

CARL F. PETRY
NORTHWESTERN UNIVERSITY

"Quis Custodiet Custodes?" Revisited: The Prosecution of Crime in the Late Mamluk Sultanate*

In 1956, Ann Lambton published her now-classic article in *Studia Islamica*, with its subtitle "Some Reflections on the Persian Theory of Government."¹ While Lambton was not concerned about issues of crime or disruption of public order per se, she confronted the endemic dilemma of accountability for protecting society from criminal acts or upholding public order. Lambton traced the evolution of royal authority in Iran from the post-conquest period to the establishment of the Pahlavi regime in 1925. Her commentary clearly focused on the medieval and early modern eras. The article became a reference standard because, beyond its path-breaking descriptive survey, it posed a question of profound relevance to the evolution of political practice in pre-modern Muslim societies. And in fact, this question is significant for any society that equates its moral integrity with the assurance of political stability: How is the conduct of those who bear responsibility for guaranteeing rule by law itself subjected to the dictates of that law? No temporal authority can force them to do so since nothing but God's sanction stands over them.

This question is particularly applicable to the Mamluk Sultanate, which was paradoxical in its conception of public duty and obsession with conspiratorial politics. The Mamluk regime was acutely conscious of its obligation to defend the *shari'ah* in the central Islamic lands. Yet simultaneously, the Sultanate indulged enthusiastically in factional disputes (what Michael Chamberlain has euphemistically described as "positive *fitnah*"²) as the operative medium of its political agenda. Contemporary observers were keenly aware of the contradiction implicit in these divergent tendencies, especially since, in the Mamluk system, *fitnah* was pursued with relish and on occasion erupted into violence that affected

©Middle East Documentation Center. The University of Chicago.

*Delivered as the Third Annual Mamlūk Studies Reveiw Lecture at The University of Chicago, January 16, 1998.

¹"Quis Custodiet Custodes? Some Reflections on the Persian Theory of Government," *Studia Islamica* (1956) 5: 125-48, 6: 125-46; Juvenal, *Satires*, book 6, verse 347.

²See his *Knowledge and Social Practice in Medieval Damascus, 1190-1350* (Cambridge, 1994), 7-8, 47-51, 125.

Article: http://mamluk.uchicago.edu/MSR_III_1999-Petry.pdf

Full volume: http://mamluk.uchicago.edu/MamlukStudiesReview_III_1999.pdf



©1999 by the author. (Disregard notice of MEDOC copyright.) This work is made available under a Creative Commons Attribution 4.0 International license (CC-BY). *Mamlūk Studies Review* is an Open Access journal. See <http://mamluk.uchicago.edu/msr.html> for information.

the lives of many outside the military caste. For all its emphasis on guardianship of legal propriety, the Mamluk Sultanate was itself the product of usurpation, with no tradition of legitimacy posited on lineage or descent.

The Sultanate inherited an elaborate administrative bureaucracy from its predecessors that included institutions charged with enforcement of the *sharī'ah* and suppression of criminal acts. The offices of *wālī al-shurṭah* (Prefect of Police) and *ra's nawbah* (Captain of the Guard) loom large in the higher echelons of the ruling oligarchy of Mamluk amirs. Yet, as on-site observers were eager to point out, these officials, formally bound to preserve order and quell disruption, were themselves guilty of undermining order and promoting disruption. Having successfully advanced through a combative political system, the Mamluk oligarchy looked upon disruption pragmatically rather than ethically. They realized that the routine function of civil society was requisite to sustaining its production of commodities and generation of assets the regime tapped for its own support. Society could not endure conditions of endemic insecurity. Their civilian subjects, who bore the brunt of disruption tolerated—if not condoned—by their rulers, also looked upon their vulnerability pragmatically. They did not expect lofty ethics, but they did want stability. How stability was enforced remained the regime's prerogative.

The Mamluk oligarchy was readily disposed (a) to collude with criminal elements if mutual profit was available to both sides, and (b) to ignore or gloss over disorder it did not regard as a menace to its privileged status in society. We shall see that the regime's enforcement of legal principle or suppression of criminal acts was calculatingly selective. The Mamluk oligarchy showed little philosophical antipathy towards disruption or violence. It is in this context that the study examines the process of enforcement, the prosecution of crime by the Mamluk oligarchy during the late Sultanate: specifically, the reigns of al-Ashraf Qāyṭbāy (872-901/1468-96) and Qānṣūh al-Ghawrī (906-22/1501-16). Why this period? Because I have surveyed the narrative chronicle literature in Arabic for these two reigns, and I have compiled a file of criminal or disruptive acts committed by both civilians and militarists that they recorded. The study's objectives are two: (1) to compare profiles of crime/disruption committed by civilians with those exhibited by the Mamluks themselves; (2) to develop hypotheses about the militarists' conception of criminality. How did they interpret it, as distinct from political disruption? Whom did they regard as culpable and whom did they tolerate? What acts, committed by which individuals or groups, were prosecuted, and concomitantly who were allowed to behave with impunity? If the Mamluk oligarchy did not regard all crime or disruption as meriting prosecution, what rationales are discernible for the distinctions they drew between tolerable and intolerable behavior?

This study is derived from descriptions of crime or disruption committed, prosecuted, or ignored by members of the military elite, primarily in Cairo, in four chronicles: *Ḥawādith al-Duhūr fī Madā al-Ayyām wa-al-Shuhūr* by Jamāl al-Dīn ibn Taghrībirdī (813-74/1411-69),³ *Inbā' al-Ḥaṣr bi-Abnā' al-'Aṣr* by Ibn al-Jawharī al-Ṣayrafī (819-ca. 900/1416-95),⁴ "al-Rawḍ al-Bāsim fī Ḥawādith al-'Umr wa-al-Tarājim" by 'Abd al-Bāsiṭ ibn Khalīl al-Malaṭī (844-920/1440-1514),⁵ and *Badā' i' al-Zuhūr fī Waqā' i' al-Duhūr* by Ibn Iyās (852-930/1448-1524).⁶ These four works constitute the primary narrative (not archival) sources in Arabic for events within the Egyptian capital at this time. They refer frequently to the criminal activity discussed above, but they cannot be interpreted as accurate or replete registers of crime or disruption. On the contrary, their selectivity reveals significant biases in their coverage of such episodes. These biases, effectively an interpretive—or distorting—lens through which we are allowed to observe these writers' impressions of crime, warrant attention as an important question in its own right.

