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Murder in Damascus: The Consequences of Competition among Medieval Muslim Religious Elites

Introduction

On a warm Monday evening Najm al-Dīn ibn Ḥijjī and his 22-year-old wife, Khadījah,¹ moved their bed into the walled garden of their rural Syrian estate. It was August 25th, 1427, the summer had been extremely hot and stormy, and the fall had been slow to arrive. Ibn Ḥijjī had recently moved his home from within the walls of Damascus to an estate about five kilometers to the west, in an orchard between the villages of al-Rubwah and al-Nayrab,² on the foothills of Mount Qāsiyūn that rises to the west and north of Damascus. The 62-year-old scholar had been under great strain and for over three years his health had been in decline. But he had recently married Khadījah and it is likely he thought living outside the city would be healthier due to the clean air and cool breezes that wafted down through the narrow valleys to the west. They retired to bed sometime after 8:30 pm, following the *maghrib* prayer, and fell asleep under a bright full moon.

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¹She was Khadījah bint Amīr Ḥājj ibn al-Bīrī (d. 878/1474). Al-Sakhāwī states that Khadījah was from a well-connected Mamluk family and was married twice after the death of Ibn Ḥijjī. She would have been 22 years of age at the time of the crime. See Muḥammad ibn ‘Abd al-Raḥmān al-Sakhāwī, *Al-Daw’ al-Lāmi’ li-Ahl al-Qarn al-Tāsi’* (Cairo, 1937), 12:24–25.

²Yāqūt ibn ‘Abd Allāh al-Ḥamawī lists both al-Nayrab and al-Rubwah (or possibly al-Rabwah) in his *Mu’jam al-Buldān* (Tehran, 1965), 5:330 and 3:26, but does not give their exact location. According to Le Strange, the area is a garden area bordered on the south by the Baradah River and on the north by the Yazīd River. See his *Palestine under the Moslems* (Beirut, 1965), 521. The site of Ibn Ḥijjī’s estate has been replaced in the last century by the Tishrīn Park that is located to the east of the Presidential Palace on the foothills of Mount Qāsiyūn.

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Sometime in the early morning hours, a group of men quietly opened a hole in the high stone wall that surrounded the garden.³ Two of the men, whom Khadījah later described as being “brown skinned and of medium height and the other [as] tall and fair skinned,” struck Ibn Ḥijjī a blow to the head, causing him to cry out in pain.⁴ His cry awoke Khadījah and she sat up thinking that “he had been bitten” by a snake or a scorpion.⁵ In the dim light she was startled to see the two men standing at the head of the bed. In a panic she bolted to the house, hiding in an interior room for several hours with a maid. She said that she “did not speak until the men left through the hole (in the garden wall) through which they had entered.”⁶ When she returned she found her husband dead. His throat had been cut and he was lying in a pool of his own blood. He had also suffered multiple stab wounds to his head and side.⁷

Within hours news of the crime spread across Damascus and huge crowds gathered in the road outside the estate. The viceroy of Damascus arrived to extend his condolences to the widow after he learned that the corpse had been moved to the family crypt. The crowd, however, became so enraged that he was forced to flee to the citadel commanding the northwest walls of the city.⁸ Over the coming weeks the public continued to boil over the murder of Ibn Ḥijjī, creating a sensation across the Mamluk Sultanate, not because violent death was uncommon, or because a famous legal scholar and political figure was the victim, but because it was widely assumed that his rivals among the political *and* religious elite were responsible for his death.⁹

³Badr al-Dīn al-ʿAynī, *ʿIqd al-Jumān fī Tārīkh Ahl al-Zamān*, ed. ʿAbd al-Razzāq al-Ṭanṭawī al-Qarmūṭ (Cairo, 1989), 2:311.

⁴Ibn Ṭūlūn quotes a no longer extant section of the *Dhayl* of Ibn Qāḍī Shuhbah in his *Qudāt Dimashq: al-Thaghīr al-Bassām fī Dhikr Man Wuliyya Qaḍāʾ al-Shām* (Damascus, 1956), 142–43. The crime was attested to by a number of scholars and the above event is reconstructed primarily from Khadījah’s eyewitness account given the next morning to Ibn Qāḍī Shuhbah. Also see al-ʿAynī, *ʿIqd al-Jumān*, 2:311; Muḥammad ibn Aḥmad Ibn Iyās al-Ḥanafī, *Badāʾiʿ al-Zuhūr fī Waqāʾiʿ al-Duhūr*, ed. Muḥammad Muṣṭafā (Cairo, 1972), 2:116; ʿAlī ibn Dāwūd al-Jawharī al-Ṣayrafī, *Nuzhāt al-Nufūs wa-al-Abdān fī Tawārīkh al-Zamān*, ed. Ḥasan Ḥabashī (s.n., 1971), 3:119; al-Sakhāwī, *Al-Ḍawʾ al-Lāmiʿ*, 6:79; Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah fī Mulūk Miṣr wa-al-Qāhirah*, ed. William Popper (Berkeley, 1909–12), 6:623; Aḥmad ibn ʿAlī Ibn Ḥajar al-ʿAsqalānī, *Inbāʾ al-Ghumr bi-Anbāʾ al-ʿUmr* (Hyderabad, 1976), 8:131.

⁵Ibn Ṭūlūn, *Qudāt Dimashq*, 142–43.

⁶Ibid.

⁷Ibid.

⁸Ibid, 142.

⁹Ibn Taghrībirdī, *Nujūm al-Zāhirah*, 6:623; Ibn Ḥajar, *Inbāʾ al-Ghumr*, 8:131; Ibn Ṭūlūn, *Qudāt Dimashq*, 210, 213.

Ibn Ḥijjī lived through an extremely violent period of Mamluk history which witnessed the destruction of Damascus, a thirty-year period of near-constant civil war, plague, and widespread economic upheaval. The extreme chaos of the period caused widespread feelings of resentment toward political and judicial authorities among some members of the lower *a'yān* and the poor masses. The arbitrary rule of the stratocrats and the always problematic corruption of the qadis caused increasing levels of dissent as the *fuqahā* were seen as being in league with the military rulers. Ibn Ḥijjī had developed a reputation for conflict with the powerful that made it appear as if he were on the side of the dissenters, who, for a time, flocked to his support in ways that threatened the status quo.

It is tempting to attribute Ibn Ḥijjī's influence over the masses of Damascus to charisma, as many of the elements common to the Weberian conception of charisma seem to have been present at the time. Indeed, charisma has become a kind of "catch-all" in the study of religious authority in the pre-modern world, used to explain the attraction between leaders and the groups they led.¹⁰ While there were several religious and political leaders in the period who clearly exhibit a charismatic hold over their followers,¹¹ Ibn Ḥijjī was not one of them.

Charismatic leaders are generally understood to see themselves as "self-appointed" and especially endowed by God, history, or some beyond-human entity with the skills and qualities necessary to seize the moment. These same qualities are vested in him or her by followers who come to see it as their duty to submit to the authority of the leader.¹² Inherently, charismatics are "revolutionary" in that they arise in times of great chaos and strife and seek to address the fears of their followers by presenting the old order as illegitimate and by embodying a

¹⁰This has been observed by many scholars who have examined the theory of charisma over the last fifty years. See, for instance, Jerrod M. Post, "Narcissism and the Charismatic Leader-Follower Relationship," *Political Psychology* 7, no. 4 (December, 1986): 676; Martin E. Spencer, "What is Charisma?" *The British Journal of Sociology* 24, no. 3 (September 1973): 341–42; and Thomas E. Dow, Jr., "The Theory of Charisma," *The Sociology Quarterly* 10, no. 3 (Summer, 1969): 306–18.

¹¹For instance, Ibn Ḥajar al-ʿAsqalānī developed charismatic leadership within the ranks of the *fuqahā* in Egypt and Syria from the early 1430s until his death in 1449. This was manifest in a number of ways, particularly in the passionate following he had among younger students who devoted their lives to propagating his ideas and image after his death; see Jaques, *Ibn Ḥajar al-ʿAsqalānī* (New York, 2010), 12–13. On a much wider scale, Mālik al-Muʿayyad Shaykh (r. 815–24/1412–21), through nearly 15 years of rebellion, established an almost unheard-of level of charismatic authority among the Mamluk military and the *a'yān*. As is demonstrated below, after Shaykh succeeded in taking the throne his followers became known as the "Muʿayyadīyah" because of their intense devotion to Shaykh and what he represented.

¹²H. H. Gerth and C. Wright Mills, "Bureaucracy and Charisma: A Philosophy of History," in *Charisma, History, and Social Structure*, ed. Ronald M. Glassman and William H. Swatos, Jr. (New York, 1986), 12. Also see Jerrod M. Post, "Narcissism and the Charismatic Leader-Follower Relationship," 675–88.

new order that brings security and can account for the causes of the insecurities of their followers.¹³

Ibn Ḥijjī, however, was not a “self-appointed leader” but, on the contrary, he actively sought judicial, administrative, and teaching appointments which he used to buttress his claims for authority and influence. He was not a “revolutionary” either, seeking to expose the illegitimacy of the old order, but rather he aggressively pursued legitimacy through the prevailing social structures and institutions of the day that required that he curry favor with the stratocratic authorities. It is true that those who flocked to him lived through an era of great distress, but his qualifications for leadership were not deemed greater than others among his contemporaries. In fact, scandal followed Ibn Ḥijjī throughout his life and he was accused of everything from *fujūr* (sodomy) to embezzling *waqf* funds.

Instead of charisma, it appears that Ibn Ḥijjī’s popularity with the lower-*a’yān* and the poor was rooted in his early reputation as a deviant, which first caused the masses to notice him. Following this early charge he was shunned by his contemporaries but was able to rebuild his reputation through repeated acts of audacious and risky behavior that morphed his reputation into that of a rule-breaker, someone who deviated from the norms suitable for his social class. As Jack Katz has observed, there is an analogical relationship between the labelling of deviance and charisma in that those who maintain the status quo see both as rule-breakers and dangers to the system,¹⁴ but they are rooted in different sets of expectations among followers.

The study of deviance is a complicated and highly contested field in sociology. Following Robert Prus and Scott Grills, I define deviance broadly as: Any activity, actor, idea, or humanly produced situation that an audience defines as threatening, disturbing, offensive, immoral, evil, disreputable, or negative in some way.¹⁵ For Prus and Grills, deviance is synonymous with rule-breaking, being sinful, troublesome, incorrigible, bizarre, illegal, taboo, evil, and so forth.¹⁶ At its heart, deviance is a social activity both in its definition and attempts at its regulation, but also in the “auras” that develop around those accused of disreputable conduct. According to the authors, “[a]lthough things defined as deviance may be shrouded in disrespectability, it should *not* be assumed that they are necessarily unattractive to people in other respects. Something may be considered forbidden

¹³Richard Bell, “Charisma and Illegitimate Authority,” in *Charisma, History, and Social Structure*, ed. Glassman and Swatos, 58–60.

¹⁴Jack Katz, “Deviance, Charisma, and Rule-Defined Behavior,” *Social Problems* 20, no. 2 (Autumn, 1972): 186–202.

¹⁵Robert Prus and Scott Grills, *The Deviant Mystique: Involvements, Realities, and Regulations* (Westport, CT, 2003), 1, 57.

¹⁶*Ibid.*, 42, 57.

or disrespectful, but viewed simultaneously as interesting, fun, adventurous, or exciting. Indeed, certain activities or situations may appear even more alluring to some people because they are forbidden or people may find themselves (curiously) attending more intensely to certain things because of the public notoriety those activities receive.”¹⁷ This is particularly true when an individual or group has developed a reputation for deviating from social norms over the course of years. Expectations of troublesome behavior become “entrenched within a community” so that some sections of society may develop an even deeper fascination with the deviant person or group, so much so that they begin to facilitate the deviant activity.¹⁸ Thus while one section of a community may view the deviant as a villain another section may view him or her as a hero whom they seek to assist in various ways.¹⁹

The most analogous medieval Arabic word that connotes the idea of deviance is *fiṣq*. *Fiṣq* is a theological term that is associated with the idea of “grave sins” that are usually referred to as *kabāʾir* (as opposed to lesser sins known as *ṣaghāʾir*).²⁰ The issue of grave sin, its definition, and how it should be punished was one of the earliest and most divisive theological debates in the early Muslim community.²¹ Over time definitions of grave sins and their punishments became regularized by the development of Islamic law, and because of the severity of possible punishments for convictions of grave sin—potentially death in most cases—public accusations of depravity or deviance became extremely rare.²²

Indeed, it appears that accusations of deviance were especially rare in the period under review, as is borne out by an exhaustive survey of two important texts from the Mamluk period, *Al-Ḍawʿ al-Lāmiʿ* by Muḥammad ibn ʿAbd al-Raḥmān

¹⁷Ibid., 8. Emphasis original.

¹⁸Ibid., 108.

¹⁹Ibid., 75.

²⁰Ziauddin Ahmed, “A Survey of the Development of Theology in Islam,” *Islamic Studies* 11, no. 2 (June 1972): 102. Also see Luṭṭi Ibrahim, “A Comparative Study of the Views of az-Zamakhsharī and al-Batdāwī about the Position of the Grave Sinner,” *Islamic Studies* 21, no. 1 (Spring 1982): 55–73.

²¹There have been a wide range of studies examining the issues of grave sin that arose around the murder of the Caliph ʿUthmān in 35/656. For a good overview of the event and the issues that surrounded it see Martin Hinds, “The Murder of the Caliph ʿUthmān,” *International Journal of Middle Eastern Studies* 3, no. 4 (October 1972): 450–69.

