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The Role of the *Madrasah* and the Structure of Islamic Legal Education in Mamluk Egypt

(1250-1517)

By

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Doctor of Philosophy

Graduate Division of Religion

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(1250-1517)

By

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B.A., University of Arkansas, 1996

M.A., University of Arkansas, 2002

Advisor: Devin Stewart, Ph.D.

An abstract of

A dissertation submitted to the Faculty of the

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Abstract

The Role of the *Madrasah* and the Structure of Islamic Legal Education in Mamluk Egypt
(1250-1517)
By Robert Moore

The role of *madrasahs* in Mamluk Egypt (1250-1517) has been the subject of debate

among scholars of the period. Recent studies have deemphasized the importance of

these institutions as centers of Islamic legal education. This dissertation responds to

these assertions by looking at the influence that the growth in the number of *madrasahs*

had on the social status of students and professors of Islamic law and on the

development of the structure of Islamic legal education. After examining foundation

deeds of *madrasahs*, biographical dictionaries, pedagogical works and other sources, it

is argued that Islamic legal education had become a highly structured process and that

madrasahs had contributed to the professionalization of professors of Islamic law.

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resources and introduced me to several scholars in Mamluk history.

Contents

Chapter One

Introduction

During the Mamluk period, jurists gained power and importance in Cairo, Aleppo,

Damascus and the other important political and economic centers of the empire. In

Cairo, enormous law schools, or *madrasahs*, where large groups of students aspiring to

be muftīs, professors, witnesses, judges and administrators gathered to learn the

intricacies of Islamic law, dominated the architectural landscape. Petitioners sought out

muftīs to write opinions on legal disputes, while judges and their deputies from the four

dominant traditions of legal study oversaw courts where criminal and civil cases were

brought before them for trial. Judgeships and other high profile legal positions were

sought after, and influential members of society were willing to pay large bribes to attain

them. During times of prosperity, professors holding teaching positions in the larger

madrasahs could make an excellent living, while the teachers at the smaller *madrasahs*

could enjoy a comfortable income, as well as the room and board amenities provided for

them by the school's endowment. Lower-level functionaries of the courts, such as

witnesses and notaries, provided services that were necessary to the courts and made

their living from this complex system as well. The sultans and Mamluk officials kept a

close eye on all parties to make sure that order in society was maintained and to ensure

that the leaders of the legal establishment did not undermine their regime.   They

furthered the careers of those who demonstrated loyalty to them.

In performing the daily requirements of their professions by instructing students,

settling economic disputes, arbitrating family inheritance issues, and deciding criminal

cases, the individuals working within the legal community carried out what was

considered to be the sacred duty of maintaining the divine order in the relm. Arriving at

a legal decision meant consulting the sacred texts of the community, the Qurʾān and the

hadith, as well as the established legal texts within the respective *madhhabs* of the

jurists' traditions. Obtaining the skills necessary to work in the legal profession required

years of training and the mastery of many works under the supervision of qualified

instructors. The writers of Mamluk period have left a rich collection of texts that give

insight into the lives of scholars, the institutions in which they studied and worked, and

their role in society at large. This dissertation explores the process that these individuals

went through in order to attain the knowledge that qualified them to work within the

various levels of the legal system.   Primarily, this study focuses on teaching and

learning as it took place within *madrasahs*.

Madrasahs have been at the center of scholarly debate on Islamic legal

education during the Mamluk period. The primary source of contention dividing scholars

is the issue of whether legal education was primarily a process that centered on a loose

network of personal relationships between students and scholars or whether it was a

more structured endeavor. Jonathon Berkey and Michael Chamberlain argue that

personal relationships between students and teachers were at the heart of Islamic

education and *madrasahs* were incidental to the process of producing trained legal

scholars.   Personal relationships, they suggest, were the primary influence in shaping

students' educations, and they deny the existence of an overarching structure that

shaped students as they went through the process of legal education. Instead, these

scholars emphasize the independence of instructors in choosing texts for the students to

study, the commitment of students to a particular instructor, and the flexibility that

allowed students to study in a variety of locations. They deemphasize the role of

madrasahs and the issuance of certificates that indicate the completion of a course of

study.[1] Those who see signs of greater organization have pointed to several types of

evidence that demonstrate the existence of a well-delineated structure. George Makdisi,

for example, considered *madrasahs* to be central to Islamic education after their

emergence in the late eleventh century.[2] Gary Leiser's dissertation and work by Devin

Stewart also identify *madrasahs* as playing a crucial role in the instruction of law

students in Mamluk Egypt and Syria.[3]

   This study seeks to contribute to this conversation by closely examining

important aspects of Islamic legal education in Mamluk Egypt (1250-1517). This period

is critical because it is during this era that *madrasahs* emerge as a truly powerful

presence in Islamic education in Egypt and Syria. Immediately prior to the Mamluk

period, *madrasahs* began to appear in increasing numbers in this region, and by the end

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[1] Jonathon Berkey, *The Transmission of Knowledge in Medieval Cairo: A Social History of Islamic Education* (Princeton: Princeton University Press, 1992); Michael Chamberlain, Knowledge and Social Practice in Damascus, 1190-1350 (Cambridge: Cambridge University Press, 1994).

[2] George Makdisi, *Rise of the Colleges: Institutions of Learning in Islam and the West* (Edinburgh: Edinburgh University Press, 1981).

[3] Gary Leiser, "The Restoration of Sunnism in Egypt: Madrasas and Mudarrisūn, 495-647/1101-1249" (Ph.D. diss., University of Pennsylvania, 1976); Devin Stewart, "The Doctorate of Law in Mamluk Egypt and Syria," in *Law and Education in Medieval Society: Studies in Memory of George Makdisi*, ed. Joseph E. Lowry, Devin J. Stewart and Shawkat M. Toorawa (Cambridge: E.J.W. Gibb Memorial Trust, 2004); "The Students' Representative in the Law Colleges of 14th-Century Damascus," *Islamic Law and Society* 15 (2008): 185-218.

of the period, hundreds had been built and were in full operation. *Madrasahs* affected

almost every aspect of the educational process, but trying to discern these effects can

be difficult, since scholars of the day who wrote on education followed a formulaic

pattern demonstrating the continuity of the methods and practices of the transmission of

knowledge.[4] These descriptions of the educational process placed a premium on

working with a large number of professors in cities across the Islamic world, living in

poverty, and avoiding reliance on wealthy patrons from earlier centuries.[5] *Madrasahs*, in

fact, created moral dilemmas for those who worked within their walls. In the idealized

vision of Islamic scholarship that treatises on Islamic education from this period

promoted, professors, judges, and students should remain free from the corrupting

influence of the powerful elite of society. Although *madrasahs* were designed to be

independent institutions after their foundation, sultans of the Mamluk regime and their

administrators tended to dictate the appointments to professorships at the majority of the

madrasahs. Despite this uncomfortable arrangement, by taking positions in *madrasahs*,

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[4] Stewart, "Doctorate of Law," 64-66.

[5] Burhān al-Dīn Al-Zarnūjī, *Taʿlīm al-mutaʿallim, tarīq al-taʿallum/ Instruction of the Student, The Method of Learning*, trans. G.E. von Grunebaum and Theodora M. Abel (New York: King's Crown Press, 1947), 21-28.

professors could enjoy the luxury of teaching students, writing scholarly works, and

issuing *fatwās* without working at additional jobs or having to rely upon the far more

meager salaries generated by taking fees from the individual students whom they taught.

This dissertation chronicles the professionalization of legal scholars during the

Mamluk period. The emergence of *madrasahs* and the creation of large numbers of

salaried positions transformed instruction in the legal profession dramatically. First, this

study will examine the spread of *madrasahs* and the salaries paid to professors and

students that were associated with them. Next, it will discuss effects of the emergence

of law professors as a new social and economic class. After documenting the

establishment of the new social structure created by *madrasahs*, this study considers the

strategies used by professors to limit access to knowledge and, thereby, entrance into

their profession. This professionalization necessitated stronger qualifications and

standardization of training than existed previously, so the certification process through

the issuance of *ijāzāt* and the curriculum that scholars worked through will be discussed.

An Overview of Islamic Legal Education and the Development of *Madrasahs*

As Islamic law began to develop into established *madhhabs* in ninth and tenth

centuries, Islamic legal education primarily took place in mosques and private

residences. Students worked in study circles with teachers learning the Qurʾān,

traditions of the Prophet, and the legal scholarship of a particular *madhhab*. Learning in

this manner often required extensive travel which took students from their homes to a

variety of locations across the Mediterranean world and much of Asia. Because

students traveled such long distances, by the tenth century, some mosques that were

important centers of education developed adjoining inns where students who came to

study could live. These *khan-mosque* complexes were the precursors of *madrasahs*.

Madrasahs were buildings founded specifically to act a location for the instruction of

students in Islamic law. While other topics such as hadith, grammar, interpretation of the

Qurʾān and other fields may have been taught along with law, the primary function was

to instruct students in law. The origins of *madrasahs* can be traced to the eleventh

century when Niẓām al-Mulk, a vizier for the Saljuqs, founded a large number of these

schools. Some *madrasahs* had been in existence prior to this time, but it was during this

period that their growth became significant.[6]

One of the unique features of *madrasahs* that distinguishes them from the

masjid, *jāmiʿ* and other institutions which had been considered centers of education is

the structure of the *waqf* document that designated *madrasahs'* sources of income,

physical structure and function. Because prior institutions were primarily used for

prayer, the founder would set up the institution and then had to release the daily

operation of the foundation to other overseers.[7] However, *madrasahs* functioned in a

different fashion. The founders could retain control of the oversight and organization of

the school. They could appoint their own heirs as overseers and could state specific

requirements concerning the days of study, the amount of salary each employee or

student received, and even the curriculum of study to be taught.

Those who founded schools had a variety motives. The most pious of these was

qurbā, or drawing close to God. Founders hoped to gain the favor of God by providing a

place where people might study Islamic works. *Madrasahs* and the property donated to

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[6] Makdisi, *Colleges*, 31.

[7] Makdisi, *Colleges*, 33.

support their upkeep and salaries were considered to be an offering to God. Founders

hoped to receive forgiveness of sins in this life and reward in the hereafter.[8]

In addition to more spiritual motives, founding a *madrasah* offered advantages in

preserving one's wealth. Putting money into a religious institution would protect it from

taxation and, in the event of a change in regime, from confiscation.   Medieval sources

frequently mention the seizure of property and money from a wealthy individual who has

fallen out of the ruler's favor. By placing property into a *waqf*, the owner could protect it

from seizure since it would become consecrated for God and could not be taken from

the holder. Founders could then appoint their heirs to the position of overseer (*nāẓir*) at

the institution, generally entitling them to a tenth of the income, and thereby indirectly

passing on money to their descendants. This arrangement was not always guaranteed

since *waqf* properties and *madrasahs* themselves were subject to illegal seizure and the

possibility that the mandates in the *waqfiyyah*, or foundation deed, would not be carried

out according to the founders' wishes.[9]

Another strong motive for establishing *madrasahs* was the desire to influence the

politics of the *ʿulamāʾ*. The primary beneficiaries of the establishment of *madrasahs*

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[8] Makdisi, *Colleges*, 39.

[9] Berkey, *Transmission of Knowledge*, 134-142.

were the law professors and students who were given incomes and places to live.[10] The

ulamā possessed important political influence in their individual spheres of social

contact.[11] The governing elites of various regimes recognized this influence and sought

to win support of the religious and intellectual leaders of the communities they ruled.

Therefore, they founded these institutions in order to receive support from the *ulamā*.

The *ulamā* would, in turn, lend their influence over the masses to support the legitimacy

of their patrons.

     Discussing the growth of *madrasahs* and other institutions under the Seljuk vizier

Niẓām al-Mulk, Omid Safi argues that by creating these institutions, the ruling elite

created apparatuses to subdue the *ulamā* and to propagate state ideology. The

foundation of the *madrasahs* under Niẓām al-Mulk were exclusively Shāfiʿī in order to

offset the favor bestowed on Ḥanafīs by the Seljuk sultans. Through the foundation of

madrasahs and other religious institutions, the ruling elite were able to win the support of

the *ulamā*, and they relied upon the endorsement of the *ulamā* to bolster the legitimacy

of their rule. Additionally, by selecting the leaders to run these institutions, they could

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[10] Berkey, *Transmission of Knowledge*, 40.

[11] Ira Lapidus, *Muslim Cities in the Later Middle Ages* (Cambridge: Harvard University Press, 1967), 130-142.

achieve some level of control over the ideas that were generated by the scholars who received the appointments.[12]

This general outline of the foundation and growth of *madrasahs* provides some background to the motives for the foundation of these institutions and the general purpose of their construction. However, to understand the development of specific institutions, modern scholars must take into account their political, social and religious contexts. The unique political situation in Egypt during the Mamluk period will now be considered.

Background on Mamluks

Mamluks are horseback soldiers who served in the armies across the Middle East, North Africa and Spain. The practice of the using Mamluks dates back to the early Abbasid dynasty and seems to have taken more definite shape during the caliphates of Maʾmun (813-33) and Muʿtasim (833-42).   These soldiers tended to be Turkish in origin and were purchased as young boys from families in the central Asian steppe. After their

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[12] Omid Safi, *The Politics of Knowledge in Premodern Islam* (Chapel Hill: The University of North Carolina Press, 2006), 43-103.

purchase, the boys were placed in barracks where they received religious and military

training. Instruction in the basic principles of Islam and perhaps in Arabic formed an

important part of their education, but their main training consisted in mastering the

military arts in general and the skill of horseback warfare in particular.[13]

Military leaders considered soldiers of Turkish origin to possess special prowess

in horseback riding and actively sought to increase the ranks of their armies with these

troops. However, their perceived military ability was only part of the reason leaders

valued Mamluks to such a high degree. Mamluks were purchased, trained and

manumitted into the service of a particular leader in hopes that the patron-client bond

that formed between them would secure the loyalty of the soldiers so that they would not

rebel against their master as freeborn troops might. Mamluks were not tied to the local

populous because they were brought in from the outside.

The establishment of a government controlled by Mamluks in Egypt happened

gradually, as leaders of the Ayyubid dynasty brought in more Mamluks to serve in their

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[13] David Aylon, "Aspects of the Mamluk Phenomenon: The Importance of the Mamluk Institution," Der Islam (1976): 196-225; Patricia Crone, *Slaves on Horses: The Evolution of an Islamic Polity* (New York: Cambridge University Press, 1980); Robert Irwin, *The Middle East in the Middle Ages: The Early Mamluk Sultanate*, 1250-1382 (Carbondale: Southern Illinois University Press, 1986); Daniel Pipes, *Slave Soldiers and Islam: The Genesis of a Military System* (New Haven: Yale University Press, 1981).

fighting ranks. The Ayyubid Dynasty was founded by Ṣalāḥ al-Dīn al-Ayyūb after he

deposed the last Fatimid ruler in Egypt in 1171. Ṣalāḥ al-Dīn was then successful in

extending the reach of his government into Syria as he carried out a campaign against

the Zengids and then the crusader states that had been established at the end of the

eleventh century. These campaigns not only extended his military authority over the

region, but also solidified his reputation as the leader of the Islamic community against

the European Christian invaders.   Leading the *jihad* enhanced his authority in that

region among those who might have otherwise been reluctant to embrace a Kurdish

military leader. While Ayyubids tended to rely on Kurdish civil and military leadership,

the ranks of the cavalry came to be filled primarily by Mamluk horsemen toward the end

of the dynasty.[14]

The Ayyubid dynasty continued almost 130 years, until 1249. It is the final years

of the dynasty that reveal the most about the growth of Mamluk power and their ultimate

ascendancy over Egypt. Al-Mālik al-Ṣāliḥ Ayyūb came to power in 1240. He brought in

a large contingent of Mamluks from the Qipchaq, a group of Turkish tribes that had been

displaced from central Asia by Mongol invasions. The Qipchaq were severely

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[14] Irwin, *The Middle East*, 12.

impoverished, and many sold their children into slavery as a result. Al-Ṣāliḥ formed the

Mamluks that he purchased into an elite fighting contingent which he housed on the

island of al-Rawḍah in the Nile River. They were known as the Baḥrī Mamluks since they

lived on the river (*baḥr*). The Baḥrī Mamluks were made up of around 800 to 1,000 men

initially, and al-Ṣāliḥ came to rely on them more and more during his reign.[15]

Al-Ṣāliḥ died in 1249, leaving his son Tūrān Shah as the leader of the Ayyubid

kingdom. Tūrān Shah did not share his father's affection for the Baḥrī Mamluks and

began to change his forces by promoting Sudanese troops and other Mamluks to

positions of power in his military and administration. The Baḥrī Mamluks, sensing that

their interests were threatened, killed Tūrān Shah on May 2, 1250. In the decade

following Tūrān Shah's death, a struggle for power took place between various factions

of Mamluks who attempted to assert their authority over the state. At times, they

attempted to enhance their claims to power by associating with remnants of the Ayyubid

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[15] Irwin, *The Middle East*, 15-18.

family, but by the end of the decade, all pretenses of sharing power had been discarded,

and the Mamluks emerged as the supreme leaders of Egypt and much of Syria.[16]

In 1260, Baybars, a Baḥrī Mamluk, came to power after sharing in the victory

over the Mongols at ʿAyn Jālūt in Palestine and participating in the assassination of

Quṭuz, the Mamluk who had been ruling Egypt. Baybars (r. 1260-1277) strengthened

and expanded the influence of the Mamluk regime over Egypt. Under Baybars and his

immediate successors, the Mamluks began to establish their authority in their own right,

and a regular process of the transmission of state power emerged. Baybars and

Qalāwūn (r. 1279-1290) each held power for a significant time period and centralized

state authority under their control. Both also tried to establish their own children as their

successors. Baybars' descendants quickly slipped from power. Qalāwūn's sons also

attempted to establish themselves as leaders, and they succeeded to varying degrees

for three generations. After Qalāwūn's reign, leadership of the Mamluk state changed

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[16] Linda S. Northrup, "The Baḥrī Sultanate, 1250-1390," in *Islamic Egypt, 640-1517*, ed. Carl Petry, vol. 1 of *The Cambridge History of Egypt* (Cambridge: Cambridge University Press, 1998), 247-49.

hands seven times in twenty years, before his son Muḥammad Nāṣir al-Dīn established

himself as ruler for the next thirty-one years, until his death in 741/1341.[17]

After the death of Muḥammad ibn Qalāwūn, the Baḥrī period descended into a

period of extreme instability. The sons of Muḥammad b. Qalāwūn were propped up by

various Mamluks competing for power who relied on the royal name of Qalāwūn to

achieve legitimacy. No less than eight of Muḥammad ibn Qalāwūn's children, along with

several other Mamluk leaders, claimed the throne of the sultan. This exchange of royal

power which took place over twelve times between 741/1341 – 784/1382 reflects the

instability that engulfed Egypt and the provinces during the later period of Baḥrī Mamluk

control.

Leadership of the Mamluk state was not supposed to be hereditary. In fact, it was

expected that the children of Mamluks (*awlād al-nās*) would step out of military and

administrative leadership and integrate into the civilian population. Despite this

expectation, many of the leaders of the state during the Baḥrī period descended from

previous leaders, although, more often than not, their reigns were brief and tended to be

controlled by powerful Mamluks who supported their regimes. Instead, Mamluks were to

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[17] Linda S. Northrup, "The Baḥrī Sultanate, 1250-1390," 250-52.

be replaced by other Mamluks, most often from their own retinue. These were royal

Mamluks who worked their way up through a series of military and administrative posts,

and whose experience and might, obtained through their own purchase of warrior

slaves, distinguished them as the most likely candidates to take over leadership of the

state. Such a competitive atmosphere naturally contributed to instability at times of

transition, but not necessarily any more than a change in power within a traditional

dynasty.[18]

The Baḥrīs faced numerous challenges that contributed to their decline. Perhaps

the most devistating and beyond their control was the outbreak of the bubonic plague

that swept through Egypt, which first struck in 1347-8 and then reappeared frequently

over the next few decades. The population of all Egypt fell dramatically, reducing the

numbers of Mamluks as well as the general population who provided the tax base to

uphold their regime. This disaster, along with a series of other events, including factional

warfare, weakened the Baḥrīs to the point that a competing contingent of Mamluks was

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[18] Linda S. Northrup, "The Baḥrī Sultanate, 1250-1390," 256-58.

able to seize control of the government. This group of Mamluks was mostly made up of

Circassian slave soldiers brought in from the northern Caucasus.[19]

This transition marks the beginning of the Circassian period (1382-1517). The

first leader who took control of the government at this time was the sultan al-Malik al-

Ẓāhir Barqūq (r. 1382-1389, 1390-1399). Upon ascension to power, Barqūq filled his

military and administrative posts with other Circassian Mamluks.   The Turkish Mamluks

who controlled the empire during the Baḥrī period resisted initially but were soon

defeated, and the Circassians became entrenched as the ruling power in Egypt.[20]

The Circassian Mamluks quickly faced threats from outside forces as Mongol

forces led by Timur-Lenk conquered and sacked Aleppo and Damascus in 1399, and

they, too, contended with the plague that had weakened the Baḥrī Mamluks during the

fourteenth century. Despite these problems, the Circassians remained relatively strong,

in part because they maintained a more orderly method of succession than the Baḥrīs.

Most Circassian Mamluk sultans came from the sultans' Mamluks or heirs who had

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[19] Linda S. Northrup, "The Baḥrī Sultanate, 1250-1390," 286-89.

[20] Jean-Claude Garcin, "The Regime of the Circassian Mamluks," in *Islamic Egypt, 640-1517*, ed. Carl Petry, vol. 1 of *The Cambridge History of Egypt* (Cambridge: Cambridge University Press, 1998), 290.

attained some seniority in age and service. There were fewer attempts to overthrow the

central authority by amirs or other aspirants.[21]

Al-Malik al-Ashraf Barsbay (r. 1422-1438) strengthened the financial position of

the sultanate by gaining control of the Egyptian spice trade. Because of the turmoil

created by Mongol invasions in Iran and Iraq, the Red Sea trade route became

extremely lucrative. Barsbay used the Mamluk navy to control Red Sea trade and set

prices throughout Egypt. This move increased state revenue and helped offset the

losses that the Sultan had lost from agricultural production due to the drop in population

from the plague.[22]

The high point of the Circassian regime came under the reign of Qāytbāy (r.

1468-1496). Qāytbāy's long rule allowed him to establish firm control over Mamluk

lands. Rebellions, Bedouin uprisings and foreign invasion were uncommon, and

Qāytbāy used the period of stability to improve urban life in Cairo and throughout the

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[21] Garcin, "Circassian Mamluks," 292-93, 304-306.

[22] Garcin, "Circassian Mamluks," 294.

empire. Soon after the death of Qāytbāy, a number of incidents weakened the Mamluk

regime and ultimately resulted in its demise.[23]

From 1496 to 1501, the sultanate changed hands five times during a period of

instability and rebellion. By the time Qānṣūh al-Ghawrī (r. 1501-1516) came to power,

much of the unity that Qāytbāy had forged had come undone. In addition to this

upheaval, the Mamluk control of the spice trade was seriously challenged by European

merchants. Vasco de Gama reached the Indian Ocean in 1498, and soon after his

arrival, Portuguese ships controlled trade in the region. By 1503, the entrance to the

Red Sea was patrolled by Portuguese ships, and in 1500, the Mamluk Mediterranean

fleet was badly damaged. As the Mamluks grew weaker from upheaval and a stagnant

economy, relations with the Ottoman Empire began to deteriorate. In 1516, al-Ghawrī

died in battle against the Ottomans at Marj Dābiq, north of Aleppo, and in 1517, the

Ottomans invaded Egypt and took control of the state.[24]

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[23] Carl Petry, *Protectors or Praetorians? The Last Mamluk Sultans and the Egypt's Waning as a Great Power* (Albany: State University of New York Press, 1994), 13-28.

[24] Garcin, "Circassian Mamluks," 297-299.

The Development of *Madrasahs* in Egypt

The first *madrasahs* were founded in Egypt during the latter part of the Fatimid

rule, soon after they appeared in Baghdad and Syria. Gary Leiser has produced the

most careful study of the development of these *madrasahs* from the end of the Fatimid

period through the Ayyubid dynasty, examining their foundation, the lives of those who

established these schools, and the professors who taught law within them. The first

schools appeared in Alexandria in the early twelfth century. The Mālikī jurist Abū Bakr

Muhammad al-Ṭurṭūshī (b. 451/1051) traveled from Tortosa, Spain to perform the

pilgrimage to Mecca. He continued studying in Mecca and eventually made his way to

Baghdad where he studied law and hadith at the Niẓāmiyyah *madrasah*. After spending

a number of years studying and traveling, he settled in Alexandria, where he married a

rich woman. They made one floor of their large home into a school dedicated to

instruction in hadith and Mālikī law. Although the school may not have had an

endowment that ensured its continuation, it had most of the other characteristics that

define a *madrasah*.[25] This school was soon followed by the foundation of another by a

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[25] Leiser, "The Restoration of Sunnism," 114-119.

competing family of Mālikī judges in Alexandria, the Banū Ḥadīd. Members of this family

held the position of chief judge of Alexandria and were very influential in the community.

The *madrasah* was most likely founded sometime before 529/1135.[26]

In 532/1137-8, Riḍwān b. al-Walakhshī, the first Sunni vizier of the Fatimid

regime, founded a Shāfiʿī *madrasah* in Alexandria. Leiser writes that Riḍwān founded

this *madrasah* in order to train Sunnis to be skilled administrators and judges to take

positions in the government that were held mostly by Shiʿites and Christians. Riḍwān

chose Alexandria because of its large Sunni population, as well as its distance from the

Fatimid capital. Even though the Fatimid caliphate had weakened, he wanted to avoid

provoking the suspicion of the caliph. Ibn ʿAwf (d. 581/1185) was appointed the

mudarris, or professor, of the *madrasah*, and instructed hundreds of students, several of

whom went on to become instructors at their own *madrasahs*.[27] The exact number of

madrasahs founded during the waning of the Fatimid period is unclear, but the

beginnings of the growth of *madrasahs* were underway.

Ṣalāḥ al-Dīn al-Ayyūb, the founder of the Ayyubid dynasty, continued to build

madrasahs. When Ṣalāh al-Dīn founded his first *madrasah* while acting as a Fatimid

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[26] Leiser, "The Restoration of Sunnism," 129.

[27] Leiser, "The Restoration of Sunnism," 132-38.

vizier, he continued a tradition that had been established before his rule. However, as a

reigning Sunni ruler, Ṣalāḥ al-Dīn's motivations for establishing schools have been

questioned. It has been argued that his chief reason for building *madrasahs* was to

spread Sunni legal theory and theology, thereby reducing the influence of Shiʿites who

had grown in number during Fatimid times. Leiser responds by stating that the actual

number of Shiʿite converts during the Fatimid period was probably rather low, and an

organized effort to counter Shiʿite influence was probably not necessary. Instead, Ṣalāḥ

al-Dīn ordered the foundation of *madrasahs* in order to shore up support for himself

among the Sunni population. Leiser supports this claim by noting that the *madrasahs*

were built in locations that would have been populated by a majority of Sunnis. If Ṣalāḥ

al-Dīn had intended to use the *madrasahs* to convert Shiʿites, he likely would have

constructed them in more heavily Shiʿite districts.[28] In arguing this position, Leiser

follows the conclusions of S.M. Stern and others who wrote that Shiʿism only had a small

following among ruling elite during the Fatimid period. Other studies indicate that

Shiʿites may have made up a strong minority prior to the Fatimid period and that

conversion to Shiʿism may have been far more substantial than has been assumed

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[28] Leiser, "The Restoration of Sunnism," 265-67.

during Fatimid rule.[29] This research calls into question some of Leiser's conclusions

concerning the motivations for founding *madrasahs* during the early Ayyubid period.

While Leiser questions the assertion that founders used *madrasahs* as an

instrument to convert Egypt from Shiʿism to Sunnism, he does argue that some sultans

and government officials may have been motivated to build *madrasahs* to aid in

converting the country from Christianity to Islam. Leiser notes that *madrasahs* were built

during an apex of Christian influence in government office and that Christians made up a

large portion of the population in Egypt at the time. *Madrasahs* served to prepare a new

cadre of Muslims for government service, displacing many Christians from government

office, and the widespread training and application of Islamic law, Leiser argues, would

have also contributed to conversion.[30]

Although Ṣalāḥ al-Dīn belonged to the Shāfiʿī *madhhab*, he founded schools for

the Mālikīs and Ḥanafīs as well. Altogether, Ṣalāḥ al-Dīn founded five *madrasahs*. At

the time, most Sunnis in Egypt followed either the Mālikī or Shāfiʿī *madhhab*. A few

Ḥanafis may have settled in Cairo, and Ṣalāḥ al-Dīn created a *madrasah* there in order

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[29] Devin Stewart, "Popular Shiism in Medieval Egypt: Vestiges of Islamic Sectarian Polemics in Egyptian Arabic," *Studia Islamica* 84 (1996): 35-66.

[30] Gary Leiser, "The Madrasah and the Islamization of the Middle East: The Case of Egypt," *Journal of the American Research Center in Egypt*, Vol 22 (1985): 29-47.

to establish support from all Sunnis by offering patronage to their religious leaders.

However, as Leiser points out, he does not appear to have built a large network of

madrasahs, which he is often credited with doing; rather, he established a few large and

well supported schools in important population centers for Sunnis, particularly Fustat and

Cairo.

Over the remainder of the Ayyubid era to 1250, thirty-five more *madrasahs* were

established. The majority of these were established by sultans, amirs, wives of amirs,

and government officials. Merchants were responsible for the building of three, and

judges established two. Most of the *madrasahs* were founded by amirs and government

functionaries, or, as Leiser suggests, "people jockeying for influence."[31] The founders

hoped to gain the support of the *ʿulamāʾ* by building schools and appointing professors.

The Establishment of *Madrasahs* during the Mamluk Period

The foundation of *madrasahs* continued at a steady rate after the Mamluks came

to power. By the end of the Mamluk period in 1516-17, the number of *madrasahs* in

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[31] Leiser, "The Restoration of Sunnism," 403.

Cairo had grown from thirty-two to over eighty, and the number of *madrasahs* in

Damascus had more than doubled. The motivations for founding *madrasahs* had not

changed in most respects from the preceding periods. Rulers and lower government

officials hoped to maintain and increase their influence by gaining support from the

ʿ*ulamāʾ,* and personal piety certainly encouraged many others to establish religious

institutions; however, the economic motivations became even more heightened for

Mamluk officials. Mamluks, as manumitted slaves brought to Egypt and Syria from the

Caucasus and other regions, held the highest posts in the military and administration.

Many amassed enormous fortunes while holding these positions. However, in most

cases, Mamluks could not pass their posts on to their children, as typically occurred

among ruling families under previous regimes. The land grants, or *iqṭāʿ,* that funded

their salaries were passed along with their positions after they had died or had otherwise

been removed from their jobs. In order to preserve their wealth, many Mamluks founded

madrasahs or other institutions with *waqfs*, property that generated income to support

the institution, and then stipulated in their foundation deeds that their heirs must be hired

as overseers of the property. In this way, they theoretically guaranteed an income for

their descendants for generations to come.[32]

Madrasahs in Cairo during the Mamluk period represented each of the four main

Sunni legal *madhhabs*. Maqrīzī (d. 845/1442) writes that seventy-three *madrasahs*

served students of Islamic law in Cairo. Of these, fourteen were built for Shāfiʿīs

exclusively, four were designated for Mālikīs, and ten for Ḥanafīs. Maqrīzī writes that

there were also several *madrasahs* that housed multiple *madhhabs*: three *madrasahs*

were designated for both Shāfiʿīs and Mālikīs, six housed Shāfiʿīs and Ḥanafīs, one

served Mālikīs and Ḥanafīs, and four complexes provided instruction for Shāfiʿīs, Mālikīs,

Ḥanafīs and Ḥanbalīs.[33] Several more *madrasahs* were constructed after Maqrīzī's time,

and it is difficult to arrive at an exact number of *madrasahs* that were in operation during

the Mamluk period.

The construction of the *madrasahs* underwent transformations during the

Mamluk period. During the Ayyubid period and early Mamluk period, *madrasahs* and

khānqāhs, or Sufi institutions, performed distinct functions in society. The *khānqāhs*

mostly housed Sufis performing the rituals associated with their form of worship, while

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[32] Berkey, *The Transmission of Knowledge*, 9-12.