The preceding issues can be more sharply focused and succinctly addressed if the range of criminal or disruptive acts committed by civilians and militarists are compared. Differences emerged between the behavior of the two classes, and this divergence implies contrasting motives—even for acts that appeared superficially similar. In a previous analysis of civilian crime, the categories of theft and homicide predominated.⁷ Incidents of theft were evenly divided between heists by individuals and collective brigandage elaborately planned—in some cases, indicating the presence of organized gangs. Homicides by civilians revealed a diverse set of circumstances, but the prominence of slaves or indentured persons murdering their masters was vividly apparent from the figures that emerged. By contrast, militarists—from recently manumitted recruits to senior officers—were more likely to engage in assaults (against their peers or civilian subordinates), factional quarrels, long-term vendettas, riots, and systematic pillaging (as distinguished from spontaneous thievery). The chronicles commented on these disruptions fulsomely, and yet placed little emphasis on personal motives behind them. That is, in comparison with explanations offered for civilian transgressions or "crimes of

³Edited by William Popper, vol. 7, nos. 1-4 of *University of California Publications in Semitic Philology* (Berkeley, 1930-31).

⁴Edited by Ḥasan Ḥabashī (Cairo, 1970).

⁵Vatican MS Arabo 729.

⁶Edited by Mohamed Mustafa, Hans Robert Roemer, Helmut Ritter, vols. 3-5 (Cairo and Wiesbaden, 1960-63).

⁷"Disruptive 'Others' as Depicted in Chronicles of the Late Mamluk Period," paper presented at a conference on *The Historiography of Islamic Egypt* convened by the Department of Mediaeval History at the University of St. Andrews, Scotland, 27-31 August 1997, and scheduled for publication in a volume of its proceedings.

passion," the narrative authors seem to have been ill-informed, or indisposed, to speculate on the emotions of individuals within the military class—in the context of describing disruption. That the chroniclers had less access to details about the motives of militarists than for civilians is not credible. Their reluctance to dwell on them thus merits subsequent consideration.

To assume that either theft or homicide figured modestly in militarist crime would be misleading. Among militarists, however, individual thievery appeared less frequently, and was less graphically described, than were acts of pillage by bands of soldiers rampaging through Cairo's markets or residential districts. And homicides by militarists at all ranks were recounted rather tersely. Their depictions tended not to reflect the passions or sexual frustrations that often characterized reports of murders committed by both free civilians or indentured persons. Quite possibly, the chroniclers could glean such details from registers of open court hearings in which civilian murderers were tried. We shall see that militarists were less likely to be summoned before tribunals, and when they were such proceedings may have been closed to spectators or even to civil jurists. But the consequence of these seeming contrasts in legal accountability was a void of documentation for homicides committed by members of the military elite, regardless of rank.

With regard to cases of homicide by militarists, discernible motives emerged from rivalries between factions, outbursts of rage over presumed insults from subordinates, and simmering anger over stymied access to revenue sources. Eight incidents on the part of amirs or their adjutants were reported. These included the assassination of a Ḥanbalī deputy judge (*nā'ib qādī*) near the Aydamur Square by a groom (*ghulām*) and his Mamluk patron in Rabī' II of 874/October-November 1469. Al-Ṣayrafī, so informative about cases of homicides by civilians, offered no explanation for this murder of a jurist, but merely observed that the Sultan ordered an inquiry.⁸ He mentioned nothing about the perpetrators' punishment. But the same author did describe the fate of a *sulṭānī mamlūk* named Yūnus who belonged to the faction of the deceased Sultan al-Zāhir Khushqadam. In Muḥarram of 875/July 1470, this man shot an arrow into a rival during a drunken brawl. Sultan Qāyrbāy, still insecure in his position and intolerant of factional disputes that had plagued the capital before his enthronement, ordered this Yūnus cut in half.⁹ Qāyrbāy was apparently more inclined to gloss over a jurist's assassination than a shooting that might precipitate a major riot. His action may also have been aimed at appeasing the deceased's comrades.

Only one of these incidents involved a matter of sullied honor. In Rajab 876/December 1471-January 1472, an officer's son, unnamed by al-Ṣayrafī, fatally

⁸*Inbā'*, 149, line 2.

⁹*Inbā'*, 193, line 4.

stabbed a woman who owed him an indemnity, secured (apparently) by court order, for an act of infidelity with a groom. Whether the woman was the *walad nās's* wife and the groom was bound to his service, al-Ṣayrafī did not specify. Yet he did note that the perpetrator went openly out to the street brandishing his blood-spattered dagger with no attempt to conceal his act. No sanction against him was mentioned.¹⁰

During Qānṣūh al-Ghawrī's reign, his ambivalent chronicler recounted homicides by amirs to underscore the Sultan's indifference to their prosecution. Ibn Iyās mentioned the escape of al-ʿĀdil Ṭūmānbāy's assailant from prison (Ramaḍān 910/February-March 1505), an affair that ended in his pardon and honorable exile.¹¹ In Muḥarram 913/May-June 1507, al-Ghawrī did preside over a hearing to investigate the fatal beating of a boatman (*nūṭī*) by the grand amir Arizmak al-Nāshif. When the boatman refused to pay a debt Arizmak claimed of him, the amir responded violently. The incident was presumably considered at the plea of the mariner's sons during a *maḥālim* audience. Ibn Iyās stated that al-Ghawrī, preoccupied with other matters, dismissed the case by paying the victim's sons a (trifling) indemnity.¹²