²²Paul R. Powers, “Offending Heaven and Earth: Sin and Expiation in Islamic Homicide Law,” *Islamic Law and Society* 14, no. 1 (2007): 42–80. Also see Ibrahim, “A Comparative Study of the Views of az-Zamakhsharī and al-Batdāwī,” 55–73.



al-Sakhāwī (d. 902/1497) and the *Inbā' al-Ghumr* by Ibn Ḥajar al-ʿAsqalānī (d. 852/1448).²³

The *Ḍaw' al-Lāmi'* contains over 11,000 biographies of the famous and infamous men and women who lived in the ninth/fifteenth century. *Fisq* in its various forms²⁴ is only mentioned in 18 biographies.²⁵ It is associated with phenomena such as fornication (*zinā*),²⁶ evil or injustice (*shurūr*),²⁷ pederasty (*liwāt*),²⁸ iniquity or tyranny when describing political leaders (*ẓulm*),²⁹ greed (*tama'*),³⁰ oppression (*ʿasf*),³¹ morally repugnant action (*qabīḥ al-fi'l*),³² corruption (*shāban*),³³ ignorance of religion (*jahl*),³⁴ wine drinking (*shurb khamr*),³⁵ lying before God (*kidhb*),³⁶ and sodomy (*fujūr*).³⁷

Ibn Ḥajar's *Inbā' al-Ghumr* is an encyclopedic annalistic history of the Mamluk period that begins at the year of the author's birth (773/1372) and concludes just a few years before his death, ending in 850/1446. This text refers to *fiṣq* just 25 times and the term is associated with many of the same phenomena listed by al-Sakhāwī.³⁸

²³As anyone who has used the published editions of these two texts will affirm, indices in these materials are almost useless beyond simple name searches. The author carried out an intensive search of both texts for terms associated with *fiṣq* and while the following is largely accurate it is possible that a few references might have been missed. It is doubtful, however, that many terms were overlooked and the general idea of the rarity of references to deviance and their associated terms is substantiated.

²⁴In addition to *fiṣq*, also see *fasaqah* (deviants), *fāsiq* (deviant), and *fusūq* (depravity).

²⁵Al-Sakhāwī, *Al-Ḍaw' al-Lāmi'*, 1:44–45, 85–86, 265; 2:135, 250, 292, 292; 3:148; 4:10; 5:73, 98–99, 197; 7:59, 94; 8:75–76, 254; 10:256; 11:119.

²⁶Ibid., 1:44.

²⁷Ibid., 1:85; 8:254.

²⁸Ibid., 1:44. *Liwāt* occurs in other biographies without the term *fiṣq* associated with it.

²⁹Ibid., 2:292; 4:10; 5:197; 10:256.

³⁰Ibid., 4:10; 10:256.

³¹Ibid. 5:197; 10:256.

³²Ibid., 7:59.

³³Ibid., 10:256.

³⁴Ibid., 1:85; 10:256.

³⁵Ibid., 1:44–45.

³⁶Ibid., 1:85.

³⁷Ibid.

³⁸Ibn Ḥajar, *Inbā' al-Ghumr*, 1:91, 268; 2:11, 15, 162; 3:76, 186, 329, 420; 4:209; 5:119, 151, 167; 6:70, 96; 7:214, 279, 326, 331, 347, 381, 382, 410; 8:2, 141.



Accusations of *fujūr* appear to be even rarer, with al-Sakhāwī referring to such allegations in just nine biographies³⁹ and Ibn Ḥajar in only four instances.⁴⁰ Undoubtedly, sodomy was more common than is represented in these texts but its lack of mention points to the shameful nature of the accusation in medieval Muslim society and demonstrates just how damaging and notorious this accusation must have been to Ibn Ḥijjī's reputation. As is demonstrated below, Ibn Ḥijjī was shunned by his contemporaries for several years following the accusation, but was able to rebuild his career as a result of behaviors that were widely seen as audacious or bold (*miqdām*),⁴¹ such as his intrepid escape from Tīmūr's army following the sack of Damascus, physical fights with opposing parties within the *'ulamā'*, and near-constant conflicts with political authorities, all of which cultivated a reputation for rule-breaking that became attractive to some members of the community, especially low-level *a'yān* and the poor, who were the most alienated by the chaos and corruption of the period. The initial accusation of *fujūr* brought Ibn Ḥijjī to the public's attention in a way that was unusual at the time, which, when combined with his later reputation for rule-breaking, created around Ibn Ḥijjī a "deviant mystique" that drew people to him. He then attempted to manipulate this mystique to acquire power and authority within the Mamluk-*fuqahā'* social dynamic. While this ultimately led to his murder, by exploring the chaos of the period through the window of his life we gain a better view of the dynamics of the Mamluk-*fuqahā'* relationship and how deviant mystique, and not charisma, may have served to elevate Ibn Ḥijjī and others who displayed analogous characteristics.

Early Life

Najm al-Dīn 'Umar ibn Ḥijjī ibn Mūsá was born in 767/1365–66 in Damascus.⁴² He was the son of Ḥijjī ibn Mūsá al-Ḥusbānī, a Shafi'i *faqīh* and teacher in the Syrian-Shafi'i school.⁴³ Ḥijjī ibn Mūsá died in 782/1380 when Najm al-Dīn was fourteen

³⁹Al-Sakhāwī, *Al-Ḍaw' al-Lāmi'*, 1:85, 199; 3:158; 5:118; 6:40; 7:252; 9:159; 10:306–7.

⁴⁰Ibn Ḥajar, *Inbā' al-Ghumr*, 3:76, 329, 420; 7:389.

⁴¹See al-Sakhāwī's biography for Ibn Ḥijjī, 6:72.

⁴²For biographies of Ibn Ḥijjī see Ibn Qāḍī Shuhbah, *Ṭabaqāt al-Fuqahā' al-Shāfi'īyah*, ed. Al-Ḥāfiẓ 'Abd al-'Alī Khān (Beirut, 1987), 4:95; Ibn Ayyūb, *Nuzhat al-Khāṭir wa-Nahjat al-Nāẓir* (Damascus, 1991), 2:110; al-Sakhāwī, *Al-Ḍaw' al-Lāmi'*, 6:78; Ibn Ḥajar al-'Asqalānī, *Inbā' al-Ghumr*, 8:129; Ibn Iyās, *Badā'i' al-Zuhūr*, 2:116 (who gives the year of birth as 797. He appears to confuse Najm al-Dīn with his son Bahā' al-Dīn.) Also see Ibn Ayyūb, *Nuzhat al-Khāṭir*, 2:110, who gives the year of birth as 768.

⁴³Ibn Qāḍī Shuhbah, *Ṭabaqāt al-Fuqahā'*, 3:150–51; also see his biographical entry in Ibn Ḥajar al-'Asqalānī's *Inbā' al-Ghumr*, 2:25–26. Both scholars claim that Ḥijjī ibn Mūsá became the leader of the Shafi'i school in Syria.



years old. Even before his death he was uninvolved in Najm al-Dīn's life⁴⁴ and his care was left in the hands of his older brother, Shihāb al-Dīn (with whom Najm al-Dīn also studied religious science),⁴⁵ and to a little-known scholar, Muḥammad ibn 'Abd Allāh al-Ṣafawī (d. ?).⁴⁶

Najm al-Dīn is frequently described as a precocious youth, although he appears to have been a late bloomer. For instance, he did not receive a certification for the memorization of the Quran until the age of fifteen.⁴⁷ By this time, however, he seems to have hit his stride and is described as memorizing the *Tanbīh* by Abū Ishāq al-Shīrāzī (d. 476/1083) in just eight months, along with other short legal works.⁴⁸ Alongside his brother he also studied with many of the great Damascene Shafi'i scholars, receiving permissions (*ijāzāt*, sing. *ijāzah*) to teach from many of them,⁴⁹ including Shihāb al-Dīn al-Zuhri (d. 795/1392), Sharaf al-Dīn al-Ghazzī (d. 799/1397), Najm al-Dīn Ibn al-Jābbī (d. 787/1385), and Sharaf al-Dīn Ibn al-Sharīshī (or al-Shurayshī; d. 795/1393).⁵⁰

By 789/1387, Shihāb al-Dīn was able to secure a scholarship for Najm al-Dīn to study *fiqh* in Cairo.⁵¹ At almost the same time, the Circassian sultan Barqūq, who had come to power in 784/1382, began to reshuffle amirates in Syria as a means of forestalling another civil war. His strategy largely failed as a series of revolts erupted over the next two years that led to the rise of Yalbughā al-Nāṣirī and Tamurbughā al-Mintāsh, who revolted in Syria in the spring of 791/1389.

⁴⁴ Al-Sakhāwī, *Al-Ḍaw' al-Lāmi'*, 6:78.

⁴⁵ Aḥmad ibn Ḥijjī (751–816/1350–1413); for his biography see Ibn Qāḍī Shuhbah, *Ṭabaqāt al-Fuqahā'*, 4:12–14. Ibn Ḥijjī had another brother, Bahā' al-Dīn Muḥammad ibn Ḥijjī (763–800/1361–98), who was a well-regarded Sufi mystic, although he was not described as a jurist. He died from the plague and was buried in the tomb of his father; see Ibn Qāḍī Shuhbah, *Tārīkh*, ed. 'Adnān Darwīsh (Damascus, 1977), 1:682–83.

⁴⁶ Ibn Qāḍī Shuhbah, *Ṭabaqāt al-Fuqahā'*, 4:95; al-Sakhāwī, *Al-Ḍaw' al-Lāmi'*, 6:78. Al-Sakhāwī does not provide a biography for Muḥammad ibn 'Abd Allāh al-Ṣafawī.

⁴⁷ Al-Sakhāwī, *Al-Ḍaw' al-Lāmi'*, 6:78. Most students began studying around the age of five and continued basic studies until approximately 18 years of age. Quran memorization was one of the first aspects of education that students worked on because it is necessary to lead prayers. To receive a certification in Quran required only memorizing a section of the Quran, not the entire text. Many students received a certification by the end of their first year of instruction and certainly before the age of eight. See, for instance, the case of Ibn Ḥajar al-'Asqalānī in Jaques, *Ibn Ḥajar al-'Asqalānī*, 35–36.

⁴⁸ Al-Sakhāwī, *Al-Ḍaw' al-Lāmi'*, 6:78.

⁴⁹ Ibid.

⁵⁰ Ibn Qāḍī Shuhbah, *Ṭabaqāt al-Fuqahā'*, 4:95.

⁵¹ Ibid.; al-Sakhāwī, *Al-Ḍaw' al-Lāmi'*, 6:78; Ibn Ḥajar al-'Asqalānī, *Inbā' al-Ghumr*, 8:29. Ibn Ayyūb, *Nuzhat al-Khāṭir*, 2:110, places the date of travel for study as 807.

On 11 Jumādā I/8 May, Yalbughā al-Nāṣirī and a large force marched toward Cairo. A number of the Syrian amirs, now loyal to Yalbughā al-Nāṣirī, joined him outside the gates of Cairo and began a siege of the city that lasted for over a month. By the end of Jumādā II/June, Barqūq was forced to flee Cairo and Yalbughā al-Nāṣirī became its de facto ruler.⁵² Yalbughā immediately banished amirs and troops loyal to Barqūq to Syria in order to remove them from Cairo, thus diminishing the possibility of a palace coup. He also reshuffled the amirates of Damascus, awarding low-level amirs with fiefs in the city and giving many of the former Damascene amirs fiefs in Egypt, which offered a higher income.⁵³

The amirs reassigned to Syria soon began to plot against Yalbughā. All eyes were focused on Egypt because it is there that true power was held. The desire to control Cairo meant that Syria, especially Damascus, became the most important site of contest for the throne. It was there that the contests for power in Egypt were fought and there that the moneys necessary to fight a revolt were exacted from amirs, merchants, members of the *a‘yān*, and the common people on a terrific scale.

A short time later, Barqūq was arrested and sent to the prison in Karak where he was to be executed. The former sultan, however, was able to engineer his escape in Ramaḍān 791/September 1389 and within six months he was able to re-seize the sultanate.⁵⁴

During the chaos of the revolt, Barqūq’s removal, and his eventual return, Ibn Ḥijjī appears to have remained in Cairo, living through the attack on the city by Yalbughā’s forces. During this period he occupied himself with studying under Sirāj al-Dīn ‘Umar ibn Raslān al-Bulqīnī (d. 805/1403). Sirāj al-Dīn was one of the premier jurists of his day and was widely acclaimed as one of the *baqīyah al-mujtahidīn* (remnants of the independent jurists).⁵⁵ Najm al-Dīn’s brother, Shihāb al-Dīn, had studied under Sirāj al-Dīn when the latter was appointed chief judge of Damascus in 769/1367–68.⁵⁶ Shihāb al-Dīn appears to have been closely associated with Sirāj al-Dīn, studying *fiqh*, grammar, inheritance rules, and interpretive theory (*uṣūl al-fiqh*) with the jurist.⁵⁷ Ibn Qāḍī Shuhbah states that Najm al-Dīn also studied with Zayn al-Dīn al-‘Irāqī (d. 806/1404),⁵⁸ Sirāj al-Dīn Ibn al-Mulaqqīn (d. 804/1401) (from whom he received permissions to teach *fiqh*⁵⁹ and

⁵²Ibn Taghribirdī, *Al-Nujūm al-Zāhirah*, 5:408–13.

⁵³Ibid., 42–57.

⁵⁴Ibid., 460–527; Ibn Ṭūlūn, *Quḍāt Dimashq*, 120.

⁵⁵Ibn Qāḍī Shuhbah, *Ṭabaqāt al-Fuqahā’*, 4:36.

⁵⁶Ibid., 88.

⁵⁷Ibid., 40.

⁵⁸Ibid., 29–33.

⁵⁹Ibid., 43–47.

issue *fiqh* opinions [*fatāwá*, sing. *fatwá*]⁶⁰), Badr al-Dīn al-Zarkashī (d. 794/1392),⁶¹ and others.⁶² Najm al-Dīn also became a disciple of Sharaf al-Dīn al-Anṭākī (d. 815/1412).⁶³ Al-Anṭākī was originally from Damascus, and, as with most of Ibn Ḥijjī's teachers, he may have come to know al-Anṭākī through the efforts of his brother Shihāb al-Dīn.⁶⁴

Early Professional Career

The political turmoil of the period did not affect Najm al-Dīn's ability to study or gain promotion. Soon after Barqūq regained the sultanate, Ibn Ḥijjī was appointed *muftī* of the Dār al-ʿAdl in Cairo in 792/1390. Along with this appointment, he was made the *shaykh* (master) of the *khānqāh* (Sufi hostel) of ʿUmar Shāh.⁶⁵

Other jurists and scholars, however, were not so lucky. Several who had chosen Yalbughā's side in the war were arrested, tortured, and even executed when Barqūq regained power. For instance, the Shafiʿi jurists Ṣadr al-Dīn al-Ṭūsī, Shihāb al-Dīn al-Qurashī, and Muḥammad ibn Shahīd were all imprisoned in the citadel of Damascus, tortured, and executed. Shafiʿi scholars received the greatest benefits and punishments during these revolts because they represented the most important school in the region, carrying the greatest authority with the *aʿyān*, and thus represented the most attractive target for manipulation in the struggles between political rivals.