[33] Encyclopedia of Islam, 2nd Ed., *Madrasa*, 1127.

madrasahs remained primarily dedicated to the study of law. Beginning with the mosque and *khānqāh* of Amir Shaykhū al-ʿUmarī (1349-57), these lines began to blur. The Shaykhū multifunctional complex served as a Friday mosque, *khānqāh*, and *madrasah*. The founder not only established requirements for Sufi ritual, but also endowed chairs of instruction for the four *madhhabs*.[34] By the late fourteenth and early fifteenth centuries, this practice had become more common among founders. In the *khānqāhs* of Barqūq (1384-86) and Jamāl al-Dīn al-Ustādār (1407), all students were required to attend Sufi rituals; also, there were a number of Sufis living in the *khānqāhs* whose did not attend classes in law, but were dedicated to prayer and worship.[35] While *madrasahs* continued to be built and existed without accommodations for Sufis, during the later part of the Mamluk period, it became very common for *khānqāhs* to provide classes on the instruction of Islamic law. Around this time, it also became common for large *madrasahs* and *khānqāhs* to contain a large congregational mosque (*jāmiʿ*).

The merging of these institutions has been explained in a number of ways. Leonor Fernandes attributes it to the gradual acceptance of Sufism among the *ʿulamaʾ* of

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[34] Doris Behrens-Abouseif, "Change in the Function and Form of Mamluk Religious Institutions," *Annales islamogiques*, 21 (1985): 73-93.

[35] Leonor Fernandes, *The Evolution of a Sufi Institution in Mamluk Egypt: The Khanqah* (Berlin: Klaus Schwarz Verlag, 1988), 33-46.

Cairo, as well as the desire among Sufis to gain acceptance and respectability

associated with the study and practice of law.[36] Doris Behrens-Abouseif views the

merger as a result of the patronage of Mamluk sultans.   The Mamluk ruling elite had a

strong interest in Sufism and constructed a number of *khānqāhs*.   Their support of

Iranian and central Asian teachers in particular led to the construction of several

khānqāhs throughout Cairo. This habit was met with some resentment and resistance

by the local population, but the construction of multifunctional complexes eased these

tensions and served to bring Sufis and those who practiced law into closer contact.[37]

During the latter part of the Mamluk period, the distinction between *madrasahs* and

khānqāhs decreased. Professors of law who taught in *madrasahs* held classes in

khānqāhs, mosques and other locations as well.

 Jonathan Berkey observes that historians from the Mamluk era frequently

confused whether a particular building was a *khānqāh*, *madrasah* or even a mosque

(*jāmiʿ*). From this confusion, he concludes that the actual purpose for which these

buildings were constructed became less important than the function they performed. He

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[36] Fernandes, *The Evolution of a Sufi Institution*, 33-34.

[37] Doris Behrens-Abouseif, *Cairo of the Mamluks: A History of the Architecture and its Culture* (New York: I. B. Tauris, 2007), 10-12.

views this process as supporting his understanding that institutions had less influence on

education than personal relationships.[38] Berkey writes that a "student's authority derived

from his teacher, and not from the venue in which his education had transpired, meant

that no institution, not even the *madrasah* could ever establish a monopoly over the

inculcation of the Muslim sciences." Institutions, then, provide a location where

education could take place, but they had little influence on shaping its structure.

Berkey correctly observes that during the late Mamluk period, *madrasahs* did not

hold a monopoly on instruction in Cairo. However, his conclusion that the education

process lacked a strong institutional identity is flawed. In this dissertation, I argue that

the *khānqāhs'* adoption of the educational practices used in *madrasahs* points to the

strength that those working in *madrasahs* had established in controlling legal instruction.

The law schools that emerged in *khānqāhs* did not represent just "any open space."[39]

They were institutions whose funding, instruction requirements, and student

expectations directly imitated those established in *madrasahs*. For this reason, the

study of *madrasahs* in Cairo serves a crucial role in understanding legal instruction as it

took place in a variety of venues throughout the period. While *madrasahs* did not hold a

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[38] Berkey, *Transmission of Knowledge*, 48-50.

[39] Berkey, *Transformation of Knowledge*, 50.

monopoly on Islamic legal education, their emergence reshaped the practice of legal

education and gave new social status and professional identity to those who taught law.

Those realities reached beyond the walls of *madrasahs* and changed the culture of legal

education as it existed throughout the Mamluk period.

The Debate over Islamic Legal Education during the Mamluk Period

George Makdisi's work on the development of *madrasahs* and Islamic legal

education forms the backdrop for all following studies on education in Mamluk Egypt and

Syria. His work examined the development of *madrasahs*, chiefly in Iraq, Syria and

Egypt from the tenth to fifteenth centuries. From his examination of documents, Makdisi

discerned an organized structure in Islamic legal education in which *madrasahs* played

an important role. Makdisi argued that students who studied law followed a curriculum

developed within each *madhhab*. While these curricula varied within *madhhabs*, Makdisi

outlines the basic topics and works students would study in the course of their

education.[40]   Makdisi also noted that *madrasahs* contained levels of study for students

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[40] Makdisi, *Rise of the Colleges*, 80-84.

of beginner, middle and advanced standing. He argues that while a basic course of

study in Islamic law could be completed in four years, completing the longest program of

study could take from ten to twenty years. As part of this educational process, advanced

students would compose a *ta'līqah*, or a commentary, that embodied a jurist's approach

to disputed questions in law. This most advanced level of accomplishment would entitle

the student to receive *ijāzat al-iftaʾ wa al-tadrīs*, a certificate to issue legal opinions and

teach law.[41] While Makdisi emphasizes the personal relationships that existed between

professors and students, he also argues that *madrasahs* set the context for the study of

law and became one of the main centers for such study.

Berkey's treatment of the instruction of religious knowledge in Mamluk Cairo

disputes many of Makdisi's assertions about the study of Islamic law and the importance

of institutions, particularly *madrasahs*. Berkey portrays Islamic education as a personal

and informal process. [42]   Berkey emphasizes the relationships that developed between

students and professors, arguing that "Islamic education remained fundamentally

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[41] Makdisi, *Rise of the Colleges*, 96-99,111-152.

[42] Berkey's ideas reflect those of A.L. Tibawi, "Origin and Character of the Madrasah," *Bulletin of the School of Oriental and African Studies* 25 (1962), 225-38.

informal, flexible, and tied to persons rather than institutions."[43] His book describes in

detail the operation of *madrasahs*, *khānqāhs* and other institutions, drawing on *waqf*

documents to construct a social history of learning in Cairo. However, when discussing

institutions' importance in training students in Islamic law, Berkey argues that they had a

minimal role in shaping students' education. Instead, he views institutions as providing

important resources for professors and students, including income and other provisions,

which "profoundly affected the social history of the learned elite;" however, because

madrasahs and other institutions did not confer degrees or teach set curricula that he

could readily perceive, he viewed legal instruction as "thoroughly nonsystematic."[44]

Michael Chamberlain's work, *Knowledge and Social Practice in Medieval*

Damascus, 1190-1350, examines the lives of the elite in Damascene society. Rather

than study institutions and the history of education, Chamberlain's study of the educated

elite is a social history aimed at discovering the means by which they attained and

preserved power and influence.   He argues that comparing Middle Eastern institutional

and group structure to Latin ones has led to the "imposition of concepts derived from

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[43] Berkey, *Transmission of Knowledge*, 18.

[44] Berkey, *Transmission of Knowledge*, 44.

European experience outside Europe."[45]   Hoping to avoid these mistakes,

Chamberlain's alternative method of social history relies on the sociological theory of

Pierre Bourdieu. His primary goal is to learn how the elite "acquired and used rare

symbolic capital by which they claimed power, resources, and social honor and passed

them on within lineages."[46]   Chamberlain makes valuable contributions to the

understanding of how the educated elite acquired positions (*manāṣib*) in *madrasahs*,

khānqāhs and other institutions, describing the strategies they used to obtain and

preserve them.[47] However, while Chamberlain indicates that he is not interested in

writing a history of education,[48] he does make a number of bold statements about the

nature of Islamic education in Damascus. Chamberlain rejects Makdisi's findings that

instructors gave examinations, that certificates issued by professors provided meaningful

credentials, that curricula guided student instruction, and that student bodies formed

organized associations. He goes further in also criticizing Berkey for suggesting that

even an informal system of education existed Cairo.[49] Instead, he views knowledge as

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[45] Chamberlain, *Knowledge and Social Practice*, 21.

[46] Chamberlain, *Knowledge and Social Practice*, 23.

[47] Chamberlain, *Knowledge and Social Practice*, 91-107.

[48] Chamberlain, *Knowledge and Social Practice*, 23.

[49] Chamberlain, *Knowledge and Social Practice*, 69-90.

being communicated between "scholars tied together by bonds of love and service,"

outside of any system that may have shaped education. *Madrasahs* are reduced then to

"instruments by which the ruling elite controlled their property," and he argues that "there

is little evidence that they became specialized institutions of higher education in any

useful sense of the term."[50]

Chamberlain has a very different perspective on importance of knowledge than

many who have written on the topic before him. In his discussion of the learned elite,

Chamberlain argues that after the foundation of the Ayyubid dynasty in Damascus, the

military elite appointed members of the learned elite to institutions in order to gather

support for their rule. The learned elite, or *aʿyān*, were distinguished by their possession

of knowledge, or *ʿilm*. However, this knowledge differed from that which Makdisi

described. Chamberlain writes that the *aʿyān* attempted to gain *istiḥqāq*, or eligibility to

hold appointments, and *ḥurma*, a form of social honor, through their education. These

qualities would allow them to attain *manāṣib*, social capital, wealth and influence.

Chamberlain writes that the elite "generally did not acquire learning in order to gain

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[50] Chamberlain, *Knowledge and Social Practice*, 90; a similar conclusion is reach by Daphna Ephrat about *madrasahs* in eleventh century Baghdad, *A Learned Society in a Period of Transition: The Sunni ʿUlamaʾ in Eleventh-Century Baghdad* (Albany: State University of New York Press, 2000).

professional knowledge or qualifications. The object of learning was the prestige of the

cultivated personality, which produced ḥurma and istiḥqāq."[51] At the conclusion of an

extensive chapter on the ritual and practice of learning, Chamberlain reiterates this point,

writing that the "lecture, the transmission of ḥadīth and of books, and of everyday

interaction among students and their teacher were in these respects less a form of

higher education as we see it in other societies than a set of ritual and initiatory

practices."[52] Chamberlain presents a fairly thorough discussion of many of the social

practices that surrounded learning. However, he does not believe that a substantive

education takes place. His argument that education is an informal process with no

governing principles demands that he take this position. Because Chamberlain rejects

the idea that any systematic education occurs, he looks to Bourdieu to explain what

students learned in their years of study. In his discussion of educational systems of

modern France, Bourdieu argues that, in many educational settings, students learn

behaviors that translate into social capital rather than substantive knowledge which

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[51] Chamberlain, *Knowledge and Social Practice*, 66.

[52] Chamberlain, *Knowledge and Social Practice*, 150.

distinguish them from peers.[53] Chamberlain seems to envision a similar process

unfolding in Damascus. While the application of Bourdieu's approaches in

Chamberlain's study yields important results concerning the competition for positions in

Damascus and his insights into the social capital attained in the study circles of

instructors throws new light on the importance of *adab* (rules of behavior), his rejection

of existence of educational structure in Damascus raises many questions.

Devin Stewart has responded both to Chamberlain and Berkey in his research.

Stewart agrees with many of Makdisi's statements on the organization and structure of

Islamic legal education and has found ample evidence supporting his position. Stewart's

study on *ijāzat al-iftā' wa'l-tadrīs*, the certificate to teach and issue legal opinions,

demonstrates that students who earned these certificates spent years of study with a

particular expert in Islamic law who could confer this certification. He finds evidence that

students progressed through the three levels of progression in their studies outlined by

Makdisi, that those who attained the degree underwent an examination confirming their

mastery of the material, and that the certificates tended to be awarded by professors

holding positions within *madrasahs*. By tracing students' careers after receiving their

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[53] Pierre Bourdieu and Jean-Claude Passeron, *Reproduction in Education, Society and Culture*, trans. Richard Nice (Beverly Hills: Sage Publications, 1977).

respective certificates, Stewart was able to discern what opportunities were open to

students with various levels of education. The holder of the *ijāzat al-iftā' wa'l-tadrīs* was

considered qualified to hold the positions of "judge, deputy judge, professor of law

(*mudarris*), deputy professor of law (*nā'ib mudarris*), or repetitor (*mu'īd*)." Law students

who completed a more basic level of study qualified to work as a notary or official

witness (*'adl*, *shāhid*).[54] Stewart's examination of biographical dictionaries and

certificates from the Mamluk period refute assertions that *ijāzas* from the time period

carried little meaning or significance and confirms many of Makdisi's assertions

concerning the organization of Islamic legal instruction.

Stewart's research has also contributed to the interpretation of *ṭabaqāṭ* literature,

or biographical dictionaries. Stewart observes that Berkey and Chamberlain base many

of their assumptions about the informal nature of Islamic legal education on biographical

dictionaries which emphasize the transmission of knowledge between individuals rather

than on the locations in which they studied. However, Stewart finds that the authors of

biographical dictionaries followed patterns of writing, or *topoi*, that had been used for

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[54] Stewart, "The Doctorate of Law," 63-64.

generations.[55] Stewart's research demonstrates that scholars who issued certificates to

teach law and issue legal opinions in Mamluk Egypt and Syria taught in *madrasahs*, and

professors teaching in those institutions became synonymous with the institutions in

which they taught.

In addition to demonstrating the value of the certificate to teach and issue legal

opinions, Stewart has written a study on the *nāʾib al-fuqahāʾ*, or the representative of law

students in fourteenth century Damascus. In this work, Stewart shows that *madrasah*

students at the Shāmīyah *Intra Muros* selected a representative to defend their interests

while interacting with the *nāẓir*, or overseer, of the *madrasah*. Drawing on two *fatwās*

issued by al-Subkī (d. 756/1355), Stewart demonstrates that student bodies displayed

organization and structure that Chamberlain denied was present, and he shows that this

organization represented wider practices within Damascus during the period. Students

joined together and relied on their selected agents to negotiate payment of stipends and

other issues that may have arisen.[56]

The different conclusions reached by Makdisi and Stewart on one hand and

Berkey and Chamberlain on the other can be explained in a number of ways.

[55] Stewart, "The Doctorate of Islamic Law," 65-66.

[56] Devin Stewart, "The Students' Representative," 185-218.

Chamberlain and Berkey's interest in social history shaped their approach to sources

and their findings. Berkey, in particular, has strong interest in exploring how those

outside the traditional educational hierarchy contributed to the spread of "sacred

knowledge" in Cairo. This is an important topic, and one that he has continued to

explore in his study of popular preachers and storytellers who contributed to Islamic

traditions and religious life.[57] Berkey's imprecision in referring to "sacred knowledge"

creates problems, however, when he fails to distinguish between the more structured

and regimented world of Islamic legal education and popular religious instruction.

Berkey is correct in observing that the practices of legal education and popular

instruction did overlap, particularly in the transmission of hadith. However, clear

boundaries existed as well, and it is in understanding these boundaries that the form and

structure of legal education becomes apparent.

Makdisi and Stewart approach the study of legal education from a different

perspective from that of Berkey and Chamberlain. Both Makdisi and Stewart have

written influential works on the development of Islamic law. Makdisi's study of

madhhabs in the Sunni tradition and Stewart's work on the development of Shiʿite law

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[57] Jonathan Berkey, *Popular Preaching and Religious Authority in the Medieval Islamic Near East* (Seattle: University of Washington Press, 2001).

have made clear that Islamic law was a highly structured system that required years of

study to comprehend, and a structured system of education was needed to prepare

students to work in Islamic law and to develop legal opinions. Understanding the

madhhab, then, becomes the key to understanding the structure of education.

The Professionalization of Islamic Law and Education

Scholars studying the development of Islamic law have found that the four main

Sunni *madhhabs* coalesced in the mid-ninth to early tenth centuries. Earlier studies,

which concluded that the four schools formed under their eponymous founders – Abū

Ḥanīfa (d. 767), Malik ibn Anas (d.795), al-Shāfiʿī (d. 820) and Aḥmad b. Ḥanbal (d. 855)

– have been discredited by researchers who have studied the texts produced by

important scholars within each *madhhab*. Calder's work found that the primary epitomes

(*mukhtaṣars*) used in each *madhhab* appeared in the tenth century.[58] By studying

commentaries on these epitomes, biographical dictionaries and other sources, Melchert

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[58] Norman Calder, *Studies in Early Muslim Jurisprudence* (Oxford: Clarendon Press, 1993), 245-47.

has determined who the major figures in the development of each *madhhab* were as well

as the identities of their most influential disciples.[59]

The jurists who established the legal *madhhabs* emerged from a larger group

known as the traditionalists. Traditionalists based their claims to authority on their

knowledge of the sayings and actions of Muḥammad and, in some cases, his followers.

These traditionalists began the movement toward the formation of a system of law when,

the mid-ninth century, they began to separate hadith into legal categories.[60] The

traditionalists were in competition at this time with speculative theologians who claimed

their own findings should form the basis of Islamic doctrine. By the eleventh century, the

members of the *madhhabs* had won this competition and emerged as the most

influential group of scholars in the Sunni community. Stewart writes on the period:

> By the eleventh century, the jurists succeeded, to a large extent, in their attempts
> to establish a monopoly on Islamic religious authority. They refused to accept as
> authoritative the opinions of anyone who had not completed a legal education
> according to the methods they had established and who did not belong to a

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[59] Christopher Melchert, *The Formation of the Sunni Schools of Law, 9th -10th Centuries C.E.* (New York: E.J. Brill, 1997).

[60] Devin Stewart, *Islamic Legal Orthodoxy: Twelver Shiite Responses to the Sunni Legal System* (Salt Lake City: University of Utah Press, 1998), 26; Makdisi, *Rise of Humanism* (Edinburgh: Edinburgh University Press, 1990), 19-20.

recognized *madhhab*. Only the opinions of these restricted groups were taken into account by the community of legal scholars as representing acceptable interpretations of the law.[61]

The jurists' effort to establish their own authority was formed by their ability to connect their rulings to the traditions of Muḥammad. Each *madhhab* developed law (*fiqh*) based on a method of legal inquiry, or jurisprudence (*uṣūl al-fiqh*), which allowed jurists to form legal opinions (*fatwās*). These legal opinions offered guidance on all types of behavior from ritual worship to questions of business law.

Makdisi argued that as jurists emerged as the dominant voices in determining Sunni orthodoxy, they also developed sophisticated means of ensuring the integrity of their ranks. As mentioned above, Makdisi argued that the educational requirements for *muftīs* and professors of law included certificates from recognized authorities and the composition of a commentary (*taʿlīqah*); the completion of these requirements would demand years of study. Additionally, *ṭabaqāt* literature, or biographical dictionaries, were produced that distinguished the members of each *madhhab* by recognizing their accomplishments in the study and memorization of the Qurʾān, hadith, and the important works from within their *madhhabs*, among other information. These works helped to

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[61] Devin Stewart, *Islamic Legal Orthodoxy*, 30.

define the members of each *madhhab* and sought to determine the derivations of

authority in each *madhhab* by tracing the lives and accomplishments of generations of

jurists.[62]

The term *madhhab* has been translated and described in a number of ways.

Frequently, it is translated as a "school of law," which indicates the unique traditional

approach to solving legal questions used by each *madhhab*. Makdisi and others,

recognizing the formal structure and exclusive practices that were at play in each

madhhab, referred to them as guilds.[63] While "guild" captures much of the social as well

as ideological importance of the *madhhabs*, this term has not been widely adopted

because of dissimilarities between *madhhabs* and European guilds. While the term is

difficult to translate, *madhhabs* had become powerful institutions in defining religious

orthodoxy and in organizing the jurists in their ranks by the eleventh century.

As *madhhabs* became the authoritative body in the Muslim community, political

leaders supplied influential leaders of these groups with financial support and buildings

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[62] George Makdisi, "Ṭabaqāt-Biography: Law and Orthodoxy in Classical Islam," *Islamic Studies* 32 (1993): 371-96; see also Kevin Jaques, *Authority, Conflict, and the Transmission of Diversity in Medieval Islamic Law* (Leiden: Brill, 2006).

[63] Makdisi, "*Ṭabaqāt*-Biography," 389-91; idem, *Rise of Humanism*, 24-38; for a discussion of the use of the term "guild" see Stewart, *Islamic Legal Orthodoxy*, 234-35.

in which to teach. *Madrasahs* and other buildings came to house many of the most

influential leaders of the *madhhabs*. However, the development of *madrasahs* should

not be viewed as the initiation of an organized education process. That had existed well

before their emergence. Islamic legal education as it existed outside of *madrasahs* was

not "informal;" it was a formal process, which required students to study and memorize

essential texts, master specific skills, and receive recognition for these accomplishments

through certification by recognized masters. Institutions of legal instruction existed and

thrived prior to the construction of *madrasahs*.

One can see the professionalization of legal scholars taking place in this process

as well. The term profession typically refers in sociological literature to an occupation

that requires competency in a set of skills and a body of knowledge. The practitioners of

a profession enjoy prestige and power in society, because, in addition to their special

knowledge, they pledge to follow a code of ethics that ensures the quality of their work

and protects the interests of those whom they serve. In return, society grants members

of the profession a monopoly on the practice of that service and the right to oversee its

members.[64]

In Europe and America, the development of professions during the nineteenth

and twentieth centuries was closely linked to the knowledge acquired in universities.

The curriculum students studied prepared them for service in professions such as law

and medicine. The conferral of a degree confirmed their competency in a given field and

added symbolic and ritualized acknowledgement of this accomplishment. Over time,

many professional organizations required completion of exams beyond or instead of

university training in order to ensure that applicants had obtained the necessary

knowledge in a particular field.

In addition to ensuring that their members had completed necessary training,

professional organizations created systems of self-regulation that include various codes

of ethics. This normative dimension usually involves a ceremony in which the members

of the profession pledge to uphold the values and ethics of their community. The

professional community then has the authority to censure or remove those who violate

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[64] M. L. Cogan, "Toward a Definition of Profession," *Harvard Education Review* 23
(1953): 33-50; A. M. Carr-Saunders and P.A. Wilson, *The Professions* (Oxford: Clarendon Press,
1933), 352-65, 460-67; Magali Sarfatti Larson, The Rise of Professionalism: A Sociological
Analysis (Berkley: University of California Press, 1977), i-ii.

the code they have pledged to uphold. Aside from setting standards of behavior for

members of the profession, the creation of normative structures creates the impression

among the public that the members of that profession not only possess the requisite

knowledge to perform their responsibilities, but also that they may be trusted to execute

them in a reliable and safe manner. The implication is, therefore, that those who work

outside the professional organization may be less reliable.

Typically, professionals receive higher pay than other workers and also enjoy

greater prestige because of the scarcity of the knowledge they possess and because of

their perceived contributions to society. To be admitted into a profession, applicants

must be admitted in to a professional organization. As mentioned above, admittance

requires attaining the necessary training and pledging to uphold the ethics of the

organization. However, once these organizations form, they serve important functions

beyond establishing and maintaining professional standards. Professional organizations

also serve the important role of allowing members of the organization to create a

monopoly over a particular service. Often, these organizations regulate the number of

professionals entering the market, thereby limiting competition and allowing the

professionals to have more power in setting prices for their services. Aside from

advantages in income, professionals also enjoy the acknowledgment by society of their

educational and experiential accomplishments. In an unregulated occupation,

individuals may claim the title of a practitioner, whether or not they are trained or

competent. As a result, holding the title of a particular occupation carries very little

prestige. With the emergence of professional organizations and limited access to

various occupations, professions attain greater respect than before. Therefore,

professionalization contributes the social stratification of a society as members of

professions are distinguished from others.[65]

Some theorists consider the increased income and prestige to be ultimate goal of

professional organizations and have questioned the importance of the educational

system in producing more qualified and competent workers. Instead, they argue,

educational systems primarily confer the necessary manners, habits and social capital

that permit entrance into a given profession. Educational systems and professional

organizations do not prepare professionals and ensure quality service, they argue, so

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[65] Larson, *The Rise of Professionalism*, xv-xvii.

much as they create barriers against entrance into professions and support elevated

prestige.[66]

The development of *madhhabs* can be viewed as a process of

professionalization.[67] As jurists became the authoritative voices in the Islamic

community, those who worked in positions connected to the teaching and administration

of Islamic law solidified their positions in the community by carrying out many of the

steps described in the literature on professionalization.   As Makdisi and others have

illustrated, educational and certification requirements had been determined within

madhhabs. Typological parallels between *madhhabs* and professional organizations also

include the organization that helped define them. The most distinguished members of

madhhabs were professors or judges who worked in various cities and regions. The

careers of jurists were shaped by these leaders who could offer education and

employment opportunities to those who studied with them. Education independent of an

indentified authority, as will be illustrated below, was not recognized. These leaders,

then, controlled entrance into their profession. The *madhhabs* consisted, among other

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[66] Randall Collins, *The Credential Society: An Historical Sociology of Education and Stratification* (New York: Academic Press, 1979), 12-21.

[67] Stewart, *Islamic Legal Orthodoxy*, 26-30.

things, of groups of scholars who shared an identification with a common founder, a

method of legal reasoning, a compiled body of Islamic law produced by fellow scholars,

and a community of scholars who could help advance one's career or, in some cases,

stifle it.

Jurists who completed any of the varying degrees of education enjoyed elevated

prestige both because of their mastery of important texts and because of their

identification with a class of recognized scholars. Those outside of the *madhhabs* relied

on the members of these groups to insure the quality of the legal opinions they

composed and the training of new jurists. *Madhhabs* acted as self-regulatory bodies,

which held the responsibility of training and accrediting their own members.

Professionals, in general, attempt to monopolize the practice of a particular type

of work in order to enjoy greater financial reward. However, in the case of the religious

sciences and Islamic law, not all could expect to become wealthy. In the *Muqaddimah*,

Ibn Khaldūn (d. 1406) discussed the various types of work and the income they could

generate. Concerning religious work, he observes:

> Now, the common people have no compelling need for the things that religious (officials) have to offer. They are needed only by those special people who take a particular interest in their religion. (Even) if the offices of mufti and judge are needed in case of disputes, it is not a compelling and general need. Mostly, they can be dispensed with. Only the ruler is concerned with (religious officials) and (religious) institutions, as part of his duty to look after the (public) interests.[68]

As Ibn Khaldūn observes, religious officials in general were not paid as well as others because the demand was not as great for most of their services. Ibn Khaldūn composed the *Muqaddimah* while living in the West, where the financial sponsorship of *madrasahs* and other religious institutions was not as prominent as Cairo, Damascus and other cities.

However, as *madrasahs* and other institutions began to spread, provision for religious scholars grew, even if demand from the common people did not. Ibn Khaldūn realized this as well. In describing the importance of Cairo as a location of learning, he attributed this trend to two factors. The first was Egypt's stable and developed civilization. The second was the foundation of *madrasahs* and *khānqāhs* by Turkish

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[68] Ibn Khaldūn, *The Muqaddimah: An Introduction to History*, 2 vols, trans. Franz Rosenthal (New York: Pantheon Books, 1958), 2:334.

rulers. He notes that the Turkish rulers, seeking to preserve their wealth for their

descendants, created these institutions:

> As a consequence, mortmain endowments became numerous, and the income
> and profit (from them) increased. Students and teachers increased in numbers,
> because a large number of stipends became available from the endowments.
> People traveled to Egypt from the ʿIrāq and the Maghrib in quest of knowledge.
> Thus, the sciences were very much in demand and greatly cultivated there.[69]

Ibn Khaldūn's observations confirm many of the claims of modern historians concerning

the connection between political and religious elites. However, he offers insights into the

function of *madrasahs* in creating positions for religious scholars who might not

otherwise enjoy financial support.

The connection between *madhhabs* and *madrasahs* becomes significant.

Madhhabs established a monopoly in dispensing legal rulings and producing qualified

judges, but this monopoly resulted in limited financial gains for many of their members.

Madrasahs helped to create the demand that made membership in a particular *madhhab*

profitable. This trend in Syria has been noted and studied by Joan Gilbert.

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[69] Ibn Khaldūn, *The Muqaddimah*, 2:435.

Professionalization of the *ʿUlamāʾ* in Syria

Joan Gilbert wrote an extensive study of the expansion of *madrasahs*, *khānqāhs*,

and other institutions in Damascus from the late eleventh century through the thirteenth

century. During this period, Gilbert suggests, most of the ʿ*ulamāʾ* found employment in

these locations, leading to an institutionalization and professionalization of the ʿ*ulamāʾ.*

The institutionalization of Islamic scholarship refers to the "permanent provision of

special places of instruction, residence, and employment for a majority of scholars and

lasting endowments to pay salaries of personnel and building costs."[70] At the end of the

eleventh and early twelfth centuries, *madrasahs* began to be founded across Damascus.

Between 468/1076 and 658/1260, eighty-five *madrasahs* were built. Thirty-four were

Shāfiʿī *madrasahs*, thirty-five were Ḥanafī, four were combined Ḥanafī and Shāfiʿī

madrasahs, nine were Ḥanbalī, and three were Mālikī. Using al-Nuʿaymī's description of

these *madrasahs*, she calculated the number of professors employed during this time

period to be three hundred thirty-two. The creation of this large number of paid

scholastic positions transformed the ʿ*ulamāʾ* and their employment patterns. Prior to the

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[70] Joan Gilbert, "Institutionalization of Muslim Scholarship and Professionalization of the ʿUlamaʾ in Medieval Damascus," *Studia Islamica* 52 (1980): 105-135.

growth of the *madrasah* as an institution, members of the ʿ*ulamāʾ* commonly held

employment performing other work in order to supplement their incomes.[71] Gilbert

surveyed 1,000 legal scholars and Sufi shaykhs in her study of this period, and of the

legal scholars that she investigated, none of the 156 Hanafī legal scholars held secular

jobs, only five of the 195 Shāfiʿī jurists, three of the ninty-one Ḥanbalī scholars, and only

one of the nineteen Mālikī scholars. Hadith scholars, who made up over half the

scholars studied in this survey, were found to hold secular jobs much more frequently

than legal experts. However, by the end of the Ayyubid period, the number of hadith

instructors holding full-time positions teaching students had increased significantly as

well.[72]

Teachers of Islamic law, who had previously been required to find secular work in

order to supplement their incomes, seem to have been able to live comfortably on the

salaries provided by the new institutions that began to appear so quickly in Damascus.

The remunerations that the scholars received would not have placed them among the

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[71] Hayyim J. Cohen, "The Economic Background and the Scholarly Occupations of Muslim Jurisprudents and Traditionalists in the Classical Period of Islam (until the middle of the eleventh century)," *Journal of the Economic and Social History of the Orient* XIII (January, 1970): 16-61.

[72] Gilbert, "Institutionalization of Muslim Scholarship," 125-6.

very wealthy or the poor, but somewhere between the two. Later, during the Mamluk

period, scholars were able to hold multiple positions in institutions and could attain

higher degrees of wealth.[73]

Gilbert's work demonstrates the extent to which *madrasahs* and other institutions

attracted Islamic religious leaders; however, while she recognizes that an

institutionalization and professionalization of the *'ulamā'* was unfolding, she does not

explore the ways in which this process transformed the social and educational practices

of the *'ulamā'*, choosing instead to examine the economic and political factors that were

involved in the process. Also, Gilbert uses the terms professionalization and

institutionalization in reference only to the attachment of these groups of scholars and

Sufis to the physical buildings which they occupied. While she identifies and documents

a crucial moment in the development of these groups, by limiting her discussion to

buildings and payments in her discussion of the *'ulamā'*, she misses the other crucial

elements that defined *madhhabs* as institutions and the practices that distinguished

instructors of law as a profession.

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[73] Gilbert, "Institutionalization of Muslim Scholarship," 125.

Plan of the Dissertation

This dissertation will explore the role of *madrasahs* and *madhhabs* in the professionalization of the instruction of Islamic law and changing the process of legal education in Mamluk Cairo. While scholars affiliated with *madhhabs* had established many of the texts, educational standards, practices and behaviors that were associated with legal instruction beginning in the tenth century, legal instruction did not remain static. Like the *madhhabs*, which grew and changed through the centuries, legal education was transformed as it was practiced in a different time periods and regions. The works that aspiring jurists studied included foundational texts such the Qurʾān and hadith, as well as works of law and legal theory developed by leading figures in their tradition, but they also studied the works of more contemporary figures and the methods practiced by their law professors. Similarly, as legal education was practiced in different contexts, the traditions used in study circles changed over time. The rise of *madrasahs* touched every aspect of legal education. While many of the traditions surrounding education remained intact and continued in *madrasahs*, others changed dramatically.

