40.
[416] Fuess, "Ẓulm by Maẓālim," 126.
[417] Ibn Taghrībirdī, *al-Nujūm al-zāhirah fī mulūk Miṣr wa-al-Qāhirah*, 14: 102.
[418] Fuess "Ẓulm by Maẓālim," 127, 135.

renovated this location, decorated it with marble and gold, and curved his name. It was more extravagant than anything else, not meeting the needs of the litigants.[419] Although al- Ghawrī tried to restrict the presence of *dikkak* in front of the Mamluk elites' houses in 1505 and between 1513 and 1514, he failed to do this under the pressure of the senior *amīr*s, who refused to lose this revenue.[420] The presence of the *dikkak* in the streets of Cairo and the way Mamluk elites administered justice and imposed very high financial penalties on litigants represented what Robert Irwin called "the privatisation of justice." Although the interference of the *julbān* and other military officials in *maẓālim* could reflect access to justice, it confused it. Amina ElBendery points out that this transformation allowed the Mamluks to exercise more power over the public, negatively impacting all society segments.[421] It also created a sort of competition over justice. Mamluk sultans competed with the *julbān* and other Mamluk elites for the administration of justice. The presence of two types of *dikkak* may highlight this.

Under these very pressing economic, political, and social conditions and the decentralisation of various state activities, Mamluk sultans continued to utilise their appellate power to consolidate their legitimacy and project a positive public image. However, it is very hard to construct the sultan's image, especially in the sultanate's last decades. Historians provide contradicting images of the same sultans. Albrecht Fuess argues that Qāytbāy appears as a just ruler in the contemporary sources, while in reality, he violated the *sharīʿah* through *maẓālim* and many of his actions were considered a sort of "show off." Although Jonathan Berkey asserts that al- Ghawrī acknowledged the significance of this supreme judicial authority that was assigned to him through *maẓālim,* Albrecht Fuess argues that Sultan al- Ghawrī was unjust and none could object during his reign or file a case against one of his favourites.[422] Sultan Qāytbāy projected himself as the supporter of the orphans, widows, and helpless people.[423] Jonathan Berkey argues that Mamluk sultans were

[419] Petry, Protectors or Praetorians,"155.
[420] Fuess, "Ẓulm by Maẓālim," 141.
[421] Elbendary, *Crowds and Sultans,* 40.
[422] Berkey, "Mamluk Religious Policy,"15; Albrecht Fuess, "Ẓulm by Maẓālim," 140.
[423] Fuess, "Ẓulm by Maẓālim," 139.

concerned about the judicial responsibility of *maẓālim*. As a result, they had created a very bureaucratic process for *maẓālim,* which the sultan and his subordinates abided by.[424] This shows to what extent *maẓālim* was very crucial to Mamluk sultans. The majority of the Mamluk sultans were interested in personally supervising *maẓālim* except for the rulers whose reigns were very short or were minors. In the viewpoint of Jonathan Berkey, Qāytbāy was one of the rulers who utilised *maẓālim* in a brilliant way and enjoyed a very good reputation among the public; he was known for his justice. Although his relationship with the religious establishment was characterised by tension, he gained acceptance by his commitment to justice and Sunni Islam. The *maẓālim* under the Mamluks was considered one of the important public events that various sultans were always keen on. *Maẓālim* was an integral part of the Mamluks' ruling ideology as it consolidated their legitimacy and allowed them to project the image of just rulers.