Different factions also appointed competing chief judges, sometimes with opposing jurists holding the same positions simultaneously, causing a great deal of chaos and confusion. For instance, Ibn Ḥijjī's teacher al-Zuhrī was appointed chief Shafiʿi judge of Damascus by the rebel al-Minṭāsh in Rabīʿ II 792/March–April 1390. As was common practice during the period, appointment as chief judge also meant the control of the chief preacher's office in the Umayyad Mosque and appointment as headmaster of any number of madrasahs, in this case the Ghazāliyah madrasah.⁶⁶ Control of the office of preacher was particularly important because it was used by rebelling amirs to issue new laws, demonize the opposition, and threaten the population if they supported their enemies.

⁶⁰ Al-Sakhāwī, *Al-Dawʿ al-Lāmiʿ*, 6:78.

⁶¹ Ibn Qāḍī Shuhbah, *Ṭabaqāt al-Fuqahāʾ*, 3:167–68.

⁶² *Ibid.*, 4:95.

⁶³ *Ibid.*; also see al-Sakhāwī, *Al-Dawʿ al-Lāmiʿ*, 6:78. Al-Sakhāwī claims that Najm al-Dīn attended over forty lectures given by al-Anṭākī, although Ibn Ḥajar states that he only met with the teacher on one occasion, thus indirectly disputing any disciple/teacher relationship. See Ibn Ḥajar, *Inbāʾ al-Ghumr*, 8:129.

⁶⁴ Ibn Ḥajar, *Inbāʾ al-Ghumr*, 7:98.

⁶⁵ Ibn Qāḍī Shuhbah, *Ṭabaqāt al-Fuqahāʾ*, 4:96

⁶⁶ Ibn Ṭūlūn, *Qudāt Dimashq*, 119–20.

Barqūq, however, appointed Sharaf al-Dīn Mas'ūd ibn 'Abd Allāh al-Dimashqī as chief Shafi'i judge at the same time, replacing his previous representative, Badr al-Dīn al-Subkī. When Barqūq left Cairo on his invasion of Syria, he removed Mas'ūd ibn 'Abd Allāh (who appears to have been in Damascus) for unspecified reasons and appointed Shams al-Dīn al-Jazarī (or possibly al-Jazrī) chief Shafi'i judge in his place, even though al-Jazarī was with Barqūq and not in the city. Before reaching Damascus, however, Barqūq reinstated Mas'ūd ibn 'Abd Allāh. When Barqūq finally recaptured Damascus in Dhū al-Ḥijjah 793/November 1391, Mas'ūd ibn 'Abd Allāh was replaced by the great Shafi'i scholar Shihāb al-Dīn al-Bā'ūnī. During all this time, al-Minṭāsh's chief judge, al-Zuhri, maintained a separate Shafi'i court with his own collection of deputies and other functionaries, although how the two competing Shafi'i courts and their subsidiaries functioned is unclear.⁶⁷

Al-Bā'ūnī and Barqūq enjoyed an unusual relationship. It appears that Barqūq trusted al-Bā'ūnī, whom he took with him during his invasion of Syria and used as a spy to report to Barqūq on the loyalty of the amirs of the city. Barqūq also appointed al-Bā'ūnī chief preacher of the Umayyad Mosque and put him in charge of rebuilding the endowed institutions of the city that had been destroyed or damaged during Yalbughā's and al-Minṭāsh's revolts.⁶⁸ Within a few months al-Bā'ūnī's authority was enhanced further when he was allowed to seize the office of controller of the army. Barqūq then ordered al-Bā'ūnī to raid the orphan's *waqf* in order to replenish his depleted coffers. Given the violence of the period, al-Bā'ūnī surprisingly refused to comply, and although he was removed as controller, he appeared to suffer no other punishment.⁶⁹

A Reputation for Deviance

We hear nothing more about Ibn Ḥijjī until 11 Rajab 795/24 May 1393, when he and Sharaf al-Dīn ibn Khaṭīb al-Ḥadīthah⁷⁰ travelled from Egypt to Damascus. For reasons unstated by historians who note their arrival, they immediately left

⁶⁷Ibid.

⁶⁸Ibid., 122–24.

⁶⁹Ibid., 123.

⁷⁰There appear to be no necrologies for Sharaf al-Dīn, although his brother, Ḥasan ibn 'Alī ibn Surūr al-Ḥadīthah (d. 800/1398), also known as Badr al-Dīn ibn Khaṭīb al-Ḥadīthah, was well known; see Ibn Qāḍī Shuhbah, *Tārīkh*, 1:674–75; also his *Ṭabaqāt al-Fuqahā'*, 3:152; Ibn Ḥajar al-'Asqalānī, *Al-Durar al-Kāminah*, 2:24, and his *Inbā' al-Ghumr*, 403–4. Also see Ibn al-'Imād al-Ḥanbalī, *Shadharāt al-Dhahab fī Akhbār Man Dhahab* (Beirut, 1966), 8:120–21. Their *kunya* is disputed, with some scholars listing it as al-Ramthāwī, al-Nashāwī, al-Rashāwī, or al-Barmāwī. Badr al-Dīn was a widely respected scholar who was a disciple of Ibn Ḥijjī's brother Shihāb al-Dīn; see Ibn Qāḍī Shuhbah, *Tārīkh*, 1:675.

Damascus and went on to Ḥimṣ, where they conferred with the viceroy of Syria, Amir Tanam, who was still pursuing the rebel al-Mintāsh.⁷¹

A few weeks later, on 1 Sha‘bān/12 June, Ibn Ḥijjī, al-Ḥadīthah, and a young man by the name of Shihāb al-Dīn al-Ghazzī⁷² were returned to Damascus in chains due to some event that had occurred in Ḥimṣ. Ibn Ḥijjī appears to have been the focus of the dispute, and the nature of the accusation against him was such that al-Bā‘ūnī ordered that Ibn Ḥijjī be stripped of his position as *muftī*, and banned from teaching in the madrasahs and from teaching *fiqh*. He was also removed from his position at the *khānqāh* of ‘Umar Shāh.⁷³ By Ramaḍān 795/July–August 1393, the situation had escalated, now involving the grand chamberlain of Damascus, Tamurbughā Manjakī, resulting in Ibn Ḥijjī’s imprisonment in the citadel of Damascus. Manjakī subjected him to torture and forced from him confessions of sodomy (*fujūr*), lying before God (*kidhb*), and of giving false testimony (*zūr*).⁷⁴ Ibn Qāḍī Shuhbah, who was a disciple of Shihāb al-Dīn Ibn Ḥijjī and later served as Najm al-Dīn’s deputy, states that the charges were concocted by al-Bā‘ūnī, although he fails to say why,⁷⁵ and Ibn Ḥajar describes it as an “outrage,” implying that the charges were unfounded.⁷⁶

By Dhū al-Qa‘dah/September, Barqūq intervened, apparently at the request of Ibn Ḥijjī’s brother, Shihāb al-Dīn. Barqūq ordered that the confessions be disregarded and the prisoners released. Al-Bā‘ūnī later said that he acquiesced to Barqūq’s order because he had a dream in which God revealed to him his error.⁷⁷

Although the accusations against Ibn Ḥijjī were withdrawn his reputation was so badly damaged that he was shunned by members of the *‘ulamā* and he remained out of office for two years.⁷⁸ Finally, in Muḥarram 798/October 1395 Ibn Ḥijjī was appointed to teach law at the Amīniyah madrasah in Damascus, but this occurred only through the influence of his brother.⁷⁹ The following year Ibn

⁷¹Ibn Qāḍī Shuhbah, *Tārīkh*, 3:468.

⁷²Virtually nothing is known of this person besides a brief reference in Ibn Qāḍī Shuhbah’s *Tārīkh* in which he was said to have recited the *adhān* for Shihāb al-Dīn al-Zuhri in 791/1389 (1:279–80). This kind of study would have occurred while al-Ghazzī was quite young, so it is likely that he would have been in his teens in 795/1393 when this event took place.

⁷³Ibn Qāḍī Shuhbah, *Tārīkh*, 3:468. For other, less detailed descriptions of the dispute between Ibn Ḥijjī and al-Bā‘ūnī see al-Sakhāwī, *Al-Daw’ al-Lāmi‘*, 6:78 (who mistakenly places the date of the conflict in 794); Ibn Ḥajar al-‘Asqalānī, *Inbā’ al-Ghumr*, 8:129–30.

⁷⁴Ibn Qāḍī Shuhbah, *Tārīkh*, 3:476.

⁷⁵Ibid., 1:476.

⁷⁶“*Jarrat lahu kāinat ma‘a al-Bā‘ūnī.*” See Ibn Ḥajar al-‘Asqalānī, *Inbā’ al-Ghumr*, 8:129.

⁷⁷Ibn Qāḍī Shuhbah, *Tārīkh*, 3:476.

⁷⁸Ibn Ḥajar al-‘Asqalānī, *Inbā’ al-Ghumr*, 8:129.

⁷⁹Ibn Qāḍī Shuhbah, *Ṭabaqāt al-Fuqahā’*, 4:96; also see his *Tārīkh*, 3:574.

Ḥijjī accompanied a group of dignitaries on the hajj and then participated in a delegation of Damascene religious leaders to the funeral of Muḥibb al-Dīn ibn Qāḍī, the chief judge of Mecca.⁸⁰

Audacity and the Deviant Mystique

On 15 Shawwāl 801/30 June 1399 Barqūq died and was succeeded by his eleven-year-old son Faraj.⁸¹ When Taman, the viceroy of Syria, learned of Barqūq's death he went into revolt, claiming that Faraj was a puppet to other powers. A number of judges and members of the *a'yān* supported Taman's claims,⁸² Ibn Ḥijjī among them, and he received an appointment as *tadrīs* at the al-Ghāziyah madrasah "in compensation for his testimony" on the viceroy's behalf.⁸³ Over the next eighteen months Taman fought a civil war against the forces loyal to the sultan, but despite his youth and wavering support among the Mamluks Faraj defeated Taman in Gaza on 19 Rajab 802/15 March 1400.⁸⁴

The following year, Tīmūr marched out of Iraq and laid waste to much of Syria. By Jumādā I 803/December 1400–January 1401 Tīmūr had taken control of Damascus after Faraj and the armies of Syria and Egypt fled because of rumors that a coup attempt was underway in Cairo.⁸⁵ In the mad rush to return to Cairo, the Mamluk army left behind an unprotected mass of judicial and religious leaders, who were quickly captured by Tīmūr's forces. Not only were the *a'yān* of Syria left to suffer and die at Tīmūr's hands, but the city of Damascus was exposed to an almost unimaginable onslaught.

The toll on the population of Damascus and Syria was enormous, but the price paid by the *a'yān* was just as great. Histories of the period are replete with lists of scholars killed or carried off by Tīmūr when in Sha'bān 803/March–April 1401 he finally departed Syria and withdrew back into Iraq. While most scholars tried to hide from Tīmūr's forces, Ibn Ḥijjī and many others were reluctantly pressed into service. Still others, only a few in number, collaborated with the invading forces and became quite wealthy as a result. The most famous of these was Maḥmūd ibn Aḥmad ibn Kishk and his son Shihāb al-Dīn. Ibn Kishk not only cooperated with Tīmūr, but according to contemporary accounts, actively participated in the administration of the city during Tīmūr's occupation and willingly left with the

⁸⁰Ibn Qāḍī Shuhbah, *Ṭabaqāt al-Fuqahā'*, 4:96; *Tārīkh*, 1:621, 648. Also see Ibn Ḥajar, *Inbā' al-Ghumr*, 8:130, and Ibn Ayyūb, *Nuzhat al-Khāṭir*, 2:111 (although he places the hajj in 797).

⁸¹Ibn Taghribirdī, *Al-Nujūm al-Zāhirah*, 5:594–95.

⁸²Ibid., 6:8–19; Ibn Ḥajar, *Inbā' al-Ghumr*, 4:1–30.

⁸³Ibn Qāḍī Shuhbah, *Tārīkh*, 4:35.

⁸⁴Ibn Taghribirdī, *Al-Nujūm al-Zāhirah*, 6:20–35.

⁸⁵Ibn Taghribirdī, *Al-Nujūm al-Zāhirah*, 6:48–63; Ibn Ḥajar, *Inbā' al-Ghumr*, 4:189–228; Ibn Qāḍī Shuhbah, *Tārīkh*, 4:132–53.



withdrawing armies after the sack.⁸⁶ By the time Maḥmūd ibn Aḥmad and his son reached Tabrīz, Tīmūr seems to have tired of the two and they were forced to flee, but not before acquiring great wealth, sufficient, in fact, for Shihāb al-Dīn ibn Kishk to purchase a hundred slave soldiers and as many concubines.⁸⁷

Ibn Ḥijjī was one of thousands of scholars, merchants, and artisans rounded up by Tīmūr's troops and forced to march toward Iraq, many of whom died on the hard trek without proper water and food. During the withdrawal, Ibn Ḥijjī looked for an opportunity to break free from captivity and, after several weeks, was able to escape when he stole the clothes of one of the Bedouin troops who had attached themselves to Tīmūr's forces. He then took the Bedouin's horse and rode out of camp in disguise, arriving in Damascus some weeks later.⁸⁸

The tale of Ibn Ḥijjī's escape is widely recounted in the sources and became a pillar of his overall reputation for audacious behavior, which became interwoven with the scandal of 795/1393. While the accusation of *fujūr* continued to haunt him, it became part of the emerging narrative that cast Ibn Ḥijjī as an impulsive and daring character.

Opportunity and Promotion

The vacuum caused by the death of so many high-ranking scholars and judicial authorities created opportunities for those who survived. Upon returning to Damascus following his famous escape, Ibn Ḥijjī's career was reborn. Although it is clear that the earlier accusations against him were not forgotten, especially the charges of *fujūr* and *kidhb*, the need for trained judges appears to have overridden his reputation.