The remaining cases involved an assault upon the Sultan's postmaster (*bardadār*) that went unsolved,¹³ the killing by a valet in the service of al-Ghawrī's nephew and successor, al-Ashraf Ṭūmānbāy, of his young apprentice,¹⁴ and the strangling by the Sultan's second chamberlain of his own executive adjutant (*dawādār*) following a drunken dispute.¹⁵ The notice of the apprentice's death merits quoting for the Sultan's adroit deflection of a risky prosecution:

In Shawwāl 915/January-February 1510, a person named Barakāt, valet (*farrāsh*) to the Amir Ṭūmānbāy al-Dawādār, murdered one of his apprentices, a handsome youth. When this Barakāt and his accusers were summoned before the Sultan, he referred them to the Mālikī chief *qādī*. When the latter learned that Barakāt was a valet of Ṭūmānbāy's, he suspended judgment of the case. He ordered Barakāt incarcerated until evidence of his guilt was found. Soon thereafter, one of Ṭūmānbāy's couriers (*sā'ī*) also committed homicide—this time against al-Shuqayfātī, an aged shaykh. When the courier was brought before the Sultan, who learned of his

¹⁰*Inbā'*, 379, line 4.

¹¹*Badā'i'* 4:75, lines 11-12.

¹²*Badā'i'* 4:115, line 7.

¹³*Badā'i'* 4:115, line 21.

¹⁴*Badā'i'* 4:168, line 9.

¹⁵*Badā'i'* 4:179, line 18.

connection to the *dawādār*, he again referred him to the *sharī‘ah* court. The courier’s indictment was similarly suspended because no one came forth to testify against him. He had done the deed in broad daylight after noon in the Wakālah of al-Ashraf Barsbāy Thus, the victim’s relatives and children received no satisfaction. Final judgment rests with God.

Al-Ghawrī’s placement of these cases in the hands of a judge who owed him his appointment should not be dismissed simply as the craven (or prudent) behavior of a subordinate protecting his job, not to mention the innocuous jurisdiction of the civil court over criminal matters. Al-Ghawrī could not afford to irritate his popular nephew upon whose loyalty he depended. Ṭūmānbāy enjoyed the respect of both officers and troops that al-Ghawrī never managed to inspire. But Ibn Iyās probably brought up these incidents to highlight the consternation of the victims’ families over unrequited justice, which he attributed to al-Ghawrī’s opportunism.

Eleven homicides, by or upon soldiers, were reported. Only one case occurred during Qāyrbāy’s reign, in which a *sultānī mamlūk* was found stabbed to death on the Citadel ramp by worshippers making their way to morning prayer.¹⁶ No further details were noted, except the unknown identity of his attackers. Of the incidents during al-Ghawrī’s reign and Ṭūmānbāy’s regency, several revealed frustration on the part of recruits awaiting an *iqṭā‘* assignment. The starkest example occurred in Dhū al-Qa‘dah of 912/March-April 1507.¹⁷

A veteran *mamlūk* of advanced age ascended to the Citadel at the hour of morning prayer, on the day in which stipends (*jāmakīyahs*) were distributed. When he reached the ramp, three recruits set upon him, killing him with stab wounds to the belly. He died immediately. They also assassinated his slave who accompanied him bearing his uniform that he donned upon entering the Citadel. The retiree possessed an *iqṭā‘*. He had been ill and when his condition worsened, the three recruits demanded his allotment. The Sultan replied: "Await his death and then assume it." But the veteran . . . recovered and thus suffered assassination upon his arrival at the Citadel at the hands of these recruits furious over his revival. The upshot of all this was the Sultan’s bestowal of the *iqṭā‘* upon other soldiers.

¹⁶*Badā‘i‘* 3:217, line 8.

¹⁷*Badā‘i‘* 4:107, line 11.

This incident sheds light on tensions that led to draconian means of restoring assets hoarded by retirees to individuals on active duty, and as such may suggest a phenomenon more widespread than a case Ibn Iyās linked to murderous recruits and his sovereign's duplicitous disposal of it.

But Ibn Iyās reserved his most egregious denunciations for homicides resulting from caste arrogance. Two cases illustrate his rancor:

On Tuesday the seventh (of Muḥarram 919/15 March 1513), Qurqmās al-Muqri' was accused (of connivance) in the murder of a *mamlūk* and his spouse. The cause: the *mamlūk* had been living near the . . . hospital in the Kaḥl Alley. His groom and black slaves had assailed this *mamlūk* and his wife with swords . . . , claiming that they (their victims) were robbers. They struck the woman and her husband, and cut off their daughter's ears to get her earrings. The girl died that night. At dawn, the woman and *mamlūk* were discovered badly wounded. They were said to bear sixteen sword strokes. They were placed on stretchers (*aqfās*) and conveyed to the Sultan. The *mamlūk* and his spouse told him: "We have been wronged by Qurqmās al-Muqri' and his servants." This *mamlūk* was dwelling near Qurqmās's residence in the Kaḥl alley. Upon ascertaining the truth of their account, he cast Qurqmās in irons and put him in the *wālī*'s custody, along with his servants¹⁸

But "soon thereafter, the Sultan demurred on this case . . . taking no cognizance of the complaint of the *mamlūk* and his wife Their daughter had died following her mutilation Thus do the victims pay for the guilty." Was Ibn Iyās's detailed summary of this flagrancy an accurate example of criminal justice by Qānṣūh al-Ghawrī? We cannot know since his version cannot be checked against a court register.