The professionalization of jurists and law professors had begun well before the construction of *madrasahs*, but *madrasahs* created new demand for those who taught and studied Islamic law, and as the leading figures from each *madhhab* began to teach almost exclusively within their walls in Cairo, these figures redefined many of the social and educational practices that characterized legal education. This study will discuss how those who taught in *madrasahs* and other foundations came to dominate legal education and the effects this change had on legal education.   Because of the wealth of texts from the Mamluk period, which were produced by these scholars, a detailed picture of jurists and their *madrasahs* can be created.

The second chapter will discuss the lives of several law professors and examine how they came to hold positions in *madrasahs* and other locations. It will explore the educational qualifications earned by the scholars, including the certificates they earned, the works they studied and the books they wrote. This chapter will discuss the relationships that these scholars built that helped them acquire these positions as well.

The third chapter will argue that *madrasahs* changed the social status of professors significantly. Demonstrating how *madrasahs* increased the income of professors will be the first step in proving this. *Madrasahs* had an enormous economic

impact both on the communities of which they were a part and on the individuals who

worked within these institutions. A variety of sources cast light on this topic, but none

contribute more information than the *waqf* documents for the *madrasahs* and their

cognate institutions. *Waqf* documents provide a detailed description of the buildings and

the living quarters contained in each one, giving a clear picture of the standard of living

enjoyed by the employees. They also contain lists cataloguing the salaries received by

the various workers in the *madrasah*, including the overseer, professors, students,

imams, cooks, cleaners, and others.   This information was commonly known in the

institution, so that the employees could protect their interests as defined in the

foundation deed. Gathering and comparing this information allows the assessment of

the relative prestige and importance of various positions both within and between

institutions.

Additionally, this chapter explores the various positions held at *madrasahs* and

discusses their responsibilities as described in *waqf* documents. Comparing the material

taught with salaries assigned to each reveals the value that each position held in the

eyes of the founder, and, to an extent, in Mamluk society in general. The daily operation

of *madrasahs* and their architectural development will be considered as well.

The fourth chapter explores how the professionalization of law professors in the context of *madrasahs* changed the process of education and access to knowledge. Ibn al-Ḥājj (d. 737/1336), wrote a detailed critique of *madrasahs* and individuals involved in training students in Islamic law. His work provides useful insights into the practices that helped to control the spread of knowledge and maintained the status of those entrusted to pass that knowledge on to others.[74]

The work of Ibn al-Ḥājj (d. 737/1336) points to the increased social standing of professors. Prior to the development of the *madrasah* as an institution, professors may have received some reimbursement for their services, but in the *madrasah* system, professors had guaranteed income, a building in which to teach and live, and a staff of employees at their service, in addition to the students who attended their classes faithfully as required for their own compensation. Holding a position in a *madrasah* brought financial security and connection to the more powerful families among the *ʿulamāʾ* and the ruling Mamluks. Ibn al-Hājj's work suggests that the additional income and prestige caused many professors to avoid contact with lower classes and individuals they considered beneath their own position, and he finds this distinction intolerable. In

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[74] Muhammad Ibn al-Ḥājj, *Madkhal al-sharʿ al-sharīf*, 4 vols, Bayrūt: Dar al-Kutub al-ʿAsrīyah, 2005.

his view, professors and other leading scholars in the community should make

themselves available to all Muslims in order to guide them toward right conduct and

behavior. If scholars held lower social positions, it would follow that they would be more

open to interacting with a broader spectrum of individuals in society.

By limiting access to knowledge to a select group of individuals, professors

insured their privileged position. When they entered study in a *madrasah*, students

joined a unique environment. They would have learned the social practices that their

professors practiced and emulated them. This reproduction of knowledge, social status

and income formed quickly and continued throughout the Mamluk era. A careful study of

these markers of social distinction and how they were tied to the development of the

madrasah and education will clarify the some of the changes that took place in legal

education as the *madrasah* became the center of Islamic education and the instruction

of Islamic law became an established profession.

The fifth chapter examines the implications of the professionalization of the

instruction of Islamic law for the actual training of jurists. While other studies have

denied that the presence of *madrasahs* significantly altered the way in which students

learned and professors taught,[75] ample evidence exists that as professors' social status

increased and their work increased in value, they changed their approaches to

instructing students.   Comparing works on education written before the Mamluk period

to those written during it by Ibn Jamāʿah and Ibn al-Ḥājj as well as al-Ghazzī's from the

early Ottoman period demonstrates that while many of the conventions that had

characterized Islamic legal education before the Mamluk period remained, others were

transformed on account of the effects of teaching in *madrasahs* and other foundations.

Conclusion

While perhaps not acting as degree-granting institutions like modern American

universities, *madrasahs* clearly played a far more important role in the educational

process than many studies on this topic to date have allowed. *Madrasahs* appear not

only to have been the central location for the instruction of individuals entering into legal

professions, but also to have served to create the economic and social conditions which

helped law professors attain greater social prominence in society and among the

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[75] Berkey, *Transmission of Knowledge*, 23; Chamberlain, *Knowledge and Social Practice*, 82-4.

ʿulamāʾ. This elevation in social and economic status, in turn, contributed to professors'

development of methods of instruction that restricted access to education during the

Mamluk period. This dissertation attempts to clarify the process of the

professionalization of Islamic legal scholarship and its results for Islamic education more

generally.

Chapter Two

Professors and Appointments: Recognizing and Creating Authority

Obtaining a teaching appointment at a *madrasah* or similar institution marked an important moment in a jurist's career. As a professor, the jurist would obtain regular income, a group of students to teach, a place to teach, and, in many cases, a residence. Instructors in *madrasahs* enjoyed special recognition as experts in law and additional social prestige. For those who held multiple teaching posts, obtaining more positions only widened their influence, strengthened their reputation and increased their wealth. For these reasons, appointments to teach were highly sought after. Competition to obtain them was strong, and many jurists ingratiated themselves with the powerful in order to win them.

For the founders of institutions and others with the authority to appoint professors, the choice offered the opportunity to gain the gratitude and, perhaps, the loyalty of a prominent jurist or judge from among the *ʿulamāʾ*. Sultans and amirs sought to control appointments for just these purposes. However, the decision to choose an

appointee was often more complicated than an exchange of power. This chapter

examines the factors that contributed to the selection of professors in various

institutions, particularly the Baqariyyah, a *madrasah* founded in the fourteenth century. It

also considers the factors that made a jurist a desirable appointee. This chapter will

discuss the establishment of the Bulqīnī family and its rise from obscurity to one of the

most powerful families in the educational and judicial systems as well. While political

and personal connections and familial influence clearly played roles in the selection of

jurists for appointments, their reputations as scholars often determined the choice. This

practice reflects the importance of recognized credentials within *madhhabs*, which

established and approved professional standards. Professors needed to have the

required skills to teach in institutions, as stipulated in their foundation deeds, and they

needed to enjoy the recognition of their community of scholars.

The *Baqariyyah Madrasah*

In the middle to late eigth/fourteenth century, a high-ranking official in the

Mamluk government, Shākir b. Ghuzayyil, known as Ibn al-Baqarī, commissioned the

construction of a *madrasah* near the mosque of al-Ḥākim in Cairo. The Baqariyyah, as

the *madrasah* came to be known, became a center for the study of Shāfiʿī law. Little is

known about the *madrasah* itself. Maqrīzī does not describe its endowment, the number

of students that who maintained there or many of the other details that would be helpful

in understanding the function of a *madrasah*, and its *waqfiyyah* seems to have passed

out of existence, which may explain why this *madrasah* is rarely referred to in scholarly

research. Maqrīzī does, however, tell us something about Ibn Baqarī and the officials he

appointed to teach at the school.

Ibn al-Baqarī was raised as a Coptic Christian among a family that served in

several governmental positions under the Mamluks. His family moved to Cairo from the

western village of Baqar. Ibn al-Baqarī held a number of positions in the government,

but it was his skill in fiscal transactions which helped him to attain the position of

controller of the sultan's treasures and munitions (*nāẓir al-dhakhīr*) under the rule of al-

Malik Nāṣir al-Dīn al-Ḥasan (r. 748-752/1347-1351).[1] The ascension of a Copt to high

rank, particularly the position of chief of the treasury, was not uncommon.[2] However, it

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[1] Petry, *Civilian Elite*, 398

[2] Petry, *Civilian Elite*, 215.

appears that Ibn al-Baqarī's rise to power may have been facilitated by his conversion to

Islam.

Maqrīzī reports that his promotion came from the influence of the Ustādār, Amir

Sharaf al-Dīn ibn al-Azkashī, who also appeared to have some role in Ibn al-Baqarī's

conversion to Islam. Maqrīzī notes that Ibn al-Baqarī converted as a result of al-

Azkashī's efforts.[3] Despite this interesting connection, it cannot be determined whether

his appointment was due to his conversion, because the dates of his conversion and

appointment are not recorded. It was entirely possible for Copts, during this period, to

attain high positions while remaining Christian. Ibn al-Baqarī's own nephew rose to the

position of vizier, and the biographical sources do not mention that he converted to

Islam. Nevertheless, it appears that the relationship between al-Azkashī and al-Baqarī

extended beyond their work for the sultan.

Al-Baqarī's administrative influence continued to grow. In addition to his work as

the controller of the sultan's treasure and munitions, he also began to oversee the

sultan's personal wealth and property. Eventually, he also took on responsibility for the

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[3] Maqrīzī, Taqī ʾl-Dīn Aḥmad, *Al-Mawāʿiz wa-l-iʿtibār bi-dhikr al-khiṭaṭ wa-l-āthār*, 3 vols. (Al-Qāhirah: Maktabat Madbūlī, 1998), 3:508.

oversight of *waqf* properties.[4] These positions brought Ibn al-Baqarī a great deal of

prestige and wealth. Officials who oversaw such a large number of properties tended to

amass their own fortunes quickly. Ibn al-Baqarī chose to use some of his own wealth to

found a *madrasah*.

There are several reasons why he might have chosen to do this. As a recent

convert to Islam, he may have wished to demonstrate his commitment to his newly

adopted faith. Contributing such a large sum of money to a religious institution would

have been a clear indication of the genuine nature of his conversion. Had he converted

to Islam in order to promote his career in the Mamluk government, a gift of this nature

would have aided his dissimulation.

Carl Petry has argued that Copts tended to be appointed to the position of *nāẓir*

precisely because of their exposed position as a religious minority. If a Copt were

accused of embezzlement, a sultan could carry out the process of seizing the official and

torturing him for information on his wealth without significant protest from his supporters.

Also, by promoting a dependent class of bureaucrats to this position, sultans could

demand that they embezzle funds from religious endowments on behalf of the ruler.

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[4] Maqrīzī, *Khiṭaṭ*, 508.

Copts, once again, would not be in a strong position to refuse the sultan.[5] By converting

to Islam and becoming a prominent sponsor religious officials, Ibn al-Baqarī would have

affiliated himself with the religious majority that might have come to his aid should he

have faced pressure from the sultan.

As the overseer of religious endowments (*nāẓir al-awqaf*), Ibn al-Baqarī would

have had the responsibility of insuring that the money generated by lands and properties

set aside for endowments made its way into the institutions it was meant to fund. This

office would have put him in the position to interact with a number of funders, overseers,

and employees of *madrasahs*. He would have had firsthand knowledge of the practices

and importance of these schools. His position may have contributed to his decision to

fund his own school.

Maqrīzī writes that Ibn al-Baqarī also held the position of accountant (*mustawfī*)

for the *madrasah* of al-Nāṣir al-Ḥasan, perhaps the greatest *madrasah* built during

Mamluk times, during its construction.[6] Being involved with a project of this size may

have inspired him to undertake a similar project himself. Because the sultan was

engaged in completing such a magnificent undertaking, his subordinates may have felt a

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[5] Petry, *Civilian Elite*, 215.

[6] Maqrīzī, *Khiṭaṭ*, 3:508.

need to imitate their patron and endow religious institutions themselves. This activity

had been a trend under the regime of Ṣalāḥ al-Dīn, two centuries earlier. Several of his

amirs undertook construction projects on smaller scales than their patron, and their

shared efforts in building distinguished the government officials who joined the leader in

his efforts. Ibn al-Baqarī, who had amassed his fortune through the good will of al-Nāṣir

al-Ḥasan, may have felt a subtle compulsion to give to the religious community and to

demonstrate values similar to those of the sultan. The experience that he would have

obtained by overseeing the collection and disbursement of funds generated by endowed

property and his participation in the construction of the mosque and *madrasah* of al-

Ḥasan would have given him at least the technical knowledge that would have been

useful in endowing and building his own *madrasah*.

Aside from Ibn al-Baqarī's political relationships, motives to build a *madrasah* can

also be inferred from his relationships with religious leaders of the community. Maqrīzī

writes that Ibn al-Baqarī lived in a morally outstanding way. He had a good reputation in

the community, and developed close relationships with the scholarly class (*ahl al-ʿilm*) in

general and the scholars of Islamic law (*al-fuqahāʾ)* in particular. He was generous in all

kinds of charities. It is in this context that Maqrīzī tells us that Ibn al-Baqarī

commissioned the building of this *madrasah*. Rather than being politically motivated,

Maqrīzī suggests that this action was consistent with his general pious demeanor,

although the strength of this statement is reduced by the fact that Maqrīzī does not seem

to attribute ulterior motives in the foundation of religious institutions in any case. The

foundation of the *madrasah* is viewed as the generous act of a pious man who had close

relationships with legal scholars.

Maqrīzī does not describe the individuals to whom Ibn al-Baqarī became closest

in detail, but he does list the first two professors of law who taught at the school. Ibn al-

Baqarī seems to have had closer relationships with Shāfi'ī jurists. Shāfi'ī law students

enjoyed the use of the *madrasah*, and Ibn Baqarī appointed as the teacher of law the

renowned Shāfi'ī scholar Ibn al-Mulaqqin. He also appointed Kamāl al-Dīn ibn Musa al-

Damīrī, whom Maqrīzī describes as Ibn al-Baqarī's shaykh, perhaps his Sufi master, to

teach at the *madrasah* as well.[7] Ibn al-Mulaqqin was perhaps the best known of the two,

but Ibn al-Baqarī seems to have had the closest relationship with al-Damīrī. The close

relationship between the scholar and founder of the *waqf* seems to have played an

important role in the *madrasah's* foundation.

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[7] Maqrīzī, *Khiṭaṭ*, 508.

Al-Damīrī appears to have been an important figure among Cairo's religious

leaders. He was born around 742/1341 in Cairo, where he first worked as a tailor.   He

later decided to undertake the study of the Islamic sciences and began to study with

some of the most outstanding teachers of his day.[8] Al-Damīrī studied law with Bahāʾ al-

Dīn al-Subkī (d. 773/1372) for many years. Al-Subkī was a famous jurist from a very

well-known family of jurist. During his career he taught at a number of *madrasahs* in

Cairo where al-Damīrī most likely studied with him.   Al-Damīrī also studied law with

other leading Shāfiʿī scholars including al-Nuwayrī, al-Isnawī, al-Bulqīnī, in addition to Ibn

al-Mulaqqin, his colleague at the Baqariyyah. Each of these distinguished scholars held

numerous appointments in *madrasahs* throughout Cairo. It is very likely that al-Damīrī

spent several years studying in these *madrasahs* with them. He also pursued studies in

other areas beyond law, including literary and linguistic sciences. Al-Sakhāwī writes that

he excelled (*baraʿa*) in Arabic, hadith and interpretation of the Qurʾān. Al-Damīrī

continued his study beyond Cairo, traveling to Mecca and Medina in order to study with

well-known scholars in those cities. He eventually attained a doctorate in Islamic law,

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[8] Shams al-Dīn Muḥammad Al-Sakhāwī, *Al-Ḍawʾ al-lāmiʿ li-ahl al-qarn al-tāsiʿ*, 12 vols. (Bayrūt: Dār Maktabat al-hayāt, 1966), 10:59.

permission to teach and issue *fatwās*.[9] He wrote a number of commentaries and on law

and grammar, including epitomes (*mukhtaṣars*) on al-Nawawī's *Minhāj* and other works.

Additionally, he composed a zoological study, *Ḥayat al-Ḥayawān*, the work for which he

is best known.

Al-Damīrī acquired a number of appointments around Cairo. The first that al-

Sakhāwī mentions is an appointment at al-Azhar, which had a number of teaching

positions. He taught on Saturdays at al-Azhar. He also taught hadith in the mausoleum

of the Baybarsiyyah. On Fridays he taught a *mīʿād* at the Baqariyyah, and on Friday

afternoons, he taught Arabic and rhetoric at the mosque of Ẓāhir in the Ḥusayniyyah. Al-

Damirī also taught and issued *fatwās* in Mecca while making one of his numerous trips

there.

In addition to his reputation as a scholar of Islamic law, al-Damīrī also was well

known as a Sufi and was buried in the Sufi cemetery in Cairo. Al-Sakhāwī relates that

he excelled in pious practices, including fasting, Qurʾān recitation and visiting the holy

cities of Mecca and Medina. Al-Sakhāwī mentions too that he performed the pilgrimage

to Mecca on several occasions, and after completing his ritual obligations, al-Damīrī

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[9] Al-Sakhāwī, *al-Ḍawʾ*, 10:60.

tended to stay on in Mecca and Medina for an extended time (*mujāwarah*). On these

occasions, he studied with the leading scholars in Mecca and Medina, and, after he had

established his own reputation as a leading scholar, he instructed others there as well.

In fact, he became so close to the leading figures there that he married the daughter of a

scholar in Mecca. Performing the pilgrimage could be a dangerous and difficult. His

willingness to go many times speaks to the nature of his piety. Beyond these actions

that distinguished his piety, there are also accounts that seem attribute supernatural

abilities to him.   Even al-Sakhāwī, who was no great fan of Sufis, acknowledges these

reports. Sakhāwī relates that Ibn Ḥajar had told him that al-Damīrī was "famous for

performing miracles."[10] Al-Suyutī also mentions al-Damīrī's miracles.[11]

Al-Damīrī had attained considerable stature in both his roles as a Shāfiʿī jurist and

as a pious Sufi. His biography reveals the qualifications that prepared individuals to take

on the leadership of a *madrasah* in general and what may have drawn Ibn al-Baqarī to

appoint him to teach in particular. Al-Damīrī had established himself as an able

transmitter of hadith, having taught hadith at al-Azhar and the Barsbayiyyah. In addition

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[10] Al-Sakhāwī, al-Ḍawʾ, 10:61.

[11] Jalāl al-Dīn ʿAbd al-Raḥmān Al-Suyūṭī, *Ḥusn al-muḥāḍara fī tārīkh miṣr waʾl qāhira*, 2 vols. (Bayrūt: Dār al-Kutub al-ʿIlmīyah, 1997), 1:367.

to his skill in hadith, he had studied with some of the most outstanding scholars of

Islamic law of his time. He was awarded an *ijāzah* to teach law and issue *fatāws*. This

certificate appears to have been an important prerequisite to teach in a *madrasah*.

These skills seem to have been foundational to obtaining a teaching appointment in law.

Al-Damīrī also attained respect as a writer. He wrote several commentaries on

grammar, law and other topics, demonstrating his abilities as an author and a jurist.

These qualifications made him an attractive candidate, but perhaps not the most

outstanding. Other jurists had studied and written more. What seems to have

distinguished al-Damīrī was his close relationship with the founder. Since Maqrīzī

identifies al-Damīrī as Ibn al-Baqarī's Sufi master, it is clear that they had a close

relationship. Maqrīzī had a close friendship with al-Damīrī. Sakhāwī reports that Maqrīzī

wrote glowing things about him, even going as far as saying that he loved al-Damīrī.[12] In

many ways, the friendship between al-Damīrī and Ibn al-Baqarī must have been rather

complex. On the one hand, Ibn al-Baqarī would have held significant power and

authority because of his position in the government. He had enormous wealth and

command of vast resources. On the other hand, Ibn al-Baqarī would have had little

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[12] Al-Sakhāwī, *al-Ḍaw'*, 10:61.

standing among the religious elite. His recent conversion to Islam might have brought

him into a new circle of relationships among Muslims, but he most likely would have

been entering in as an outsider, particularly in the world of Islamic scholars who had

spent their lives studying and memorizing sacred texts. As he studied and spent time

with al-Damīrī, he would have been in a subordinate position, learning many of the basic

practices of the tradition. Adding to this gap in religious authority would have been al-

Damīrī's status as a Sufi. Al-Damīrī's devotional practices made him well-known among

his fellow scholars and most likely among the general population as well. With his

reputation as a performer of miracles, al-Damīrī possessed a unique standing as a very

good legal scholar and one who had a close relationship with God as demonstrated by

his miraculous achievements.

Both al-Damīrī and Ibn al-Baqarī held powerful positions in their respective

spheres of influence, but the foundation of the *madrasah* probably set them on more

equal footing. As the founder of the school, al-Baqarī probably would have held the

respect and appreciation of the law students and professors whom he funded. In turn,

he would have extended respect to his spiritual guide, al-Damīrī. It can also be assumed

that Ibn al-Baqarī had some sympathies and attraction to Sufi practices, given his choice

of shaykhs. Al-Damīrī was likely al-Baqarī's Sufi shaykh.

Ibn al-Mulaqqin

Ibn al-Mulaqqin had a reputation as one of the greatest jurists of his age. He was

born in Cairo in 723/1331 after his father and mother had emigrated from Spain. His

father was a scholar as well, but died while Ibn al-Mulaqqin was a young boy. His

mother remarried to ʿĪsā al-Maghribī, who held a post as a reader of the Qurʾān at the

mosque of Ibn Ṭūlūn. Ibn al-Mulaqqin derived his name from his stepfather, but al-

Sakhāwī relates that he despised the name and never used it himself. His education

began, as did that of most of his companions, with the memorization of the Qurʾān and

other important introductory works, such as the *ʿUmda*, a popular work of hadith, and Ibn

Mālik's *Alfiyyah*. He studied with his father's advanced students and began to work

through more advanced material in law and hadith. Initially, he began studied the Mālikī

madhhab, but he later affiliated with the Shāfiʿīs. His professors were some of the most

prominent experts in the field, headed by Taqī al-Dīn al-Subkī and including other figures

such as Jamāl al-Dīn al-Isnawi, Kamāl al-Dīn Nashāʾī and ʿIzz al-Dīn b. Jamāʿah. Al-

Sakhāwī indicates that he received permission to issue *fatwās* and teach law during the

course of his studies, which took him from Cairo to Damascus, Jerusalem, Mecca and

Medina.[13] He worked with a large number of experts in hadith, a field in which he seems

to have attained particular distinction. In addition to his careful study in this area, he

wrote commentaries on many of the major hadith and legal works. One of his

commentaries, on the *Ṣaḥīḥ* of Bukharī, was twenty volumes long.[14]

Ibn al-Mulaqqin wrote many more commentaries, abbreviated versions of longer

works and annotated copies of works by others. Al-Sakhāwī dedicates nearly three

pages of his biographical entry to listing the books Ibn al-Mulaqqin authored, and he

estimates that Ibn al-Mulaqqin composed over three hundred volumes. The main focus

of his works appears to be commentaries on hadith and approaches to Islamic law.

However, he also wrote commentaries that dealt with works on grammar, such as Ibn

Mālik's *Alfiyyah*, and he also wrote *Ṭabaqāt* works recording the lives of Shāfiʿī jurists

and prominent Sufis.[15]

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[13] Al-Sakhāwī, *al-Ḍawʾ*, 6:100-101.

[14] Al-Sakhāwī, *al-Ḍawʾ*, 6:22.

[15] Al-Sakhāwī, *al-Ḍawʾ*, 6:102-103.

In addition to his work as a student and scholar, Ibn al-Mulaqqin held several positions as a judge and as a teacher. He worked for a while as a deputy judge, but abandoned the position and requested to be released from his obligation. He was granted this request, but was later appointed as judge again of the eastern provinces.[16] After a while, he left this position to his son and limited himself to teaching at various institutions. He taught at the Sābiqiyyah *madrasah*. In fact, Ibn al-Mulaqqin was established as the first professor of Shāfiʿī law and *miʿād* in the Sābiqiyyah by the founder, the eunuch Amir Sābiq al-Dīn Mithqāl al-Anūkī.[17] He also taught law at the mosque of al-Ḥākim in 763/1361-2, as well as holding a position at the hadith school, al-Kāmiliyyah.

Ibn al-Mulaqqin distinguished himself as a tremendous scholar, and al-Sakhāwī relates that he was one of the three greatest scholars of his age. He was the greatest living scholar in the study of hadith, the second best in teaching the Shāfiʿī *madhhab*, and third most accomplished scholar in writing books.[18] Ibn al-Mulaqqin was dedicated

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[16] Al-Sakhāwī, *al-Ḍawʾ*, 6:104.

[17] Maqrīzī, *Khiṭaṭ*, 3:515.

[18] Al-Sakhāwī, *al-Ḍawʾ*, 6:105; Abū Bakr ibn Aḥmad Ibn Qāḍī Shuhbah, *Ṭabaqāt al-fuqahāʾ al-Shāfiʿīyah*, 4 vols. (Al-Qāhirah: Maktabat al-Thaqāfah al-Dīnīyah, 1998), 2:284.

to his work at the mosque of al-Hākim and formed close relationships with Sufis in particular.

His biographers describe him as a tall, good-looking man who enjoyed the company of those he taught, and the list of students that he instructed is impressive. Ibn al-Mulaqqin instructed a large number of students, who sought him out for his extensive knowledge of law and hadith. However, his dedication to his study and students seems to have kept him from interacting with those who lived outside the world of Islamic scholarship. Al-Sakhāwī describes him as being "cut off from the people; he did not go out riding, unless he had a lesson to teach or go for a casual stroll."[19]

Ibn al-Baqarī desired to establish a *madrasah* with an excellent reputation. In order to do that, he appointed scholars who themselves were well-known for their piety and learning. Ibn al-Mulaqqin was one of the most accomplished scholars in a city of scholars. His presence would have brought in a number of students from around Cairo to attend his lessons. Students who attended his lessons would have been able to attain certificates of learning and teaching for an enormous number of hadith and legal works in addition to a number of other fields that many other scholars could not offer.

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[19] Al-Sakhāwī, *al-Ḍawʾ*, 6:104.

Obtaining these permissions (*ijāzāt*) would have distinguished one as a capable scholar,

and by studying with a scholar with a reputation as strong as Ibn al-Mulaqqin's, students

would have bolstered their own standing. Also, because so many appointments were

based on students' connections, having a supporter with the reputation of Ibn al-

Mulaqqin would have helped their prospects of finding work as well. Appointing Ibn al-

Mulaqqin to teach at the *madrasah* instantaneously gave this new institution recognition

in the community of scholars.

Likewise, appointing al-Damīrī helped to establish the school as an important

center. Al-Damīrī's reputation as a scholar did not approach Ibn al-Mulaqqin's, but he

was a respected teacher and author who also received important appointments in other

institutions. Al-Damīrī does not appear to have been the principle teacher of law, as that

was Ibn al-Mulaqqin's role, but as the *mīʿād*, he would have read and explained some on

the most important texts in preparing students for their study of law. Because he had

studied and written commentaries on these works himself, he had established a

reputation as one who could have taught these works at an advanced level. Both

scholars, it is important to note, had been granted certificates to issue legal opinions and

to teach law, the highest formal qualifications available those who aspired to teach.

Attracting scholars of this caliber would have gained the Baqariyyah notice in the

world of Islamic scholarship. Students would have been highly motivated to attend this

new institution. However, this motive does not seem to be the only one that influenced

Ibn al-Baqarī when making his choices. He also selected al-Damīrī, a scholar with whom

he had a close relationship. As a new convert to Islam, Ibn al-Baqarī may have desired

to carry out his own education in his *madrasah* under the supervision of a trusted shaykh

and Sufi master. Al-Damīrī would have been a selection that would have not only been

attractive to the larger pool of law students, but for his own education as well.

Al-Damīrī would have brought another element to the school as well. In addition

to his accomplishments as scholar of Islamic law, al-Damīrī seems to have possessed

certain charismatic powers. If he had the reputation of one who had the power to

perform miracles, it can safely be assumed that many other people outside the world of

Islamic law would have taken more of an interest in the institution as well. The nature of

al-Damīrī's miracles are not described in the sources, but many Sufi miracles tended to

manifest themselves in the service of the common people, whether by means of healing

or special knowledge.[20] Having a figure reputed to possess these abilities almost

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[20] Vincent Cornell, *Realm of the Saint* (Austin: University of Texas Press, 1998), 114-17.

certainly would have attracted the attention of the surrounding community, and drawing

in members of the community may have been one of Ibn al-Baqarī's goals. Establishing

a *madrasah* with outstanding scholars almost certainly would have ingratiated the

religious scholars of the community to Ibn al-Baqarī, but by bringing in a figure with these

perceived powers, Ibn al-Baqarī may have earned the respect, or at least the interest, of

the larger community surrounding the *madrasah*.

There are other indications that appealing to the community may have been one

of Ibn al-Baqarī's goals in founding the *madrasah*. *Madrasahs* in many ways were

closed off to the public, but often they would open their doors during times of prayer so

that the neighbors could join with the professors and law students in prayer. The prayer

leader would have been one of the most visible figures in the *madrasah* to the general

community. Ibn al-Baqarī selected Zayn al-Dīn Abū Bakr b. Aḥmad al-Naḥwī to hold this

position. Al-Maqrīzī describes him as an excellent prayer leader. He writes that during

"the month of Ramadan, the people would travel [a long way] to hear him recite prayers

performed at night during Ramadan (*ṣalāt al-tarāwīḥ*), because of the emotion in his

voice, the beauty of his inflection, and the excellence of his performance." In addition to

his abilities as a prayer leader, al-Naḥwī also had the necessary academic qualifications.

He knew both the seven and the ten readings of the Qurʾān as well as the *shawādhdh*

('deviant' readings).[21] By appointing an imām with such broad popularity, Ibn al-Baqarī

made his *madrasah* into a destination not only for the intellectual elite, but also for the

average Muslim, who enjoyed a well-recited prayer. The *madrasah* bearing his name

would have been discussed in positive terms in the community, indirectly bringing honor

to Ibn al-Baqarī himself.

Ibn al-Baqarī arrived in Cairo from Dār al-Baqar and ascended to one of the

highest positions in the government. He converted from the Coptic faith of his family to

become Muslim. The construction of a *madrasah* would have provided a means for Ibn

al-Baqarī to establish himself as he moved through these transitions. He strengthened

his ties with the religious elite in the community. He provided a place for prayer among

the community at large. He established his name and reputation in his newly adopted

city. In constructing the *madrasah*, Ibn al-Baqarī constructed a new identity for himself in

his new city and among the followers of his faith.

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[21] Maqrīzī, *Khiṭaṭ*, 508.

Al-Ḥijāziyyah

Although most *madrasahs* were founded by men, at least a few were founded by

prominent women in Mamluk society.[22] The Ḥijāziyyah was founded by al-Sitt al-Jalīla

Khawand Ṭaṭar al-Ḥijāziyyah. She was married to Amir Baktamur al-Ḥijāzī and was the

daughter of Sultan Nāṣir Muhammad b. Qalāwūn (d. 741/1341). Ḥijāziyyah accumulated

enough wealth to establish a *madrasah* in her own name and built a large and well-

appointed school for Shāfiʿī and Mālikī law students.

The *madrasah* was designed to serve the scholarly and general communities in

Cairo. Maqrīzī reports that the *madrasah* was built close to her palace. In addition to

serving the purpose of educating Mālikī and Shāfiʿī students, the *madrasah* also was

equipped with a pulpit from which Friday sermons could be delivered and an imām was

appointed to lead the five daily prayers, which were probably open to the general

community. It also was built with a high minaret in order to carry out the call to prayer.

The *madrasah* also contained a library for the faculty and students to use.

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[22] Berkey, *Transmission of Knowledge*, 163-64.