Soon after he returned to Damascus he was summoned to Cairo and was almost immediately appointed to be a deputy judge under the great Shafi'i scholar Jalāl al-Dīn al-Bulqīnī.⁸⁹ By Ṣafar 804/September 1401 Ibn Ḥijjī was promoted to chief Shafi'i judge of Ḥamāh, replacing 'Alā' al-Dīn Ibn Makká, who was appointed judge of Aleppo. Although it took him several months to arrive, by Shawwāl 804/May 1402 he took up his appointment and was immediately ordered by the sultan to lower prices.⁹⁰

⁸⁶Ibn Taghribirdī, *Al-Nujūm al-Zāhirah*, 6:36–38. For a particularly dramatic account of the sack of Damascus, see Ibn Qāḍī Shuhbah, *Tārīkh*, 4:132–253.

⁸⁷Ibn Ṭūlūn, *Quḍāt Dimashq*, 213; al-Sakhāwī, *Al-Ḍaw' al-Lāmi'*, 2:220–21.

⁸⁸Ibn Ḥajar, *Inbā' al-Ghumr*, 4:224–25; 8:130; al-Sakhāwī, *Al-Ḍaw' al-Lāmi'*, 6:78; Ibn Ayyūb, *Nuzhat al-Khāṭir*, 2:111–12.

⁸⁹Ibn Ayyūb, *Nuzhat al-Khāṭir*, 2:111; Ibn Ḥajar, *Inbā' al-Ghumr*, 5:130.

⁹⁰Ibn Qāḍī Shuhbah, *Tārīkh*, 4:258, 269–70; also see his *Ṭabaqāt al-Fuqahā'*, 4:96; al-Maqrīzī, *Kitāb al-Sulūk*, 3:1077.



In Rajab 805/February 1403 Ibn Ḥijjī was reappointed as the chief Shafi'i judge of Ḥamāh,⁹¹ but within a few months was forced to flee the town in fear of his life. According to Ibn Qāḍī Shuhbah, Ibn Ḥijjī had somehow come into possession of a letter from the viceroy of Ḥamāh, Amir 'Allān, which purportedly showed that he was plotting to go into revolt against Faraj. Ibn Ḥijjī feared that 'Allān was planning to kill him in order to keep the plot secret, a concern that Ibn Qāḍī Shuhbah, with historical hindsight, states was unfounded.⁹² In any case, he returned to Damascus between Shawwāl/May and Dhū al-Qa'dah 805/June 1403.⁹³

Vacating his post does not appear to have harmed Ibn Ḥijjī, nor is it known if he exposed the plot to authorities loyal to Faraj. Amir 'Allān was a mamluk of Barqūq who became prominent under Faraj. His loyalty to Faraj was rather weak, however, and in the revolts that followed he shifted allegiance to al-Mu'ayyad Shaykh.⁹⁴ Shaykh was, in this period, a rising power in Syria.

It is unknown what Ibn Ḥijjī did in this period, although it seems that his position among the Damascene *a'yān* was improving because he was asked in Ramaḍān 806/March 1404 to deliver the first *'id al-fiṭr* sermon to be given in the Umayyad Mosque since its near total destruction in Tīmūr's attack.⁹⁵ By Muḥarram 807/July-August 1404 Ibn Ḥijjī was appointed as a deputy judge under Shihāb al-Dīn Abū al-'Abbās al-Ḥimṣī, who had just received his appointment by Faraj.⁹⁶ The appointment occurred in the context of the increasingly rancorous relationship between Faraj and al-Mu'ayyad Shaykh, who was now viceroy of Syria and actively supporting the opponents of the sultan. By Ṣafar 807/September 1404 Shaykh had begun plotting with Amir Nawrūz and other contenders for the sultanic throne.⁹⁷

Over the next two years Shaykh and Nawrūz engaged in a protracted civil war across Syria. Sometimes fighting together and at other times independently, each tried to get the upper hand in their fight against Faraj. Faraj, Shaykh, and Nawrūz also began to install their own judges and administrators when they took control of a town, and in some cases, even when they had no physical control of an area.⁹⁸

There are several reasons why the three leaders began to do this. First, fighting was extremely expensive; food and equipment for soldiers and forage for animals

⁹¹Ibn Qāḍī Shuhbah, *Tārīkh*, 4:306.

⁹²Ibn Qāḍī Shuhbah, *Ṭabaqāt al-Fuqahā*, 4:96.

⁹³Ibn Ḥajar, *Inbā' al-Ghumr*, 5:88.

⁹⁴Al-Sakhāwī, *Al-Ḍaw' al-Lāmi'*, 5:150.

⁹⁵Ibn Qāḍī Shuhbah, *Tārīkh*, 4:357.

⁹⁶Ibid., 395.

⁹⁷Ibn Taghribirdī, *Al-Nujūm al-Zāhirah*, 6:110–17.

⁹⁸There were over 10 instances of competitive judicial appointments during the period; see Ibn Ṭūlūn, *Quḍāt Dimashq*, 123–204, and Ibn Ayyūb, *Nuzhat al-Khāṭir*, 2:109.

was costly, and the sudden spike in demand caused prices to soar. Each also had to expend large amounts of gold and silver to buy the loyalties of amirs who attempted to act as kingmakers by staying on the sidelines until a particular battle looked like it was tilting one way or the other. Each judicial, administrative, and teaching appointment required the candidate to pay large fees or bribes for the office. The sultan and rebels became dependent on these fees as a source of revenues that would otherwise have to be taken from an increasingly restive public who tried to hide their wealth to prevent it from being seized whenever troops entered a town, village, or city.

Another aspect not previously considered is the role of judges, teachers, and administrators in acting as propagandists for each claimant. Whenever a new appointment was made there was a ritual process connected to the installation of the new appointee. This involved bestowing a robe of office on the appointee in a public ceremony, but most importantly, it required that the new office holder read an indictment of the former official, listing his faults and the reasons for his replacement. As the civil war raged, the masses were not only victim to the forced surrender of wealth by the Mamluks; they also had to pay extremely high prices for increasingly scarce commodities. The *'ulamā'* became the target of public dissatisfaction because it was they who levied taxes, set prices, and ordered people imprisoned or punished for failure to comply with the laws of the sultan or occupying forces. It became a common feature of indictments to list the abuses of the other claimants to the throne and how their judges and administrators had abused the population under their tenures.

By the 19 Rabi^c II 809/3 October 1406, after Faraj was able to take control of Damascus, he appointed Ibn Ḥijjī as chief Shafi'i judge. Shaykh had previously installed Aḥmad ibn al-ʿAlāmah al-Ḥusbānī as chief Shafi'i judge when he was in control of the city and Nawrūz had appointed ʿAlā' al-Dīn al-Subkī to the same position. Each appears to have continued to operate autonomous courts with an independent group of deputies, even when, as was the case with al-Ḥusbānī, the chief judge was not actually in the city. For Ibn Ḥijjī, his elevation came after he had earlier been appointed deputy judge under Abū al-ʿAbbās al-Ḥimṣī, who had been appointed chief Shafi'i judge by Faraj before he had taken control of Damascus. As al-Ḥimṣī's deputy, it is likely that Ibn Ḥijjī would have been considered loyal to the sultan and thus a reliable representative to the *a'yān*. Faraj, however, ordered that Ibn Ḥijjī accept as his deputy Shams al-Dīn al-Ikhnā'ī, who had travelled from Egypt with Faraj and was firmly believed to be a Faraj loyalist.⁹⁹

⁹⁹Ibn Qāḍī Shuhbah, *Ṭabaqāt al-Fuqahā*, 4:96; Ibn Ṭulūn, *Quḍāt Dimashq*, 133; Ibn Ḥajar, *Inbā' al-Ghumr*, 8:130; Ibn Ayyūb, *Nuzhat al-Khāṭir*, 2:111; al-Sakhāwī, *Al-Daw' al-Lāmi'*, 6:78; al-Maqrīzī, *Kitāb al-Sulūk*, 4:36; Shihāb al-Dīn ibn Ḥijjī, *Tārīkh*, 2:755.



In Jumādā II 809/November 1406, as Faraj began preparations for returning to Egypt, he removed Ibn Ḥijjī as chief judge and replaced him with al-Ikhnāʿī, who, among others, accepted as his deputy judge Shihāb al-Dīn ibn Naqīb al-Ashrāf, the son of the confidential secretary of Damascus whom Faraj appointed to act as his spy on the affairs of the mamluks of the city.¹⁰⁰ Faraj, however, gave the position of chief preacher of the Umayyad Mosque to Ibn Ḥijjī's old adversary al-Bā'ūnī, who a short time later asked to be transferred to Mecca, where he became the chief preacher of the Ḥaramayn. According to Shihāb al-Dīn ibn Ḥijjī, Faraj had split the duties of the judges, making al-Ikhnāʿī chief judge, but giving al-Bā'ūnī the other positions traditionally given to the chief judge such as preacher at the Umayyad Mosque, *tadrīs* of the Ghazāliyah madrasah, controller of the Ḥaramayn, and the title *mashāyikh al-shuyūkh*. This, understandably, frustrated al-Ikhnāʿī, but it seems that Faraj no longer had complete trust in him.¹⁰¹

Within a week of Faraj's departure, Nawrūz returned to the city and began to fortify the citadel. Upon taking control of Damascus, Nawrūz confirmed al-Ikhnāʿī as chief Shafi'i judge and gave to him all of the offices Faraj had given al-Bā'ūnī.¹⁰² By Ṣafar 810/July 1407 the civil war in Syria was raging to such an extent that Faraj was forced to march on Damascus a fourth time.¹⁰³ When he took the town he ordered that all of the judges, the confidential secretary, and the wazir be arrested and tortured until they agreed to pay large bribes as a sign of their guilt for supporting Nawrūz.¹⁰⁴ Al-Ikhnāʿī was among them but, inexplicably, Faraj did not replace him as chief judge immediately.¹⁰⁵ Ibn Ḥijjī and his wife had gone on the hajj the previous year after he was removed by Faraj and does not appear to have returned.¹⁰⁶

By Rabīʿ II/September, Faraj returned to Cairo, leaving al-Ikhnāʿī as his chief judge. Nawrūz returned to the city within a few days and confirmed al-Ikhnāʿī as his judge. Given his authority, now confirmed by both sultan and rebel, al-Ikhnāʿī began to reshuffle the control of the Shafi'i madrasahs of the city, installing Ibn Ḥijjī's brother as *tadrīs* of the 'Azīziyah madrasah on the 29th of the month. He also aided Nawrūz in seizing the funds of a number of trusts in the city.¹⁰⁷

¹⁰⁰ Ibn Ṭulūn, *Quḍāt Dimashq*, 125, 155; al-Maqrīzī, *Kitāb al-Sulūk*, 4:34; Ibn Ḥajar, *Inbāʾ al-Ghumr*, 6:7; Ibn Ḥijjī, *Tārīkh*, 2:761.

¹⁰¹ Ibn Ḥijjī, *Tārīkh*, 2:762.

¹⁰² Ibid., 2:769; Ibn Ṭulūn, *Quḍāt Dimashq*, 125.

¹⁰³ Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:188.

¹⁰⁴ Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:189; Ibn Ḥijjī, *Tārīkh*, 2:799–800.

¹⁰⁵ Ibn Ḥijjī, *Tārīkh*, 2:800.

¹⁰⁶ Ibid., 776–77

¹⁰⁷ Ibid., 800–12.

Contemporary chroniclers of the period speak uniformly of the widespread fear and hatred of Nawrūz among the population and the *aʿyān* of Damascus. He was a violent man in a period noted for its violence, he abused the elites and the commoners alike, and he used extortion and other means to take money from the people in order to fund his rebellions. By the end of Rajab 810/December 1407 Nawrūz had engineered his rise to the top of authority in Syria. Shaykh, who by this time was the only other threat to Faraj's power, felt that he was too weak to oppose Nawrūz and refused Faraj's offer to become the viceroy of Syria if he would attack the rebel.¹⁰⁸

Ibn Ḥajar's account of the period is one of confusion among the judges and *aʿyān* in Syria. Faraj and Nawrūz each continued appointing judges in cities they did and did not control. Each time this occurred there was a reshuffling of posts in legal colleges and in the management of trusts. In the few locales controlled by Shaykh he followed suit, so that in some instances there were three chief judges each holding office concurrently in the same city, although how many actually administered the law is unclear because many who were in residence, if not the candidate of the power controlling the territory, were forced to flee for their lives.¹⁰⁹

By Ramaḍān–Shawwāl 810/January–March 1408, Ibn Ḥijjī and the pro-Faraj scholar Ṣadr al-Dīn ibn al-Adamī collaborated to bring Shaykh and Faraj into an accord.¹¹⁰ Ibn al-Adamī had been appointed by Faraj as chief Shafiʿi judge of Ḥamāh but fled from the town because Shaykh, who controlled the area, threatened his life. When he arrived in Cairo, Faraj appointed him chief Shafiʿi judge of Damascus in absentia.¹¹¹ At this time Shaykh, who did not control Damascus and was refusing to assume the governorship of the city, appointed Ibn Ḥijjī chief Shafiʿi judge of Damascus, also in absentia. Ibn Ḥijjī was in hiding at the time and he too made his way to Cairo. Faraj, as a sign of goodwill toward Shaykh, briefly appointed Ibn Ḥijjī chief Shafiʿi judge of Damascus, but only for thirty days.¹¹²

Whether or not the efforts of Ibn Adamī and Ibn Ḥijjī were the cause, by Muḥarram 811/May 1408 Shaykh had come out of his lethargy and attacked Nawrūz near Damascus, carrying the flag of the sultan.¹¹³ According to Ibn Ḥajar, Shaykh took the town by Ṣafar/June and rode into Damascus greeted by popular celebration. The judges and *aʿyān* rushed to meet and congratulate Shaykh, who, in the midst of the festivities, appointed Ibn Ḥijjī chief Shafiʿi judge.¹¹⁴ Al-Maqrīzī

¹⁰⁸Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:190–95.