But despite Ibn Iyās's more positive attitude toward al-Ghawrī's regent, Ṭūmānbāy, he did not ignore an incident of blatant assault on a civilian, albeit the only such case reported:¹⁹

During the Sultan's absence, one of his *mamlūk* recruits intended to buy grain from a ship on the Nile shore. . . . He could locate no porter to transport it, so he apprehended a peasant (*fallāḥ*) from Upper Egypt with a donkey and sack. The *mamlūk* seized the donkey and sack but the farmer refused to give them up. The *mamlūk*

¹⁸*Badā'i*' 4:296, lines 7, 22.

¹⁹*Badā'i*' 5:50, line 12.

struck him a violent blow to the head, causing the blood to flow. The farmer fell into the river, fainted and drowned. Thereupon, the populace assaulted the *mamlūk* and conveyed him to the house of the *dawādār*, viceroy of the absence (Ṭūmānbāy). There, he was put in irons and sent to the *wālī* who imprisoned him to await the Sultan's return. When the *mamlūk*'s comrades learned of this, they marched upon the *dawādār*'s house. They found him away repairing the Fayḍ causeway damaged by flood. The comrades were told that this *mamlūk* who had committed murder had been sent by the *dawādār* to the *wālī*. A large number of recruits then descended from the barracks and proceeded to the *wālī*'s residence, released the *mamlūk* . . . and threatened to arson the structure. The *dawādār* thus dropped the charge of homicide and tension subsided.

This case was presented in terms of a recruit's sense of superiority over a civilian of the lowest social level: a Ṣa'īdī peasant. Ṭūmānbāy's dismissal of charges against him occurred only in the prospect of a severe riot on the part of the recruit's fellows, whose class solidarity alone determined their priorities of justice. Although the affair contradicted the *dawādār*'s own scruples, he took a decision that probably headed off more widespread suffering. But was this case representative of settlements in incidents of homicide against civilians by militarists generally? Ibn Iyās would likely have wished to leave this impression, but in the absence of corroborative, and more impartial, archival evidence one is left uncertain.

Many assaults and altercations between militarists appeared in the chronicles, but only four cases involving officers, five involving soldiers, were discussed in the context of behavior that should have warranted at least a reprimand. Two of the incidents implicating amirs were noted by al-Ṣayrafī, his depiction of the intense reprisals for them serving as rationale for disclosure of deceit or greed on the amirs' part. The first occurred on the sixteenth of Ṣafar 875/14 August 1470. The market inspector (*muḥtasib*), a senior officer, brutally flogged a fig seller who was subsequently pilloried above his shop.²⁰ After honey was daubed on his body, he was left to hang in the sun enveloped by a swarm of stinging insects causing him "torment beyond description." Only when Qāyṭbāy's esteemed confidential secretary, Ibn Muzhir, noticed the fig seller's appalling state was he released. Al-Ṣayrafī hardly condoned such heinous demeaning of a human being. But he offered an explanation, if not a justification, for the *muḥtasib*'s wrath. This fig seller apparently oversaw a price fixing network, in which vendors of foodstuffs routinely charged customers one *dirham* per *raṭl* above the rate set by the *muḥtasib*.

²⁰*Inbā'*, 203, line 11.

One wonders whether the inspector was outraged more by the price-fixing or by the possibility that he had not been included in the network's illegal take. I discovered many similar incidents of price-tampering in the chronicles, but nothing that provoked a reprisal like this. Whether the fig seller's ghastly fate set an example that effectively curbed future price-fixing ventures cannot be ascertained, but one suspects that they continued.

The second episode took place on the twenty-ninth of Rabī' II of the same year/25 October 1470. A *mamlūk* in Qāyṭbāy's service was flogged and imprisoned for punching the prefect (*walī*). He was summoned from detention in the house of the majordomo (*ustādār*) in walking shackles and fined 18,000 *dīnārs*, a sum he disclaimed by stating: "I have nothing but my soul (*rūḥ*) to offer."²¹ Eventually the *kātib al-sirr* Ibn Muzhir interceded for his release, although the matter of his fine was left to the majordomo to recalculate. The severity of the *mamlūk*'s punishment may have stemmed from his audacity at striking a superior in rank, although the Sultan's propensity to confiscate hoarded assets even from his own soldiers cannot be ruled out.

Assaults on the part of troopers could rapidly degenerate into mob violence, especially if perpetrators went unchastised for their behavior. Sultan Qāyṭbāy secured his reign by responding quickly to such behavior with public floggings of his own recruits.²² Following a street brawl during which black slaves attacked civilians in the aftermath of a revolt by recruits in late 872/June-July 1469, the prefect ordered their lashing and dismemberment.²³ Al-Malaṭī noted that when their owners—many of whom were notables—sought their release, most were rebuffed and received their property back only after punishment had been meted out. Confronting endemic hostility from his recruits, Qānṣūh al-Ghawrī was compelled to allow many of their assaults to go unreprimanded. The most unsettling incident occurred in Jumādā I 917/July-August 1511. An eminent *walad nās* who belonged to the family of Qāyṭbāy's widow, Fāṭimah al-Khāṣṣbakīyah, was watching a (mock?) battle between street gangs (*zu'ar*) from a rooftop near the Sunqur Bridge.²⁴ His son and two hundred other observers had crowded onto the roof. A band of *mamlūks* attacked them and during the fracas, the roof collapsed, killing the structure's owner within. Seventeen persons perished in the rubble and many more were injured—including the *walad nās* and his son. Despite their rank, Ibn Iyās mentioned no sanction against the soldiers who had leapt up onto the roof. Only after al-Ghawrī's death in battle at Marj Dābiq did his regent Ṭūmānbāy restore Qāyṭbāy's policy of strict reprisals to head off full-scale riots. In Shā'bān

²¹*Inbā'*, 216 line 1.

²²"Rawḍ," fol. 178b, line 15; *Ḥawādith*, 650, line 7; "Rawḍ," fol. 186b, line 14.

²³"Rawḍ," fol. 186b, line 24.

²⁴*Badā'i*' 4:232, line 20.