The *madrasah* served as a tomb for the burial of Ḥijāziyyah. It contained a

dome-shaped tower, *qubbah*, in which she was interred. From a window in the *qubbah*,

Qurʾān readers recited verses from the Qurʾān day and night, offering blessings to the

departed founder, those who visited her tomb, and possibly to those below on the street,

if they had been able to hear. The *madrasah* was built, in part, to serve as a place of

burial for the Sultan's daughter.[23]

The *madrasah* also served social functions within the community. It contained a

fountain to provide water for those living in its vicinity. Also, it helped support a number

of orphans. A primary teacher was appointed to teach the orphans the Qurʾān. They

were also given high quality bread to eat each day and a little money. During the

summer and winter the children were also given a new set of clothes to wear.

In addition to the stipends provided to those living in the *madrasah*, the residents

also received special allowances for food during holidays. They were given meat on *ʿīd*

al-aḍḥā, cake and sweets during *ʿīd al-fiṭr*, and meals prepared during the month of

Ramadan.[24] Maqrīzī describes the *madrasah* as one of the most beautiful in the city.

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[23] Maqrīzī, *Khiṭaṭ*, 487.

[24] Maqrīzī, *Khiṭaṭ*, 487.

Living and studying in such an impressive atmosphere must have attracted a broad

range of students.

Sirāj al-Dīn al-Bulqīnī

The Ḥijāziyyah *madrasah* seems to have been well equipped in its physical

structure and by its endowments to serve the both community and the scholars who

lived and worked there; however, the building needed to be associated with excellent

scholars in order to receive recognition as one of the best schools in Cairo.   The

Ḥijāziyyah had tremendous success in appointing a well-know Shāfiʿī scholar, Sirāj al-

Dīn al-Bulqīnī (724-805/1324-1403). Sirāj al-Dīn had moved to Cairo from Bulqīnah, a

village in the Egyptian delta. While living in the Delta, he memorized the Qurʾān and

studied other important texts such as Ibn Mālik's *Alfiyyah* and *al-Kāfiyah* and *al-*

Shāfiyah, two books by Hisham al-Ansari, on syntax and morphology. When he turned

twelve, Sirāj al-Dīn traveled with his father to Cairo, where he continued his education.

Al-Sakhāwī states that he studied with a large group of scholars, including Taqī

al-Dīn al-Subkī and Jalāl al-Dīn al-Qazwīnī, and he goes on to claim that he "exceeded

them in his intelligence, the extent of his memorization, and his understanding of the

law."[25] He traveled to Bulqīnah and then returned to settle down in Cairo. He spent a

good deal of time with Taqī al-Dīn al-Subkī, whom al-Sakhāwī identifies as his one of his

most important teachers, as well as several other scholars. In addition to his study of

Shāfiʿī law, Sirāj al-Dīn also spent time with experts specializing in interpretation of the

Qurʾān, Arabic and literature. He seems to have excelled in his studies, and caught the

attention of one of his professors, Ibn ʿAqīl. Sirāj al-Dīn did advanced study with

(*lāzama*) Ibn ʿAqīl, who took not only a professional interest in Sirāj al-Dīn, but a personal

interest as well. Sirāj al-Dīn married his daughter, and Ibn ʿAqīl played an important role

in advancing Sirāj al-Dīn's career.

The relationship between Ibn ʿAqīl and Sirāj al-Dīn gives us some insight into the

relationships that helped launch a jurist's career. While Sirāj al-Dīn distinguished himself

as a student, he seems to have benefited from joining an established family in Cairo.

Coming from the delta, he may have had contacts with others who had emigrated from

that region to Cairo. Petry has found that a good number of residents of the Gharbiyyah

province where Bulqīnah is located had established themselves in various religious

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[25] Sakhāwī, *al-Ḍawʾ*, 75.

institutions and within the government bureaucracy, although they often served as lower

level functionaries.[26]   However, joining a well-known family through marriage appears to

have helped al-Bulqīnī's ascent in Cairo's society. Sirāj al-Dīn seems to have advanced

his own career through hard work and study. By distinguishing himself as a student of

Taqī al-Dīn and other prestigious scholars, he appears to have brought himself to the

attention of the religious leadership of the community, but marrying into the family of Ibn

ʿAqīl established familial bonds with an outstanding scholar, which proved to be valuable

in attaining governmental and religious appointments.

It was not uncommon for a teacher to marry a daughter to one of his most

promising pupils in order to ensure her future financial well-being. The fact that Ibn ʿAqīl

did so indicates the esteem that the teacher had for the student. By joining the family of

the teacher, the student then became his heir, particularly if the professor had no male

heirs of his own.   Because many of the teaching and administrative positions in the

Mamluk government were passed frequently from fathers to sons and sons-in-law,

marrying into an important family would have opened doors for advancement.

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[26] Petry, *Civilian Elite*, 45-47.

Ibn ʿAqīl (694-760/1294-5-1359) studied law, and most likely grammar, with Abū

Ḥayyān al-Gharnāṭī al-Andalusī, the leading grammarian at the time, for twelve years, a

teacher also mentioned prominently in Sirāj al-Dīn's list of instructors. Ibn ʿAqīl attained

a strong reputation as a scholar. Ibn Qāḍī Shuhbah refers to him as a consummate

scholar, the head of the *ʿulamāʾ* (*raʾīs al-ʿulamāʾ*), and the heart of Shāfiʿī jurists in all of

Egypt.[27] He also studied under al-Qazwīnī, another of Sirāj al-Dīn's professors. He

attained a number of teaching positions in Cairo including teaching interpretation of the

Qurʾān at the *madrasah* of Ibn Ṭūlūn, a position he held for twenty three years, teaching

Islamic law at a Zāwiyat al-Shāfiʿīyah,[28] as well as teaching law at the Quṭbiyyah

madrasah. In addition to these teaching posts, he served as a deputy judge for ʿIzz al-

Dīn Ibn Jamāʿah, another teacher he shared with Bulqīnī, Subkī, and Qazwīnī as well.

Ibn ʿAqīl was a respected member of society. Ibn Qāḍī Shuhbah writes that he

had strong character and held the favor of the leaders of society. However, he did not

earn this favor by visiting them and acting obsequiously toward them. Instead, important

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[27] Ibn Qāḍī Shuhbah, *Ṭabaqāt*, 2:169-170.

[28] Ibn Jamāʿah also worked as a professor at the Zāwiyat al-Shafiʿiyyah connected to the mosque of ʿAmr. Berkey discusses his inheritance of this office from his father. The appointment deed for this *madrasah* is preserved in Qalqashandī 11:228.

individuals would come to his house to seek advice.[29] Perhaps the apex of his career

occured in 759/1358 when he was appointed chief judge of Egypt by the powerful amir

Ṣarghitmish. He held this position for only eighty days, a brief interruption in the chief

judgeship of ʿIzz al-Dīn b. Jamāʿah, which would have otherwise run without pause from

738-766/1338-1365.[30]   Ibn ʿAqīl had worked as a deputy judge for Ibn Jamāʿah,

overseeing the districts of Giza and Fustat. Before that he had worked for Qazwīnī, the

chief judge from 727-738/1327-1338, as the deputy of the Ḥusayniyyah. Ibn ʿAqīl

became involved in a dispute with a Ḥanbalī judge, upseting ʿIzz al-Dīn Ibn Jamāʿah and

causing him to remove Ibn ʿAqīl from his position as a deputy judge. Ṣarghitmish

became angry because of Ibn Jamāʿah's action and removed him from the position of

chief judge, appointing Ibn ʿAqīl the chief judge in his place. Ṣarghitmish kept Ibn ʿAqīl

as chief judge for only eighty days before returning Ibn Jamāʿah to his position. By

taking this action, Ṣarghitmish affirmed his support for Ibn ʿAqīl and reminded Ibn

Jamāʿah of his reliance on Ṣarghitmish. Ibn ʿAqīl continued working as a professor and

had apparently amassed a rather large fortune during his time as a judge.

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[29] Ibn Qāḍī Shuhbah, *Ṭabaqāt*, 2:170; Ibn Ḥajar, *Durar,* 2:163.

[30] Al-Ṣuyūṭī, *Ḥusn al-muḥāḍara*, 2:160.

Ibn ʿAqīl was a well-trained and well-connected jurist in Cairo. He spent years serving in the highest ranks of the judiciary, maintaining oversight of some of the most populated areas of Cairo before he was elevated to the position of chief judge. In addition, he held a number of important teaching positions. By marrying into this family, Sirāj al-Dīn al-Bulqīnī found access to some of the highest positions available to legal scholars. Ibn ʿAqīl gave Sirāj al-Dīn one of his first appointments to the judiciary, where he would enjoy a long career. Also, it appears that Sirāj al-Dīn took over a few of Ibn ʿAqīl's teaching posts. They both taught at the Khashshābiyyah zāwiyah at the mosque of ʿAmr, and they both taught *tafsīr* at the Mosque of Ibn Ṭūlūn.

Beyond the benefits he received from his father-in-law, he also seems to have gained advantages by studying with other prestigious members of the scholarly community, including Tāqī al-Dīn al-Subkī and Jalāl al-Dīn al-Qazwīnī. Both of these scholars served as chief judges of Egypt, and both maintained reputations as excellent scholars. Qazwīnī (666-739/1267-8-1338) moved to Damascus from Anatolia with his family while he was still a young man. He studied with some of the leading scholars in the city and soon was appointed as a deputy judge serving under his brother. He also served as a deputy judge for Ibn Ṣaṣrā, the chief judge of Syria. Qazwīnī distinguished

himself in literary arts as well as in Islamic law and received appointments do deliver the

Friday sermon in the Damascus Mosque. Before long, Sultan Nāṣir Muḥammad took an

interest in his career and elevated him to the position of chief judge over Syria in

724/1324. Then, in 727/1326-7, he was appointed chief judge over all of Egypt.[31] In

addition to this prestigious position, Qazwīnī also had the responsibility to distribute *waqf*

income designated for a Sufi institution. This position would have further augmented an

already substantial income. He also presented petitions to the sultan at the Dār al-ʿAdl.

He apparently enjoyed a very close relationship with the Sultan, performing the

pilgrimage with him on at least one occasion. After serving as chief judge over Egypt for

eleven years, Qazwīnī returned to Syria, where he held various appointments within the

judiciary until his death in 739/1338.

Tāqī al-Din al-Subkī (687-756/1284-1355) played an important role in Sirāj al-

Dīn's education as well. Tāqī al-Dīn held numerous teaching posts and judiciary

positions in the government. He associated with some of the leading figures in the

Mamluk government who increased his prestige and the offices he held. In 739/1338,

after Qazwīnī died, he became the chief judge of Syria. He gave sermons at the

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[31] Shihāb al-Dīn Aḥmad Ibn Ḥajar al-ʿAsqalānī, *Al-Durar al-kāmina fī aʿyān al-miʾa al-thāmina* (Bayrūt: Dār al-Kutub al-ʿIlmīyah, 1998), 4:3.

Umayyad Mosque. In 742/1341-2, Qazwīnī's son took over as judge in Damascus and

Tāqī al-Dīn returned to a career teaching full-time. In 746/1345, Tāqī al-Dīn moved to

Cairo and was appointed as its judge. He moved back to Damascus in 749/1348-9 and

held various positions there.[32]

In addition to professional training, these scholars provided Sirāj al-Dīn models

for his career in many ways. They sought educations from the best scholars of their day,

and then began to move their way up through the ranks of judicial appointments and

teaching opportunities. All three moved back and forth between Damascus and Cairo,

the two major centers of Mamluk power at that time, as their career advancement

required. Likewise, they all enjoyed the favor of court officials that smoothed the way for

their progress in their careers. It seems that all three also managed to acquire rather

impressive fortunes as they completed their work, particularly in judicial and

administrative positions. While Sirāj al-Dīn did not work directly for either of these men,

he did receive an appointment to work in the Dār al-ʿAdl from Tāqī al-Dīn's son, Bahāʾ al-

Dīn.

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[32] Ibn Ḥajar, *Durar*, 3:37-42.

After serving as a deputy judge for some time, Sirāj al-Dīn's career took a

significant step forward when he was appointed as chief judge of Syria in 769/1367-8 at

the age of 45, replacing Tāj al-Dīn al-Subkī. In this position, he seems to have interacted

directly with the higher-ranking Mamluks, and, in 1391, he rode with Ẓāhir al-Barqūq into

Aleppo. Barqūq had served as one of the amirs to Yalbughā. Barqūq and other amirs

conspired to kill Yalbughā in 1366, and in 1382, Barqūq ascended to the position of

sultan, which held until 1399 with only a brief interruption in 1389. He is considered the

first of the Circassian Mamluks. Sirāj al-Dīn was appointed to serve as the judge of

Fustat. However, he did not reach the position of chief judge of Egypt.   While Sirāj al-

Dīn did not ascend to the highest position in the Mamluk judiciary, he was recognized as

the leading Shāfiʿī jurist. Al-Sakhāwī writes that that the leadership (*riyāsah*) of the

Shāfiʿīs devolved on him and that he shared it with no one.[33]

The two aspects of attaining a strong reputation as a scholar and earning

appointments within the judicial system seem to be related. While some exceptional

scholars avoided judicial appointments, many of the scholars with the greatest

reputations ascended to lucrative and influential positions within the judiciary. It certainly

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[33] Al-Sakhāwī, *al-Ḍawʾ*, 6:88.

helped a scholar's prospects if he had family connections to the powerful or relationships

with amirs and sultans. Sirāj al-Dīn's marriage into Ibn ʿAqīl's family aided him in

receiving appointments and in gaining access to some of the highest ranking members

of the Mamluk government. However, al-Sakhāwī and many other biographers make

clear that he was an outstanding scholar as well, providing evidence that he did not

advance by nepotism alone. Al-Sakhāwī mentions that he was granted an *ijāzat al-tadrīs*

wa al-iftāʾ and that he carried out advanced study with some of the leading scholars of

his age. Shams al-Dīn Muhammad b. ʿAbd al-Rahman called him the Shaykh of his age,

its Imam, and its proof. When he arrived in Damascus to act as judge, everyone was

amazed by the extent of his memory. Other writers al-Sakhāwī cites state that he had

excellent character, that the quality of the *fatwās* he issued was exceptional, and that he

had the greatest memory of all the Shāfiʿī jurists of his time.[34] In addition to these

accomplishments, Sirāj al-Dīn was also a prolific writer, producing a number of works on

hadith and Shāfiʿī law.

    Given the extent of his influence within the judiciary and the reputation he held as

a scholar, it is no wonder that students flocked to attend his lectures. As mentioned

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[34] Al-Sakhāwī, *al-Ḍawʾ*, 6:86-87.

above, Sirāj al-Dīn seems to have inherited two teaching posts from Ibn ʿAqīl, the

Khashshābīyah at the mosque of ʿAmr b. al-ʿĀṣ and instruction of *tafsīr* at the Mosque of

Ibn Ṭūlūn. However, Sirāj al-Dīn expanded the number of teaching appointments he

held considerably. He taught *tafsīr* at the Barqūqiyyah. It seems that the close

relationship that he enjoyed with Barqūq led to his appointment in his own *madrasah*.

He received appointments to teach law at four *madrasahs* additionally: the Badīriyyah,

the Malikiyyah, the Kharrūbiyyah al-Badriyyah and the Ḥijāziyyah, which was founded for

him and his descendants. In addition to the *madrasahs* to which he received

appointments, Sirāj al-Dīn also taught at a *madrasah*, which he founded.

It was very unusual during this time for a judge to found a *madrasah*. Maqrīzī

mentions only two other occurrences. The first was al-Ṣāhibiyyah, founded by Bahāʾ al-

Dīn ʿAlī b. Muḥammad Ibn Ḥannā (d. 1278-79). The family of the jurists who founded it

continued to hold teaching positions there for six generations, until the fifteenth

century. [35] The second example was the Qaysarāniyyah, founded by the judge Shams

al-Dīn Muḥammad b. Ibrāhīm al-Qaysarānī (d. 753/1352) at his home.[36] Al-Qaysarānī

also seemed to have been involved primarily in administration rather than judicial and

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[35] Maqrīzī, *Khiṭaṭ*, 458-59; Berkey, *Transmission of Knowledge*, 122.

[36] Maqrīzī, *Khiṭaṭ*, 515-16.

teaching posts, so he might not represent a true example of a scholar founding a school

where his descendants might teach. This phenomenon is rare. Perhaps, amassing the

finances for such an undertaking would have been difficult, but Sirāj al-Dīn, while

exceptional, did not hold as many posts as some of his contemporaries or predecessors

whose wealth might have afforded them the opportunity to fund a *madrasah*. Another

reason such *madrasahs* were unusual was that often the most influential members of

society were trying to win support from the *'ulamā'*. Judges as members of this class

themselves would have felt no compulsion to do so, as they were a part of the social

group whose approval was sought. Also, they would not have felt as strong a need to

preserve their wealth in this fashion. Judges would not have to fear for their

descendants' financial security in the same way that Mamluks would, particularly

someone like Sirāj al-Dīn, who was able to pass on several teach posts to his sons. It

could be that Sirāj al-Dīn wanted to teach in a place that would be designated strictly for

himself or that he wished to fund the education of young scholars. The *madrasah* itself

became the primary location where Sirāj al-Dīn and his descendants were interred, so it

might be that he wanted a specific location for his family to be buried. Sirāj al-Dīn al-

Bulqīnī was the founder of one of the most powerful judicial dynasties of the Mamluk

period. Seeing the ascent of his sons may have made him cognizant of this fact and

inspired him to build a monument that would add further glory to the family name.

The mix of power that Sirāj al-Dīn enjoyed as a judge and scholar made him an

attractive figure for those interested in supporting Islamic education. Among the four or

five *madrasahs* where he taught, one was founded specifically for him. Another was

founded by him. It also appears that Sultan Barqūq, who was closely associated with

Sirāj al-Dīn, also created a position for him to teach *tafsīr*. Other appointments were

likely given to him through a sultan who had the power to appoint professors at some

madrasahs. The way the positions were attained and accumulated gives insight into the

routes to power that scholars could follow. Through years of study, service and

networking with powerful figures, Sirāj al-Dīn established himself as a leading authority

and paved the way for generations of his descendants to hold the most prestigious

judicial and educational appointments in Cairo. It is instructive to see how the Bulqīnī

family maintained the influence that Sirāj al-Dīn gathered and even managed to expand

it over time.

ʿAbd al-Rahman Jalāl al-Dīn al-Bulqīnī

Jalāl al-Dīn (763-824/1362-1421), the son of Sirāj al-Dīn, was born in 763/1362,

and he began his course of study by working through the general texts required of

students. Jalāl al-Dīn continued by carrying out more advanced study in *fiqh* with his

father. He also studied with Tāj al-Dīn al-Subkī, and one hundred other scholars,

including his grandfather, Ibn ʿAqīl, who, al-Sakhāwī reports, issued him an *ijāzah*. He

continued doing advanced study with his father as well, until Sirāj al-Dīn issued Jalāl al-

Dīn an *ijāzat al-tadrīs wa al-iftāʾ* in 801/1398-9 when Jalāl al-Dīn was thirty eight years

old. Sirāj al-Dīn may have waited so long to issue this certificate both to ensure the

quality of his education and to demonstrate to others that he did not grant it to Jalāl al-

Dīn until his son had completed serious study. Al-Sakhāwī reports that he was amazing

both in the devotion of his piety and in his understanding of the law.[37]

One of Jalāl al-Dīn's first appointments was a seat of honor in the *dīwān al-*

inshāʾ. The *dīwān al-inshāʾ* consisted mostly of secretaries and served as a repository

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[37] Al-Sakhāwī, *al-Ḍawʾ*, 4:107-08.

for documents, an office of foreign affairs and the center for intelligence collection.[38] His

brother, Badr al-Dīn Muḥammad (d. 791/1389), held this position before him and passed

it on after he was appointed to another post. Jalāl al-Dīn then moved on to issue *fatwās*

in the Dār al-ʿAdl as had his father during his ascent through the judicial ranks. Jalāl al-

Dīn's first judicial post came as an appointment to act as a military judge. In 804/1401,

he received his first appointment as Chief Judge over Egypt. He held the post in rotation

with other judges eight times between 804/1401 and 824/1421. Despite rotating in and

out of the position many times, he held the office far longer than any other judge during

this time period, over seventeen years all together. No other judge held the office for

longer than two years. He eventually died while in the office of Chief Judge in 824/1421.

Jalāl al-Dīn was first appointed to the position of chief judge by Faraj b. Barqūq

(r. 801- 808/1399-1405, 808-815/1405-1412). Sirāj al-Dīn had established close ties

with Faraj's father, al-Ẓāhir Barqūq, and it seems that their families had remained in

contact through the succession to their sons. Jalāl al-Dīn's rise to power in the judiciary

was matched by his influence in the world of legal education. He became a highly

sought after authority in Islamic law and held a number of teaching posts throughout

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[38] Petry, *The Civilian Elite*, 204.

Cairo. He inherited a number of appointments from his father. He taught *tafsīr* at the

Barqūqiyyah and the mosque of Ibn Tūlūn. He also taught at his father's *madrasah* on

Fridays. He taught at the Zāwiyat al-Khashshābiyyah in the Mosque of ʿAmr, as well as

teaching at the Malikiyyah, the Kharābiyyah, and the Hijāziyyah. His father, too, had

held each of these positions. In addition to these, Jalāl al-Dīn also taught at the

Jīhiyyah, hadith at the Ashrafiyyah, and two other institutions while living in Damascus,

al-Bāsiṭiyyah and al-Shāmiyyah al-Barrāniyyah. These are eleven separate institutions in

total, although he could have held only the nine located in Cairo concurrently, unless a

deputy taught in his place.[39]

It was unusual that Jalāl al-Dīn opened up a special hall (*qāʿah*) in which to teach

students. Little detail is provided about this location, but his older brother apparently

began to build a special place to instruct students across from his father's school. When

his brother died at a young age, around 34 years old, Jalāl al-Dīn completed the work on

the hall and instructed students there, perhaps to accommodate the large number of

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[39] Al-Sakhāwī, *al-Ḍawʾ*, 4:108-110.

students seeking instruction from him.[40] This lecture hall remained in the family for at

least two generations.[41]

Many of the appointments in the legal and academic professions that Sirāj al-Dīn

enjoyed were passed along to his son. It is likely that even during his life, Sirāj al-Dīn

began to shift some of the volume of his work to his son and deputies. Because his son

was so familiar with his own teachings and would inherit these positions before long,

Sirāj al-Dīn probably had his sons teach as his deputies or relinquished some positions

to his sons. The practice of passing on these appointments to family members was not

uncommon.

ʿAlam al-Dīn Ṣāliḥ al-Bulqīnī

ʿAlam al-Dīn Ṣāliḥ (791-868/1389-1464), Sirāj al-Dīn's third son, also rose to

prominence in the judiciary and in legal education. ʿAlam al-Dīn began his education

with his father at an early age. By the age of eight, he led Ramadan prayers in his

father's *madrasah*. ʿAlam al-Dīn went on to do advanced study with his father in *fiqh*,

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[40] Al-Sakhāwī, *al-Ḍawʾ*, 4:107.

[41] Al-Sakhāwī, *al-Ḍawʾ*, 9:95.

uṣūl al-fiqh, Arabic, hadith and other sciences. Al-Sakhāwī also indicates that he

attended his father's lessons and that he was present when his father wrote *fatwās*. In

addition to studying with his father and brother, ʿAlam al-Dīn also studied with important

figures such as Zayn al-Dīn al-ʿIraqī, Shams al-Dīn al-ʿIraqī, Ibn Ḥajar al-ʿAsqalānī, ʿIzz

al-Dīn b. Jamāʿah and many others. After receiving a certificate to issue legal opinions

and to teach, ʿAlam al-Dīn began work as a deputy judge for his brother in Damanhūr.

After long service as deputy judge, he ascended to become the chief judge of Egypt in

826/1426, a position he held five times. In addition to his work as a judge, he taught *fiqh*

at the Malikiyyah *madrasah*. He taught *tafsīr* at the Barqūqiyyah, and he taught law at

the Khashshābiyyah, while acting as its overseer. He gave periodic lectures (*mīʿād*) and

issued fatwās at the Ḥusayniyyah *madrasah*, taught fiqh at the Sharīfiyyah. He, too,

held the position of overseer at the Barbaysiyyah *khānqāh* and the Mosque of al-

Ḥākim.[42]

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[42] Al-Sakhāwī, *al-Ḍaw'*, 3:312-14.

ʿAbd al-Khāliq b. ʿUmar

ʿAbd al-Khāliq (793-869/1390-1-1464), Sirāj al-Dīn's fourth son, also served in

the judiciary and taught, but had a far less distinguished career than those of his

brothers. Al-Sakhāwī writes that he studied with a number of scholars but did not

distinguish himself. He served a deputy judge in around Cairo and gave lectures at an

appointed time (*mīʿād*) at the Ḥusayniyyah *madrasah* and taught at the Malikiyyah.

None of his sons are noted as becoming scholars or holding positions in *madrasahs*.

Sirāj al-Dīn also had a fifth son, ʿAlī, whose accomplishments are not recorded.

The Third and Fourth Generations after Sirāj al-Dīn

The third generation of Bulqīnīs continued to hold prominent judicial and

educational positions in Cairo and Damascus.[43] Almost all the teaching positions from

the first two generations were preserved, and Qāsim b. ʿAbd al-Raḥman added positions

in the instruction of *fiqh* at the Naṣiriyyah and Zimāmiyyah *madrasahs*. The teaching

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[43] Al-Sakhāwī, *al-Ḍawʾ*, 7:293-94; 7:268-69; 9:181; 6:181-82.

posts fell to only four or five of Sirāj al-Dīn's grandsons. Four of the grandsons also held

judicial posts, taking their initial positions as deputies of their uncles and fathers.[44]

Al-Sakhāwī mentions five members of the fourth generation who attained

positions in the judiciary and *madrasahs*.[45] By far the most prominent of these was Badr

al-Dīn, Muḥammad b. Muḥammad b. ʿAbd al-Raḥman (821-890/1419-1485). Badr al-Dīn

studied with the most prominent scholars in Cairo and received his certificate to teach

and issue legal opinions from Sharaf al-Dīn al-Subkī. He excelled in a number of fields,

and al-Sakhāwī writes that students studied with him in hadith, hadith criticism, *tafsīr*,

fiqh, *uṣul al-fiqh*, *uṣul al-dīn*, logic and other areas. He worked in judicial positions,

including the military judgeship. Because of his exceptional knowledge, Badr al-Dīn

became one of the most sought-after instructors in Cairo. He also became the chief

inheritor of the Bulqīnī family *madrasah* appointments. Badr al-Dīn held at least twelve

teaching posts and a number of overseer positions in Cairo. The vast majority of these

had been held by his uncles and father before him.   Badr al-Dīn's brothers and cousins

shared fewer than five of the family's among them, even though some were respectable

scholars in their own right and held several judicial appointments. Badr al-Dīn's

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[44] Petry, *The Civilian Elite*, 236-38.

[45] Al-Sakhāwī, *al-Ḍawʾ*, 2:188-190; 11:8; 2:119-20; 5:310-11; 9:95-100.

extraordinary reputation eclipsed that of the rest of the family to the point that he took

almost complete control of the family dynasty's appointments.

The growth of the Bulqīnī family dynasty demonstrates the ways positions in

madrasahs were obtained and preserved among family members. In his discussion of

the acquisition of positions in institutions in Damascus, Chamberlain writes that the elite

engaged in intense competition to obtain these positions. Because these positions

along with judicial appointments were important means by which scholars could attain

and pass on wealth, scholars pursued them vigorously. Chamberlain compares the

attempts by elite scholars to acquire these posts to amirs' efforts to gain revenue

generating land-grants (*iqṭāʿ*). He notes that scholars appealed to sultans and others

who held power to obtain positions and that these posts could be granted and stripped

away as circumstances changed. Members of the Subkī family actively campaigned to

ensure that the teaching positions they attained would be passed on to their sons.

There are also examples of bribery to acquire a valuable position.[46]   Al-Sakhāwī does

not record that the Bulqīnīs engaged in any of these underhanded tactics. However,

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[46] Chamberlain, *Knowledge and Social Practice*, 91-107.

they were closely associated with Mamluk ruling families, who added to their positions at

times.

As the Bulqīnīs became more influential in the judiciary and in education, they

acquired more of these positions, resulting in increased prestige, authority and wealth for

the family. While Chamberlain accurately describes the social maneuvering that

resulted in the acquisition of these posts, his description of the educational background

of those who attained these positions lacks specificity. Chamberlain notes that through

the educational process, scholars hoped to be recognized as possessing *istiḥqāq*, which

communicates an individual's suitability and eligibility to hold a teaching post.

Chamberlain argues that those considered to have *istiḥqāq* were not necessarily

accomplished scholars, but rather they would have accumulated the requisite social

capital to hold the post they desired. This system was not meritocratic, as Chamberlain

describes it, but was built on political connections, social maneuvering and reputation.[47]

Because Chamberlain denies the existence of formal structure in the educational

system, he also denies that educational achievement played a meaningful role in the

attainment and retention of these posts.

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[47] Chamberlain, *Knowledge and Social Practice*, 64-66.

The biographical entries of the Bulqīnī family demonstrate a direct correlation

between educational accomplishment and the accumulation of teaching appointments.[48]

Sirāj al-Dīn's advanced learning and abilities distinguished him from other students, won

the attention of his professor, Ibn ʿAqīl, and led to his appointment to a number of

positions in the judiciary and in institutions around Cairo. Among his descendants, only

those who pursued extensive legal training earned teaching positions, and those with the

greatest accomplishments in their education attained the highest appointments and

added to the family collection of posts. Entire branches of the family fall out of the

biographical records because they did not pursue legal studies with the same

enthusiasm or success as others. Additionally, the best scholars in the family

accumulated the largest number of appointments and students. Al-Sakhāwī offers a

clear picture of the accomplishments of the most educated Bulqīnīs. He lists the

scholars they studied with, who gave them certificates, who granted them certificates to

teach and issue legal opinions, the works they composed, titles and honorifics they

possessed and other information that their contemporaries would have identified as

distinguishing their knowledge of and contributions to Islamic law and its related fields.

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[48] Petry, *The Civilian Elite*, 239-40.

While the Bulqīnīs certainly benefited from marriage alliances, political

connections, and reputation, the strongest predictor for who attained and added to the

family teaching positions was the extent of their educational accomplishments. These

accomplishments no doubt included learning proper behavior and manners that added to

their social capital, but they also required the memorization of particular texts, the

development of expertise in legal texts and their interpretation, the acquisition of

certificates and the composition of original works.

Conclusion

The selection of a professor to a teaching post at a *madrasah* was an important

decision for the founder of the institution. Personal relationships between founders and

instructors influenced the choice significantly. As discussed, the Bulqīnīs enjoyed

numerous appointments from sultans with whom they had established close ties. Al-

Damīrī received an appointment from Ibn al-Baqarī, in part because of their master-

disciple connection. However, relationships were not the only consideration, and often

were not even the most important one. Ibn al-Baqarī made Damīrī a lecturer in his

madrasah, while giving the more prestigious and more lucrative position of *mudarris* to

Ibn Mulaqqin, an individual to whom the sources indicate Ibn al-Baqarī had no prior

connection. Ultimately, Ibn al-Baqarī appears to have made his decision based upon the

academic reputation of the two scholars. Al-Damīrī's qualifications were outstanding, but

did not match Ibn Mulaqqin's.

The reputation of institutions was tied to the reputations of the scholars who

taught in them. Scholars with strong reputations attracted students, helped the students'

advancement and strengthened the reputation of the institution; all of which would bring

honor to the founder, whose name was attached to the *madrasah*. Founders and

overseers were compelled, then, to consider the reputation of scholars they appointed

and sometimes stipulated that professor be the leading Shāfiʿī jurist in the city in the

waqf document.   The reputations of scholars' intellectual abilities were built within their

respective *madhhabs* and were based on their ability to memorize crucial texts, the

scholars with whom they studied, the certificates they were granted, their success in

debates, the works they composed and other factors. Jurists kept careful account of

these accomplishments for themselves and for their peers as indicated in *Ṭabaqāt*

literature. A hierarchy of scholars existed within each *madhhab*, and ignoring this

hierarchy when selecting institutions' instructors could result in the institutions'

marginalization.

Chapter Three

The Structures and Salaries of *Madrasahs*

In the preceding chapter, the appointment of jurists to *madrasahs* and the qualifications of professors were discussed. This chapter further examines the structure of these institutions. Special attention will be given to the salaries paid those working and studying.   By studying the foundation deeds of a variety of *madrasahs*, educational and economic practices are revealed.