¹⁰⁹Ibn Ḥajar, *Inbāʾ al-Ghumr*, 6:65–66.

¹¹⁰Ibid.

¹¹¹Ibid.

¹¹²Ibid., 8:130; Ibn Ṭūlūn, *Quḍāt Dimashq*, 133.

¹¹³Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:197.

¹¹⁴Ibn Ḥajar, *Inbāʾ al-Ghumr*, 6:87–88.

states that this appointment occurred without the authorization of Faraj and that Ibn Ḥijjī selected ten deputy judges, far more than had been the previous practice.¹¹⁵ Why he selected such a large number of deputies is not clear, but it is likely that given the upheaval and fractious nature of Shafi'i legal authority in Damascus caused by the civil war, he was seeking to widen his, and by extension Shaykh's, base of support.

Although Shaykh had captured the city, Nawrūz had escaped and had fled north into Turkish lands.¹¹⁶ After Shaykh took Damascus he began to arrest Nawrūz's supporters, so many in fact that Faraj became suspicious of Shaykh's true intentions. When in Jumādā II 811/November 1408 Faraj accused Shaykh of disloyalty, Shaykh called together the judges and *a'yān* of Damascus to swear out statements of loyalty to the sultan. He then sent Ibn Ḥijjī to Cairo with the statements and a letter from Shaykh stating his own loyalty to Faraj.¹¹⁷

When Ibn Ḥijjī arrived in Cairo between Sha'bān and Shawwāl/January–February 1409 Faraj angrily rejected Shaykh's statement and began preparations for another invasion of Syria. He arrested Ibn Ḥijjī and in his response to Shaykh's letter, ordered the viceroy to install al-Ikhnā'i as chief Shafi'i judge.¹¹⁸ It appears that al-Ikhnā'i was still in Damascus, although how he had escaped arrest following Nawrūz's departure is unclear. In any case, when Shaykh learned of the arrest of Ibn Ḥijjī and Faraj's rejection of his letter of submission, he had al-Ikhnā'i arrested and charged him with being in secret communication with Nawrūz. Shaykh also reappointed Ibn Ḥijjī as chief judge in absentia.¹¹⁹ By 19 Shawwāl 811/7 March 1409 Faraj seemed to have thought better of his initial rejection of Shaykh's letter, and returned Ibn Ḥijjī to Damascus wearing a robe of honor and appointed him chief Shafi'i judge and preacher of the Umayyad Mosque. He also ordered that al-Ikhnā'i be removed from any position previously given him.¹²⁰

By 10 Dhū al-Qa'dah 811/28 March 1409 Faraj again accused Shaykh of going into revolt. Once more Shaykh swore out a statement of loyalty and sent Ibn Ḥijjī to Cairo with the letter. Although he must not have relished the idea of once more standing before the sultan, Ibn Ḥijjī complied, arriving in Cairo on 20 Dhū al-Qa'dah/8 March.¹²¹ Faraj once again rejected the letter and although he did not remove Ibn Ḥijjī as chief judge, he sent him back to Damascus with an order for

¹¹⁵ Al-Maqrīzī, *Kitāb al-Sulūk*, 4:71–72.

¹¹⁶ Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:199–200.

¹¹⁷ *Ibid.*, 200.

¹¹⁸ Al-Maqrīzī, *Kitāb al-Sulūk*, 4:79–83; Ibn Ṭulūn, *Quḍāt Dimashq*, 133; Ibn Ḥajar, *Inbā' al-Ghumr*, 6:94.

¹¹⁹ Al-Maqrīzī, *Kitāb al-Sulūk*, 4:83.

¹²⁰ *Ibid.*, 84–88.

¹²¹ *Ibid.*

Shaykh to free the pro-Nawrūz amirs Shaykh had previously arrested. Ibn Ḥijjī arrived back in Damascus by 10 Dhū al-Ḥijjah/26 April but, fearing Shaykh's response, delayed reading Faraj's letter to the viceroy until he was able to do so in front of a collection of judges from the four schools. Although the sources are unclear on the sequence of events that follow, it appears that Shaykh ordered the judges to issue a *fatwá* authorizing war against Faraj. Only his old follower, Shihāb al-Dīn al-Ḥusbānī, no longer a chief judge, agreed to do so.¹²²

On 11 Muḥarram 812/27 May 1409 Faraj marched from Cairo toward Damascus. By 6 Ṣafar/21 June Faraj entered Damascus and arrested al-Ḥusbānī for his *fatwá*.¹²³ He also reshuffled the judiciary, removing the sitting Hanafi judge 'Alī ibn al-Ādamī (or possibly Ibn al-Quṭb), replacing him with Shihāb al-Dīn ibn Kishk.¹²⁴ According to Ibn Ḥajar al-'Asqalānī, the deputy Shafi'i judge Shihāb al-Dīn ibn Naqīb al-Ashrāf, who was Ibn Kishk's brother-in-law,¹²⁵ accused the previous Hanafi judge of insulting the sultan, causing his removal and eventual trial. He was acquitted of the charge and re-appointed as chief Hanafi judge when Faraj departed the city on 2 Rabī' I/16 July.¹²⁶

This event marks the beginning of the very public and life-long collaboration between Ibn Kishk and Ibn Naqīb. As noted above, Ibn Kishk had participated in Timūr's sack and occupation of Damascus, becoming extremely wealthy and powerful as a result. He amassed a personal guard of a hundred mamluks, more personal retainers than many sultans in the period, which gave him great latitude in his interactions with members of the Mamluk stratocracy and with the 'ulamā. He became, essentially, untouchable by Mamluk authorities who might want to seize him or force him to do their bidding. Ibn Naqīb, as head of the *ashrāf* community in Damascus, was a true charismatic leader of a largely charismatic community.¹²⁷ He wore a green face veil to signify his status and, as head of the *ashrāf*, Ibn Naqīb inherited not only a special status but was the object of devotion for many people in Damascus. Over time Ibn Kishk and Ibn Naqīb al-Ashrāf would develop a special animus toward Ibn Ḥijjī as they competed for power and influence among the 'ulamā and stratocratic elite.

When Faraj arrived in Damascus Ibn Ḥijjī approached the sultan seeking to be confirmed as chief Shafi'i judge. According to al-Maqrīzī, Faraj refused and in-

¹²²Ibid.

¹²³Ibn Taghribirdī, *Al-Nujūm al-Zāhirah*, 6:204.

¹²⁴Al-Maqrīzī, *Kitāb al-Sulūk*, 4:99.

¹²⁵Ibn Ṭūlūn, *Quḍāt Dimashq*, 210.

¹²⁶Ibn Ḥajar, *Inbā' al-Ghumr*, 6:142–43, 162–63; al-Maqrīzī, *Kitāb al-Sulūk*, 4:99.

¹²⁷The *ashrāf* (sing. *sharīf*) were descendants of the Prophet Muḥammad through his two grandsons, al-Ḥasan and al-Ḥusayn. They were widely believed to possess special abilities and were revered by members of the Muslim community.

stead appointed Ibn Ḥijjī chief judge of Ṭarābulus.¹²⁸ Within weeks, however, Ibn Ḥijjī was arrested for unspecified reasons and was removed as chief Shafi'i judge of Ṭarābulus the following month.¹²⁹

By Jumādā I/September, Shaykh briefly retook Damascus with the assistance of some of the *a'yān* of the city.¹³⁰ In the swiftly changing circumstances of the revolt, Faraj turned to his old enemy Nawrūz, appointing him viceroy of Syria on 1 Jumādā II 812/11 September.¹³¹ Upon taking control Nawrūz appointed Ibn Naqīb al-Ashrāf as controller of the armies of Syria.¹³² Ibn Naqīb became a close associate of Nawrūz from this point forward, and each time Nawrūz took control of Damascus, Ibn Naqīb was appointed controller.

As the civil war raged in Syria, Faraj once again marched from Egypt to Damascus. Nawrūz and Shaykh, however, sprinted around his forces and moved toward Cairo, forcing Faraj to end his stay in Syria and head back toward home in Dhū al-Qa'dah 813/February 1411.¹³³ Before he left, however, he reappointed Ibn Ḥijjī judge of Ṭarābulus and returned al-Ikhnā'ī as chief Shafi'i judge and Ibn Kishk as chief Hanafi judge of Damascus. Just before the sultan's departure, al-Ikhnā'ī began to persecute judges who had opposed Faraj or supported Nawrūz.¹³⁴

Sometime in Dhū al-Ḥijjah 813/April 1411 or early Muḥarram 814/April 1411 Faraj, Nawrūz, and Shaykh reached an agreement whereby Taghrībirdī, a long-time supporter of Faraj and the father of the historian Ibn Taghrībirdī, was to become viceroy of Damascus, Shaykh viceroy of Aleppo, and Nawrūz viceroy of Ṭarābulus.¹³⁵ Within months Shaykh once more broke his agreement and went into rebellion. This was precipitated by an assassination attempt on Faraj that was followed by mass executions in Cairo. Over one hundred mamluks were executed with many mamluks, judges, and officials arrested throughout the sultanate, including the former chief judge and partisan of Shaykh al-Ḥusbānī. The anger caused by the brutal crackdown prompted many supporters to desert the sultan and go over to Shaykh and Nawrūz.¹³⁶

Faraj departed Cairo in Dhū al-Ḥijjah 814/March 1412 and as he moved across Gaza and Syria toward Damascus he arrested and executed more troops he be-

¹²⁸ Al-Maqrīzī, *Kitāb al-Sulūk*, 4:99.

¹²⁹ *Ibid.*, 107.

¹³⁰ Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:215–23.

¹³¹ *Ibid.*, 223.

¹³² Ibn Ṭulūn, *Quḍāt Dimashq*, 155.

¹³³ Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:240.

¹³⁴ Ibn Ḥajar, *Inbā' al-Ghumr*, 6:233–36.

¹³⁵ Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:241–43; Ibn Ḥajar, *Inbā' al-Ghumr*, 6:225.

¹³⁶ *Ibid.*, 244–53.

lieved to be disloyal.¹³⁷ As was the custom at the time, whenever the sultan rode out on campaign he took with him the caliph, the four chief judges of Cairo, other officials, and a large baggage train. Between the 6th and 13th of Muḥarram 815/19–26 April 1412 Faraj left Damascus in pursuit of Shaykh and Nawrūz. On the evening of the 13th, Faraj was wounded and forced to retreat back to Damascus. In the confused withdrawal Faraj became separated from the bulk of his baggage train as well as the dignitaries with whom he was travelling. The rebels captured his baggage containing a large sum of money as well as the caliph, al-Mustaʿin billāh. When news spread that Faraj had been wounded and that the caliph and the treasure had fallen into the hands of the rebels, the sultan’s support began to rapidly erode.¹³⁸

Within hours the Hanafi judge, Nāṣir al-Dīn ibn al-ʿAdīm, and the Shafiʿi judges, Shihāb al-Dīn al-Bāʿūnī and Shihāb al-Dīn al-Ḥusbānī, all declared their support for Shaykh. This was particularly startling given the long association between al-Bāʿūnī and Barqūq and Faraj. Nāṣir al-Dīn al-Bārīzī and Ṣadr al-Dīn al-Ādamī also declared publicly for Shaykh, but this was less of a surprise given their long association with his cause.¹³⁹

The following day Faraj, with just three supporters, entered Damascus and made his way to the citadel where he barricaded himself inside. He also called members of the *aʿyān* and judges together, seeking to gain their support.¹⁴⁰ The situation remained extremely tense as both sides plotted and worked to outmaneuver the other. Although he was advised to flee to Cairo where he might still be able to regroup, the sultan refused because, without the caliph and treasure, his authority was greatly diminished. Later in the day judges loyal to the sultan rode through Damascus proclaiming the abolition of taxes and ordering the people to pray for Faraj. They also called down curses on Shaykh.¹⁴¹

On the 17th Shaykh proclaimed himself the “grand amir” and began to appoint officials around the sultanate. He installed Shihāb al-Dīn al-Ḥusbānī as chief judge of Damascus replacing al-Ikhnāʿī.¹⁴² On the 24th the caliph was convinced to depose Faraj and declare himself ruler. The following day he rode at the head of the amirs and read a proclamation announcing the removal of Faraj. Although fierce fighting continued for a few days, by 10 Ṣafar 815/23 May 1412 Faraj was forced to surrender.¹⁴³ Al-Ikhnāʿī, who had continued to support Faraj until the

¹³⁷Ibid., 259.

¹³⁸Ibid., 262–63.

¹³⁹Ibn Ḥajar, *Inbāʿ al-Ghumr*, 7:51–52.

¹⁴⁰Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:264.

¹⁴¹Ibid., 264–66.

¹⁴²Ibn Ḥajar, *Inbāʿ al-Ghumr*, 7:54–55.

¹⁴³Ibid., 58; Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:268–70.



last, was arrested the same day along with several other judges and religious officials who had opposed Shaykh.¹⁴⁴ On the 16th Faraj, just twenty-four years old, was murdered in the citadel. His body was thrown on a trash heap.¹⁴⁵

The Mu'ayyadīyah

Within six months Shaykh deposed the caliph and declared himself sultan.¹⁴⁶ When news arrived in Damascus, Nawrūz, who had been appointed viceroy of the city by the caliph, rejected the announcement. In Shawwāl 815/January 1413 he called a meeting of the *a'yān* and the jurists seeking their advice about the legality of Shaykh's actions. They refused to render an opinion and Nawrūz was forced to begin preparations for war. He moved against a number of Shaykh's supporters in Damascus, Ibn Ḥijjī among them, who was arrested and held in the citadel for fifteen days until he was freed.¹⁴⁷ Ibn Ḥajar suggests that Ibn Ḥijjī was held because he was suspected of spying for Shaykh.¹⁴⁸

Over the next year Shaykh's forces unsuccessfully pursued Nawrūz. The partisan nature of the conflict trickled down to the jurists. On 19 Jumādā I 816/16 August 1413 Ibn Ḥijjī, still in Damascus, argued with Nawrūz's confidential secretary of Damascus, Nāṣir al-Dīn al-Baṣrawī. The argument became so heated that al-Baṣrawī drew an iron mace and began beating Ibn Ḥijjī. Ibn Ḥijjī was able to take the mace from al-Baṣrawī and struck him in the face, injuring him severely. Several Shafī'i deputy judges standing nearby also joined in the attack on Baṣrawī, including the historian Ibn Qāḍī Shuhbah. Ibn Ḥijjī was arrested, but after paying a fine was released on 10 Jumādā II/6 September. He then fled Damascus for Cairo.¹⁴⁹

By the beginning of Muḥarram 817/March 1414 Shaykh grew impatient with efforts to remove Nawrūz and decided to invade Syria;¹⁵⁰ Ibn Ḥijjī, who had fled to Cairo following his fight with al-Baṣrawī, travelled with the Egyptian army.¹⁵¹

¹⁴⁴Ibid., 59.