In conclusion, in the fifteenth century, the power dynamics dramatically changed, and non-dynastic rule became the tradition. The sultan attained the throne based on the elections, and he belonged and represented the victorious faction. In that respect, as Amalia Levanoni argues, the sultan's dependence on his Mamluks increased, and attaining the throne was bound to them. [425] Carl Petry agrees with Amalia Levanoni that in the fifteenth century, the nature of the Mamluk system, which capitalised on factional ties and informal relations, manifested. While the Mamluk oligarchy was often driven with interest, in the fifteenth century, one of the sultan's main goals was to please the Mamluk elites by allowing them to harvest revenue and secure their interest during the economic decline.[426] One of the distinct traits that distinguished the Circassian's rule from the Baḥrī, according to Amalia Levanoni, was that the sultan could not act like an autocratic rule without considering the will and the interest of various factions. Although the founders of this new

[424] Berkey, "Mamluk Religious Policy,"15.
[425] Levanoni, "The Mamluk Conception of the Sultanate," 385.
[426] Levanoni provides an anecdote that illustrates the power the Mamluk oligarchy developed and the pressure they put on the sultan during the fifteenth century. When al Zāhir Tātār attained the throne, he bestowed on the Mamluk oligarchy all that he found in the treasury after the death of al - Muʾayyad Shaykh. Levanoni, "The Mamluk Conception of the Sultanate," 386; Petry, *Protectors or Praetorians*," 134.

regime tried to restore the sultan's power, two distinct traits distinguished the Circassian's rule. In the viewpoint of John Meloy, the first was the ability of political elites to utilised the state's ineffectiveness during the economic crisis.[427] The second was as Amina Elbendary argues that although the fifteenth century was a crisis period, it posed opportunities for different social and political factions. From her standpoint, the fifteenth century was a period of economic crisis and political transformations that offered new social groups more power and made others suffer.[428] On the other hand, John Meloy argues that the state's economic stagnation resulted in policies that harmed both the state and society.[429] This problem of lands that were transferred into *waqf* was one of these examples. John Meloy asserts that the economic stagnation that the Mamluk sultanate experienced altered the political dynamics, which made the primary objective of the sultan and his administration was to encounter the economic crisis while protecting their personal interest.[430] This forced the state to take various measurements, which dramatically impacted various institutions. This may explain the privatisation of different state activities and significant changes in various institutions. These crucial transformations led to the commercialisation of justice, and *maẓālim* was one of the institutions dramatically impacted by these changes. In the fifteenth century, the institution of *maẓālim* became less structured, and the service it provided became offered by other entities. The decentralised policy that the state adopted during this period created a competition over justice. This competition did not offer access to justice but created confusion.

[427] Meloy, " The Privatization of Protection," 210.
[428] Elbendary, *Crowds and Sultans*, 1.
[429] Meloy, " The Privatization of Protection," 196.
[430] This may explain why the Circassian sultans created a particular office known by *Dīwān al-Amlāk wa- al Dhakhīrah* that was responsible for the private properties of the sultan. The largest scale of sultanic fisc
was during the reigns of Qāytbāy and al-Ghawrī. Daisuke, "The Evolution of the Sultanic Fisc and al-Dhakhīrah during the Circassian Mamluk Period," 85.

5

Conclusion

This thesis has tried to highlight the place of *maẓālim* in the Mamluk state. It tried to look at *maẓālim* as part of a particular political, economic, and social narrative to understand the extent to which the institution was politically utilized. This thesis has focused on moments of change in the history of Mamluk *maẓālim*: 1262,1353, 1387, and 1457. The first moment of change was in 1262 when Baybars decided to establish a new *dār al-ʿadl* and restructure the institution. The second major transformation in *maẓālim* was between 1352 and 1353. The expansion of the *ḥājib* jurisdiction and the emergence of a new form of justice called *siyāsah* courts marked it. The movement of *maẓālim* in 1387 by sultan Barqūq to Royal Stables was the third critical development in the institution. Barqūq tried to bring the institution under the *sultanic* overview and modified *maẓālim* protocol. The last moment of change was between 1456 and 1457; it was the justice offered by the *julbān*. This led to the institution's decentralization as the *julbān* offered an alternative form of *maẓālim* and obtained a sort of extortion in return from plaintiffs. Although there was a degree of continuity, as each chapter tried to show, there were critical moments of change. This thesis tried to look at the significant transformations in the institution and proposed reasons for such developments. In that sense, this thesis has argued that the Mamluks politically utilized *maẓālim* to achieve broader objectives. These goals were often triggered by pressing political, economic, and social conditions. The Mamluks relied on this institution to introduce significant developments that impacted the legal system, such as the quadruple legal system and the *siyāsah* courts. Furthermore, this thesis has argued that *maẓālim* remained an integral part of legitimacy for Mamluk sultans. This was mainly attributed to the institution's nature, which made