The salaries that professors, students, prayer leaders, doormen, the cleaning staff and other figures who worked in *madrasahs* and other institutions received were established within the *waqf* document at the founding of the institution. These salaries were not static and could fluctuate during the life of the institutions, but taken together, the information given in foundation deeds provides a series of snap shots that illustrate the comparative income that professors of various subjects could expect to earn. In addition to the wages of *madrasah* employees, from these documents, a larger picture of the economic life of the *ʿulamāʾ* connected to these institutions can be derived.

This chapter will explore these documents and explain the various posts that existed within *madrasahs* during the Mamluk period. An examination of these positions will elucidate the routine of daily life at *madrasahs* and illustrate the activities that were carried out within these institutions, at least as imagined by their founders. Additionally, the salaries earned by these individuals will be listed and discussed to provide a glimpse of the hierarchy that existed within the institutions. The salaries assigned to each position will be compared across time and institutions. While the *ʿulamāʾ* are frequently referred to as a single unified group, the fact that individuals and positions within *madrasahs* were assigned a wide variety of salaries indicates that a hierarchy existed within the *ʿulamāʾ*, at least within *madrasahs*. The question of whether or not this hierarchy stretched beyond the *madrasah* will be addressed in the following chapter.

Limitations and Possibilities

In order to explore how institutions, particularly the *madrasah*, shaped the income of scholars, it is invaluable to examine *waqf* documents, written at the foundation of the institution. Each foundation deed records the boundaries of the property, provides

a detailed description of the architectural layout of the buildings, and also addresses the

function of the various employees working there.   A brief job description of those

working at the institution is provided so that the school or Sufi lodge would continue the

work that it was established to do according to the vision of the founder. Most

importantly for this discussion, *waqf* documents also offer detailed descriptions of the

financial organization of the schools. Founders not only contributed to an institution by

donating the building materials and paying for labor required for its construction, but also

set up means both to pay the salaries of those who worked there and to maintain it

continuously. In order to do that, the founder would donate farms, markets, and other

revenue-generating holdings to the institution. The administrators of the institution would

collect money from those who worked in these places and disperse it according the

requirements set out in the *waqfiyyah* document. This flow of money served to maintain

the salaried workers, teachers and students as well as contributing to the upkeep of the

facilities. In this way, an institution could theoretically continue functioning according to

the wishes of the founder for all time.

In reality, a number of factors could, and did, disrupt the functioning of

institutions. Buildings were destroyed in fires, wars or accidents and could not be rebuilt

with the limited funds available in their endowments. Sultans or other powerful figures

seized control of institutions' buildings or profit-generating holdings either to enrich

themselves or in order to build their own institutions. Not only could such catastrophic

incidents destroy these institutions, more moderate problems or occurrences might

render the *waqf* document obsolete. Currency used at the time foundation documents

were written could change in value or purity. If coins, such as the *dirham nuqrah*, or

silver dirham, became debased overtime, the payment listed in the *waqf* document

would need to be adjusted to reflect the current value. Additionally, the income

designated for institutions could be temporarily reduced if the revenue producing

properties could not function because of political upheaval, war, unfavorable Nile levels,

or one of the periodic outbreaks of the plague which dramatically reduced the population

of Egypt during the Mamluk period. Most *waqf* documents provided stipulations on how

institutions should function in these circumstances, many indicating the order in which

those working and studying at the *madrasah* would lose their income. Nonetheless,

administrators faced constant decisions regarding how they should modify the payments

listed in foundation deeds. For these reasons, it is difficult to assume that the

information recorded in *waqf* documents reflects the actual practice within the *madrasah*

over the life of the institution. Naturally, this inconsistency complicates comparisons

between the income levels of those who worked at *madrasahs* across time.

Further hindering the study of salaries is the limited number of *waqf* documents

that have survived. The number that have survived is relatively small in comparison to

the number of *madrasahs* that existed during this period, and the *waqf* documents that

have survived tend to come either from large institutions founded by sultans or from the

smaller institutions built by their amirs. The smallest schools are hardly represented in

the archives at all.[1]

Despite these limitations, the available foundation deeds do reveal valuable

information about the responsibilities of those who worked in *madrasahs* and other

similar institutions and their financial standing. Leonor Fernandes has used the

information in these documents to uncover patterns of patronage exercised by the

Mamluk elite, as well as to examine both the function of these institutions in society and

the activities that were carried out inside them. I am especially indebted to Fernandes'

pioneering work in the compilation of many of these institutions' salary structures.

Jonathan Berkey has also drawn extensive information about the function of *madrasahs*

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[1] Berkey, *Transmission of Knowledge*, 15-16; Fernandes, *The Evolution of a Sufi Institution*, 3-9.

and other institutions from *waqf* documents. This study reviews some of these earlier

findings and contributes to them by focusing on the direct relationship these salaries had

on the social standing of the *ʿulamāʾ* and how this increased social standing in turn

shaped the educational process. In particular, I discuss how the various levels of

income assigned to professors contributed to social stratification within the *ʿulamāʾ* in

Cairo. As a result of the emergence of these schools, professors of Islamic law found

themselves with an increased number of job opportunities and relatively high pay. This

increase in pay brought greater social status and standing in the community. As a

result, the instruction of law became a far more profitable endeavor than it had been

earlier. In effect, this process of assigning varying levels of value was not limited only to

those who held these jobs, but also to the knowledge they possessed.   Comparisons

between the salaries of law professors, hadith professors, *tafsīr* professors, instructors of

Qurʾān recitation, prayer leaders, Qurʾān readers, and other workers reveals the privilege

that law professors enjoyed in their work.

The Value of Knowledge

Islamic scholars had a strong interest in rating knowledge according to its

importance. When Ibn Jamāʿah ranked subjects according to the importance of their

knowledge, he rated them in the following order: the most important book to study is the

Qurʾān, followed by hadith, next interpretation of the Qurʾān, then interpretation of hadith

(*tafsīr al-hadith*), next dogmatic theology (*uṣūl al-dīn*), and finally jurisprudence (*uṣūl al-*

fiqh).[2]

Although scholars' rankings of the fields of knowledge by importance vary, there

is remarkable consistency in listing the Qurʾān and hadith as the most important areas of

knowledge followed by other fields. The rational for the rankings varies somewhat and

reflect the prejudices of various scholars. However, Ibn Jamāʿah's statements are

particularly interesting. It is a bit surprising that he, as a scholar who built his career as a

judge and a professor in a *madrasah*, lists his field of expertise as ranking behind so

many others in importance. This tendency is also present in his writings on the

instruction of students. Large portions of his work are dedicated to the methods of the

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[2] Chamberlain, *Knowledge and Social Practice*, 161.

teaching the Qurʾān and hadith, but he devotes little space to explaining the process of

teaching more advanced works on legal theory and jurisprudence. It is no surprise that

he would devote so much attention to the Qurʾān and hadith; an encyclopedic knowledge

of the Qurʾān and hadith were requirements for understanding Islamic law and issuing

legal opinions. However, the lack of discussion concerning Islamic law is unexpected

given the personal interest he had in training legal scholars and that the book includes

an entire section devoted to explaining proper behavior in *madrasahs*, schools dedicated

to teaching law.

Part of the rationale of determining the order of these rankings lies in the role that

types of knowledge play in helping individuals attain a blessed eternity. Knowledge of

the law was important, but it was more crucial that individuals should have knowledge of

the teachings of God through the Qurʾān and hadith.   One could spend a lifetime

gathering exceptional knowledge of the Qurʾān and hadith alone, and many scholars did

just that. These scholars developed reputations of being highly learned and important

members of the *ʿulamāʾ*. Likewise, scholars who specialized in the study of commentary

of the Qurʾān (*tafsīr*) built reputations and authored impressive scholarly works in their

fields. Similarly, theologians, grammarians, experts in Arabic, Sufi adepts and other

scholars were all recognized for their expertise. The greatest scholars often attained

mastery over several of these fields. But which was the most important area in which to

attain mastery?

Among the *ʿulamāʾ* the answer to that question varied according to the individual

writers' preferences, backgrounds, ideological commitments and perhaps their own

fields of study. However, the relationship between social status and one's field of

knowledge was not determined by the *ʿulamāʾ* and their intellectual debates over the

preferential fields of study. The *ʿulamāʾ* did not produce a great deal of capital by

themselves. Their knowledge might provide them with significant prestige, particularly

among their fellow *ʿulamāʾ*, but they either were forced to rely on their own work or on

the generosity of wealthy patrons in order to earn a living or amass wealth. In the early

periods, *qāḍīs*, or judges, built relationships with rulers most successfully. Omid Safi

comments on this relationship in his work on the Seljuk period. The Seljuks under

Niẓām al-Mulk built an extensive network of *madrasahs*, Safi argues, in order to help

establish state control of ideology. Jurists were crucial players in this process because

of their role not only in communicating knowledge, but also in handing down legal

decisions in *fatwās* and making decisions on cases as judges.[3]

Because of their influence over the affairs of the state, jurists received far more

attention from those in power. Judges and those who developed important legal

opinions were brought gradually under state influence. This process contributed to the

growth and spread of *madrasahs*. Jurists' knowledge became far more valuable to

those in power than the type of knowledge possessed by others' whose fields had fewer

direct implications on the administration and rule of the state. While experts in hadith,

tafsīr, recitation of the Qurʾān, prayer leaders, calculators of prayer times, or other fields

might spend as much time in study and writing as experts in *fiqh* and their knowledge

might even have greater value in terms of the ritual and spiritual well-being of the

community, their services had less demonstrable value to those in power than those who

specialized in law. For this reason, jurists and judges were frequently paid more and

received greater benefits than any other group among the *ʿulamāʾ*. One exception was

the leaders of Sufi orders, whose popularity and influence with the general population

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[3] Safi, *The Politics of Knowledge*, 82-104.

made them important political forces as well. These figures too found themselves to be

the chief beneficiaries of state institutions.

Another factor contributing to the preferential treatment of jurists among the

ʿulamāʾ is that their specialization demanded their mastery of several other fields of

knowledge in addition to *fiqh*. In his book on Islamic education, *al-Durr al-Naḍīd fī ʿĀdab*

al-Mufīd al-Mustafīd, Muḥammad al-Ghazzī (d. 984/1577) ranked the various fields of

knowledge according to their importance. Like Ibn Jamāʿah, he worked as a Shāfiʿī

judge and as a *mudarris* in several *madrasahs* during the Mamluk period and later under

the Ottomans in Damascus and Cairo. Al-Ghazzī also specialized in instruction of *fiqh*,

and his manual offers far more explicit information on what a jurist needs to know in

order to issue *fatwās* than Ibn Jamāʿah provides. Al-Ghazzī devotes an entire section of

his work to explaining the importance of legal knowledge (*al-ʿIlm al-sharaʿī*). Because of

the specificity of his goal in composing his work, al-Ghazzī's work is not as inclusive in

its scope as those of Ghazalī and others who evaluated larger trends in knowledge.

However, even with a narrow scope al-Ghazzī ranks his own specialization of *fiqh*

behind the study of the Qurʾān and hadith among the three fields of legal knowledge:

study of the Qurʾān, hadith, and *fiqh*. Al-Ghazzī tells his readers that the most crucial

area they must master is Qurʾān. In addition to memorizing the Qurʾān, al-Ghazzī

includes *tafsīr*, interpretation of the Qurʾān, as being in the same category of

knowledge.[4] Ibn Jamāʿah and other scholars listed *tafsīr* as being in a separate

category. Significantly, in his ranking of legal knowledge, al-Ghazzī considers

commentary on the Qurʾān to rank in importance even above knowledge of hadith. This

order is unusual, though, because experts in *tafsīr* rely so heavily upon hadith in order to

make their interpretations. Ibn Jamāʿah listed *tafsīr* as a separate field immediately

following hadith. However, understanding the proper interpretations of the Qurʾān would

be imperative for a legal scholar, and it is understandable that al-Ghazzī would rank

tafsīr so highly.

     After knowledge of the Qurʾān and its interpretation, al-Ghazzī lists hadith as the

next most important area among the three fields of legal knowledge. Hadith, the sayings

and actions of the Prophet Muḥammad, represented an enormous body of knowledge.

Each hadith consists of two parts, the chain of transmitters, *isnad*, and the statement or

action of Muḥammad recorded, *matn*. Scholars would memorize hundreds and even

thousands of these traditions. Al-Ghazzī, following the traditional scholarship on this

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     [4] Badr al-Dīn Muḥammad Al-Ghazzī, *Al-Durr al-naḍīd fī adab al-mufīd wa-al-mustafīd*
(Jīzah: Maktabat al-Tawʿīyah al-Islāmīyah, 2006), 91-93.

topic, divides the study of hadith into two separate fields. The first is *riwāyah*, which

consists of hearing hadith traditions and either memorizing the saying or recording the

statement in a notebook that the scholar could refer to as needed.[5] The goal of this

practice was to become as closely linked to the prophet Muḥammad through as few

transmitters as possible. For that reason, scholars would seek out older members of

society who had heard sayings from reliable transmitters whether or not they were men

or women, rich or poor, highly educated or not.

The second area in the study of the field of hadith discussed by al-Ghazzī is

dirāyah, which consists of determining the reliability of various traditions. Measuring the

accuracy of hadith required the scholar to study the soundness of each tradition through

a number of methods. One of the most common means was to examine the life and

reliability of each individual person mentioned in the chain of transmitters. Ibn Ḥajar al-

Asqalanī, a scholar living during the Mamluk period, wrote an enormous biographical

dictionary detailing the lives of the transmitters of traditions. After careful scrutiny,

scholars assigned each hadith a designation indicating its reliability. This designation,

ranging from highly reliable to corrupt, allowed the scholars to decide how they would

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[5] Al-Ghazzī, *Al-Durr*, 93.

apply it in making a legal decision. Reliable traditions were cited frequently as evidence

for legal rulings, while less reliable traditions tended to be ignored when determining a

legal question. This area of knowledge tended to fall under the purview of the *'ulamā'*

rather than those outside the educated elite who might participate in *riwāyah*.

The last of the three fields of legal knowledge al-Ghazzī mentions is *fiqh*, or law.

Even within the specific designation of legal knowledge, *fiqh* ranked behind the Qurʾān,

hadith and their ancillary sciences in al-Ghazzī's estimation.[6] Most professors employed

by *madrasahs* instructed students in *fiqh*. Within the *madrasah* system, a larger number

of professors was assigned to teach *fiqh* rather than hadith or *tafsīr*, and more students

were given stipends to study *fiqh* rather than the Qurʾān or hadith. This arrangement

may seem contradictory, given that these other fields were foundational to the study of

fiqh and that they seemed to be deemed more important within the community at large.

However, it does make sense when one considers that in order to become an expert in

law, professors had to master these other fields as well, as al-Ghazzī indicates. Making

legal decisions as laid out in al-Ghazzī's manual requires the individual to have

exceptional knowledge in *tafsīr* and the study of hadith. In that way, even though

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[6] Al-Ghazzī, *Al-Durr*, 99-102.

knowledge of the Qurʾān was more revered within the community as a whole because of

its foundational role to the faith and practice in the Islamic tradition, legal scholars could

demand a higher salary for their work because there were few who could master all

three areas of study. This is the same logic behind the contemporary idea that thoracic

surgeons can charge more than general practitioners for their medical services. The

higher rates of pay for teachers of law, then, were not solely determined by their political

value and connections. The exceptional amount of study required to become a scholar

qualified to issue legal rulings and to teach set these scholars apart from others and

helps explain both their unique social and economic status and the monopoly they had

established in issuing legal rulings.

Al-Ghazzī's and Ibn Jamāʿah's writings demonstrate an idealized hierarchy that

indicates of the value of religious knowledge with the most important fields being the

study of the Qurʾān and hadith and the study of law following third in al-Ghazzī's ranking

and a distant fourth in Ibn Jamāʿah's evaluation. However, the market placed a higher

value on knowledge of law and the ability to issue legal rulings. Because experts in law

were required to master multiple fields of knowledge and because of the political and

social value of their knowledge, those who became experts in law demanded greater

compensation for their work. A careful study of *madrasahs* and their salary structures

confirms this argument.

The *Madrasah* of Sultan al-Nāṣir Muḥammad b. Qalawūn

The *madrasah* of Sultan al-Nāṣir Muḥammad b. Qalawūn (r. 693-694/1293-1294,

698-708/1299-1309, 709-741/1310-1341) was completed in 703/1303 during al-Nāṣir's

second reign. This very large *madrasah* housed students and professors from each of

the four main Sunni schools of law, and provided four *īwāns* off the central courtyard as

locations for professors to instruct students. The Mālikīs were awarded the honorary

position of the *īwān* located in the direction of the *qiblah*, while the Ḥanbalīs were given

the second most prestigious *īwān*, directly across from the *qiblah*. The Shāfiʿīs took the

northern recess and the Hanafīs were assigned the southern recess.[7] This was a highly

unusual arrangement; most frequently, the Shāfiʿīs, the most influential *madhhab* in

Egypt, claimed the *īwān* located in the direction of the *qiblah* when all four schools were

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[7] Taqī al-Dīn Aḥmad Maqrīzī, *Kitāb al-sulūk li-maʿrifat duwal al-mulūk*, 4 vols, ed. Muḥammad Muṣṭafa Ziyāda and Saʿīd ʿAbd al-Fattāḥ ʿAshūr (Al-Qāhirah: Lajnat al-Taʾlif wa-al-Tarjamah wa-al-Nashr,1934-73), 1:3, 1043.

represented in a particular *madrasah*. The Ḥanafīs, the preferred school of the

Mamluks, enjoyed this privilege also in a number of *madrasahs*. Mālikīs and Ḥanbalīs

usually did not experience this preferential treatment. Al-Nāṣir Muḥammad seems to

have had a close relationship with the Mālikī chief judge, Zayn al-Dīn al-Mālikī, who was

appointed to teach at the *madrasah* and whose descendants were guaranteed positions

in the *madrasah* as well.[8] The close relationship between Zayn al-Dīn and al-Nāṣir

Muḥammad may explain the unusual preference the Mālikīs enjoyed in this particular

madrasah.

In addition to the cruciform design, providing four vaulted *īwāns* off the main

courtyard where the four *madhhabs* gathered for instruction, the *madrasah* was

equipped with sleeping quarters that extended three floors above the main floor between

the *īwāns*. The students who lived in the *madrasah* could sleep, study and find solitude

in these rooms. The minaret was exceptionally decorated, and several of the portals

were intricately carved. The *madrasah* was also equipped with a mausoleum, originally

intended to be the final resting place of al-Nāṣir Muḥammad. However, al-Nāṣir

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[8] Maqrīzī, *Sulūk*, 1:3, 1041.

Muḥammad was buried without ceremony in the mausoleum of his father in order to

avoid reprisals from his enemies after his death.[9]

The *madrasah* employed several professors, students and other workers. The

waqf document that has been preserved by Maqrīzī describes the number of workers

who were employed at the *madrasah* and their general responsibilities. The foundation

deed indicates that the building was designated as a *madrasah* and was meant to carry

out the job of educating young men to become trained jurists.

The central figure in the education of the young men in the *madrasah* was the

mudarris, or law professor. Each *madhhab* would have one professor who was

assigned to oversee the education of the students. The overseer had the authority to

appoint the professors, although the Mālikī professor was to be a descendant of Zayn al-

Dīn al-Mālikī. The professors' principle duty was to instruct the students in their *majlis*,

or class, which would meet in the *īwān* designated for their *madrasah*. The *waqfiyyah*

indicates that each *madhhab* would gather for study "between sunrise and noon."[10]

The *waqf* document is fairly general in its description of what the professors

would teach the students. The first required topic of instruction was in the points of law

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[9] Behrens-Abouseif, *Cairo of the Mamluks*, 152-156.

[10] Maqrīzī, *Sulūk*, 1:3, 1045.

of their *madhhab*. Specific books from which professors must instruct the students are

not mentioned by name. In addition to training students in the specific aspects of law of

their given *madhhab*, the professor also had the responsibility to facilitate the students'

study of *tafsīr*, theology, and "other topics."[11] The founder of the *madrasah* expected the

professors who taught there to have the ability to train students in a several fields of

knowledge. The other topics that remain unnamed could range from any number of

fields including grammar, Arabic, inheritance calculation, and the calculation of prayer

times. Scholars frequently specialized in one of these additional fields that would have

aided them in performing their role as religious leaders. Biographical dictionaries also

indicate that many scholars mastered the arts of rhetoric for analysis of scriptural proof

texts. Members of the *ʿulamāʾ* had to be able to compose legal documents, sermons

and abridgements of important works. Additionally, they wrote histories, biographical

dictionaries, poetry to be read at dedications and other official events and many other

genres of literature. The vague reference to "other topics" in the *waqf* would have

allowed professors with various abilities to teach topics ancillary to the law to their

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[11] Maqrīzī, *Sulūk*, 1:3, 1045.

students while remaining within the stipulations of the role defined for them by the

foundation deed.

The *waqfiyyah* also states that after the professors from each school complete

their study session, they should meet with students to facilitate the reading of the

Qurʾān.[12] Although al-Nāṣir Muḥammad's *madrasah* was a larger *madrasah* founded by

a sultan as a funerary complex, the number of professors available was limited, and

each *mudarris* had to perform many functions. In some of the larger *madrasahs*,

separate professors instructed students in *tafsīr*, Qurʾān recitation and other fields. In

the Nāṣiriyyah, the professor of law had to cover these subjects alone. It is worth noting

the areas that the *waqfiyyah* specifically requires the professor to teach, the Qurʾān,

tafsīr, and points of law, all fall under the legal knowledge (*ʿIlm sharaʿī*) listed by al-

Ghazzī. The only area mentioned by al-Ghazzī not taught by the professor is hadith,

and the *madrasah* employed a separate hadith instructor to handle those

responsibilities.

Another important figure in the lives of the students at the *madrasah* was the

muʿīd, or repetitor. The repetitor listened to the students repeat the lesson given by a

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[12] Maqrīzī, *Sulūk*, 1:3, 1045.

professor to insure that they had properly memorized the text studied.[13] A professor

would select two members of their *madhhab* who had undergone the necessary

instruction at the *madrasah* or elsewhere and had demonstrated exceptional ability for

these positions. The professor would then employ that student to assist him in

instructing students at the *madrasah*. The *mu'īds'* responsibilities at Nāṣir Muḥammad's

madrasah covered several areas. The *mu'īds* examined the students (*isti'rāḍ*) over the

material which they had studied in the professor's lessons. They also offered support to

students who struggled with their studies. The *waqfiyyah* specifies that the *mu'īd* should

explain the material covered in the lesson to whoever should need help and correct any

misunderstanding they may have. He should also excite the interest (*yuraghghib*) of the

students in their work.[14]

 In addition to the instructions on the repetitors' responsibilities, the *waqfiyyah*

also explains behavior the *mu'īds* should avoid, a rare occurrence in a foundation deed.

The writer expressly prohibits repetitors from forbidding students to ask questions that

may help them understand the material better.[15] Graduate students may have been in

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[13] Makdisi, *Rise of the Colleges*, 102-3.

[14] Maqrīzī, *Sulūk*, 1:3, 1046.

[15] Maqrīzī, *Sulūk*, 1:3, 1046.

the habit of silencing students during the professor's lectures. Rather than facilitating

the learning process, some *muʿīd*'s may have worked to protect the professors for whom

they worked from exhausting questions. In order to receive mention in a *waqf*

document, this practice must have been fairly common, since very few prohibitions are

listed in job descriptions.

Although the *muʿīds* interacted with the students on an individual basis, the

waqfiyyah also required professors to oversee the students of their *madhhab* personally.

It states that should make sure that the students are learning the necessary material and

that he should urge them to work hard on the material each time that they meet. The

professor would also choose a *naqīb* from among the students to assist him in his work.

The specific responsibilities of the *naqīb* are not mentioned in the *waqfiyyah*.[16]

While the professor and the *muʿīds* helped students in their understanding of

tafsīr and *fiqh*, al-Nāṣir Muḥammad's *madrasah* also employed a full-time instructor in

hadith. The *shaykh al-hadith* was responsible for teaching the students the traditions of

Muḥammad. The foundation document explains that the hadith professor would teach

students hadith. Then students would read aloud their texts so that the instructor could

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[16] Maqrīzī, *Sulūk*, 1:3, 1046.

check for accuracy and correct their pronunciation. Hadith instruction took place in the

qubbah, or dome, where the founder of the *madrasah* would be laid to rest.[17] It was

common for sacred texts to be read over the body of those entombed in the *madrasah*;

the founder would benefit from the blessings of these readings, while reading in the tomb

would have added solemnity to the recital.

In addition to the instructional staff, al-Nāṣir Muḥammad's *madrasah* employed

several additional individuals to oversee the ritual requirements of the *madrasah*. These

leaders guided the ceremonies that helped shape the rhythms of life at the institution.

The most important figure among these workers was the prayer leader. The prayer

leader led the five daily prayers from the *īwān* in the *qiblah*. Twenty-five Qurʾān readers

also were employed to recite the Qurʾān continuously, day and night.[18] The location of

these readers is not mentioned in the surviving document. However, in most schools,

the Qurʾān readers would be positioned where their words would bring blessings to

those around them, either in the mausoleum, in the main hall of the *madrasah* or from a

window overlooking the street outside. Although the document does not specify who

would have this position, these reciters were frequently selected from the ranks of the

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[17] Maqrīzī, *Sulūk*, 1:3, 1043.

[18] Maqrīzī, *Sulūk*, 1:3, 1043.

students studying at the *madrasah*. They could take extra jobs like this one to increase

their income and to practice their skills in reciting the Qurʾān.

Similarly, students also worked as *muʾadhdhins*, who called worshippers to the

five daily prayers. Eight *muʾadhdhins* were employed by the *madrasah*, two of whom

received slightly higher salaries to oversee the performance of the call.[19] At the

designated time these workers would climb the ornate minaret to call those in the

madrasah and those outside to prayer. The *muʾadhdhins* also led prayers of praise

(*tasbīḥ*) and gathered residents of the *madrasah* to observe the morning remembrance

of God around two or three a.m.(*tadhkār al-asḥār*). These employees and students who

led prayer, recited the Qurʾān and called others to pray shaped the ritual calendar and

practices at the *madrasah*. The professors, as will be discussed below, were expected to

provide examples by participating in the prayers at the *madrasah*.

The *madrasah* employed several workers who managed the daily responsibilities

of maintaining and running the school. These workers saw to the cleaning, maintenance

and management of the school. The tomb received a good deal of attention from the

employees of the *madrasah*. Two servants were assigned to clean the area, light the

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[19] Maqrīzī, *Sulūk*, 1:3, 1044.

lamps and maintain order. Another three servants had the responsibility of cleaning the

rugs that lay on the floor of the tomb. Additionally, four descendants of the founder

worked as attendants of the tomb.[20] Their role is not clearly defined in the *waqfiyyah*,

but probably involved cleaning and maintaining the tomb. These menial tasks were

seen as an honor in a sacred location, but their real responsibilities may have been

irrelevant. Al-Nāṣir Muḥammad most likely sought to create positions to support his

children without overtaxing them with work.

The *madrasah* also employed a worker to transport water from the Nile to the

water basins that were used for ritual purification and drinking. The main section of the

madrasah also had four custodians who cleaned and maintained that area. Two

doorkeepers guarded the entry way to the *madrasah*. The first doorman guarded the

entry to the building in order to keep away suspicious characters (*murtāb*) and those

who tried to enter too frequently without business in the school. The second doorman

mentioned had the specific responsibility of restricting access to the *madrasah* and

tomb, the two locations where instruction took place.[21] This separate post may have

been created to allow some who might be permitted into the general area from having

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[20] Maqrīzī, *Sulūk*, 1:3, 1044.

[21] Maqrīzī, *Sulūk*, 1:3, 1044-46.

access to areas where training took place in order to minimize distractions to professors

and students. Also, the school was equipped with a library, and a librarian was hired to

take care of the books and to make sure that those who borrowed books did not remove

them from the *madrasah's* premises.

An overseer, *nāẓir*, was also appointed to supervise the affairs of the *madrasah*.

His responsibilities included hiring the staff, ensuring that the *madrasah* received income

from its *waqf* properties, and looking after other administrative aspects required to

maintain the *madrasah*. The *waqf* specifies that the first overseer would be the Shujāʿ

al-Dīn ʿAnbar b. ʿAbd Allah al-Ḥurr al-Lāl, a eunuch in the service of al-Nāṣir Muḥammad.

After his death, the position would pass on to the most worthy of al-Nāṣir Muḥammad's

sons. From that point on, the overseer's position was meant to stay in al-Naṣir

Muḥammad's family through all generations.[22] This arrangement would have offered

some financial security to his family. Along with the attendants in the tomb, five of his

descendants would have held secured positions working in the *madrasah*.

The salary allotments illustrate the hierarchy that existed within the institution.

The highest paid figures in the *madrasah* were the professors of law, each earning 200

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[22] Maqrīzī, *Sulūk*, 1:3, 1047.

dirhams each month, and the overseer, who also earned 200 dirhams. The *shaykh al-hadith*, who taught traditions of Muḥammad, earned only 30 dirhams each month. This salary is exceptionally low considering the training required to teach hadith and the relatively high salary of the professor of law. The next highest paid individual was the prayer leader, who received 80 dirhams each month. The stipend and number of students who studied in the *madrasah* is unspecified. The overseer had the right to determine both based on his assessment of the school's finances. Similarly, the salary for the repetitors was left up to the overseer.   The salary for those who worked as servants, sweepers and water carriers ranged from 25 to 60 dirham. The overseer earned 200 dirhams, equally well paid as the law professors.[23]

The law professors possessed the most lucrative position in the *madrasah* as well as the social status which accompanied that honor. Because of their advanced training and the fact that the institution was established in order to teach their particular branch of knowledge, law professors enjoyed a privileged position at the *madrasah*. The other members of the *ʿulamāʾ* who worked at the *madrasah*, the prayer leader, the *shaykh al-hadith*, the Qurʾān readers, and the students, did not earn even half of the

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[23] Maqrīzī, *Sulūk*, 1:3, 1043-49.

professors' salary. The salary of even the chief administrator and descendant of the

founder did not exceed the law professors' earnings. While social status is not shaped

by salary alone, and several *waqfiyyahs* must be examined to confirm this trend, the

unique position of the law professors in relation to other members of the educated elite is

evident in this document.

The *Madrasah* of Amir Ṣarghitmish

Amir Ṣarghitmish (d. 759/1358) was one of the principle counselors to Sultan al-

Nāṣir Ḥasan (r. 748-752/1347-1351, 755-762/1354-1361) for a brief time. He served as

a Mamluk under al-Nāṣir Ḥasan and rose to become one of his most influential amirs,

eventually becoming the most powerful figure in the state until Ḥasan turned against

him. Ṣarghitmish was imprisoned and left in jail until his death. However, before his fall

from power, he had amassed an enormous fortune and dedicated some of it to the

construction of mosques and his *madrasah*.[24]

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[24] Behrens-Abouseif, *Cairo of the Mamluks*, 197.

His *madrasah* is impressive in its size and beauty. It was constructed next to the

mosque of Ibn Ṭūlūn, an important center of worship and learning, and the *madrasah's*

minaret is located close enough to the mosque's so that it would appear to be part of the

mosque, and the mosques's minaret would appear to be adjoined with the *madrasah's*.

The octagonal minaret was intricately decorated and contributed to the unique beauty of

the building. The *madrasah's* structure followed a cruciform pattern that created four

īwāns facing a central courtyard. An octagonal fountain stood in the center of the

madrasah and was used for the ritual and practical needs of the community. The

students' cells surrounded the court yard on the upper floors; many had windows

offering views outside the *madrasah*. Two unusual features distinguished Ṣarghitmish's

madrasah. First, a dome rises over the *mihrab*. Also, rather than having the mausoleum

directly off the main prayer hall and courtyard, it juts out into the street from the western

īwān. This feature makes the mausoleum more prominent and catches the eye of those

passing by on the street.[25]

Although the *madrasah* was constructed with four *īwāns*, the four different

madhhabs were not all represented in it, as they were in the larger *madrasahs* built by

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[25] Behrens-Abouseif, *Cairo of the Mamluks*, 197-99.

the Mamluk sultans. *Madrasahs* built by amirs tended to sponsor specific *madhhabs*.