¹⁴⁵Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:268–74, 311–15.

¹⁴⁶Ibid., 319–20.

¹⁴⁷Ibn Ḥajar, *Inbā' al-Ghumr*, 7:71.

¹⁴⁸Ibid., 8:130.

¹⁴⁹Ibn Ṭūlūn, *Quḍāt Dimashq*, 134.

¹⁵⁰Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:335. The decision to invade Syria set off an intense theological and legal debate among Nawrūz's supporters. Nawrūz maintained that Shaykh's removal of the caliph was a grave sin and that it was incumbent on the people to oppose him. In an intense and very interesting record of the debate, the jurists and scholars that Nawrūz had assembled refused to take any side on the conflict, leaving Nawrūz to his fate (Ibn Ṭūlūn, *I'lām al-Warā'*, 37–38).

¹⁵¹Ibn Ḥajar, *Inbā' al-Ghumr*, 8:130.

By 8 Šafar/1 May, Shaykh had arrived outside Damascus and engaged Nawrūz in battle. Nawrūz retreated up into the citadel and remained there until 21 Rabīʿ II/12 July, when he was forced to surrender and was executed.¹⁵² From the beginning of Šafar/April–May, however, the opposition was over. Shaykh moved to remove all Nawrūz loyalists. He appointed Šadr al-Dīn al-ʿAjāmī the controller of the armies of Syria, removing Ibn Naqīb. Shaykh also removed Ibn Kishk as chief Hanafi judge, installing Shams al-Dīn al-Tabbānī in his place, and appointed Ibn Ḥijjī as chief Shafiʿi judge.¹⁵³

The ascension of Shaykh and the defeat of Nawrūz marked the beginning of a period of relative calm for the Syrians. The peace led to a realignment of Mamluk politics with Shaykh's loyalists, known as the Muʿayyadīyah, taking control of almost every level of government. The Muʿayyadīyah were also to be found among the *aʿyān*, especially among the scholars and judges who increasingly came to administer Shaykh's empire.

A number of jurists emerged in this period who had long careers under Shaykh and his successors. Men such as Ibn Ḥijjī, who had supported Shaykh or who had successfully shifted sides with enough deftness to allow for the illusion of long support, rose quickly in the post-civil war era. Others, such as Shihāb al-Dīn ibn Kishk, were able to use their wealth to good effect. He, for instance, was able to purchase the offices of controller of the armies of Syria and of chief Hanafi judge of Damascus, both in Shawwāl 818/December 1415.¹⁵⁴

The peace also marked the beginning of Ibn Ḥijjī's career of flouting political authority, entrenching his reputation as a rule-breaker. In Jumādā II 819/August 1416, Ibn Ḥijjī received a letter from Shaykh confirming him as chief Shafiʿi judge of Damascus. He also was ordered to limit the number of his deputies as part of the sultan's judicial reform efforts. He employed seven deputies but was required to reduce the number to only three: Burhān al-Dīn ibn Khaṭīb, Tāj al-Dīn al-Ḥusbānī, and Ibn Qāḍī Shuhbah. Ibn Ḥijjī moved one deputy to the Asadīyah madrasah as a *tadrīs* but retained the others.¹⁵⁵

Foolishly, Ibn Ḥijjī let it be known that he was unhappy with the order, which was related to Ibn Naqīb al-Ashrāf. Ibn Naqīb and Ibn Ḥijjī had been on different sides of the civil war, with Ibn Naqīb supporting Nawrūz and Ibn Ḥijjī primarily supporting Shaykh. The enmity between the two seemed to carry over into the new period and when Ibn Naqīb heard that Ibn Ḥijjī had criticized the order, he immediately set out for Cairo, where he met with the sultan and reported the

¹⁵² Al-Maqrīzī, *Kitāb al-Sulūk*, 4:282–85.

¹⁵³ Ibn Ṭūlūn, *Quḍāt Dimashq*, 134, 207.

¹⁵⁴ *Ibid.*, 209.

¹⁵⁵ *Ibid.*, 135.



accusation. According to Ibn Ḥajar, Shaykh flew into a rage and immediately removed Ibn Ḥijjī from office.¹⁵⁶

By 17 Rajab/10 September, Ibn Naqīb had convinced the sultan to install an associate of his as chief judge, one Shams al-Dīn ‘Abd Allāh ibn Muḥammad ibn Zayd al-Ba‘labakkī, who had been chief Shafi‘i judge of Ba‘labakk. The order announcing his appointment also reduced the number of deputies to two: Shihāb al-Dīn al-Ghazzī and Tāj al-Dīn al-Ḥusbānī.¹⁵⁷ It appears that Ibn Naqīb had colluded with several officials in Cairo and Damascus to bring about the new appointment, including the viceroy of Damascus, Alṭunbughā al-‘Uthmānī, and the chief Maliki, Hanafi, and Hanbali judges, as well as Zayn al-Dīn ‘Abd al-Bāsiṭ, a Damascene Hanafi scholar who was quickly becoming a major influence on the sultan in Egypt. This is evident because Ibn Zayd had arrived in Damascus eleven days prior to the written notice from the sultan and was installed immediately by the viceroy and chief judges amid great pomp.¹⁵⁸

At the installation of Ibn Zayd, Ibn Naqīb personally read the indictment listing the reasons for Ibn Ḥijjī’s removal. In addition to the charge that Ibn Ḥijjī had refused to obey the sultan’s demand to reduce the number of deputy judges, Ibn Naqīb also claimed that Ibn Ḥijjī had mishandled trust funds.¹⁵⁹ This “ritual destruction of respectability”¹⁶⁰ had become a common feature of judicial removal and appointment, but it had a particular impact on Ibn Ḥijjī and his rising reputation for disputing stratocratic authority.

After Ibn Ḥijjī heard the charges he wrote to the sultan complaining that he had not slandered him and denied the charge of mishandling trust funds. Before this could be sent he was arrested and held at the home of the chamberlain for several days until he was transferred to the al-Baybarsīyah madrasah. He again wrote the sultan stating that he agreed to limit the number of deputies to three, and as proof of his honest intentions he offered the sultan ten thousand dinars as a vow to demonstrate his good faith. Eventually, Ibn Ḥijjī was able to travel to Cairo, where he met with the sultan and was able to convince him of his sincerity. On the 4th of Dhū al-Ḥijjah he was returned to office, the sultan bestowing on him a robe of honor.¹⁶¹

Ibn Ḥijjī arrived back in Damascus on 4 Muḥarram 820/22 February 1417 with a letter returning him to his previous positions, including the chief preacher of the Umayyad Mosque, the *mashyakh al-shuyūkh*, the headmaster of several ma-

¹⁵⁶ Ibn Ḥajar, *Inbā’ al-Ghumr*, 7:217–18; 8:130.

¹⁵⁷ Ibn Ṭulūn, *Quḍāt Dimashq*, 149.

¹⁵⁸ *Ibid.*, 149–50.

¹⁵⁹ Ibn Ḥajar, *Inbā’ al-Ghumr*, 7:217–18.

¹⁶⁰ Prus and Grills, *The Deviant Mystique*, 76.

¹⁶¹ Ibn Ḥajar, *Inbā’ al-Ghumr*, 7:217–18; al-Maqrīzī, *Kitāb al-Sulūk*, 4:367–73.

drasahs, and the controller of several madrasah guest houses. The established ritual of installation required that the viceroy receive the chief judge in his chambers or at the citadel, where a banquet was held following the reading of the letter of installation. In this instance, the viceroy, Alṭunbughā, left the hall before Ibn Ḥijjī arrived, forcing him, his deputies, and other dignitaries to wait in a heavy rain. Eventually Ibn Ḥijjī was allowed to enter, and following the reading of his installation decree pointedly forgave those who had plotted against him.¹⁶²

This episode indicates that Ibn Ḥijjī had become extremely unpopular with many of the senior members of the non-Shafi‘i *fuqahā*’ as well as stratocratic authorities in Damascus. The fact that Ibn Naqīb could engineer his removal so easily, and with widespread elite support, shows that Ibn Ḥijjī had earned the enmity of the establishment. As will be demonstrated shortly, his refusal to accept the situation, and the apparent ease with which he manipulated his return, appears to have cemented his rule-breaker/outsider mystique among the lower *a‘yān* and the poor.

One of the stipulations that Shaykh had forced on Ibn Ḥijjī was that he had to install Ibn Naqīb as one of his three deputies. Ibn Naqīb, however, quickly developed a reputation for being an extremely poor legal scholar who “made permissible what had traditionally been ruled to be forbidden.”¹⁶³ A number of Shafi‘i judges began to complain about his incompetence, which infuriated Ibn Naqīb. According to Ibn Ḥajar al-‘Asqalānī, Ibn Naqīb’s anger at the accusations fueled long-term hatred, causing him to “seek to destroy those who were critical of him,” especially Ibn Ḥijjī.¹⁶⁴

Within several weeks the viceroy Alṭunbughā was accused of plotting a revolt and was removed from his position and imprisoned. By 1 Rabī‘ I/18 April, Shaykh arrived in Damascus to secure the situation. When he arrived he appointed Ibn Naqīb as confidential secretary of Damascus, a position he held for two years. He was also appointed controller of the Umayyad Mosque. It is clear that Ibn Naqīb had become quite close to Shaykh, and it is likely that the sultan relieved him of his duties as deputy judge in order to bring to an end any possible problems caused by his enmity with other Shafi‘i jurists.¹⁶⁵

Ibn Ḥijjī replaced Ibn Naqīb with Tāj al-Dīn al-Ba‘labakkī, who had been a deputy judge in Ṭarābulus. The selection of al-Ba‘labakkī was also controversial among the Damascene scholars because he was an unknown figure with a suspicious legal pedigree. It is unknown why Ibn Ḥijjī made this selection, but it injected further acrimony into an already tense situation and served to poison the

¹⁶²Ibn Ṭulūn, *Quḍāt Dimashq*, 135.

¹⁶³Ibid., 155; Ibn Ḥajar, *Inbā’ al-Ghumr*, 8:130.

¹⁶⁴Ibn Ḥajar, *Inbā’ al-Ghumr*, 8:130.

¹⁶⁵Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:362–64.

mood between Ibn Ḥijjī and other Shafi'is who were more closely aligned with Ibn Naqīb.¹⁶⁶

Shaykh appointed a new viceroy of Damascus, Amir Tanbak al-ʿAlāʾī Miyaq, in Ramaḍān 820/October 1417. Miyaq and Ibn Ḥijjī developed a deep dislike for one another that dated from the first six months of Miyaq's control of Damascus and is first mentioned by chroniclers in Jumādā I 821/June 1418.

It appears that some unknown incident occurred between Miyaq and Ibn Ḥijjī which prompted the viceroy to remove the judge without Shaykh's permission, an action that in previous times might have been taken as an act of rebellion. The reason for the arrest was not immediately clear, and although Shaykh was angry at the dismissal, he decided to be diplomatic and did not reprimand the viceroy. He even allowed Ibn Ḥijjī to remain in prison, although he did not move to appoint another judge.¹⁶⁷

By Shawwāl 821/November 1418, Ibn Ḥijjī was released from jail and resumed his duties, apparently without further consequences from the sultan.¹⁶⁸ By Shawwāl/October of the following year Shaykh was forced to remove Miyaq and replace him with Jaqmaq al-Argḥūnshāwī.¹⁶⁹ Ibn Ḥijjī, Ibn Ḥajar reports, went on the pilgrimage when news arrived of the new appointment.¹⁷⁰

Rallying the Mob and Overreach

By late 823/1421 Mālik al-Muʿayyad Shaykh had begun to suffer from a variety of illnesses, many caused by his long years in rebellion during which he suffered a number of wounds. His final illness was precipitated by the sudden death of his son and successor Ibrāhīm in Jumādā II 823/June-July 1420.¹⁷¹ On 9 Muḥarram 824/15 January 1421 Shaykh died¹⁷² and there followed a period of instability as the contenders to the throne jockeyed for control. Amir Ṭaṭar, who acted as regent for Shaykh's one-year-old son Aḥmad, became the de facto sultan, although many, including Jaqmaq, the viceroy of Syria, refused to accept the situation.¹⁷³

Although Ibn Ḥijjī apparently advised Jaqmaq to oppose Ṭaṭar, the revolt failed by Shaʿbān 824/August 1421. Ṭaṭar was universally accepted as sultan following his invasion of Syria and execution of Jaqmaq and other rebels. Although Ibn Ḥijjī

¹⁶⁶ Ibn Ṭūlūn, *Quḍāt Dimashq*, 136.

¹⁶⁷ Al-Maqrīzī, *Kitāb al-Sulūk*, 4:844; Ibn Ḥajar, *Inbāʾ al-Ghumr*, 7:306–7.

¹⁶⁸ Ibn Ḥajar, *Inbāʾ al-Ghumr*, 7:307.

¹⁶⁹ Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:406; Ibn Ṭūlūn, *Iʿlām al-Warā*, 41.

¹⁷⁰ Ibn Ḥajar, *Inbāʾ al-Ghumr*, 8:130.

¹⁷¹ Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:412–13.

¹⁷² *Ibid.*, 426.