holding *maẓālim* sessions a sign of sovereignty and a way for the ruler to project a positive public image. The idea of appearing as just rulers was central to various Mamluk sultans. A just ruler is a legitimate ruler. This may explain why Mamluk sultans were often keen on regularly holding *maẓālim* sessions. Furthermore, the institution enabled different Mamluk sultans to introduce innovations that impacted the legal system without harming their public image.

In each phase, the objectives and the needs of the regime were slightly different. In the period of state formation (1260-1341), one of the primary goals of the Mamluks was to consolidate their legitimacy. *Maẓālim* was one of the leading institutions that the Mamluks relied on to consolidate their legitimacy. Baybar, Qalāwūn, and al-Nāṣir Muḥammad considered *maẓālim* an integral part of the administration. This may explain why they created a particular venue for it, such as *dār al-ʿadl*, considered *maẓālim* sessions a public event and established a detailed bureaucratic process. This institutionalization was intended to project a positive public image and introduce major legal innovations such as the quadruple legal system.

As we have seen, with the death of al-Nāṣir Muḥammad, the state entered a new phase of political, economic, and social instability. Myriad factors contributed to this situation. The weak rule of the Qalāwūnid house and struggles between factional powers were among the main reasons for political instability. Furthermore, the recurring waves of the plague harmed the economy and society. The very high mortality rates affected both the army and workforce. The second half of the fourteenth century became a period of crisis. During this period, the Mamluks politically utilized *maẓālim* and expanded the role of the *ḥājib*. *Maẓālim* was used to legitimise the emergence of a new form of justice known by the *siyāsah* courts. This form of justice was concentrated in the hands of political and not religious authorities. The reason behind this transformation was the will of political authorities to have a greater say in judicial matters during the economic crisis, along with their constant need for legitimisation. The Mamluks used *maẓālim to* introduce this form of justice without harming their public image.

Although by the rise of the Circasssion Mamluks *siyāsah* courts were considered one of the main venues of justice, a new challenge appeared with the state's declining financial condition. This was the issue of land management, which urged Barqūq to bring *maẓālim* under sultanic overview. Barqūq utilized *maẓālim* to diminish the *amīrs*' power over agricultural lands by encouraging a new audience to his sessions and changing *maẓālim* protocol. However, starting in the second half of the fifteenth century, the institution became less structured and decentralized with the interference of the *julbān* in the administration of justice. The *julbān* offered an alternative form of *maẓālim*, which led to the commercialization of justice. This was part of a broader trend of decentralization that the state had to accept to survive.

Maẓālim was one of the leading institutions that the Mamluks relied on. The theory of al-Māwardī gave great value to the institution and glorified it in various rulers' eyes. *Maẓālim* was often considered a sign of sovereignty and an articulation of his legitimacy. This was one of the primary reasons the Mamluks utilized the institution politically. The Mamluks did not use *maẓālim* to override the *sharīʿah* but pressing political, economic, and social conditions that they experienced forced them to utilize the institution.

The Mamluks tried to follow the theory of al-Māwardī, but they had particular circumstances, which made the institution function differently. Although Jørgen Nielsen, in his exceptional monograph, considered *maẓālim* a secular justice, this distinction is controversial. Viewing *maẓālim* as either secular or religious justice limits our understanding of the institution. We cannot characterize the law applied in *maẓālim as it varied* based on the case, litigants, and circumstances.

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