This restriction limited the needs in terms of the size of the buildings and the size of the

staffs who worked in them, making them more affordable to the amirs who worked on a

more limited budget. In the case of Ṣarghitmish's *madrasah*, only the Hanafī *madhhab*

was supported. Even more specifically, the *madrasah* would only train students who

had emigrated from Iran.[26]

The *madrasah's* purpose as presented in the *waqf* centers on the responsibility

to spread knowledge so that others may benefit from it. The *madrasah* is also

designated as a destination where Muslims could gather for prayer,[27] although, with one

of Cairo's largest and most beautiful congregational mosques located next door, it might

have been difficult to draw devotees to the smaller *madrasah* for prayer. Nevertheless,

the *waqfiyyah* indicates that lay Muslims should have access to the *madrasah*. Whether

or not the general population would have been welcome to attend lessons in law or only

to participate in prayer services is not clearly stated in the document.

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[26] Behrens-Abouseif, *Cairo of the Mamluks*, 197.

[27] Ibrāhīm ʿAli ʿAbd al-Latīf, *Naṣṣān jadīdān min wathīqat al-Amīr Ṣarghitmish* (Cairo: al-Hayʾah al-Miṣrīyah al-ʿĀmmah lil-Kitāb, 1971), 25.

The writer of the *waqf* document lays out the structure of the students' education

with some detail in the foundation deed. The sixty law students first gather for reading of

the Qurʾān with each other. All the students seem to be required to read selections

during this period. This session may have set the tone for the day by focusing the

students on God, and it would have offered an opportunity for students to work on their

recitation skills before their instructors and fellow students.[28] Al-Ghazzī emphasizes the

importance of continuing to work on memorization of the Qurʾān even as students

ascend to the higher levels of Islamic legal studies.

After the session dedicated to the reading of the Qurʿān, the study of law begins.

The *waqf* document states that the three *muʿīds* should begin the lessons in Ḥanafī law.

Each *muʿīd* was assigned to read a section from a book on Ḥanafī *fiqh* selected by the

professor. The students listened as the *muʿīds* presented one after the other.[29]   After

this presentation of *fiqh*, the professor would step forward to instruct the students,

usually students of advanced standing.   The *waqf* document states that the professor

will teach the students who have competence in debate (*ahliyyat al-baḥth*). The

professor would clarify material that the students struggled with and helped to answer

[28] ʿAbd al-Laṭīf, *Naṣṣān jadīdān*, 26.
[29] ʿAbd al-Laṭīf, *Naṣṣān jadīdān*, 27.

their questions.[30] Other sources to be discussed later indicate that students who had

completed their introductory work could begin work that would require more debate and

discussion. Students in their beginning levels of study would need to focus their energy

on memorizing and studying the foundational texts of their *madhhab*. In this

arrangement, the professor appears to enter the instructional process when more

nuanced and interpretive perspectives are necessary, while *muʿīds* guided students

through the more introductory works.[31]

The *waqf* document also presents an alternate method of presentation. The

professor could present before the *muʿīds*, and the *muʿīds* could then lecture after the

professor had taught the students. The repetitors then would clarify points that the

professor covered that the students found confusing or difficult. Professors frequently

preceded the repetitors in many contexts, and this arrangement may have represented

the normal approach used by instructors.

While the *waqf* document specifies that the *muʿīds* must teach works of Ḥanafī

fiqh, no such stipulations are placed on the professor. The *waqf* document does indicate

that the *mudarris* should maintain special focus on the legal sciences and that he should

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[30] ʿAbd al-Latīf, *Naṣṣān jadīdān*, 27.

[31] ʿAbd al-Latīf, *Naṣṣān jadīdān,* 27-28.

help students with the problems that they may encounter in working in the legal sciences

especially. However, it does not preclude the possibility that the law professor might

teach in fields outside the legal sciences; it only reminds him that he should give special

attention to them.[32]   It is possible and even likely that the law professor instructed

students in subjects ancillary to the law such as rhetoric and other topics.

The *waqf* document indicates that the professor should play a central role in the

students' education. The professor ought to encourage the students by helping them

with difficult problems and by urging them to work at their studies. In this way, the writer

of the *waqfiyyah* indicates that the professor "travels the path of education and learning

with them."[33] However, it must have been difficult for a professor to remain personally

engaged with all sixty students living and studying at the *madrasah*. The *muʿīds* must

have played an important role in the group and individual instruction of the students.

While there was a 1 to 60 *mudarris* to student ratio, the 1 to 20 *muʿīd* to student ratio was

much more manageable. Ṣarghitmish's *madrasah* did not specify that the *muʿīds* had to

examine the students in order to measure their advancement, but it does indicate that

they should maintain close relationships with the students.

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[32] ʿAbd al-Latīf, *Naṣṣān jadīdān,* 28.

[33] ʿAbd al-Latīf, *Naṣṣān jadīdān,* 28.

The *waqf* document also lists the times that classes took place at the *madrasah*.

Students and law instructors gathered on Saturdays, Sundays, Tuesdays and

Wednesdays for class. They met from sunrise until noon. Three days a week the

students did not attend lessons. The *waqfiyyah* also provides times when the students

and professor were granted holidays or extended breaks from their studies.[34]

In addition to lessons in *fiqh*, the *madrasah* also offered instruction in hadith.

The foundation document indicates that the overseer should hire an expert in hadith,

muhaddith, to teach classes in hadith. The *madrasah's* endowment provided for the

instructor's salary as well as the salaries of fifteen students. The classes for hadith met

between the times of the noon prayer and the afternoon prayer at the mosque of Ibn

Ṭūlūn. The foundation deed does not dictate which hadith collections should be taught

during these sessions; however, it does state that, in addition to teaching hadith, the

instructor should offer commentary and explanation on the meaning of hadith (*bayān*).[35]

It is likely that the instruction in hadith was meant to prepare experts and specialists in

hadith, rather than to provide training for the law students.

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[34] ʿAbd al-Laṭīf, *Naṣṣān jadīdān*, 28.

[35] ʿAbd al-Laṭīf, *Naṣṣān jadīdān*, 29.

While Ṣarghitmish's *madrasah* trained many jurists in Islamic law, the *madrasah*

also offered instruction to orphans who lived in its vicinity. *Madrasahs* educated elite

members of society, but they also served social functions in the larger communities in

which they were situated. Orphans faced many obstacles in medieval Cairo, and there

were few opportunities to help them out of their plight. Founders of *madrasahs* and

other institutions directed their foundations to care for some of these struggling

children.[36] Ṣarghitmish's *madrasah* cared for forty orphans who had not yet reached

adolescence. Each month, they were allotted five silver dirhams, and the *madrasah*

provided daily provisions of bread for each child. The overseer also gave the children

new clothes each summer and winter so that they would have something to wear.[37]

In addition to these donations of food, money and clothing, the *madrasah*

provided the children with an education. The *madrasah* employed an instructor who was

to have a generous spirit and strong morals, whose responsibility was to teach the

children. The instructor would meet with the students in the entry hall of the *madrasah*

each Tuesday and Friday. During these lessons, the orphans were trained in how to

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[36] Adam Sabra, *Poverty and Charity in Medieval Islam: Mamluk Egypt, 1250-1517* (Cambridge: Cambridge University Press, 2000) 69-100.

[37] ʿAbd al-Laṭīf, *Naṣṣān jadīdān*, 32-33.

read the Qurʾān and how to write in the Arabic script.[38] Receiving this education would

give the orphans an advantage that they would not have otherwise enjoyed. With this

background, they could later pursue an education in one of the city's many *madrasahs*,

or they could find work outside the class of religious scholars much more easily.

Literacy was still a rare commodity.

In addition to teachers and students, the *madrasah* employed several individuals

who oversaw the ritual practices at the *madrasah*. A Ḥanafī prayer leader led prayer in

the courtyard where the students of the *madrasah* were to gather as a group for the five

daily prayers. Two *muʾadhdhins* were appointed to perform the call to prayer.

Additionally, the overseer was instructed to appoint a total of forty-eight individuals to

work as Qurʾān reciters in the tomb of the founder.   The *waqfiyyah* indicates that the

recitation would act as divine credit (*thawāb*) on the founder's behalf.[39] This offering of

recitation on the founder's behalf took place continuously in the tomb, and the foundation

deed offers some instruction on the length of the shifts that those reciting the Qurʾān

would take. The deed does not specify who would take these jobs, but other *waqf*

documents indicate that students in *madrasahs* would recite.

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[38] ʿAbd al-Latīf, *Naṣṣān jadīdān*, 33.

[39] ʿAbd al-Latīf, *Naṣṣān jadīdān*, 30.

The administrative and custodial positions in Ṣarghitmish's *madrasah* resemble

other *madrasahs'* offices both in their number and function. Ṣarghitmish did not

designate his heirs to hold any offices as al-Nāṣir Muḥammad stipulated, but a

considerable number of the *'ulamāʾ* and members of the surrounding community

benefited from work offered at the *madrasah*.

The pay structure placed the professors and administrators at the top of the pay

scale. The highest paid employee at the *madrasah* was the professor of Ḥanafī law, who

earned 300 silver dirhams each month. The next highest paid instructor following the

law professor was the hadith instructor, who earned 100 dirhams. Once again, the

hadith professor earned considerably less than the law professor, indicating patterns of

social and professional stratification that existed within the *'ulamaʾ*. Further evidence for

this pattern appears when the number of students appointed and their pay are

examined. Sixty students of Ḥanafī law were given positions, as opposed the fifteen

appointed to study hadith, and the Ḥanafī students earned a stipend of fifty-five dirhams,

more than double the twenty-five dirhams granted to the hadith students. The prayer

leader earned seventy dirhams each month, the same amount as the repetitors, who

handled a considerable part of the teaching load at the *madrasah*. The orphans' teacher

earned only forty dirhams each month.

The overseer was the highest paid administrator, earning 200 dirhams each

month, one hundred less than the professor of law. The custodial staff and care-takers

of the *madrasah* earned between thirty and forty dirhams each month, less than all

instructors and students with the exception of the orphans' teacher. The salary structure

at Ṣarghitmish's *madrasah* favored those who taught and studied law the most. The law

students earned even more that the workers charged with maintenance and operation of

the school, and this before considering the advantage they enjoyed of free room and

board.

The *Madrasah* and Mosque of Sultan al-Nāṣir al-Ḥasan

Sultan al-Nāṣir al-Ḥasan (r. 748-752/1347-1351, 755-762/1354-1361), the son of

al-Nāṣir Muḥammad, built the largest mosque and *madrasah* of his age. It still towers

over the neighborhoods at the base of the citadel in Cairo.   Sultan Ḥasan's reign

stretched over two periods. He came to power in 748/1347 when he was thirteen. Six of

his brothers had ruled within a period of five years before he ascended to the throne.

Powerful amirs dominated the affairs of state, and Ḥasan appeared to be another

figurehead in the series that had preceded him. However, three years after being

named sultan, Ḥasan seized control of the state and arrested the powerful amir Manjuq,

who had ruled during his minority. Ḥasan's decisions alienated a number of powerful

figures, and, soon after he took power, a clique of amirs arrested Ḥasan and placed his

brother, al-Ṣāliḥ, on the throne instead, in 752/1351. After his arrest, Ḥasan remained in

prison three years, which he spent in study. His second reign began in 755/1354, and,

upon returning to power, he removed many of the amirs who had been appointed under

his father and replaced them with individuals he believed that he could trust. In

particular, he handed a good deal of power over to other sons of Mamluks (*awlād al-*

nās), rather than to Mamluk commanders. He removed the powerful amir Shaykū from

Cairo and arrested Ṣarghitmish, who had designs on the sultan's power. His

biographers praised his learning, but criticized his greed and spending. He diverted

money from paying wages into his monuments, and some denounced him as a tyrant.

His second reign ended when he was assassinated in 762/1361 by his own Mamluk,

Yalbughā al-ʿUmarī, the commander-in-chief of the army.[40]

The size of his mosque and *madrasah* complex, completed in 1363, was

unprecedented during the Mamluk period. The building cost more than one million

dinars to complete and required constant work for three years to finish construction.

Maqrīzī wrote that all other construction in Cairo ground to a halt as workers were

diverted to the construction of the Ḥasan's mosque and *madrasah*. Artisans were

brought in from throughout Egypt, Syria and Turkey to contribute to the construction and

ornamentation of the building. The diversity of workers employed to decorate the

building resulted in unique designs and decorations that distinguish the *madrasah* from

other religious institutions built during the period.[41]

The enormous structure allowed for 506 students to study, 200 schoolboys to

attend class and required a staff of 340 individuals to operate. This number of workers

and students dwarfed those supported by the other Cairene institutions that had been

endowed earlier.

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[40] Behrens-Abouseif, *Cairo of the Mamluks*, 201-03.

[41] Behrens-Abouseif, *Cairo of the Mamluks*, 201-03.

The *madrasah* was unique not only in its size and in the number of individuals

who lived and worked there, but also in its designation as an institution. Ḥasan created

his institution to act as a congregational mosque, *madrasah*, public fountain, medical

clinic and mausoleum. Previous rulers had built multiple buildings to house this wide

variety of services, and Ḥasan's decision to combine them into one enormous complex

altered the usual form that shaped the use and layout of the buildings. Later rulers

followed Ḥasan's example in creating large multipurpose complexes. However, this

innovation is particularly important in understanding the development of *madrasahs* and

their role in educating jurists. As a transitional structure between the *madrasahs* that

had more restricted or singular missions and later schools that served several functions,

Sultan Ḥasan's *madrasah* reveals the complexity of the relationships between the

various groups who made use of the building. The architecture itself reveals a good deal

about this function.

The designers laid out the *madrasah* and mosque complex on a cruciform plan

that had appeared in *madrasahs*, *khānqāhs* and other structures before. However,

Ḥasan's *madrasah* made a dramatic modification to this format. In other *madrasahs*, the

rooms where students slept faced the courtyard in the center of the structure, located on

the upper floors between the *īwāns*. Sultan Ḥasan's *madrasah* expanded this format

dramatically. Off each of the four *īwāns* in the center of the courtyard, a separate wing

extended out to house the four *madhhabs* which had *madrasahs* at the complex. The

wings functioned as independent locations where students and professors could study,

eat, sleep and hold lessons. The rooms in the wings were built around a central

courtyard that could act as a private *īwān* for instruction. A fountain was located in the

courtyard, and each wing was also equipped with a latrine.[42] In effect, each *madrasah*

could operate self-sufficiently away from the central congregational mosque. This

arrangement created a division between the public sphere of the congregational

mosque, where anyone could gather for prayer, and the private sphere of the

madrasahs, where students lived and studied.[43]

The writer of the *waqf* did not envision that those associated with the *madrasahs*

would stay completely isolated within their schools. The students and professors were

expected to gather in the main courtyard for Friday prayers, and the *waqf* document

indicates that professors were required to hold public lectures in the congregational

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[42] Howayda Al-Harithy, "The Four Madrasahs in the Complex of Sultan Ḥasan (1356-61): The Complete Survey," *Mamluk Studies Review* 11 (2007): 49-51.

[43] Al-Harithy, "The Four Madrasahs," 50.

division of the *madrasah*.[44] The *waqfiyyah* designates an *īwān* in which each *madhhab*

should offer public lessons within the congregational mosque. It is unclear how

frequently the lessons would be held in the public domain and how often they would take

place in the individual teaching area within the particular *madrasahs*.

The measures taken to maintain the privacy of those living in each *madrasah*

were extensive.   The architects designed the building so that the entrances to the

madrasahs were limited. Individuals coming into the complex passed only by the

entrance to the Mālikī *madrasah* on the long corridor to the main area for prayer. The

only entryways to the other three *madrasahs* were placed next to the three minor

īwāns.[45] Doorkeepers guarded these narrow entryways in order to limit access to the

private sleeping and teaching chambers.[46] Students and professors could retreat from

the crowds of people coming to the mosque's prayer services into the separate world of

their private quarters. They would only need to come out for some lessons and prayer

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[44] Muḥammad M. Amīn, "Maṣārīf Awqāf al-Sulṭān al-Malik al-Nāṣir Ḥasan ibn Muḥammad ʿalá Maṣāliḥ al-Qubbahh wa-al-Jāmiʿ wa-al-Madāris wa-Maktab al-Sabīl bi-al-Qāhirah," in Ibn Ḥabīb, *Tadhkirat al-Nabīh fī Ayyām al-Manṣūr wa-Banīh* (Cairo, 1986), 3:388-99.

[45] Behrens-Abouseif, *Cairo of the Mamluks*, 211.

[46] *The Waqf Document of Sultan Al-Nasir Hasan b. Muhammad b. Qalawun for his Complex in Al-Ruaila*, ed. Howayda Al-Harithy (Beirut: Deutsche Morgenländische Gesellschaft, 2001), 163.

services. However, even the need to go out for prayer services was limited as well.

Each of the four *madhhabs* had its own prayer leader who could lead prayers in the

respective *madrasahs*. A prayer leader also led prayer inside the mausoleum, in

addition to the main mosque. This compartmentalization would have allowed the

students to pray closer to their rooms and study areas without walking to the public

areas of the mosque.

This layout would have offered students and professors the quiet and isolation

that they would have been accustomed to experiencing in *madrasahs* that were not

adjoined to a congregational mosque. While Islamic tradition advocates the sharing of

sacred knowledge and considers those who possess it under an obligation to share it,

madrasahs, up to this time, did not necessarily offer free access to the public.   They

tended to be residential teaching establishments, and frequently only those with specific

business were allowed to enter. This idea will be discussed in more detail below, but the

creation of a congregational mosque-*madrasah* complex could have disrupted the

restricted atmosphere that characterized *madrasahs* up to this time.

The layout of Sultan Ḥasan's mosque seems to confirm the exclusive tendencies

of these institutions. Rather than creating a purely public forum for the exchange of

knowledge, the complex reiterated the barriers that had set the educated elite apart for the common worshippers at earlier *madrasahs*. The lessons held in the *īwāns* in the main courtyard may have extended the opportunity to learn to the common citizens attending prayer services, but the opportunity to attend lessons in a sustained way would have ended at the entryway to the individual *madrasahs*, where doormen would have screened the entrants.

Despite the conjunction of the various functions within a single complex, several conclusions can be drawn about its purpose and function. Public prayer services were an essential aspect of its mission. However, the service of legal education was still a distinct and crucial purpose of the complex. Instruction in Islamic law and other religious sciences continued in forms that closely resembled those evident in the independent *madrasahs* that had existed prior to its foundation. The departure in the architectural format did not translate into a departure from the culture and function of earlier *madrasahs*, at least as it appears in the foundation deed of the complex.

If the combination of what had been independent structures into a massive institution led to a compartmentalization of the operations in the complex, the influx of funds and new teaching positions seems to have contributed to a compartmentalization

of teaching responsibilities as well. As this survey of earlier *madrasahs* has demonstrated, law professors were expected to instruct their students in a broad variety of subjects that fell under the umbrella of legal sciences. Some institutions may have employed an instructor in hadith, but most teaching responsibilities fell to the *mudarris*. However, Sultan Ḥasan's mosque employed a variety of instructors who specialized in a broad range of specific subjects, almost all of which would be considered part of a legal education or its ancillary areas. These included instructors of hadith, *tafsīr*, Qurʾān recitation, *uṣūl al-fiqh*, Arabic, the calculation of prayer-times and the four *madhhabs* of Islamic law. Aside from these religious sciences, the *madrasah* also employed physicians to see those in need and trained a few medical students as well. Each of these teachers' salaries was paid by the endowment in addition to the stipends of several of their students. Having this broad range of subjects covered by individual instructors may have freed the professors of law to focus on the instruction of *fiqh* more completely.

The foundation deed provides only a brief description of the law professors and their teaching responsibilities. It does indicate that each of the law professors should be a legal scholar (*faqīh*) and *muftī*, able to issue legal rulings or *fatwās*, who is well-known

within his *madhhab*. The only responsibility listed for the professor is instruction in *fiqh*

of his particular *madhhab*. Each professor taught one hundred students. Fifty were to

be residential students, twenty-five were non-residential advanced students, and twenty

five were non-residential beginners. Three *muʿīds* were appointed to assist each

professor, and each professor also had a *naqīb* whose chief responsibility, as mentioned

in the *waqf*, was to take roll at the beginning of each class.[47]

The professor of *tafsīr* was hired to teach the Qurʾān and books of commentary

on it. The *waqfiyyah* does not state which books the professor should use in his

instruction, but does indicate that they should be recognized as authoritative (*muʿtamad*)

within the tradition. The foundation deed also stipulates that the *tafsīr* instructor should

also be a *muftī*. He taught thirty students, and also had the assistance of a *naqīb*, but

not a *muʿīd*.[48] Only the law professors had *muʿīds* to help with instruction.

The professors of hadith, the seven readings of the Qurʾān, *uṣūl al-fiqh*, and

Arabic also had broad instructions for leading their courses. They were to lead their

students through the most significant works in their fields. *Naqībs* were in place to

ensure and record attendance, and the teachers were assigned various locations to

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[47] Al-Harithy, ed, *The Waqf Document of Sultan Al-Nasir Hasan*, 151-55.

[48] Al-Harithy, ed, *The Waqf Document of Sultan Al-Nasir Hasan*, 102-3.

teach in the complex. Most classes were held in the mausoleum, but some were given

in *īwāns* when law classes had completed their instruction.

The *waqf* document reveals interesting levels of hierarchy that existed within the

instructional staff at the complex. The law professors of all four *madhhabs*, the

professor of *tafsīr*, the professor of hadith, and the *Shaykh al-Mīʿād* all earned 300

dirhams each month. While the professors of the seven readings of the Qurʾān and

medicine earned 150 dirham each month, the professors of *uṣūl al-fiqh*, Arabic and

calculation of times earned only 100 dirhams per month. Each of the four highest

positions were specifically designated to be held by *muftīs*, with the exception of the

professor of hadith. They most likely would have held *ijazāt al-iftāʾ wa al-tadrīs*, the

certificate to issue *fatwās* and to teach. Even though their roles varied, the value of

these highest degrees and the recognition of their authority as *muftīs* may have added to

their prestige and pay. The legal sciences held a distinct edge in prestige and pay.

Even the repetitors working for law professors earned one hundred dirhams per month,

the equivalent pay of many independent instructors in other fields.[49]

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[49] Salary information found in Muḥammad M. Amīn, "Maṣārīf Awqāf al-Sulṭān al-Malik al-Nāṣir Ḥasan," 3:388-99.

At the highest ranks of the pay scale for instructors, stratification existed in various forms. It is very unusual for other instructors to earn the equivalent of law professors within a *madrasah*, as was the case at the complex of Sultan Ḥasan, but the priority of law professors is confirmed in other ways. For instance, law professors oversaw three *muʿīds*, a *naqīb*, a *daʿa*, and one hundred students, whereas there were only thirty *tafsīr* students and thirty hadith students. The students of *tafsīr* and hadith also had lower stipends than their counterparts studying law. *Uṣūl al-fiqh* had only twenty students, while ten students studied Arabic, ten studied medicine, and only six studied time calculation. The appearance of equality in some salaries at Sultan Ḥasan's complex gives way to other measures of prestige in other areas.

Howayda Al-Harithy has pointed out that even among the four *madhhabs* preference was given to the Ḥanafīs in terms of their living and teaching space within the *madrasahs*. The Ḥanafī *madrasah* held 56 living units, the Shāfiʿīs had 52, the Mālikīs had 44 and the Ḥanbalīs had 20. She argues that this distribution reflects the general following of the various *madhhabs* at the time of the *madrasah's* construction, concluding that the Ḥanafīs were most popular *madhhab* in Egypt followed by Shāfiʿīs.[50]

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[50] Al-Harithy, "The Four Madrasahs," 51-52.

It is more likely that al-Ḥasan granted this favor to the Ḥanafīs because Mamluk rulers in

general showed greater support to the Ḥanafīs because most Turks affiliated with the

Ḥanafī *madhhab*. However, the Shāfiʿī *madhhab*, which was perhaps the most influential

madhhab among the Egyptian scholarly elite and the one to which the largest number of

Egyptians belonged, was assigned the use of the *īwān* in the *qiblah*, the most privileged

location to meet and study. This gesture could have been an attempt to balance the

rewards granted to the two most powerful *madhhabs* in Egypt represented in the

complex.

The administrators at Sultan Ḥasan's mosque were the most highly paid

individuals who worked at the complex by far. The overseer (*nāẓir*) earned one

thousand dirhams per month, while the director of the *diwan al-waqf* and the accountant

of *waqf* income (*mustawafī al-waqf*) both earned 400 dirhams each month.   Those who

worked in the maintenance of the complex, including custodians, street sweepers, and

water carriers earned between thirty and fifty dirhams per month.

Those who served in the ceremonial roles at the *madrasah* including Qurʾān

reciters in the mausoleum, *muʾadhdhins*, prayer leaders, and servants in the mausoleum

earned between 35 and 100 dirhams.   The largest number of workers, reciters and

mu'adhdhins earned between 45 to 50 dirhams. Five prayer leaders earned 60 dirhams

per month, while the prayer leader of the congregational mosque earned 100 dirhams

per month. The mosque also employed two preachers who each earned two hundred

dirhams per month.

The *madrasah* supported a large community of those who lived and worked in

the *madrasah* and in the surrounding community. Aside from the three administrators,

the instructional staff received the largest salaries. The law professors were the highest

paid of these, along with the professor of *tafsīr* and the *mī'ād*, who both carried the

necessary credentials to be professors of law in their own right. Part of their

responsibilities may have required them to issue *fatwās* and teach students the

advanced legal theory to do this. The hadith professor also enjoyed pay equal to the law

professors, which was uncommon in the *madrasahs* of the day. It is difficult to know why

Sultan Ḥasan's mosque paid a hadith professor the equivalent of law professors when

the market tended to place them at a lower income level, especially when considering

the lower pay allotted to other teaching positions. However, all the teachers of the

central fields required for the study of law received generous compensation, including

tafsīr, hadith, and *fiqh*. Maintaining parity may have seemed appropriate. The founder

may also have wanted to ensure that the best hadith instructor available would be hired

for this position. The equal pay granted the professors of subjects outside of *fiqh* should

not be viewed, however, as a break with the past tendency of *madrasahs* to favor the

training of legal scholars, but it created a more specialized system of preparing students

for work in legal professions.

Sultan Ḥasan's complex marked the beginning of the practice of combining

various institutions into one large complex that served multiple purposes in Cairo. This

model of construction continued and, over the remaining years of the Mamluk period,

and a number of *madrasah* -mosque and *khānqāh* - mosque complexes emerged,

although none equaled the size and wealth of Sultan Ḥasan's. In spite of the

transformation in venue, many of the defining characteristics of *madrasahs* remained

intact, and the educational process that favored the education of jurists over other

disciplines continued.

The *Khānqāh-Madrasah* of al-Ẓāhir Barqūq

      The next institution to be examined continued the trend of creating multifunctional

complexes that began under Sultan Ḥasan. Al-Ẓāhir Barqūq al-Yalbughāwī (r. 784-

791/1382-1389, 792-801/1390-1399) became sultan after deposing Sultan al-Manṣūr

Ḥājjī (r. 783-4/1382, 791-2/1389-90). Barqūq, a Circassian Mamluk, filled his

administrative and military ranks with other Circassians, leaving the succession of

sultanate power in Circassians' hands from 1382 to 1517. In 788/1386, Barqūq

completed a funerary complex that would serve as a congregational mosque, *madrasah*

and *khānqāh*.

      Barqūq's decision to combine a *khānqāh* and *madrasah* into one complex marks

an important moment in the development of both institutions. The first example of a

khānqāh in Cairo offering instruction beyond Sufi practices and texts was a *khānqāh*

built by Baybars al-Jāshankīr (r. 708-709/1309-1310), which was completed in 1309.

Lessons in hadith taught by a *mudarris* were added in the mausoleum attached to the

khānqāh, perhaps as a concession to the *ʿulamāʾ* as his political situation became more

tenuous.[51] Another, the *khānqāh* of Mughulṭāy al-Jamālī built in 730/1329, offered

instruction in hadith from a Ḥanafī *mudarris*. The *khānqāh* of Shaykhū ʿUmarī, built in

756/1355, offered instruction in the four Sunni *madhhabs* in addition to the required Sufi

rituals.[52] However, Barqūq's complex signals a change in the patronage of both Sufis

and jurists by the sultans of Egypt. After Barqūq, high-ranking officials and sultans

commonly sponsored the construction of *khānqāhs* that offered instruction in Islamic law

in a fashion similar to *madrasahs*.

Prior to this time, the two institutions had little in common in terms of their

educational programs. Although *khānqāhs* and *madrasahs* shared founders and had

similar financial supports, they did not share curricula, daily routines or even, for the

most part, locations within Cairo. The majority of *khānqāhs* were built outside the city in

order for the Sufis to carry out their meditations and rituals in isolation, while most

madrasahs were built in urban centers, where the judges and jurists who worked and

studied in them frequently held employment.[53] The jurists who worked in *madrasahs*

also felt a strong ideological distance from those who taught in *khānqāhs*. Many jurists

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[51] Leonor Fernandes, "The Foundation of Baybars al-Jashankir: Its Waqf History and Architecture" *Muqarnas* 4 (1987): 23, 38.

[52] Fernandes, *The Khanqah*, 34-35.

[53] Behrens-Abouseif, "Change in Function and Form," 81-88.

such as Ibn Taymiyyah (d. 739/1328) attacked Sufis in their writings, accusing those

who resided in *khānqāhs* of being lazy while enjoining the benefits of *waqfs*.

Additionally, jurists made efforts to strip *khānqāhs* of their *waqfs*, claiming that they had

been accumulated illegally. Even though many among the *ʿulamāʾ* criticized some Sufi

practices and beliefs, they also supported many Sufi ideas and rituals. Ibn Taymiyyah

himself was a member of a Sufi order.   Fernandes interprets much of the hostility

encountered by Sufis as a result of the presence of so many foreign Sufis appearing in

Syria and Egypt. Sufis arriving from Iran, Turkey and other lands from the east often

enjoyed the most lucrative positions in *khānqāhs*, while Egyptians did not.[54] In spite of

the hostility Sufis encountered from many jurists, they did enjoy the support of Mamluk

sultans and amirs.

By combining a *khānqāh* and *madrasah* into one institution, Barqūq solved a

number of problems. The members of the *ʿulamāʾ*, who had not been able to serve in

khānqāhs because they taught law, found new positions they could hold, thereby

alleviating the resentment they felt toward Sufi shaykhs. Additionally, as Sufis studied

law under recognized authorities in Cairo, their prestige increased in the eyes of the rest

[54] Fernandes, *The Khanqah*, 98-101.

of the *ʿulamāʾ*. Studying law elevated their respectability and place in society.

Fernandes also argues that the integration of these institutions led to an increased

respect for Sufi practices among the *ʿulamāʾ* in society in general. Barqūq and the other

Mamluk sultans who followed his example were able to build *khānqāhs* without upsetting

the *ʿulamāʾ*.[55]

As for the institution itself, while it is referred to as a *khānqāh* and *madrasah*,

those who studied and taught law enjoyed clear preferences over those who only

studied Sufi works, and among the four *madhhabs* present, the Ḥanafīs had the most

benefits. The instructors of each of the four *madhhabs* of Sunni law earned 300 dirhams

per month; however, the professor of Ḥanafī law also served as the Sufi Shaykh and

was paid an additional 200 dirhams per month. The Ḥanafīs had 40 students, while

Shāfiʿīs, Ḥanafīs, and Ḥanbalīs each had 20 students. All law students were paid 20

dirhams per month.[56]

The professors of hadith, *tafsīr* and readings of the Qurʾān all earned less than

the professors of law. The professor of hadith earned 150 dirhams per month, the

professor of *tafsīr* 200 dirhams per month, and the professor of readings of the Qurʾān

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[55] Fernandes, *The Khanqah*, 97-103.

[56] Fernandes, *The Khanqah*, 74-75.

100 dirhams per month. While students who studied each of these subjects earned 20

dirhams per month, the same amount as the students studying law, the *madrasah*

endowed positions for fewer of them, 15 students studied hadith, 10 studied readings of

the Qurʾān. The exception was *tafsīr* which also supported 20 students.[57] The Sufis in

the institution were paid only 10 dirhams per month, half the amount paid to students of

law and its ancillary sciences. Also, only sixty Sufis received stipends, while the total

number of students was 145.[58]

This merger of a *khānqāh* and *madrasah* favored professors and students of law

and its ancillary sciences. Payment structures and numbers reflect this tendency. The

next complex reflects a continuation of this preference and also indicates that the

instruction offered in the institution favored the practices that had previously

characterized *madrasahs*.