¹⁷³ *Ibid.*, 486.

had been one of those who opposed Ṭaṭar, he was not imprisoned and remained in office.¹⁷⁴ On 3 Ramaḍān/5 October, Ṭaṭar confirmed Ibn Ḥijjī in his position as chief Shafi'i judge, and contrary to previous practice, did not install any new judges. He also reappointed Miyaq as viceroy of Damascus.¹⁷⁵

Whether it was linked to Miyaq's appointment as viceroy or not, Ibn Ḥajar states that Ibn Ḥijjī, beginning in Shawwāl 824/August-September 1421, began to campaign for the position of chief Shafi'i judge of Egypt.¹⁷⁶ That office was the highest judicial position in the Mamluk empire and was viewed with a jealous eye by many Syrian judges. Few Syrians had held the position and they were, in many respects, considered less important than their Egyptian counterparts. Early in his career Ibn Ḥijjī had served as a deputy to the famous Jalāl al-Dīn al-Bulqīnī following his escape from Tīmūr. Al-Bulqīnī had been chief Shafi'i judge of Egypt until his death in Shawwāl/August-September.¹⁷⁷ Ibn Ḥijjī travelled to Cairo for the funeral and started to lobby for the open position. Unfortunately for Ibn Ḥijjī, Ṭaṭar died on 4 Dhū al-Ḥijjah/1 December and Ibn Ḥijjī's initial effort failed.¹⁷⁸

Although Ṭaṭar had ordered that his ten-year-old son Muḥammad should succeed him, by Rabī' II 825/March-April 1422, al-Mālik al-Ashraf Barsbāy was confirmed as sultan.¹⁷⁹ Unlike Ṭaṭar, Barsbāy moved quickly to reshuffle judges and other administrators, seeking to install those who would be loyal to him. By Shawwāl/October Ibn Ḥijjī was removed as chief judge of Damascus and was replaced by Tāj al-Dīn ibn al-Karakī. This was followed by a wholesale reordering of judgeships across Syria over the next month. Barsbāy also removed Ibn Naqīb as confidential secretary of Damascus, who was then ordered to appear before the new sultan in Cairo.¹⁸⁰

When Ibn Naqīb met with Barsbāy he paid the sultan ten thousand dinars to become an amir, which entitled him to a small retinue of mamluk soldiers and a small fief. He was then reappointed as confidential secretary and installed as controller of the army of Syria. While in Cairo, Ibn Naqīb also married the daughter of Amir Azbak, linking him directly to a powerful Mamluk family.¹⁸¹

Ibn Ḥijjī was also reappointed sometime before Jumādā I 826/April-May 1423, when he was once again arrested by Miyaq.¹⁸² Miyaq was well known for his

¹⁷⁴ Ibn Ḥajar, *Inbā' al-Ghumr*, 8:130.

¹⁷⁵ Ibn Taghribirdī, *Al-Nujūm al-Zāhirah*, 6:511-13.

¹⁷⁶ Ibn Ḥajar, *Inbā' al-Ghumr*, 8:131.

¹⁷⁷ *Ibid.*, 7:424.

¹⁷⁸ Ibn Taghribirdī, *Al-Nujūm al-Zāhirah*, 6:517; Ibn Ḥajar, *Inbā' al-Ghumr*, 8:131.

¹⁷⁹ *Ibid.*, 544.

¹⁸⁰ Ibn Ḥajar, *Inbā' al-Ghumr*, 7:466-68.

¹⁸¹ *Ibid.*, 468.

¹⁸² The following description is based on the very detailed account given in *ibid.*, 8:12-13.

taste for wine and held several storehouses of the beverage around Damascus. Ibn Ḥijjī, when he learned of the storehouses, demanded that the viceroy destroy the wine and close the storehouses. When Miyaq refused to do so, Ibn Ḥijjī continued to protest. By this point in Ibn Ḥijjī's career his rule-breaking mystique had begun to manifest itself in broad popular support, so much so that he took the extremely dangerous and unusual step of rallying a large crowd of followers who had gathered in front of his home. He then led the mob, possibly with the support of some Mamluk soldiers, to the storehouses and destroyed the wine.¹⁸³

Miyaq became angry, not only at the destruction of the wine, but at the demonstration of power that Ibn Ḥijjī exercised over the masses. He ordered that Ibn Ḥijjī be investigated for the destruction of private property and commissioned a soldier and one of Ibn Ḥijjī's deputies, Abū Shāmah, to look into the matter, fully expecting that Ibn Ḥijjī would be convicted of the charge. To Miyaq's surprise, the commission found that Ibn Ḥijjī had done nothing wrong. Miyaq reacted by firing Abū Shāmah and, as a sign of the Ibn Ḥijjī's power and Miyaq's fear of the results of unilaterally acting against him, the viceroy took the highly unusual step of going to Cairo and personally pleading his case before the sultan. The importance of this action cannot be overstated; that a sitting viceroy had to personally protest the actions of a judge and seek redress from the sultan for the actions of that judge was almost unheard-of in the history of the Mamluks. To bolster his case against Ibn Ḥijjī, Miyaq also accused him of embezzling the inheritance of a man who died without heirs. According to sultanic custom, the money should have devolved to the *bayt al-māl* (treasury) and its seizure amounted to theft from the person of the sultan.

When Barsbāy heard this charge he flew into a rage and immediately developed a deep-seated distrust of the judge that would last until Ibn Ḥijjī's death. When Abū Shāmah heard the accusation and of the anger of Barsbāy, and Miyaq's statement that Abū Shāmah could not be trusted because "he was just like Ibn Ḥijjī," he moved quickly to distance himself from Najm al-Dīn. He immediately wrote out an opinion that Ibn Ḥijjī owed the *bayt al-māl* twenty thousand dinars. Ibn Kishk, one of Ibn Ḥijjī's long-time antagonists, signed the ruling as chief Hanafi judge. This ruling was sent to Barsbāy, who immediately ordered Ibn Ḥijjī to repay the twenty thousand dinars.

¹⁸³Ibid. The text states that Ibn Ḥijjī rode to the storehouse where the wine was destroyed. The text is unclear as to whether other people rode to the storehouse or whether the crowd simply followed Ibn Ḥijjī on foot. There is a slight possibility that there were Mamluk soldiers in the crowd, but this is unlikely given the fact that such an act would be seen by Miyaq as an act of sedition, one that would be cruelly punished. It is also clear that Ibn Ḥijjī instigated the action because following the attack he alone is punished. No soldiers or other people are described as being investigated for the attack.



In Rajab 826/June–July 1423 Miyaq became ill, but due to the strained relations between the two men, Ibn Ḥijjī refused to make the customary sick call to the home of the viceroy. Once again, Miyaq issued an arrest warrant for Ibn Ḥijjī, arguing that his failure to attend on him was tantamount to rebellion. Ibn Ḥijjī, learning that the chamberlain was on his way to arrest him, left the Nāṣirīyah madrasah and went to the *masjid* of the viceroy's palace, thus technically obeying the order to appear at Miyaq's residence without having to actually enter Miyaq's presence. Miyaq, incensed by Ibn Ḥijjī's actions, unilaterally removed him as chief judge and appointed in his stead Qāsim al-Dīn ibn Jalāl al-Dīn al-Bulqīnī, although this was not affirmed by the sultan.¹⁸⁴

With Ibn Ḥijjī under arrest, Ibn Naqīb, in his capacity as the confidential secretary, modified Miyaq's decree and reappointed his old friend Ibn Zayd al-Ba'labakkī as chief Shafi'ī judge. Abū Shāmah, once Ibn Ḥijjī's loyal deputy, was appointed as Ibn Zayd's deputy. Because of the acrimony that surrounded his appointment, Ibn Zayd was unable to hold court in the Zāhirīyah madrasah as was customary. Instead, he was forced to hear cases in Ibn Naqīb's home with only Abū Shāmah in attendance. Ibn Ḥijjī's deputy, Taqī al-Dīn al-Lūbayānī, continued to hear cases in the Zāhirīyah as a kind of counter-judiciary.¹⁸⁵

As events will bear out, Ibn Ḥijjī suspected both Ibn Kishk and his brother-in-law Ibn Naqīb of engineering his removal, as did the masses who had become an important source of his power. On 7 Sha'bān/17 July, Ibn Ḥijjī issued a letter to his followers, recounting the events that led to his removal, the accusations against him, and the demand that he pay twenty thousand dinars.¹⁸⁶ On 13 Sha'bān/23 July Ibn Zayd arrived in Damascus and was made preacher of the Umayyad Mosque and *shaykh* of a Sufi hostel.¹⁸⁷ Finally, on the 16th/26th, Ibn Ḥijjī was forced to attend at Miyaq's sick bed. The viceroy died four days later, and was replaced by al-Bajāsi.¹⁸⁸

On the 24 Sha'bān/2 August, the four chief judges¹⁸⁹ met in council and summoned Abū Shāmah, who was ordered to give evidence of the charges against Ibn Ḥijjī. The Maliki and Hanbali judge attacked Abū Shāmah, holding that he was a poor legal scholar. Others, including the Hanafi judge, Ibn Kishk, Ibn Naqīb, and

¹⁸⁴Ibid., 8:131; al-Maqrīzī, *Kitāb al-Sulūk*, 4:637; Ibn Ṭulūn, *Quḍāt Dimashq*, 136.

¹⁸⁵Ibn Ṭulūn, *Quḍāt Dimashq*, 150

¹⁸⁶Ibid., 137.

¹⁸⁷Ibid., 150.

¹⁸⁸Ibid., 137.

¹⁸⁹It is not stated in the texts who represented the Shafi'is. It seems unlikely that Ibn Zayd would have ruled against Abū Shāmah. If it was Ibn Ḥijjī it seems odd that no mention is made of his presence. It is probable that the judges elected a deputy to serve as chief judge for the purposes of the hearing, most likely Ibn Ḥijjī's deputy, Taqī al-Dīn al-Lūbayānī.

the future viceroy of Damascus, Sūdūn min ‘Abd al-Raḥmān, held that Ibn Ḥijjī was guilty of the crime. Each side sent a report to Cairo.¹⁹⁰

In the meantime Ibn Ḥijjī was able to pay ten thousand dinars to the sultan and promised to pay another five thousand. Ibn Ḥijjī did not admit guilt by paying the fine and he was able to demonstrate his enormous popularity by stating that the additional sum was guaranteed by a “multitude of people, each promising to pay a hundred dinars, others eighty, and still others even less,” and signed a promissory note to that effect. The impact of such a mass outpouring of support for Ibn Ḥijjī was not lost on the sultan, who immediately reinstated the judge in office on 2 Ramaḍān/9 August. When news of Ibn Ḥijjī’s reappointment reached Damascus there was celebration among the populace. Abū Shāmah was arrested and carried to the tower prison, where he was beaten on the head and neck.¹⁹¹

Ibn Ḥijjī was finally allowed out of his house that afternoon and walked to *aṣr* prayers and then to the house of the chamberlain. The ordeal had weakened the sixty-year-old man and, unable to walk farther, he was carried at the head of a large crowd to the new viceroy, Tanbak al-Bajāsi, before he was finally returned to his home. He was formally reinstated on the 13th/22nd, receiving robes of office, but due to his weakened condition the actual letter of installation was not read.¹⁹²

On 16 Ramaḍān/24 August, Ibn Ḥijjī was once more called to the house of the chief chamberlain who wanted to know the disposition of the remaining five thousand dinars. Ibn Ḥijjī called each person who had signed promissory notes guaranteeing the funds. According to Ibn Ṭulūn, the examination of the signatories took several days as there were so many who came forward to offer their assistance to Ibn Ḥijjī. This additional indignity further enflamed his supporters.¹⁹³ This marks the peak of Ibn Ḥijjī’s authority with the masses and speaks to the size of his actual following. No other religious or political leader in the period was able to demonstrate this kind of popular support.

By Muḥarram 827/December–January 1423–24, Barsbāy suspected al-Bajāsi of disloyalty and replaced him with Sūdūn min ‘Abd al-Raḥmān. By 16 Ṣafar/20 January 1424 al-Bajāsi was arrested and executed.¹⁹⁴ In response to the prospect of another civil war, Barsbāy appears to have moved decisively to move Ibn Ḥijjī out of Syria. It is evident that he feared that Ibn Ḥijjī’s popularity might be put at the service of a rebel, and although there is no direct proof, it is possible that al-Bajāsi’s abortive rebellion may have had the tacit blessing of the judge. While Ibn

¹⁹⁰ Ibn Ṭulūn, *Quḍāt Dimashq*, 137–38.

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ Ibid., 138–39.

¹⁹⁴ Ibn Taghrībirdī, *Al-Nujūm al-Zāhirah*, 6:573; Ibn Ṭulūn, *I’lām al-Warā*, 46–48.

Ḥijjī was careful not to publicly declare his loyalty to any Mamluk, Barsbāy must have worried that should Ibn Ḥijjī decide to support a potential opponent it might weigh heavily in any effort to gain and keep allies, for no jurist had had the same level of popular support.

On 19 Rabi^c II 827/22 March 1424, Ibn Ḥijjī received a request to appear before the sultan. This followed numerous previous requests issued over the past several months.¹⁹⁵ Ibn Ḥijjī had been campaigning for the chief Shafi‘i judgeship of Egypt for several years but Barsbāy, fearing the popularity of the judge, refused to comply with his request.¹⁹⁶ Instead, the sultan offered the judge the position of confidential secretary. The confidential secretary was an extremely influential and potentially financially lucrative position whose holder read correspondence to the sultan and wrote out his orders. He was in constant contact with the sultan, and thus from the point of view of Barsbāy, easier to control and manipulate than the more free moving chief judge.

On the 22nd/25th Ibn Ḥijjī received another request from the sultan to take up the position. This time, apparently due to the flowery nature of Barsbāy’s flattery, Ibn Ḥijjī relented. On the 28 Rabi^c II/1 April Ibn Ḥijjī left for Cairo, although according to Ibn Qāḍī Shuhbah, his appointment was kept secret and no one knew why he was going to Egypt.¹⁹⁷

In Jumādā II 827/May 1424 Ibn Ḥijjī was officially appointed as the new confidential secretary.¹⁹⁸ Ibn Kishk at the time was in Cairo, where he had paid ten thousand dinars to be confirmed as chief Hanafi judge of Damascus. On the 19th Ibn Naqīb arrived in Cairo and asked for an audience with the sultan.¹⁹⁹ Ibn Ḥijjī’s appointment followed two days later on 21 Jumādā II/21 May.²⁰⁰ News of the appointment arrived in Damascus on 1 Shawwāl/27 August, surprising many and causing several of Ibn Ḥijjī’s supporters to break with him because they feared he had been co-opted by the sultan.²⁰¹ Ibn Ḥajar goes further, arguing that the appointment caused “the majority of his companions to change toward him,” alienating them as they had when he had originally been accused of *fujūr* and *kidhb*.²⁰²

¹⁹⁵ Ibn Ṭūlūn, *Quḍāt Dimashq*, 139.