922/August-September 1517, Ṭūmānbāy admonished the barracks commanders to lock up their recruits following their assaults on Anatolian merchants. The troops had sought revenge against them for their patron's devastating humiliation in Syria by the Ottomans.²⁵

When riots did erupt, they represented a violent intensification of the recruits' ire over withheld rations (often sold on the black market), unpaid bonuses or orders to prepare for a war abroad. Incidents considered here specified criminal acts committed under the guise of a general melee. Of eleven such cases, the riot of 11 Muḥarram 916/21 April 1510 caused the most damage.²⁶ Following a delay in meat rations and al-Ghawrī's refusal to pay a bonus (*nafaqah*) of one hundred *dīnārs* per man, the recruits apprehended several senior amirs and forced them to negotiate their stipends with the Sultan. When he remained adamant, the recruits claimed they would glean their bonuses from the merchants and fell upon Cairo's markets. Typical in such events, grooms and black slaves exploited the chaos to join in the mass thievery. When irate merchants presented bills for damages to al-Ghawrī's street-wise *muḥtasib*, al-Zaynī Barakāt ibn Mūsá, the total came to 20,000 *dīnārs* from 570 pilfered shops. The specter of *julbān* rioting loomed over Cairo in the late Sultanate. Although the chroniclers acknowledged the troops' justification from their perspective, they denounced arson, homicide, injury, and rapine as the criminal legacy of these affairs. Losses in terms of goods or money were not condoned, but were nonetheless expected as the consequence of frustration by those possessing a monopoly of military force.

As noted above, thievery committed by individuals already privileged in Mamluk society revealed patterns of behavior that contrasted with theft by civilians. Motives for seizing property differed because of the contrasting perspectives of the perpetrators. And proclivities for reprisal also differed markedly. Civilians were most likely to be pursued and punished severely if they trespassed upon militarist space by robbing assets held by the ruling caste or its senior members. Militarists, on the other hand, possessed more leverage to adjudicate their way out of reprisal. No cases of individual thievery on the part of amirs emerged in the narrative sources, but one dramatic example of mistaken blame occurred. In Rajab of 915/October-November 1509, the amir Qurqmās al-Muqri', already discussed, was robbed of 1000 *dīnārs* stashed in his house. Rounding up all those who lived in the quarter, he had the prefect question them abusively until they yielded a sum in excess of his loss.²⁷ Subsequently, the theft was discovered to have been an "inside job" committed by one of Qurqmās's own *mamlūks*. The shake-down

²⁵*Badā'i*' 5:82, line 10.

²⁶*Badā'i*' 4:177, line 8.

²⁷*Badā'i*' 4:162, line 4; 180, line 12.

traumatized several civil notables resident in the district. The thief, arrested in Mecca by the pilgrimage commander some months later, confessed to the crime upon interrogation in Cairo but could make no restitution since he had spent the money. After Qurqmās's neighbors petitioned al-Ghawrī, the Sultan summoned the amir and forced him to pay them back. Ibn Iyās noted that al-Ghawrī was already rankled by Qurqmās's heavy-handed ways and may have exploited this incident to curb his arrogance.

Individual thievery by troops was so seldom reported by the chroniclers that their credibility must be suspected. The cases that did attract the attention of one, Ibn Iyās, pointed to repeat offenders whose acts outweighed their martial utility in the Sultan's eyes. One such recruit so angered Qāyrbāy that he ordered both his hands cut off and, annoyed by an amir's intercession, demanded that the soldier's feet be removed as well.²⁸ Late in his reign, Qānṣūh al-Ghawrī's attention was distracted from preparations for his expedition against the Ottomans by the predation of a recruit named Jānim al-Ifranjī. This individual exploited the security void left by the *sulṭānī mamlūk* guard who had already departed for Syria. The Sultan ordered "district chiefs" (*arbāb al-idrāk*) to arrest the *mamlūk* and execute him on the spot. He was eventually captured near Bilbays where he was hanged from a tree.²⁹

The chroniclers were hardly reticent on the ubiquity of pillaging by troops. Incidents of seizure of assets by marauding recruits were the most frequently recounted criminal acts: thirteen cases distinct from troop revolts. Those considered here were chosen for their occurrence apart from troop revolts. The latter should be interpreted as part of the Mamluk political process. Pillaging certainly might be stimulated by political conditions. The assaults against the palace of Amir Qānṣūh Khamṣmi'ah during Qāyrbāy's declining months were inspired by the troops' perception of his conspiracy to assume the Sultanate.³⁰ When the recruits ransacked Qānṣūh's home, they were already acting on precedent. Ibn Iyās claimed that pillaging intensified when the soldiers believed their predation could occur with impunity. To his knowledge, the troops tested this kind of defiance against the regime for the first time in 887-88/1482-83. The signal event erupted on the tenth of Jumādā I 888/16 June 1483, when a gang of *julbān* torched the house of Amir Barsbāy Qarā.³¹ They then stole precious carpets from two *madrasahs* in its vicinity. The *julbān* bore a grudge against Barsbāy because one of their comrades had disputed with a cloth merchant over the purchase of expensive Ba'labakkī

²⁸ *Badā'i*' 3:218, line 11.

²⁹ *Badā'i*' 5:37, line 20.

³⁰ Ibn al-Ḥimṣī, "Ḥawādith al-Zamān wa-Wafayāt al-Shuyūkh wa-al-Aqrān," Istanbul MS Feizullah 1438, fol. 157a, line 5; 157b, line 10; *Badā'i*' 3:309, line 15.

³¹ *Badā'i*' 3:202, line 11.

fabric. When the recruit made off with the cloth without payment, the merchant complained to Barsbāy—who was then captain of the guard. Barsbāy summoned the offender and had him flogged. Upon learning of his punishment, his comrades turned on the *ra's nawbah*. Ibn Iyās stated that the *julbān* "intended to burn the cloth market and settle the score once and for all with its merchants. The situation was grave and the entire city unsettled. But the Atābak Azbak mediated between Barsbāy Qarā and the recruits to arrange a truce. Calm was restored."