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[57] Fernandes, *The Khanqah*, 74-75.

[58] Fernandes, *The Khanqah*, 74-75.

The *Madrasah-Khānqāh* of Jamāl al-Dīn al-Ustādār

Jamāl al-Dīn al-Ustādār served as vizier and *nāẓir al-khāṣṣ* under sultan al-Ẓāhir

Jaqmaq (r. 842-857/1438-1453). While he held these offices, Jamāl al-Dīn accumulated

enormous wealth. In 852/1448, he used some of this wealth to found an institution that

contained a *madrasah* and *khānqāh*. In addition to its educational purposes, the *waqf*

document also indicates that the endowment for the institution would provide income for

Jamāl al-Dīn's male and female descendants, and one of the male heirs would retain the

position of controller.[59]

The institution is similar to Barqūq's in its arrangement. It employed four

professors of Islamic law from each of the four Sunni *madhhabs*. The Shāfiʿī professor

also served as the shaykh of the institution and was responsible for leading sessions in

Sufi meditation and recitation (*ḥuḍūr*) in addition to his teaching responsibilities. The

schedule for law students at the *madrasah* followed those that appear in the foundation

deeds of other *madrasahs*, even exceeding the hours spent in lessons. Classes would

meet from sunrise to afternoon prayer (*ʿaṣr*), rather than ending at noon as many other

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[59] Berkey, *Transmission of Knowledge*, 141.

madrasahs did. However, after the afternoon prayers ended, students' responsibilities

continued. Students and Sufis would gather for Sufi rituals led by the Shāfiʿī Shaykh.

The four professors of law each earned 300 dirhams per month for their work.

Similarly, the professors of hadith and *tafsīr* also earned 300 dirhams per month.

However, the Shāfiʿī Shaykh earned an additional 200 dirhams per month for service as

the Sufi Shaykh. The shaykh teaching the seven readings of the Qurʾān earned 120

dirhams per month. The majority of those studying at the institution were law students.

In all, 113 studied as students in law or related fields, while only 20 residents were

committed to full-time Sufi service. The law students received a stipend of 20 dirhams

per month, while the Sufis only earned 10 dirhams. Of course, the students had

significantly more responsibilities and obligations, including class attendance and

preparation.

The *madrasah* functioned in an almost identical pattern to that of the other

madrasahs whose foundation deeds have survived. Classes met every day with the

exception of Tuesdays and Fridays, and classes were also canceled for holidays

specified in the document.[60] The professors were instructed to prepare students by

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[60] Muḥammad ʿAbd al-Sattār ʿUthmān, *Wathīqāt waqf Jamāl al-Dīn Ustādār* (Alexandria:

teaching them the most important texts from their *madhhab*. The professor of Shāfiʿī law

was required to be a Sufi, but also should have mastered the material of his *madhhab*.

The foundation deed specifies that the professor should instruct the students in the

works of Imam Shāfiʿī, his companions, and the recognized authorities of the *madhhab*.

The professor is instructed to explain the problems and questions that arise in each text

so that the students understand the material. Their goal should be to clarify the texts

and prepare the students in order that they could "teach and issue *fatwās* according the

example of the leading members of the *ʿulamāʾ*."[61] The professors of the other three

madhhabs are given similar instructions.

Instruction of law in *khānqāh-madrasah* complexes did not deviate substantially

from what was offered at a traditional *madrasah*. Although the professor and students

were required to be Sufis, the instruction they received followed the pattern of instruction

laid out for other *madrasahs*. In fact, the time spent in lessons exceeded that required in

most *madrasahs* whose foundation deeds still exist. Furthermore, in stating that

students should be prepared to issue *fatwās* and be prepared to teach, the foundation

deed indicates that students at the complex were preparing for legal work.

Tawzīʿ Dār al-Maʿārif, 1983), 145.

[61] ʿUthman, *Wathīqāt*, 146-47.

Jonathan Berkey has emphasized in his work that during the time period in which

madrasahs, *khānqāhs*, and congregational mosques merged, writers from the Mamluk

period, including Maqrīzī, Ibn Taghrī Birdī and others, became confused concerning what

to call particular institutions. In many instances *khānqāhs* are referred to as *madrasahs*

and *madrasahs* are referred to as *khānqāhs*, and either may be referred to as a

congregational mosque. From this confusion, he concluded that modern historians

should not "reify terms such as madrasah, jāmiʿ, masjid, or khānqāh, terms to which

medieval Muslims might have attached more abstract meaning."[62] The function of

institutions could shift over time, and when considering the question of the relationship

between institutions and religious instruction, modern scholars should not place

importance where medieval scholars did not. Instead, Berkey argues that education

could occur in any number of locations outside of, as well as inside, institutions.

Therefore, the confusion in terms seen in these sources is indicative of the fluid nature of

education in Cairo. Because education could take place in any venue, the name of the

venue becomes less important. *Madrasahs* should not be considered as holding a

particularly privileged position in the instruction of Islamic law during the Mamluk period,

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[62] Berkey, *Transmission of Knowledge*, 50.

he suggests. In fact, he argues, institutions had a secondary role in the instruction of

students when compared to the individual relationships that existed between professors

and students.

There are problems with this argument. First, although Berkey acknowledges

that these institutions did serve distinct purposes for over one hundred years of the

Mamluk period, he seems to project this conclusion back on the entire period. Even if he

is correct in assuming that writers during later periods conflated these terms, that

certainly was not always the case. Second, if institutions were referred to as *khānqāhs*,

madrasahs or congregational mosques interchangeably, that does not mean the writers

were confused. Many of these institutions served these distinct purposes in one complex

as designated in their foundation documents. Congregational mosques contained

madrasahs, *madrasahs* contained tombs, and *khānqāhs* might contain all these

elements, as has been illustrated in this chapter. If Maqrīzī refers to an institution

containing a *madrasah* as a *jāmiʿ*, he would not necessarily be confused in doing so.

Finally, when the foundation deeds of *khānqāhs* from this later period are examined

carefully, it becomes clear that they have adopted many of the characteristics of

madrasahs. Sufis studied law in the same manner as *madrasah* students and with the

same instructors as those who taught in *madrasahs*. The pay structures, texts studied,

and educational practices of *khānqāhs* from this period mirrored those of *madrasahs*. If

writers from this period confused designations of *khānqāhs* and *madrasahs*, it probably

was not because of the relative unimportance of institutions in comparison to individual

relationships. It was more likely because *madrasahs* had become such dominate forces

in the instruction of Islamic law that their educational structures were reproduced within

khānqāhs. While *khānqāhs* still maintained Sufi practices and instruction, in many

respects, they became remarkably similar to *madrasahs*. The confusion of Mamluk

writers about the particular designation of an institution, then, can be understood as a

sign of the primacy of institutions, particularly *madrasahs*, in the instruction of Islamic law

rather than an indication of their incidental importance to it.

Conclusion

      While this survey of *madrasahs* and *khānqāhs* is limited to a few built by sultans

and powerful amirs, certain patterns become evident. Law professors and students

enjoyed clear preference over instructors and students in other fields. In general, they

received higher pay and stipends than others, and when they did not, their relative

superiority was affirmed in other ways, such as receiving greater numbers of students,

more rooms for student residence, and preferential locations for classes within buildings.

Law professors did not receive preferential treatment and pay because their field's

knowledge was considered more important from a strictly religious perspective, as

sources demonstrated that experts in law rated their own field behind others in

importance, but rather because of law's importance politically, socially and economically.

The growth in the numbers of *madrasahs* also contributed to the prestige law professors

enjoyed by providing good salaries and other necessities, as well as hundreds of

students who received stipends in order to learn from these experts in law.

    Madrasahs also helped to establish educational practices that shaped the lives of

students and professors. This topic will be explored in more detail, but the types of

texts, times of meetings and topics that were discussed were described in foundation

deeds. The influence of these structures moved beyond *madrasahs* as several

khānqāhs adopted their educational structures and practices in the later part of the

Mamluk period.

Chapter Four

Social Status and Access to Learning

The preceding chapters discussed the growth and development of *madrasahs* in

Egypt and the financial benefits these schools afforded the scholars who worked within

them. Cairo had developed into a thriving city filled with centers of Islamic education.

Scholars who previously made their living working in a variety of locations now had a

series of endowed schools that provided for their basic needs of food and shelter, and in

some cases, well beyond their basic needs. The growth and spread of the *madrasahs*

transformed the lifestyle of the professors and students that worked in these institutions.

The following two chapters explore how the emergence of the *madrasahs* elevated the

social status of scholars and shaped the educational practices within the larger Islamic

community.

Professors of law had limited means of supporting themselves before *madrasahs*

appeared.   They had previously relied on their students for their income, or, if they were

more fortunate, they might enjoy a stipend granted by a mosque that would allow them

to teach without relying upon their students for money.   In most cases, legal scholars

would need to have additional work beyond that of teaching. They could receive

additional compensation for writing *fatwās* or by working as a *shāhid*, writing marriage

contracts, managing the division of estates and providing other legal services. Many

were forced to find work in a trade outside the legal profession. However, in all but the

rarest cases, a professor of law could not hope to make a substantial living simply by

teaching students. The advent of *madrasahs* drastically changed this situation.

The professor of law enjoyed a privileged position within *madrasahs*, higher than

either the instructor of hadith and the Qūr'an teacher. Students now came to the

professor to learn in a building in which he was the central figure. He no longer used a

minor corner of the building or deferred to the prayer leader of the mosque for Friday

prayers. The instructor now held a position of influence that he would not have enjoyed

before.

In addition to the privileges that professors held among their peers in the Islamic

scholarly community, they had also gained the regard of secular authorities. By using

law schools as a means of preserving wealth and shoring up political support, the

Mamluks had granted professors additional prestige. Although judges previously had

shared the political spotlight with governmental figures, religious scholars had

traditionally kept their distance from sultans and amirs. In turn, these political leaders did

not make as much use of scholars' services. The development of the *madrasah*

appears to have changed the nature of these relationships as well. By providing the

financing for the elaborate *madrasahs* that were built in the most beautiful parts of the

city among the palaces of the elites, the Mamluks and other high government officials

provided legal scholars with residences and schools whose physical presence matched

that of their own homes. The social standing of law professor appears to have increased

significantly, but, by accepting the wealth of these patrons, the professors in many ways

became their clients.

Thus far in this dissertation, the increasing social standing of professors has

been measured by the marked increase in their salaries and by the much improved life

style they enjoyed. In order to provide further evidence of change, it is necessary to

study the writings of those who witnessed this transformation first hand. Ibn al-Ḥājj al-

ʿAbdarī wrote extensively on the religious and social life of Cairo during the fourteenth

century. The composition of his work, *Madkhal al-Sharʿ al-Sharīf*, falls at the mid-point of

the Mamluk period and illustrates the transformations that began to take effect as

increasing numbers of *madrasahs* appeared throughout Cairo and the Middle East. He

makes several significant observations on the practices of law professors and the nature

of *madrasahs*. These observations provide insight into the way in which the social

position of law professors changed over time.

Background of Ibn al-Ḥājj

Muḥammad b. Muḥammad b. Muḥammad al-ʿAbdarī, known as Ibn al-Ḥājj (d.

737/1336), grew up in Morocco, where he began his education studying hadith in Fez

and other cities. From the West, he traveled on pilgrimage to Mecca, where he studied

more hadith with Taqī al-Dīn ʿAbīd al-ʾAsʿardī and also learned the *Muwwaṭṭaʾ* of Mālik

from him. Unfortunately, his biographers offer only the locations where he lived, not the

dates at which Ibn al-Ḥājj moved from one place to another. He continued on to do

advanced study with the Mālikī scholar Abī Muḥammad b. Abī Jamra, who is frequently

quoted in the *Madkhal*, Ibn al-Ḥājj's most famous work. After his time living in Mecca,

Ibn al-Ḥājj moved to Cairo, where he continued his teaching career. Ibn Ḥajar refers to

Ibn al-Ḥājj as noteworthy among the shaykhs and elite of Cairo. A number of other

scholars sought certificates from Ibn al-Ḥājj as he taught.[1] Ibn al-Ḥājj settled in Cairo,

where he eventually died in 737/1336. Al-Ṣuyutī refers to him as an imām, a famous

example in piety, asceticism, and righteousness, the gathering point of knowledge, and

lists him among the greatest Mālikī jurists of his age.[2]

Given the very few dates Ibn al-Ḥājj's biographers provide for his life, it is difficult

to establish when *al-Madkal* was written. However, it is clear Ibn al-Ḥājj composed the

work after he had lived in Cairo for some time. He writes extensively on the customs

and practices of Egyptians and directs many of his criticisms about their impiety toward

residents of Cairo in particular.

Reading Ibn al-Ḥājj

One of Ibn al-Ḥājj's chief motivations for composing *al-Madkhal* was his

perception of the general lack of piety in Cairo. Ibn al- Ḥājj was an extremely judgmental

author, who felt compelled to attempt to correct the behavior of the inhabitants of his

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[1] Ibn Ḥajar, *Durur*, 4:144.

[2] Al-Suyūṭī, *Ḥusun*, 1:381-82.

adopted city. He composed *al-Madkhal* to catalogue and criticize the behavior of the

people and their religious leaders. While his work was meant to direct its readers toward

proper behavior, Ibn al-Ḥājj has left the modern reader a remarkable record of daily life

in fourteenth century Cairo. The following discussion is based on his chapter on proper

conduct for instructors of Islamic law, which offers insight into the places where

instruction occurred, the methods used to instruct, and the motivations that compelled

people both to teach and to learn.

The adherence of Muslims to Islamic law was the chief concern of Ibn al-Ḥājj. *Al-Madkhal* critiques social practices that had become common in Egypt, which he

considered to be either heresies or innovations. In response to a given set of

circumstances which he describes, Ibn al-Ḥājj offers a statement on the correct path to

follow from the Qur'ān, from the hadith, particularly from Mālik's *Muwaṭṭaʾ*, or from the

teachings of his own professors or colleagues. The topics that he addresses vary from

religious ritual to social etiquette. In each instance, the tension between the perfect

traditions that Ibn al-Ḥājj imagines are measured against the actual culture of Egyptian

society of the day.

Approaching Ibn al-Ḥājj's text requires careful consideration. While his critical

approach to Mamluk society provides invaluable insights into the peculiarities and

practices of their culture, Ibn al-Ḥājj comes to his work with his own prejudices and

agenda. Implicit, and sometimes explicit, within his critique is the statement of his own

position on the proper performance of Islamic practices. Understanding the method

which he uses in asserting his position helps to clarify the accuracy of his work in

depicting the society he observes. The question that must continually be asked is

whether or not Ibn al-Ḥājj is creating a harsh portrayal of society or an exaggeration of

reality as a means to further his own goals of encouraging others to institute the practice

of Islamic law according to his own vision of proper behavior.

Ibn al-Ḥājj's goal in asserting what is within the practice of Islam and what should

be considered outside its purview gets to the very heart of religious matters, and the

terms that he uses to describe practices are loaded with significance that would not have

escaped his readers. Jonathan Berkey writes about Ibn al-Ḥājj's *Madkhal* and the works

of two other jurists who composed similar works, Abū Bakr Muḥammad al-Ṭarṭūshī's (d.

1126) *Kitāb al-ḥawādith wa'l-bidaʿ*, and ʿAlī ibn Maymūn al-Idrīsī's (d. 1511) *Bayān*

ghurbat al-islām bi-wāsiṭat ṣinfay al-mutafaqqiha min ahl miṣr wa'l-shām wa mā yalīhimā

min bilād al-aʿjām. Each of these pieces belongs to a genre he refers to as "anti-*bidʿa*

literature;" each was composed by an expert in Mālikī law who had traveled from the

West, Spain or Morocco, to more central Islamic lands of Egypt or Syria.[3]   Berkey

describes them as coming from a land of "puritanical revivalist sects" referring to the

Almoravid and Almohad religious movements, to the central lands of Islam.[4]

Berkey also recognizes tensions within the historical period that would have led

to divergences within religious practice. Interestingly, he does not refer to the difference

in *madhhabs* that predominated in each region that also could contribute to the

difference in religious practice. He does mention that they are Mālikī, but does not

highlight this in his discussion. These historical events he cites include European

"encroachment" through the Crusades and Turkish and Mongol invasions and

settlement. These movements resulted in the transformation of political, religious and

social practices. Internally, the transitions between Shiʿite and Sunni government, the

successive waves of plague that upset society and the conversion of Christians to Islam

that took place during this time also would have transformed the cultural and religious

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[3] Jonathan Berkey, "Tradition, Innovation, and the Social Construction of Knowledge in the Medieval Islamic Near East," *Past and Present* 146 (1995): 42-44.

[4] Berkey, "Tradition," 45.

practices of Islamic societies. These changes would have contributed to the

"innovations" that Ibn al-Ḥājj criticizes in his work.[5]

In his analysis of these texts, Berkey attempts to describe the relationship

between two "polarities" within the Islamic tradition, tradition, associated with *sunna*, and

custom, identified as *bidʻa* or innovation. Ibn al-Ḥājj and others who wrote in this genre

attempted to protect society from innovation that would be harmful to their religious

practice. To that end, they critiqued social and religious behaviors that they consider to

be in violation of tradition, identifying them as innovations or customs. One of the most

important concepts to define in examining this work is "tradition" and what this meant to

Ibn al-Ḥājj. Berkey uses the definitions of tradition and custom developed by Eric

Hobsbawm. Hobsbawm describes tradition as an imagined structure that dictates

normative behavior within a society, while custom is a "flexible web" of practices that

may have a long history of performance, but lack the permanence of the ideologically

based tradition. Custom reflects the dynamics of social forces within the community and

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[5] Berkey, "Tradition," 46.

the shifts that occur in that context, and tradition is the religious ideal that individuals in

society should attempt to follow.[6]

Ibn al-Ḥājj assails those who move beyond the boundaries of tradition, and he

regards their transgressions as signs of the inevitable moral decay that characterizes the

generations that move further away from the time of Muḥammad. These transgressions,

he suggests, not only demonstrate the weaknesses within particular societies, but also

are indicators of the eventual arrival of the Day of Judgment.[7] By calling attention to the

failure of those in society to uphold tradition (*sunna*), Ibn al-Ḥājj hopes to bring the

present times into conformity with the idealized past as it had been conceptualized within

the realm of Islamic law.

However, these are not strictly static categories. Berkey observes that it is not

uncommon for a practice to move from what was once considered an innovation into the

realm of tradition. There are several reason for this flexibility. The first that he presents

is the openness in the area of Islamic education in general. There have been a large

number of popular teachers and storytellers that have played a role in the entertainment

and religious life of the masses. These individuals shaped the popular beliefs and

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[6] Berkey, "Tradition," 47.

[7] Ibn al-Ḥājj, *Madkhal*, 2:88.

practices of the common people, thereby encouraging practices that might otherwise be

condemned by more rigid religious authorities, practices such as participating in ecstatic

Sufi rituals, visiting tombs of saints or observing the Coptic New Year.[8] These practices

become so common that jurists that who had once condemned them actively

participated in their celebration.

As the practices become more widespread and popular expression overwhelms

the objections of other religious authorities, they are eventually accepted as part of the

tradition as conceived of by the scholars as well. Berkey refers to this process as the

triumph of custom over tradition, and, he argues, this trend tends to occur despite the

best efforts of writers like Ibn al-Ḥājj to curtail it.[9]

This assessment of Ibn al-Ḥājj's work accurately captures the tension that exists

between tradition as explained in *sunna* and customs that at times contradict their

teaching. Ibn al-Ḥājj himself was not immune to the inclusion of custom in his own work

as well. This fact becomes evident in his discussion of *madrasahs* and the practices that

went on within their walls. Because the emergence of *madrasahs* as a real presence

within Cairo and other cities had only occurred in the last one hundred and fifty years

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[8] Berkey, "Tradition," 59-65.

[9] Berkey, "Tradition," 64.

before his time, Ibn al-Ḥājj did not have a significant reservoir of tradition to draw from in

order to critique and correct his contemporaries. In his work, Ibn al-Ḥājj effectively had

to create the tradition that he used to critique his society. To accomplish this task, he

drew from the authoritative texts of the Qurʾān and hadith, where he could find passages

that might be relevant to his project, but to deal with specific issues he often had to call

upon more recent teachings of his contemporaries and the practices of respected

teachers in Cairo. In effect, he used custom that he approved of to construct the

normative tradition that he hoped would govern behavior and practice within *madrasahs*.

A few examples will illustrate Ibn al-Ḥājj's approaches to establishing

authoritative positions and his rationale for doing so. In his discussion of religious

instruction that occurs in the houses rather than mosques or *madrasahs*, Ibn al-Ḥājj

criticizes those who choose to remain in the house where they teach rather than

attending communal prayer time at the mosque. Because there is a long and rich

tradition on the proper performance of prayer, Ibn al-Ḥājj is able to draw from a number

of sources in order to condemn those who neglect this obligation.[10]

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[10] Ibn al-Ḥājj, *Madkhal*, 2:87-88.

Ibn al-Ḥājj begins by stating flatly that whenever the call to prayer is heard,

lessons should cease and the professor should lead his students to the mosque to

participate in group prayer. He gives a number of reasons for encouraging Muslims to

do this. The first is a reminder that the leader will receive a spiritual blessing for each of

the students that he leads to prayer and for setting a strong example for the community

at large. Ibn al-Ḥājj follows this statement with a reminder that if a leader neglects his

responsibility to pray at the mosque, then the students that he leads and the general

population of the community will neglect their responsibility to pray as well.   Scholars

are warned from acting in such a reprehensible manner and are reminded of the

judgment they will face for neglecting their obligations and leading others astray.[11]

To support his argument, Ibn al-Ḥājj draws from several sayings of the Prophet

Muḥammad. He reminds his readers of a hadith in which Muḥammad cursed three

types of people: "A man who stands to lead prayer while committing loathsome acts. A

woman who goes to bed while her husband is annoyed with her. A man who heard

"come to salvation"[12] and the does not treat it as an obligation."[13] If a religious scholar,

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[11] Ibn al-Ḥājj, *Madkhal*, 2:87.

[12] A statement in the call to prayer.

[13] Ibn al-Ḥājj, *Madkhal*, 2:88.

one who presumes to teach the community in matters of religious obligations does not

keep them, then who else will? Prophetic hadith and the Qurʾān form the linchpin of

Islamic law, and finding statements like this lend strong support to his argument, but he

draws from other authoritative texts and sources as well. He reminds his readers that

the Companions of the Prophet also attended prayers faithfully. Even while extremely ill,

a Companion of the Prophet was carried to prayer between two healthy Muslims so that

he could participate.

After explaining the obligatory nature of attending communal prayer in general,

Ibn al-Ḥājj goes on to emphasize certain points that might be considered more debatable

within the community, but they are practices he considers to carry the full weight of

Islamic law. Ibn al-Ḥājj encourages his readers to attend larger and older mosques that

accommodate the most people. Without identifying the source that he draws this

statement from he writes, "It has reached us that among the portents of the Day of

Judgment will be the great number of mosques and the scarcity of prayers in them."[14]

Ibn al-Ḥājj argues that the presence of too many mosques within a city discourages the

unity of faithful and leads to factions that divide the community. He quotes another

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[14] Ibn al-Ḥājj, *Madkhal*, 2:88.

writer from the West, Imām Abū Ṭālib al-Makkī (d. 386/998) who writes that the earliest

Muslims despised the existence of too many mosques in one place. He quotes Anas b.

Mālik, a companion of the Prophet, who, as he walked through Basra, observed that

several mosques had emerged. Tribes tended to affiliate with separate mosques rather

than gathering together. When asked which mosque they should attend, Anas replied

they should go to the older mosque.[15]

Ibn al-Ḥājj was distressed by the emergence of so many separate mosques

within Cairo, and he was angry at the idea that the leaders of the Islamic community

would choose to remain in their homes and perhaps lead their wives, children, students

and attendants in prayer rather than traveling the short distance many might need to go

in order to participate in communal prayer. He warns his readers that the scholar "should

be careful about being disposed toward and being deceived by some customs of certain

people in Egypt."[16] Just because a practice becomes prevalent among the leaders of

the community does not mean that it should be adopted by others, he suggests.

Beyond the issue of attending prayer, Ibn al-Ḥājj also criticizes the manner in

which prayers are preformed in Egypt. In particular, he feels that those who are the best

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[15] Ibn al-Ḥājj, *Madkhal*, 2:88.

[16] Ibn al-Ḥājj, *Madkhal*, 2:88.

and most accomplished Muslims should take their place in the first row behind the imam

during prayer. Those who follow them in their piety should take their place in the next

row, and so on. In this way, the spiritual order of the community will be demonstrated,

because those who are the most pious tend to arrive earliest for prayer. He writes,

> These traditions have been exterminated and stopped in most instances during
> this age, but praise be to God, who preserved a good reminder [among those]
> who still practice this rite in the lands of the West. Indeed, you will find in them
> mosques that are well-preserved, lofty and magnificent [where] voices are not
> raised and they are not entered except during times of prayer or classes for
> religious instruction. What has come down to us concerning the arrangement of
> the first row and others after it are continued in this manner, or close to it. They
> have good customs [which] have continued as stated.[17]

Ibn al-Ḥājj portrays the lands of the Islamic West as a bastion of preservation that

upholds the most accurate traditions of the Islamic faith. His bias toward his homeland

perhaps can be explained as stemming from his own personal feelings about practices

that he was familiar with during his intellectual and spiritual development. Additionally,

the West was predominately under the influence of the Mālikī *madhhab*. Ibn al-Ḥājj

certainly felt that his school preserved the teachings of Muḥammad most accurately and

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[17] Ibn al-Ḥājj, *Madkhal*, 2:89.

that his homeland lived them out in an exemplary manner. It is interesting to note that

Ibn al-Ḥājj does not produce the proof texts as he had in encouraging Muslims to attend

public prayer when describing the need for ordering believers in this fashion during

prayer. Instead, he reverts to citing local customs of his homeland to build his case.

While strongly criticizing the customs of the Egyptian people, Ibn al-Ḥājj is forced to rely

on the customs of his homeland to establish moral standards on certain issues.

This habit becomes even more pronounced in his criticism of *madrasahs*.

Because *madrasahs* appeared in the relatively recent past, Ibn al-Ḥājj had to become

more creative in formulating his arguments against practices carried out in these schools

which he found objectionable. He turns to more obscure references in hadith, relies on

more teachings from his mentors, and applies contemporary anecdotal evidence to

support his ideas rather than relying on stories from the life of Muḥammad. In doing so

Ibn al-Ḥājj, develops his own ideas about what should dictate proper behavior in a

relatively new institution.

Berkey's depiction of the preservers of tradition against the influence of custom is

accurate in many instances; however, Ibn al-Ḥājj was not immune to incorporating

custom into Islamic practice. Rather than letting the slow process of allowing the

enculturation of social practice overwhelm the barriers of tradition, Ibn al-Ḥājj, as a

scholar, could actively take part in defining what fell within the realm of tradition (*sunna*).

In this way, custom infiltrates the very texts meant to preserve tradition from its

influence.

Money and *Madrasahs*

The number of *madrasahs* and their economic influence had increased

significantly over the previous centuries. To what extent did this contribute to the

professionalization of the position of law professors? Ibn al-Ḥājj's work provides

important insight into the emergence of the established salary for legal professionals and

the effects this had on the behavior of professors and their students. His work shows

that law professors came to expect the privileges that accompanied their positions as a

matter of course and reacted strongly when they lost these benefits. Ibn al-Ḥājj criticizes

this assumption of privilege and contrasts it with behavior of the early followers of

Muḥammad and others.

Ibn al-Ḥājj may be reacting so negatively to the practice of accepting money for

teaching in part because his own upbringing and education had taken place in a vastly

different environment. The West had not witnessed the building of *madrasahs* at the

rate they appeared in Egypt and Syria. The Mālikī *madhhab*, the dominate *madhhab* in

the West, did not allow founders to retain control of the institution that they established.

For this reason, *madrasahs* could not act as a shelter for the wealth of deposed officials

or their descendents. Without this financial incentive, fewer sultans and officials chose

to found *madrasahs*.[18] Ibn al-Ḥājj may be reacting to a foreign system of education and

custom as much as anything else. Also, because he was educated outside this system,

he may have had trouble finding work within it. In Cairo, a Mālikī would have found far

fewer opportunities than a Ḥanafī or Shāfiʿī. Given his outsider's view of the situation, Ibn

al-Ḥājj brought a more critical eye to the circumstances that he encountered.

The most fundamental criticism that Ibn al-Ḥājj makes against law professors

who accept payment for their services is that those who accept payment lose the purity

of their intention (*niyyah*) in teaching law. Rather than performing a sacred duty out of

reverence for God, law professors may teach only for the material benefits that they

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[18] George Makdisi, "The Madrasa in Spain: Some Remarks," *Revue de l'Occident musulman et de la Méditeranée* 15-16 (1973): 153-158.

could enjoy in this lifetime. He goes so far as to say that a professor would only choose

to take a position in a *madrasah* over a mosque for the salary, and that if he accepts a

post in a *madrasah* he should "increase the sincere devotion of his intention and push

faults from himself so that he not be devoted to his desire for income or that his heart

turn toward it."[19] The professor who accepts a salary must redouble his efforts to

maintain sincere devotion since he will be tempted to work for money rather than God.

Ibn al-Ḥājj goes on to assure his readers that God looks after religious scholars

and takes a special interest in their well being. He quotes a hadith that states that "God

guarantees the sustenance of the seeker of knowledge."[20] Because God takes a special

interest in the lives of scholars, they should not worry about their food, clothing and other

needs, but should depend on God's provision. Ibn al-Ḥājj argues that if someone should

take payment he should do it only under the conditions that he did not request the

money and that he should make no promises of loyalty in exchange for the money he

takes. These two conditions limit the opportunities the scholar would have to take

money. If he follows these moral restrictions, the scholar could not make the request of

students or wealthy individuals in the community. He could only hope that generosity

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[19] Ibn al-Ḥājj, *Madkhal*, 2:89.

[20] Ibn al-Ḥājj, *Madkhal*, 2:90.

would move a member of the community to help him. The second point addresses a

serious ethical problem that legal scholars must have faced in their efforts to obtain

salaries and teaching positions. Ibn al-Ḥājj addresses in great detail the issue of a

jurist's acceptance of money in return for favors.

A Lethal Poison

        The emergence of *madrasahs* presented legal scholars with a difficult choice.

Traditional teachings, such as those which Ibn al-Ḥājj mentions, cast the very idea that

someone should accept money in return for their instruction in a very negative light.

However, as more respected scholars took these posts (and the evidence indicates that

the most famous scholars of this age were willing to take these positions), it became

harder to persuade others that they should refuse to work in these situations that would

greatly improve their material and social status. In fact, scholars appear to have actively

sought out these positions. Wealthy patrons who established these schools would

appoint a scholar as the head of a particular *madrasah*. It also seems that amirs and

important officials within the government could appoint professors to teach in

madrasahs. For this reason, Ibn al-Ḥājj indicates that scholars would visit influential

figures with in the government in order to win their favor and obtain lucrative positions. It

also appears that these high-ranking members of society used their influence to secure

pledges of future cooperation from scholars in exchange for appointments to desirable

positions in *madrasahs*.

This potential buy-off of Islamic scholars infuriated Ibn al-Ḥājj, as it is an

inversion of his view of the proper order of society. Leaders in the Islamic religious

community traditionally had carried the obligation of "commanding the good and

forbidding the evil." In everyday life, Muslims would be expected to stop other Muslims

from performing immoral acts either because of their ignorance or willful disobedience.

It was not uncommon for an inspector of the markets, or *muḥtasib*, to provide the public

service of stopping inappropriate actions when and where he saw them taking place.

However, this responsibility was not limited to enforcement among the common people

alone. Religious leaders would have been expected to correct the political leaders of the

community as well. If the religious leaders of the community were all indebted to the

political and business leaders for their teaching positions, they could not fulfill this

required duty.[21] Also, because law professors were also responsible for issuing *fatwās*,

or rulings on points of law, they should have remained impartial, but their dependence

on these wealthy figures would have corrupted their impartiality.