¹⁹⁶ Al-Sakhāwī, *Al-Ḍaw’ al-Lāmi‘*, 6:78.

¹⁹⁷ Ibn Ṭūlūn, *Quḍāt Dimashq*, 139.

¹⁹⁸ Ibn Ḥajar, *Inbā’ al-Ghumr*, 8:42; al-Maqrīzī, *Kitāb al-Sulūk*, 4:662.

¹⁹⁹ Al-Maqrīzī, *Kitāb al-Sulūk*, 4:664.

²⁰⁰ *Ibid.*, 664–65.

²⁰¹ Ibn Ṭūlūn, *Quḍāt Dimashq*, 139–40.

²⁰² Ibn Ḥajar, *Inbā’ al-Ghumr*, 8:131. In this instance Ibn Ḥajar does not refer directly to the accusation, in fact he only refers to it in veiled language, but it is clear that the alienation is similar to the shunning Ibn Ḥijjī experienced following the original accusation.

On the 12th news arrived that Ibn Naqīb, who had paid a large sum for the position, was appointed as Ibn Ḥijjī's replacement as chief Shafi'i judge.²⁰³

Within a year it had become clear that Ibn Ḥijjī's appointment had been a plot orchestrated to finally destroy his career and remove him as a potential threat to social and political stability. As a part of his appointment to the office of confidential secretary Ibn Ḥijjī had been required to pay ten thousand dinars and was to pay an additional fifteen hundred a year into the privy account of Barsbāy's son. He was assigned a fief from which he was to generate income from the rents paid to him by tenants. The fief drastically underpaid the required amount so that by the end of the first year Ibn Ḥijjī was in arrears for twelve hundred dinars. When he was unable to pay the required fee he was arrested and carried in chains to the tower of the citadel, where he was tortured.²⁰⁴

Further unspecified charges were then levelled against Ibn Ḥijjī that may have referred back to accusations of sodomy lodged against him in 795.²⁰⁵ After eight days Ibn Ḥijjī was released and sent back to Damascus in chains, travelling with Ibn Naqīb, who had been in Cairo since his appointment as chief Shafi'i judge the previous year. Al-Maqrīzī and Ibn Ṭūlūn both make it clear that the general feeling among the *a'yān* was that Ibn Naqīb had plotted with the sultan to entrap Ibn Ḥijjī so as to bring about his downfall.²⁰⁶

On 2 Sha'bān 828, Ibn Naqīb and Ibn Ḥijjī entered Damascus. Ibn Ḥijjī was led through the city's gates on foot wearing chains on his arms and legs. Ibn Naqīb rode at the head of the processional, followed by his deputies and attendants. Ibn Naqīb had hoped to humiliate Ibn Ḥijjī and believed that the population would turn against him. Ibn Naqīb went through the streets, but instead of loud acclaim and large crowds, he received a subdued reception. He entered the viceroy's palace and was attended by many officials, except for several Hanafis and Hanbalis who were off in other towns and thus unable to attend.

Ibn Ḥijjī was led to jail. A few weeks later, he was called before a panel of judges to answer the charges against him. The historian Ibn Qāḍī Shuhbah was also called as a witness (he appears to have been in Egypt with Ibn Ḥijjī for the year he was there), and the examination became so heated that he reports that he finally decided to say nothing more out of embarrassment.²⁰⁷ On 2 Dhū al-Ḥijjah

²⁰³ Ibn Ṭūlūn, *Quḍāt Dimashq*, 151.

²⁰⁴ Ibn Taghribirdī, *Al-Nujūm al-Zāhirah*, 6:585–86; al-Maqrīzī, *Kitāb al-Sulūk*, 4:686; Ibn Ḥajar, *Inbā' al-Ghumr*, 8:66–68.

²⁰⁵ Ibn Ḥajar, *Inbā' al-Ghumr*, 8:68.

²⁰⁶ Al-Maqrīzī, *Kitāb al-Sulūk*, 4:687; Ibn Ṭūlūn, *Quḍāt Dimashq*, 151.

²⁰⁷ Ibn Ṭūlūn, *Quḍāt Dimashq*, 151.

828/16 October 1425 Ibn Naqīb returned to Cairo, leaving his deputies to administer his function as judge.²⁰⁸

Ibn Ḥijjī lived in Damascus for almost a year without any resolution to the charges levelled against him. Then suddenly on the 23rd or the 26th of Dhū al-Qa‘dah 829/26th or 29th of September 1426 Ibn Ḥijjī received a summons to appear in Cairo.²⁰⁹ For obvious reasons Ibn Ḥijjī did not want to go. He attempted to delay the trip by writing to Ibn Naqīb in Cairo, asking him to intervene, but he, predictably, refused. Ibn Ḥijjī also sought help from the viceroy of Gaza and Quṭayah, but to no avail. Having no other recourse he departed Damascus, arriving in Cairo about a week later.²¹⁰

There was no news from Cairo until Dhū al-Ḥijjah, when Ibn Ḥijjī wrote his son requesting that he bring some books to him. His son, Bahā’ al-Dīn, departed on the 16th. Finally, on 8 Muḥarram 830/10 November 1426 news arrived that, to everyone’s surprise, Ibn Ḥijjī had been reappointed chief Shafi‘i judge, replacing Ibn Naqīb.²¹¹ Ibn Naqīb had run afoul of Barsbāy when he failed to pay ten thousand dinars as a fee for continuing in office. When Ibn Ḥijjī arrived in Cairo he was treated kindly by the sultan and was, according to the sultan’s attendant, given every honor and shown every concern. Ibn Naqīb, however, treated him rudely and insulted him in front of witnesses.²¹²

When the sultan offered the Shafi‘i judgeship to Ibn Ḥijjī, he readily accepted but asked the sultan for a special favor: he wanted Ibn Naqīb to repay the lost income Ibn Ḥijjī had suffered as a result of his removal from office as confidential secretary. The sultan agreed, and Ibn Ḥijjī had a document drawn up listing the fees he required Ibn Naqīb to pay. Al-Maqrīzī marvels at the fact that the sultan did indeed force Ibn Naqīb to do so. Not only that, but the deposed jurist was required to pay Ibn Ḥijjī’s fee for becoming chief judge once more.²¹³

News of the events in Cairo reached Damascus on 23 Muḥarram 830/24 November 1426. The post also carried a letter from the sultan in which he heaped further abuse on Ibn Naqīb, stating that several of his rulings were in error and were to be repealed. Ibn Naqīb arrived the same day and was met by members of the *ashrāf* community and a few officials. None of the judges turned out to greet him and neither did any of the *fuqahā’*.²¹⁴

²⁰⁸Ibid., 153.

²⁰⁹Ibn Ḥajar, *Inbā’ al-Ghumr*, 8:107.

²¹⁰Ibn Ṭulūn, *Quḍāt Dimashq*, 140; al-Maqrīzī, *Kitāb al-Sulūk*, 4:728.

²¹¹Ibid., 154; al-Maqrīzī, *Kitāb al-Sulūk*, 4:729.

²¹²Ibid., 142; al-Maqrīzī, *Kitāb al-Sulūk*, 4:734.

²¹³Ibid., 141–42.

²¹⁴Ibid.



On 13 Šafar/14 December, Najm al-Dīn ibn Ḥijjī arrived in Damascus to great popular acclaim. He was given robes of honor and was attended on by the judges, *fuqahāʾ*, amirs, and a great many people. The viceroy, Sūdūn min ʿAbd al-Raḥmān, however, refused to recognize his appointment and continued to treat Ibn Naqīb as his chief judge.²¹⁵

Ibn Ḥijjī's letter of appointment was read in the *miḥrāb* of the Companions in the Umayyad Mosque. He then recounted his experiences in Egypt and claimed that the sultan gave him five hundred dinars as well as a horse, along with his appointment. This was a sign of great respect for two reasons: (1) he claimed that he was not required to pay the customary fee for the office and (2) only amirs were allowed to ride horses. He also recounted the poor behavior of Ibn Naqīb and how the sultan and the amirs were dissatisfied with his ability to collect taxes and the content of his legal rulings.²¹⁶

On 20 Shawwāl/14 August, a man from the village of Jisrayn came to Damascus and wrote out a complaint against Ibn Naqīb claiming that the former judge had ordered Abū Shāmah to take money from his tribe illegally. Abū Shāmah had collected a thousand dinars and gold from the Banū al-Ḥafīz, claiming it was a tax, and sent this to Ibn Naqīb in Cairo. It appears that members of the tribe had made inquiries about the amount of the tax and it came to pass that the amount collected was more than what Ibn Naqīb reported to the treasury in Cairo. A decree then arrived from the sultan demanding that Ibn Naqīb appear at the palace of the viceroy to answer charges, meaning that if he failed to account for the money he would certainly be tortured until he came up with the missing funds.²¹⁷

When he failed to appear, the viceroy ordered Abū Shāmah to locate Ibn Naqīb, whom Sūdūn min ʿAbd al-Raḥmān still recognized as his chief judge, but the deputy claimed he was unable to do so. Sūdūn min ʿAbd al-Raḥmān then turned to Ibn Ḥijjī, asking him to adjudicate the case. Ibn Naqīb also wrote to Ibn Ḥijjī asking him to intervene on his behalf. Why, given all that had gone before, he thought that Ibn Ḥijjī might come to his aid is unknown, but it is most likely a sign of his desperation.²¹⁸

The order from Sūdūn placed Ibn Ḥijjī in a difficult position. The viceroy had refused to accept his reappointment in the weeks prior to the complaint against Ibn Naqīb, and had persisted in this in the face of great popular acclaim for Ibn Ḥijjī. Ibn Kishk, who was currently serving as chief Hanafi judge and confidential secretary, had supported the viceroy in refusing to accept Ibn Ḥijjī. He was also supported by the Hanafi judge and the controller of the army of Egypt ʿAbd

²¹⁵Ibid.

²¹⁶Ibid.

²¹⁷Ibid., 154.

²¹⁸Ibid.

al-Bāsiṭ ibn Khalīl al-Dimashqī, and others who had benefited from the largess of Ibn Naqīb.²¹⁹

About this time Ibn Ḥijjī moved from Damascus to his rural estate between the villages of al-Rubwah and al-Nayrab. While Ibn Naqīb remained in hiding Ibn Ḥijjī continued his silence about his decision. We do not know whether he decided to intervene or if, by moving out of Damascus, he was signaling his refusal to interpose himself into the situation. By failing to aid Ibn Naqīb, Ibn Ḥijjī forced Sūdūn min ‘Abd al-Raḥmān to punish his choice of Shafī‘i judge whom the sultan had condemned and relieved of his position. Failing to recognize the appointment of Ibn Ḥijjī could be taken as a sign of rebellion and it may have been that the sultan, knowing of Ibn Naqīb’s closeness to Sūdūn, was trying to test the viceroy’s loyalties by allowing the charges against Ibn Naqīb to move forward.

Ibn Ḥijjī was murdered a few days later, before he could announce a sentence on Ibn Naqīb. Although the viceroy claimed to have had nothing to do with the crime, he raided the judge’s estate, taking from his widows and children a great deal of wealth.²²⁰

Conclusion

Ibn Ḥijjī’s contemporaries debated his murder, its causes, and those whom they believed were guilty. Ibn Taghribirdī placed the blame for the crime on ‘Abd al-Bāsiṭ and Ibn Kishk, for whom he had a personal dislike.²²¹ Ibn Ḥajar thought Ibn Naqīb was guilty of the crime, saying that “his enemy the *sharīf* had overwhelmed him,” an opinion also held by Ibn Qāḍī Shuhbah.²²² Popular sentiment held that Ibn Kishk and his brother-in-law Ibn Naqīb had conspired together to kill Ibn Ḥijjī, so much so that they were forced to leave Damascus and remain in Cairo for the rest of their lives.²²³

The foregoing has demonstrated that Ibn Ḥijjī’s hold on the masses was not based on charisma but on an aura as an audacious rule breaker, rooted in the early accusation of *fujūr*, and built on his continual run-ins with political and judicial authorities. It is true that attributions of boldness were not uncommon for leading religious figures; both Ibn Kishk and Ibn Naqīb are described as such in their biographies. What is different for Ibn Ḥijjī was the combination of accusations and attributes that caused members of the lower *a‘yān* and the poor to

²¹⁹ ‘Abd al-Bāsiṭ had been in Damascus until the early part of Ramaḍān/late June and arrived in Cairo on 17 Ramaḍān/12 July. See al-‘Aynī, *‘Iqd al-Ḥumān*, 317.

²²⁰ Ibn Ṭulūn, *Quḍāt Dimashq*, 142–43.

²²¹ Ibn Taghribirdī, *Al-Nujūm al-Zāhirah*, 6:623.

²²² Ibn Ḥajar, *Inbā’ al-Ghumr*, 8:131; Ibn Ṭulūn, *Quḍāt Dimashq*, 154.

²²³ Ibn Ṭulūn, *Quḍāt Dimashq*, 213.



first notice him, and then to follow his activities. The deviant mystique that first developed after the accusations of *fujūr* and *kidhb* were buttressed by the combination of behaviors and actions attributed to Ibn Ḥijjī that set him apart: his daring escape from Timūr's army, his physical altercation with fellow religious scholars, his work to bring the civil war between Faraj and Shaykh to a conclusion, his constant flouting of political authority and the resultant imprisonments, his destruction of Miyaq's private wine stores, and his ability to "thumb his nose" at the establishment by having his followers pay a large part of his fine after the accusation of embezzlement.

This naked demonstration of popular power had never been witnessed in Mamluk history and could not be allowed to stand by the sultan and his supporters. Whether Ibn Naqīb, Ibn Kishk, Sūdūn min 'Abd al-Raḥmān, or others conspired in his murder will never be known. But it is clear that his overreaching use of the mob to demonstrate his power and autonomy forced the sultan and others protective of the status quo to kill him as the only way to return the social system to balance.