The truce was only temporary, it would seem, since the recruits learned from this precedent and held Qāyrbāy's eventual successor, al-Ghawrī, hostage to the threat of pillage throughout his reign. This incident clearly stood as a criminal act in Ibn Iyās's judgment. Yet he regarded it as much more significant than an act of simple thievery: a pivotal development that marked the transformation of the Mamluk army from a disciplined service unit to an implacable interest group. Since no documentation of the *julbān*'s views about this incident is available, we are left with the chronicler's appraisal as a negative indictment of the entire Mamluk system in its later years. The recruits quite probably would have pointed to their own sense of progressive degradation and lapsed support on their patron's part.

If pillaging was the *julbān*'s crime of choice, and the most profitable to them, acrimony among peers emerged as their superiors' favored disruption. Circumstances behind the initiation of disputes between senior amirs differed widely. Few were instigated solely by feelings of slighted honor, but often erupted because of covert ambitions that the quarreling parties saw their opponents thwarting. The chroniclers interpreted quarrels as criminal if they became prolonged vendettas that supplanted the amirs' formal duties and disrupted mundane functions of society. Of the innumerable incidents of acrimony between amirs, I counted thirteen such cases. One of the most interesting occurred in Jumādā II 875/November-December 1470. The inspector (*kāshif*) of Gharbīyah Province, 'Alā' al-Dīn ibn Zawayn returned from an expedition to curb bedouin raids with the flayed skin of a defeated chief: 'Abd al-Qādir ibn Ḥamzah.³² The inspector had it stuffed with cotton and displayed as a mannequin. This 'Abd al-Qādir apparently had established client ties with another grand amir, Timrāz al-Shamsī, who found his bedouin associate's display in the procession repugnant. When the inspector's entourage reached the *dawādār* Yashbak min Mahdī's house, Timrāz forced entry and assaulted Ibn Zawayn. Al-Ṣayrafī noted that Yashbak may not have been aware of their altercation, that presumably complicated the government's attempts to quell bedouin brigandage in its rich Delta provinces.

³²*Inbā'*, 232, line 17.

The dispute between officers of the highest rank that boded most ominously for future disruption flared for the first time in late 896/October 1491. The Amir Qānṣūh Khamsmi'ah, then chief fodderer (*amīr akhūr*), and Aqbirdī, who succeeded Yashbak as *dawādār*, clashed because of a perceived protocol slight.³³ This acrimony over a transparently trivial insult obviously triggered latent hostilities between the two ambitious officers, who each recognized that the other harbored designs on Qāyrbāy's office. As the Sultan's strength ebbed in his last years, the dispute between these two matured into a bloody vendetta the chroniclers lamented as a revival of strife they had hoped Qāyrbāy's reign would have alleviated. That neither amir would succeed in duplicating Qāyrbāy's achievement did not diminish the potential for arson, chaos, and pillaging that their confrontation inflicted on the capital over several years. And from Ibn Iyās's jaundiced point of view, an orderly succession that might have secured the succession for Qāyrbāy's son, al-Nāṣir Muḥammad, could have prevented the dark horse Qānṣūh al-Ghawrī from attaining the Sultanate. The threat of a personal quarrel between two individuals escalating into a vendetta burdening the lives of thousands therefore constituted for the chroniclers one of the most egregious crimes committed by those duty-bound to uphold order and promote public welfare.

Not all quarrels came across as the harbingers of future trouble. Ibn Iyās related one dispute as darkly humorous, albeit tainted by disclosure of illicit activity. In Dhū al-Ḥijjah 914/March-April 1509, the grand chamberlain Anaṣbāy clashed with Nawrūz, one of the *muqaddamūn*. The chamberlain had intended to shut down a house of prostitution located near Nawrūz's residence.³⁴ The property had belonged to the former Atābak Azbak. When Anaṣbāy's *dawādār* arrived to disperse the prostitutes he encountered Nawrūz's grooms and black slaves. The *dawādār* and his entourage were severely beaten and driven off. When Anaṣbāy learned of his secretary's mishap, he rode to the house in a rage, thrashed the prostitutes and paraded them through Cairo on donkeys. Nawrūz then complained to al-Ghawrī, who, instead of giving him satisfaction, rebuked him verbally and backed his chamberlain's action. Nawrūz had probably extended his protection to a profitable enterprise in return for a share of profits. Qānṣūh al-Ghawrī wished to show himself a defender of moral probity and took Anaṣbāy's part.

Ranking second in frequency to vendettas, incidents of embezzlement or fraud were reported by the chroniclers as the exclusive preserve of senior amirs and

³³*Badā'i*' 3:285, line 3; "Ḥawādith al-Zamān," fol. 155b, line 3; al-Sakhāwī, "al-Dhayl al-Tāmm 'alā Duwal al-Islām," Ms.: Tunis: Dār al-Kutub al-Waṣīfah, 6856, fol. 260b, line 1; Ibn Iyās, "Uqūd al-Jumān fi Waqā'i' al-Azmān," Ms.: Istanbul: Aya Sofya, 3500, fols. 237a, line 18-238b, line 1; Anonymous, "Jawāhir al-Sulūk fi al-Khulafā' wa-al-Mulūk," Ms.: London: British Museum, 6854, fols. 397, line 14-399b.

³⁴*Badā'i*' 4:148, line 12.

their civilian adjutants. These affairs indeed appeared consistently as collusive enterprises. Senior officers entered into lucrative arrangements with civilian officials charged with judicial or fiscal responsibilities, the former lending enforcement muscle to their colleagues' designs. These affairs were covert, and reached the chroniclers' notice only when one of the parties became disgruntled or outsiders saw themselves adversely affected and disclosed them. Some cases may seem trivial, as with an incident that occurred in Rabī' I 874/October-November 1469. The *wazīr*, Qāsim Shughayṭah, one of the most adroit bureaucrats of Qāyṭbāy's reign and a confidant to the *dawādār* Yashbak, detected receipt of livestock from Upper Egypt (primarily sheep according to al-Ṣayrafī) by the Sayfī amir Qānṣūh Aḥmad al-Īnālī, on which no impost (*maks*) had been paid.³⁵ The *wazīr* confiscated the livestock even though the amir accosted him physically. The *wazīr*'s defiance of a powerful officer was risky, but may have stemmed from his connection to an even more influential patron, the *dawādār* himself. Yashbak min Maḥdī had staked out virtually absolute proprietorship over fiscal matters relating to Upper Egypt. He was not disposed to tolerate competition from rival amirs. The *wazīr* Qāsim appealed to him after the abuse he received at Qānṣūh's hands. Yashbak stood behind his adjutant and may have appropriated the livestock himself.

A subsequent event, of more widespread notoriety, lends credibility to the preceding hypothesis. Less than a year later, on 1 Muḥarram 875/30 June 1470, a procession composed of senior amirs rode from the Citadel to Yashbak's residence.³⁶ At its head were two of Qāyṭbāy's highest-ranking colleagues: the Atābak Azbak and the *ra's nawbah*, Īnāl al-Ashqar. They came bearing a subpoena demanding a full account of Yashbak's finances relative to Upper Egypt. The *dawādār* disdained to receive the delegation, which nonetheless claimed that he owed the *dīwāns al-mufrad* and *al-dawlah* no less than 250,000 *dīnārs*, not counting livestock or slaves. Yashbak ultimately insisted that he had reached a personal understanding with Qāyṭbāy over what he owed to the Special and Privy Bureaus. But al-Ṣayrafī reported that Qāyṭbāy appointed the *ustādār*, Ibn Gharīb, and the *wazīr*, Qāsim, to inventory the *dawādār*'s receipts from Upper Egypt every month for the indefinite future. Whether Qāsim found this duty hazardous in light of his tie to Yashbak al-Ṣayrafī did not recount.

A decade later, al-Ṣayrafī commented at length on a complicated case in which the sitting Ḥanafī chief *qāḍī* was implicated for accepting bribes from the *ustādār*, Taghrībirdī, who had served as treasurer to the former *dawādār*, Yashbak.³⁷ The precise circumstances behind the case, initiated as a complaint against the

³⁵*Inbā'*, 148, line 1.

³⁶*Inbā'*, 186, line 10.

³⁷*Inbā'*, 502, line 15.

ustādār before the *qāḍī* himself, are elusive in al-Ṣayrafī's summary. But he elaborated on precedents for judges accepting bribes from senior officers in return for dismissals of charges or favorable decisions in court. Al-Ṣayrafī's remarks listed accusations against the *ustādār* for fiscal malfeasance and neglect of formal duties. The incident disclosed probable collusion between a senior jurist and an officer high placed in the oligarchy. It also revealed active participation in litigation over administrative matters by the *sharī'ah* courts.

Other prominent cases involved a *muḥtasib* condoning price-fixing,³⁸ a delegation of merchants from Alexandria protesting their governor's corruption,³⁹ a guard captain's impounding and forced sale of waqf properties,⁴⁰ and an *ustādār* who collected a special (possibly illegal) "protection" tax (*ḥimāyah*) from both wealthy civilians and militarists.⁴¹ The sultans' efforts to curtail their subordinates' dealings were marginally effective. Only the *ustādār* who extorted the protection money was actually arrested, most likely because he offended members of his own peer group. Ibn Iyās noted that when the *muḥtasib* was flogged for negligence, he allowed marketeers and grain speculators even more leeway to fix prices. The bribes he received from them in return presumably saw no decrease, especially since no mention was made of his dismissal.

References to crimes committed by civilians on their own rarely involved embezzlement or fraud. All of the preceding cases implicated civilians in tandem with militarists as joint perpetrators. All held positions that gave them opportunities for illicit procedures. For corruption of this kind to succeed, it would seem to have required fiscal expertise and political clout of the respective parties. But the exclusivity of culpability attributed to militarists in these corruption cases by the narrative authors once again raises the issue of source bias. Can we assume that responsibility for such corruption was solely the prerogative of these client-patron teams? Or did the chroniclers select their examples to depict these crimes as a burden inflicted on society by the military overclass and its civilian subordinates? The latter remains a distinct possibility, a distortion so far irremedial for lack of archival documentation.

In marked contrast to the profile of transgressions reported for civilians, very few crimes of turpitude or sexual license were linked to members of the military class. The narrative writers alluded to a mere seven cases in these categories, and with one exception, all implicated recruits rather than officers. They were: two incidents of rape, one allegation of poisoning, two of unsanctioned marriage, and two of public intoxication. The chroniclers described the rapes most vividly, if

³⁸*Badā'i*' 3:263, line 13.

³⁹*Badā'i*' 3:267, line 21.

⁴⁰*Badā'i*' 4:109, line 21.

⁴¹*Badā'i*' 4:390, line 13.

succinctly. The first occurred in Dhū al-Qa‘dah 895/September-October 1490. In a brief entry by al-Sakhāwī in his *Dhayl*, he mentioned that a *mamlūk* transferred from Syria (Damascus?) violated a woman to whom he was betrothed but not formally wed.⁴² Fleeing Qāyrbāy’s arrest warrant, the *mamlūk* attempted to escape to Upper Egypt but was apprehended, flogged and cast into the Maqsharah Prison where he expired the next day. The second incident took place in Rabī‘ II 916/July-August 1510. On the Maqs road three Mamluk soldiers attacked a group of women wearing bridal attire.⁴³ One woman managed to escape but the others were taken to the soldiers’ stables. When news of the assault reached the *wālī*, he captured the three offenders and brought them before al-Ghawrī, who lashed them to the point of death. Since the soldiers committed this rape on the day when troops drew their monthly pay, al-Ghawrī directed the *kātib al-mamālīk* to turn their stipends over to their victims in compensation for their violation. Each woman received 2000 *dirhams*.

While only a pernicious rumor, the allegation of poisoning was sufficient to cause the individual implicated some discomfiture. In Rajab 884/September-October 1479, the *julbān* became convinced that the *dawādār* Yashbak had murdered his rival, Jānim, in this fashion.⁴⁴ To avoid provoking their riot, Yashbak was forced into seclusion away from audiences in the Citadel for several days. The illicit marital affairs were interesting because of the conditions of service they compromised. In Shawwāl 875/March-April 1471, Qāyrbāy ordered one of his purchased *mamlūks* beaten for eloping without his consent.⁴⁵ The *mamlūk* had departed his barracks with nothing but his uniform and horse. Al-Ṣayrafī mused about the Sultan’s wrath over this incident. Since the *mamlūk* had been manumitted, he could not be prevented from concluding the marriage. But Qāyrbāy stripped him of his rank and privileges, and refused to allow his residence in Cairo as a private subject. The Sultan remanded him to Aleppo under the custody of the merchant who had sold him originally. Qāyrbāy’s ire over unapproved marriages flared again fifteen years later when he prohibited judges or witnesses from contracting any weddings for his own *mamlūks*.⁴⁶ Ibn Iyās noted that the soldiers refused to abide by their patron’s decree, and continued to marry against his orders. Marriage of course divided a trooper’s loyalty to his sovereign, particularly if his spouse belonged to the civilian elite. Marriage provided the spouse’s relatives opportunities for influence within the military class. From the Sultan’s point of

⁴²"Dhayl," fol. 199, line 34.

⁴³*Badā'i*' 4:187, line 21.

⁴⁴*Badā'i*' 3:157, line 22.

⁴⁵*Inbā'*, 275, line 6.

⁴⁶*Badā'i*' 3:217, line 5.

view, in-service marriages diminished his *mamlūks'* reliability. Whether the chroniclers regarded these elopements as criminal acts is unclear, but the ruler interpreted them as an affront to his authority of ownership. Yet his attempts to prevent such unions proved ineffective, suggesting the troopers' autonomy in their personal relations whatever their patron's reaction.

The incidents of intoxication were mentioned in the context of individual waywardness or violated religious proscriptions. The first occurred during Ramaḍān of 895/July-August 1490 when the *wālī* arrested several *mamlūks* from Anatolia who had been caught drinking wine in broad daylight.⁴⁷ They had sullied the fast with a forbidden substance. The prefect had them flogged, paraded through the city, and imprisoned. The second involved the drowning of one member of the Sultan's elite guard (*khāṣṣakīs*) who had attempted to swim across the main channel of the Nile to the central island while drunk.⁴⁸ Ibn Iyās mentioned the case only to note the *khāṣṣakī's* reputation, which he claimed merited little praise.

These meagerly recounted incidents do not compare with the copious and lurid details provided for similar transgressions by civilians. The narrative authors were more laconic in their descriptions. And only one amir was implicated, albeit the one on whose insatiable ambition and ruthless persecution of rivals the chroniclers concurred. Yashbak's involvement with poisoning was never proved. Those actually convicted of immorality or sexual assault belonged to lower ranks of the military elite. They were punished for their acts—severely. The paucity of these cases, and the intensity of reprisals meted out, mutually point to the incidence of prosecution as the motive for the chroniclers mentioning them.

The chroniclers' silence about officers implicated in such crimes suggests more about their ability to deflect reprisal than their unblemished character. This minuscule sample, in comparison to the multiple references to quarrels, riots, pillaging, embezzlement, and fraud, cannot be taken as more than an indication of reprimands inflicted to set an example. What the contrasts in profiles of crimes committed by civilians and militarists do imply are differences in receptivity on the part of those who recorded their criminal activities. One has no reason to assume that civilians were less prone to embezzlement than militarists, although their opportunities for profit from it may have been more restricted. Nor is there reason to assume that militarists were less susceptible to crimes of passion or deviance than civilians. But the narrative writers seem to have been inclined to dwell on their fiscal or political improprieties rather than on their moral lapses.

Looking at these profiles more broadly, one notes the prominence of indenture as a motive for acts of individual violence, while unrest among *mamlūk* trainees chafing under their patrons' dominance seems to have spurred their most devastating

⁴⁷*Badā'i*' 3:273, line 22.

⁴⁸*Badā'i*' 4:133, line 2.

disruptions. Slaves and bonded persons appeared as the most salient class of murderers, although references to mobs of black slaves seizing the chance offered by their superiors' riots to engage in mob plunder figured significantly in the chroniclers' depictions of crime. The patterns of crime that emerged implied that perceptions of poverty cut across class lines, with *mamlūk* trainees equally apt to regard themselves in penury as were civilian street gangs.

The lens through which a contemporary observer can glimpse these acts powerfully influences the impression he or she may discern of crime in urban society under Mamluk rule. The contrasts between patterns of criminal activity discussed here cannot be interpreted as credible indicators of what actually was happening, by whom or how frequently. Yet these contrasting patterns do reveal the priorities of those who depicted the cases we are allowed to see. What these writers elected to include provides a measure of their own values, ethical and social, and their scale of criticisms heaped on a regime that oppressed their society. Were the guardians disposed to police themselves? Ann Lambton did not think so with respect to her reading of treatises on government in medieval Persia. Chroniclers of the Mamluk Sultanate in its final decades acknowledged self-discipline on the militarists' part when it occurred. Yet the impression one takes away from their choice of crimes and perpetrators is of vulnerability by the civilian majority compelled to abide the indiscipline of those who sapped their assets. And when the ruling elite chose to rein in its wayward members, it did so primarily when its own hegemony was perceived as compromised, or its honor sullied. This is the enduring message that the narrative sources of the late Mamluk period convey most convincingly.