Rather than having a situation where religious leaders were sought out for their

wisdom and expertise in matters of religious importance, the *ʿulamāʾ* relied on the

political leader of the community.   Ibn al-Ḥājj writes, "it is required that the people be at

the door of the scholar, and not the other way around – that he might be at their doors."[22]

If scholars should rely on the wealth of the elite in society, they will live in fear of the

ones who granted them their positions and secured their financial well-being. Ibn al-Ḥājj

notes that scholars who do not rely on the wealthy have nothing to fear and can act

according to their consciences. He contrasts those who are reliant on the elite with

those who are reliant upon God. Those who rely on God are free to make decisions that

are in accordance with the requirements of the law. By dedicating themselves to God,

the law professors and students no longer have anything to worry about in terms of the

threats of the powerful, poverty and other concerns. Ibn al-Ḥājj encourages his readers

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[21] Michael Cook, *Commanding the Right and Forbidding Wrong in Islamic Thought* (Cambridge: Cambridge University Press, 2000), 1-12, 114-164.

[22] Ibn al-Ḥājj, *Madkhal*, 2:96; cf. Berkey, "Tradition," 63.

to rely upon the Creator rather than other created beings. He reminds them that they

should follow the example of the Prophet Muḥammad and to remember how God

provided for him. Going to the doors of the wealthy is described as "lethal poison."[23]

Reliance on the wealthy compromises their morality, and the metaphor that compares

accepting the money of the elite to taking poison captures his position well.

Perhaps even more upsetting to Ibn al-Ḥājj is that many of the professors do not

even perceive that they are engaged in immoral behavior by calling on the wealthy and

requesting their help. In fact, they consider calling on the wealthy a necessity that is

required for them to carry out their work. In response this attitude, Ibn al-Ḥājj writes that

if, "they believe this, there is little hope for their repentance and their return, since one

cut off from the good does not repent."[24] What had become a common custom in Egypt

is tantamount to a severe and eternal condemnation in the eyes of Ibn al-Ḥājj. A

reprehensible custom had passed into everyday practice, and then became considered

a requirement by those who are supposed to uphold the law. Ibn al-Ḥājj violently

opposes this type of behavior; however, he does not have a strong basis in Islamic law

from which to condemn it. Instead, he draws a parallel between a professor visiting an

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[23] Ibn al-Ḥājj,*Madkhal*, 2:96.

[24] Ibn al-Ḥājj, *Madkhal*, 2:96.

elite member of a community and a witness visiting a judge. He writes that "some of our

scholars" (Mālikī jurists) have argued that if a witness visits a judge frequently, his

testimony should be considered damaged and inadmissible in court. Ibn al-Ḥājj goes on

to write that if witnesses could lose their probity by interacting with judges, then

instructors of law should avoid interacting with the elite, who are often openly immoral.

These are the leaders and teachers of the religious community. Ibn al-Ḥājj indicates that

their standards should be higher, and that by putting themselves in a subservient

position to worldly leaders who may be able to provide for their physical needs, they lose

the moral authority and religious standing required to do their work.

     This line of argumentation is not entirely new. For centuries before Ibn al-Ḥājj,

religious scholars had been warned against taking favors from those in power.

However, those who had been warned about this in the past tended to be members of

the judiciary. As early as the Abbasid dynasty, political authorities had made

appointments from the religious leaders of society to positions of judicial authority,

especially as judges, and, in response, a large number of hadith reports, sayings of

scholars and other warnings appeared discouraging scholars from taking these positions

for reasons similar to those that Ibn al-Ḥājj provides here. These judges were similarly

required to make decisions that would benefit the rulers that appointed them to their positions. Just as legal scholars were encouraged to maintain the purity of their hearts in the work of Ibn al-Ḥājj, judges received similar encouragements in works dedicated to their behavior. Individuals who had been potential recruits into state judiciary positions often found recourse in the fields of teaching Islamic law. By dedicating their lives to educating students, they would not guarantee themselves the wealth and power that could be associated with serving as a high ranking judge, but they would maintain their purity and fulfill their religious duty without morally compromising themselves.

It appears that by the time of Ibn al-Ḥājj, the dynamics of the standings of these professions had changed. While judges continued to be looked at with suspicion by religious purists like Ibn al-Ḥājj, law professors who took up work in *madrasahs* also began to be considered morally compromised because of their close relationships with the elites of the land. Biographical dictionaries that described the lives of great scholars made a point of highlighting those who did not choose to teach in a school that would have given them a steady salary as a mark of their dedication to personal piety.

Just as a new social and economic status emerged with the development of *madrasahs*, the hierarchy of spiritual authority (as measured by some) was recalibrated.

Ibn al-Ḥājj and those like him rejected those who drank the poison of accepting money

and benefits of the wealthy at the cost of their personal integrity. He saw this

compromise as altering their entire approach to education, even to the point that they

would cancel class on the days that their benefactors or potential benefactors would

receive recognition for their appointment to high office.[25]

It was fairly common practice that when an official was appointed to a high office

that the sultan or amir who had appointed the person would hold a large public

ceremony and celebration in order to confer the rights of office on that individual. Ibn al-

Ḥājj reports that it was not uncommon for professors to cancel their classes on these

occasions in order to congratulate their sponsors or potential patrons. This type of social

networking appears to have been essential to the advancement of the careers of

religious officials.   It also would have lent the officials who were being honored

credibility to have important members of the religious leadership of the community in the

audience observing their ceremony. While all this social maneuvering worked to

advance the careers of the parties involved, it did not serve to advance the propagation

of sacred knowledge.   Ibn al-Ḥājj complains, that if "only they should do this while they

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[25] Ibn al-Ḥājj, *Madkhal*, 2:97.

were aware that what they do is despicable and forbidden, but some of them consider

them an obligation or a recommended action according to interpretations which occurred

to them that the rules of Islamic law reject. For example, [a professor] cancels the

lesson and goes to a celebration out of fear that his position will be taken from him, or

out of hope for another position, or out of some other motivation."[26] When religious

scholars had no ties to the ruling elite, they could carry out their duties without concern

for the ceremonies of the ruling class, but as the ties between these groups grew

stronger over the course of the thirteenth and fourteenth centuries, many apparently

considered attending these celebrations to be an obligation that they must perform.

In addition to questioning what scholars must do in order to be appointed to

teach at a *madrasah*, Ibn al-Ḥājj also pointed out that much of the property used to build

or to fund the endowments of various *madrasahs* was acquired illegally. During the

Mamluk period, rulers of the state changed with some frequency. When this occurred,

the successors of these deposed individuals would seize their property and claim it as

their own. Rulers would also seize the property of important official and wealthy citizens

who were suspected of treason against the state or who had in some way displeased the

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[26] Ibn al-Ḥājj, *Madkhal*, 2:97.

ruler. At times, their only offense may have been that they possessed something the

ruler desired. The chronicles are filled with these instances, and they mention the

torture that was used to help the ruler uncover the wealth these individuals may have

hidden from plain sight. This type of seizure violated Islamic law, and as a result,

scrupulous individuals were required to avoid any contact with it.

As Ibn al-Ḥājj makes clear, in many cases this wealth was used to finance the

building and endowment of religious institutions such as *madrasahs*. Ibn al-Ḥājj writes

one "finds some people illegally seizing places and building material like supports,

marble and window screens, and they take some of these from mosques, houses and

baths. In addition to this, they force skilled workers and others who are building [to

participate] in this."[27] Because of this illegal seizure, scholars should have viewed these

positions and the endowments that provided them stipends as corrupt and never

consider working in such conditions. Ibn al-Ḥājj indicates that the only way a *madrasah*

that has been built in this manner could be used is if a herald were sent out into the

streets calling for all those who had materials taken illegally to come claim them from the

school. Only then, after the stolen goods had been removed, could the professor

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[27] Ibn al-Ḥājj, *Madkhal*, 2:98.

consider working there. Otherwise, Ibn al-Ḥājj argues, the scholar would in effect uphold

the permissibility of owning stolen goods. If scholars show no hesitation in using goods,

houses and money taken from others unjustly, then the individuals whom they are meant

to instruct would be more inclined to ignore these injustices as well. By accepting

teaching positions in *madrasahs*, scholars would not only be obliged to make understood

agreements in terms of their loyalty to officials, but also be in danger of making their

living by illegal means.

Professors who took positions within *madrasahs* could potentially compromise

themselves in a number of ways. The jobs that they took came with benefits that

outweighed the traditional rewards they might have enjoyed, but these benefits came

with responsibilities that had to be carried out as well. While before law instructors

moved on the fringes of state authority, with the development of *madrasahs*, they joined

the larger state apparatus that directed society. By accepting money, homes and places

to teach that were financed by the leaders of the state, religious scholars placed

themselves under their influence.

The Honor of Scarcity and the Question of Necessity

Scholars had moved into positions that provided them with more material wealth

than they had enjoyed before, but this wealth came with ties that could morally

compromise individuals who were looked to for their upright behavior. Ibn al-Ḥājj

expresses his disappointment at the reasons so many scholars give for their willingness

to take positions that may corrupt their objectivity and morality. Professors argued that

they needed these rewards in order to provide for themselves and their families. Ibn al-

Ḥājj writes that "there is no excuse for one who says, 'Necessity compelled me to take

these positions and posts because of the large number of my dependents and their

needs.'"[28] His sympathy does not extend to the hardships that individuals may face as

they rely on God for their income rather than on endowed chairs at *madrasahs* or the

wealth of the elite.

To support his view, Ibn al-Ḥājj cites a number of passages that seem to indicate

that those who rely upon God will be provided for. From the Qur'ān he quotes, "And

verily We sent messengers (to mankind) before thee, and We appointed for them wives

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[28] Ibn al-Ḥājj, *Madkhal*, 2: 98-99.

and offspring."[29] Because God provided for messengers, prophets and their wives and

children, Ibn al-Ḥājj reasons that legal scholars of his own day should not worry about

their physical necessities. God's provision will meet their needs.

Ibn al-Ḥājj goes on to explain that what inhibits many people from realizing the

provision of God is their own skewed understanding of necessity. Legal scholars and

their families thought that they needed the luxuries of a better lifestyle. However, he

argues that the earliest Muslims were content with far less. He writes that "scarcity of

new things was an honor to them and raised their status."[30] The earliest Muslims were

content to wear rough clothes and lead difficult lives. Ibn al-Ḥājj praises them because

"the forefathers had God's favor upon them. They loved poverty, and they lived

accordingly. They fled the world and its motives."[31] Ibn al-Ḥājj sets a difficult choice

before his readers. The earliest prophets and Muslims not only lived with little, they

loved their poverty and saw their lack of material wealth as an honor. Ibn al-Ḥājj rejects

the idea that professors should accept money or desire positions for the simple reason

that their lives would fall short of the Islamic ideal of detachment from the world's affairs.

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[29] Ibn al-Ḥājj, *Madkhal*, 2: 99. Translation by Pickhall.

[30] Ibn al-Ḥājj, *Madkhal*, 2:99.

[31] Ibn al-Ḥājj, *Madkhal*, 2:99.

After establishing the ascetic ideal by which scholars should live, Ibn al-Ḥājj goes

on to explain why so many of his contemporaries do not follow this path as closely as

they should.   He argues that too many Muslims have confused what they desire with

what they need. To illustrate this point, Ibn al-Ḥājj quotes one of his teachers, Abū

Muḥammad, who wrote, "What has arrived in this age are needs based in custom

(*muʿtādāt*), not Islamic law (*sharʿīyāt*)."[32] Ibn al-Ḥājj argues that jurists have moved so

far from understanding true necessity that they no longer perceive the reality of their

situations; they have instead become blinded by the customs that are prevalent within

their societies. Ibn al-Ḥājj goes on to provide an example of the customs that were

considered necessities among law students.

Ibn al-Ḥājj points out that being captured in the web of worldly goods can happen

easily without one's paying close attention. He writes that law students have come to

believe that they need a cloak of a certain type. This cloak would have distinguished

their station and would have, perhaps, marked their place as a student on track to a

position of religious and political authority. Likewise, he writes that the students desire a

turban in order to demonstrate their class. Ibn al-Ḥājj argues that adopting clothing like

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[32] Ibn al-Ḥājj, *Madkhal*, 2:99.

this is a waste of money. He even questions their need to spend money on the books

that would mark them as a scholar. However, students' acquisitions of worldly goods did

not stop with clothes or books. Ibn al-Ḥājj goes on to explain that many students decide

that they need an animal to ride around town. He writes, "If he gets a riding animal, a

slave and other expenditures are required for its [care] most of the time. A donkey is

necessary for some of them, and some of them get a donkey for their slave as well.

Then the slave needs a wife. He continues [accumulating] necessities in this way until

he lives in an extravagant manner, and [tells] himself that it is necessary."[33] While the

student might view something as simple as buying a donkey to be fairly inconsequential,

Ibn al-Ḥājj views it as the beginning step to becoming completely caught up in the world.

Because caring for the animal requires so much work that buying a slave becomes

necessary, the law student soon finds himself with the responsibility of caring for the

needs of more and more people. The simplest way to avoid the world, in Ibn al-Ḥājj's

view, would be to avoid taking the first step of purchasing items beyond what students

and professors might actually need. Giving into the desires of the world commits

scholars to a series of obligations that require a high salary to maintain.

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[33] Ibn al-Ḥājj, *Madkhal*, 2:99.

Rather than accumulating all these possessions, Ibn al-Ḥājj suggests that

students and professors should live according to the needs described in Islamic law.

Quoting Abū Muḥammad again, Ibn al-Ḥājj writes, "Only what is prescribed by law is a

necessity, and even legal necessities are not needed most of the time."[34] Ibn al-Ḥājj

envisions legal scholars subsisting on the minimum amount of money and goods that

necessity would demand, and it appears that in his eyes "necessity" is really very little.

Scholars who embrace this approach to life are freed from the worry and compromises

that come with wealth. They are able to enjoy the blessings of God and act as examples

to others.

He supports this position further by quoting Abū Ṭālib Muḥammad b. ʿAlī al-Makkī

(d. 386/996), author of *Qūt al-Qulūb*, who wrote that "nothing is preferable to rejection of

the world."[35] He also quotes from Mālik who said, "Should I not tell you, I will indicate

the best of your works and their purity before God? They are better for you than gold or

money."[36] In Ibn al-Ḥājj's view, unless the scholars renounce their wealth and embrace

the scarcity that distinguished the lives of the prophets and other leaders of Islam, they

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[34] Ibn al-Ḥājj, *Madkhal*, 2:99.

[35] Ibn al-Ḥājj, *Madkhal*, 2:100.

[36] Ibn al-Ḥājj, *Madkhal*, 2:100.

will become so engaged in the world that they may lose the piety that should distinguish

religious leaders from the rest of society.

It is telling that Ibn al-Ḥājj feels compelled to write such a scathing critique of his

contemporaries. It appears that by early fourteenth century in Egypt, law professors and

their students had become accustomed to a higher standard of living. The customs of

the country that Ibn al-Ḥājj wrote against so vehemently tended to emphasize the

practice of religious officials enjoying a relatively comfortable life, which also has a

certain legitimacy within the Islamic tradition. Ibn al-Ḥājj's attempt to redefine the term of

necessity to fit a more ascetic mode of life was in direct response to the comfortable life

style that legal scholars enjoyed. Breaking the dependence of the scholars on the state

would have required them to agree to a more austere lifestyle. However, if they left the

appointments they held, then they would no longer be obligated offer reciprocity to their

masters. Ibn al-Ḥājj was attacking an established custom and expectation among

scholars. The comfortable level of living they enjoyed and its ties to the stipends of

madrasahs seems to have become highly ingrained in society. This fact is evident in Ibn

al-Ḥājj's description of how individuals working in *madrasahs* react when their resources

are temporarily cut off.

When the Money Runs Out

Madrasahs operated on the income generated from property endowed

specifically for their use. This property could be markets, farmland, public baths, shops

or caravanserays whose rent was turned over to the overseers of the institutions.

However, these sources of income were not completely reliable. A drought could reduce

production on farmland. Plagues might decrease trade and slow down the economic

activity in an area.   Political instability and warfare also affected the production that kept

madrasahs in operation. These disturbances happened with great regularity during the

Mamluk period, and *madrasahs* were frequently forced to operate without their usual

levels of income.

A number of *madrasahs* had instructions on how to deal with these situations

written into their endowment documents. They explained which jobs should be

eliminated first in times of hardship in order to keep the institution in operation.[37] Many

times the cuts went deep enough to reach professors of law and their students. Ibn al-

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[37] Berkey, *Transmission*, 19-20.

Ḥājj offers advice for students and teachers when this should happen. He writes that the

"sign of sincerity of his faithfulness, that his teaching is characterized by God Most High,

is that if the salary is cut off, he should not leave instructing, and he should not lessen

his efforts to teach. He should not become annoyed or angered. Rather, during the time

he is cut off from his salary, he should increase his teaching and have a stronger desire

for it because he is devoted exclusively to God Most High. The salary had been cut off

by God Most High as a test, so that he might see his devotion to his knowledge."[38] In

Ibn al-Ḥājj's view, the income of professors and students depended completely on God,

and if their income fell, they should carry out their obligations faithfully. As his writings

suggest, Ibn al-Ḥājj probably felt that this was the preferable way to teach students from

the beginning. However, the fact that Ibn al-Ḥājj feels the need to explain this to his

audience indicates that many did not share his view on these matters.

Because the number of paid positions in Islamic law had increased so

dramatically over time, scholars had become accustomed to and reliant upon the income

they received for their work to the point that when the income for their work stopped,

they ceased instruction altogether. For Ibn al-Ḥājj, this lack of commitment indicated the

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[38] Ibn al-Ḥājj, *Madkhal*, 2:90.

lack of piety that had become common among the religious elite in Cairo. For the

historian, this behavior is yet another indication of the influence of *madrasahs* on the

practice of Islamic legal education. If *madrasahs* had not been a major center of

learning, but rather another location in the complex web of instruction, why would the

elimination of salaries have dramatically altered the behavior of students and professors

who worked within them? Presumably, students would have continued their education

by moving on to one of the many other informal locations where instruction took place.

Or, if scholars based their instruction on the relationships formed between themselves

and their students, income would have little bearing on their dedication to teaching.

However, when salaries were discontinued, it appears that teaching frequently stopped

completely. This activity points to the further institutionalization of Islamic education.

Ibn al-Ḥājj attempts to encourage his readers toward proper behavior by offering

them an example of how they should behave in times of hardship. He presents an

anecdote about "one of the current scholars" teaching in a *madrasah*, which was related

to him by a trustworthy source. In this story, a professor is leading a group of students in

their study when the stipend for the instructor and students was greatly decreased or cut

off. The students became dissatisfied in their situation and urged the professor to seek

out a wealthy and influential individual to fund the *madrasah's* activities while they were

in such desperate times. The professor kept putting the students off, and they kept

pressing him on the matter until one day he said to them that he could not do it:

> By God, I would be embarrassed before my great and majestic God that I would
> become a liar before Him." They said, "How would this be?" He said, "I get up
> each day and I say, 'Nothing can hold you back when you give, and no one can
> give when you hold back.' Can I say this, and then stand before someone and
> ask [for money]? Oh God, I would not do it."[39] He did not go to him. It is
> desirable that he should not mention the cutting off of the salary among people,
> and he should not make it known since this is done out of anger and little faith

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[39] Berkey used an example of this in the first chapter of his book to support his claim that *madrasahs* did not exist primarily for the purpose of teaching Islamic law. In the document he cites, the *waqfiyyah* for the mosque of Sultan Ḥasan, the students and law professors were among the first to lose their jobs stipends, behind the preacher of the school, the one who calls for prayer, and prayer leaders. From this and other evidence he concludes that *madrasahs* were not mainly in the business of legal education; otherwise, those involved in the work of teaching law would have held a more privileged position in the order of job elimination.

This example raises an interesting question. How often would *madrasahs* run out of money to pay its students professors and employees? Was it common practice for the professor to become a fundraiser in these instances? We know that during difficult financial times a protocol was established in some *waqfiyyahs* concerning the order in which employees were released, see Berkey. Is this a way around that problem? This paragraph might also address Berkey's argument that because students were among the first released in these situations, they were the least valued members of the establishment, and therefore, the role of the *madrasah* was not primarily an institution of higher learning. It might be that the students and professors had the most options available in order to make ends meet during hard times either through the solicitation of funds, by plying their legal skills or, as Ibn al-Hajj suggests, by relying on the unbidden generosity of the community and making do on less.

concerning his needs which are in the hand of God Most High and as opposed to the opinions of some people on this matter.[40]

Ibn al-Hājj uses this example to demonstrate the piety a law professor should exhibit when faced with this situation. Rather than complaining, the professor should embrace his poverty and carry out his commitment with even greater enthusiasm. However, it also gives us insight into how *madrasahs* functioned in these difficult situations. Once again, it can be assumed that many or most of these schools did not follow the example that Ibn al-Ḥājj suggests. Many appeared to have stopped lessons completely, as Ibn al-Ḥājj indicated earlier. Others seemed to have turned, once again, to the doors of the wealthy and powerful.

The elites of the community that helped to construct *madrasahs* appear to have maintained their operation when they entered financial straits. A respected scholar within the community could appeal to the generosity of these individuals with the hope that they might give to the school. Of course, Ibn al-Ḥājj reminds his readers of the potential costs of accepting their generosity. By going to the wealthy for help, scholars

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[40] Ibn al-Ḥājj, *Madkhal*, 2:90.

open themselves to the corruption that could be associated with taking money from the

wealthy.

Accepting a position in a *madrasah* would have met scholars' financial needs, but

Ibn al-Ḥājj considers the money to be more a hindrance to educating scholars than a

help. Even to attain positions in *madrasahs*, scholars would have had to ingratiate

themselves to powerful individuals in the state. They would have been open to the

reciprocation of favors that distinguished the political and social networks of the time

period. Ibn al-Ḥājj preferred to see legal scholars remain above dealings of this nature.

Beyond that, Ibn al-Ḥājj was concerned with the effects that accepting money would

have on scholars' attitudes and their general piety. As they became more reliant on the

income, their perceived needs would grow to meet their newly available resources. Ibn

al-Ḥājj felt that they would become distracted by the material possession that they

accumulated. He argued that scholars would do better to embrace the poverty that

characterized the lives of prophets and other great scholars that had preceded them. He

writes, "If a position and its riches are offered to him, nothing requires him to take it.

Leaving it is preferable to God Most High than taking it, and trusting that he will receive it

from Him because of His kindness, because abandoning the seeking of the world is

greater before God Most High than taking it and trusting in it."[41] Ibn al-Ḥājj concludes

that scholars would be better off walking away from a position in a *madrasah* than to

take it. Ultimately, he viewed it as a corrupting force that should be shunned by those

who teach proper behavior to the Muslim people. However, Ibn al-Ḥājj's words do not

appear to have dissuaded many from accepting the financial benefits that were

associated with teaching in *madrasahs*. Many of the most prominent and respected

scholars in the community taught in *madrasahs*, and the most distinguished even held

multiple appointments. Ibn al-Ḥājj attempts to direct the scholarly community away from

accepting positions by linking them to condemned activities that were associated with

the darker side of accepting money, but this tactic did not stop an already powerful

institution within the community from maintaining its prominence. The question of

money was only one of Ibn al-Ḥājj's problems with *madrasahs*. The fact that *madrasahs*

appear to have limited access to sacred knowledge caused him even greater concern.

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[41] Ibn al-Ḥājj, *Madkhal*, 2:99.

Exclusionary Tactics Used in *Madrasahs*

Ibn al-Ḥājj's discussion of salaries affirms several of the assumptions that one

would expect to underlie the process of the professionalization of a class of scholars.

Before, scholars might have needed several jobs to support themselves, but by the

middle of the Mamluk period, they appear to have relied on the salaries provided by

madrasahs in order to make their living. The practices associated with obtaining and

maintenance of positions seem to have become the accepted customs among scholars.

They were willing to pursue their posts by courting the favor of the wealthy and

influential. Scholars began knowingly to take positions where property had been illegally

seized. These academics had moved away from embracing poverty as their

predecessors had, and teaching tended to stop when salaries discontinued. The

idealized vision of a group of scholars sharing knowledge based on the bonds of love

between teacher and pupil and the desire to fulfill a sacred duty to God had been

replaced by more institutionalized motivations. Scholars worked with their students not

only as a means to serve God, but also to make a living.

In addition to the evidence that Ibn al-Ḥājj provides regarding the salaries that professors received, he also details the methods that scholars used to restrict access to the knowledge they distributed. As law professors became more established professionals in the community, Ibn al-Ḥājj presents evidence that they limited access to their classes to the students they were paid to teach. This behavior points to the professionalization of teaching law in many ways. It indicates that as paid instructors, they resisted teaching students from whom they would not have received compensation. Their time and effort, and their very knowledge had become a commodity or capital from which they could profit. Dispensing this information without compensation would have reduced the value of the product which they made their living by selling. Additionally, by increasing the number of individuals who shared their knowledge, they would have created increased competition for the posts they held or hoped to attain. By limiting the distribution of knowledge, professors sustained and helped perpetuate the profession in which they participated. These ideas and others will be explored as the tactics used by law professors to restrict access are discussed in the following sections.

The Reasons for Exclusion

Ibn al-Ḥājj viewed one of the chief roles of the scholar to be the distribution of

knowledge among the Muslims. The idea that knowledge should be reserved for

particular individuals and not the general public would help create a class of elite

scholars, but it is antithetical to Islamic tradition in many ways. Scholars who wanted to

learn would travel great distances to sit at the feet of masters who could instruct them in

hadith or other works that they may not have had access to in their own countries.

Scholars were expected to share knowledge. Individuals knew that when they heard

sacred knowledge communicated, they were being knit into chains of transmission that

stretched back for centuries. In an ideal world, all should have had access to this body

of knowledge, and, with few exceptions, everyone could have been a part of the chains

of transmission that stretched back to the Prophet Muḥammad and the greatest teachers

in the Islamic tradition.

Ibn al-Ḥājj agreed that everyone should have access to the teachings of Islam,

and his work vigorously attacks those who would deny any Muslim this right. He

disputes the epistemological rationale that scholars would use to bar the common

people from attending lessons. Ibn al-Ḥājj reports that some claim that "the common

people" were not permitted to learn certain things, and for this reason, they should be

barred from attending the lessons presented by professors. Ibn al-Ḥājj responds by

quoting a saying from Mālik who told the Caliph, "If this knowledge is prohibited from

[being presented] to the general population, then the elite will not benefit from it."[42] From

this quote, Ibn al-Ḥājj argues that knowledge that is not open to all Muslims is not

valuable in itself.

In reality, the issue is not the intrinsic value of the knowledge or the question of

who should have access to it. Ibn al-Ḥājj insists that these scholars are not acting out of

interest for the community or for the preservation of Islam, but rather are acting out of

their own pride and arrogance. Ibn al-Ḥājj argues that all sacred knowledge has value,

and the blessing that comes with knowledge only increases as it is shared. The reward

that the teacher receives increases as he transmits that knowledge to the students. By

denying others access to knowledge, these instructors, Ibn al-Ḥājj suggests, are losing

rewards from God. It is not up to scholars to decide who should be allowed to hear

religious teachings. Those who formed the elite and those who lived in more humble

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[42] Ibn al-Ḥājj, *Madkhal*, 86.

conditions should both be allowed to learn what would benefit them concerning their

Islamic faith.

Restricting sacred knowledge from the common people would not only harm

those who were denied the opportunity to learn. Ibn al-Ḥājj also argues that those who

teach lose insight into the material that they study.   He quotes a verse from the Qurʾān

that states, "I shall turn from my revelations those who magnify themselves wrongly on

the earth."[43] Ibn al-Ḥājj interprets this verse as meaning that God will not reveal the

insights of his teachings to those who prohibit the general public from attending their

lessons. Ibn al-Ḥājj would argue that all knowledge and understanding comes from God,

and if teachers deny others the opportunity to learn, they will be cut off from the source

of their understanding. Their arrogance will prevent them from perceiving truth in the

material they memorize and will also prevent them from acting in accordance with what

they learn. Even though they may engage in years of study, Ibn al-Hājj suggests that

"the general masses remain in a better condition than them in this respect, may God

Most High help us in this."[44] While the educated elite may preserve their positions by

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[43] Quran 7:146. Trans. Pickthall.
[44] Ibn al-Ḥājj, *Madkhal*, 86.

guarding their knowledge, Ibn al-Ḥājj indicates that their spiritual understanding will fall

below even that of the most humble Muslims.

Institutions as Means of Inclusion and Exclusion

In addition to questioning the restrictions placed on common people seeking

knowledge based on the material taught, Ibn al-Ḥājj also discussed the locations in

which teaching occurred and discussed their relative merits and faults in relaying

knowledge. Ibn al-Hājj mentions three venues that served as the primary locations

where instructors and students would meet: the home, the *madrasah* and the mosque

(*masjid*). He was aware that certain locations encouraged the distribution and spread of

knowledge, while others seemed to hinder its spread.

Ibn al-Ḥājj desired that Muslims should have the greatest possible access to

Islamic teachings, so the accessibility to knowledge became the standard by which he

evaluated the quality of the various locations he discusses. He writes, "to hold lessons

in the mosque is preferable [to the *madrasah*] because of the benefit of knowledge for

one who seeks it and one who does not seek it, as opposed to the *madrasah*, for no one

comes to it most of the time except the one who seeks knowledge or a legal edict. The

[knowledge] which is spread in the mosque exceeds that which is spread in the

madrasah, and the knowledge that is spread in the *madrasah* exceeds that which is

spread in the home."[45] Since the preferable nature of the location is based on the

number of people who are able to hear the teaching of the professor, the mosque is

evaluated as the superior venue. In a mosque, anyone may enter into a lesson, as

mosques are open to all. Anyone who wished to pray or meditate might enter into the

mosque during the five daily times of corporate prayer and participate in this ritual

without interference. If a professor happened to be starting a lesson after the time of

prayer ended, then anyone who was present could theoretically enter into the teacher's

presence and hear the lesson. This would be the ideal situation in Ibn al-Ḥājj's view,

since the largest number of Muslims could hear the lesson, and it would yield the

greatest eternal rewards for the professors whose benefits, according to Ibn al-Ḥājj,

corresponded to the number of individuals they taught.

The *madrasah* followed the mosque as the next best location for instruction in Ibn

al-Ḥājj's evaluation of educational venues. *Madrasahs* seem to have served the

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[45] Ibn al-Ḥājj, *Madkhal*, 89.

purpose of teaching Islamic law, as well as acting as a location for individuals to receive

legal edicts from a distinguished scholar. The only individuals who might benefit from

these schools would be students who purposefully attended to learn and those who

might happen to drop in for legal help, although, as will be explained below, those

dropping in for legal edicts would have encountered enormous difficulty in actually

hearing a lesson. Those who might have attended a lesson in law after praying at a

mosque would not have had access to the teaching that would have occurred in

madrasahs.

Madrasahs, however, did rank above lessons taught at a particular law

professor's home in terms of their accessibility. Ibn al-Ḥājj laid out a number of rules for

individuals teaching in these locations. His intention was to encourage those who teach

at home to create an atmosphere that would spread knowledge, but it becomes evident

that lessons taught in a professor's home created a highly restrictive environment,

limited only to those whom the professors had selected to attend. Ibn al-Ḥājj writes that

professors should publicly advertise the time and location of their lessons if they are

teaching at home. Potential students would have no clue that a lesson would even take

place unless the professor specifically told them. By requiring professors to advertise,

Ibn al-Ḥājj hoped to see more students attend. However, it seems unlikely that a

professor would have publically announced to everyone at a local mosque or other

public location that he would welcome all who wished to attend lessons to his home.

Even a wealthy individual would have limited seating in his courtyard. It would be more

convenient to simply hold lessons at the mosque. It is far more likely that professors

who held lessons at their homes intentionally limited the number of students whom they

taught, either to those who were paying for their lessons, thereby eliminating nonpaying

listeners who might join the circle, or to those with whom they had special relationships

and wished to offer personal instruction. In either case, if professors were inclined to

move lessons to their homes, it seems unlikely that they would have taken Ibn al-Ḥājj's

advice and announced the lessons to the general community.

Ibn al-Ḥājj also gives specific advice on how professors should conduct

themselves when entertaining students at home. He writes that a professor should have

an attitude of "extreme humility to those who enter -- I mean receiving them with a

smiling face and receiving them well – since the house is an uncomfortable place for

them in contrast to the mosque, because in the mosque they and others are equal."[46]

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[46] Ibn al-Ḥājj, *Madkhal*, 2:86.

Ibn al-Ḥājj noticed an important shift in the teaching dynamic in different locations of

instruction. In the mosque, all Muslims enter as equals, even though Ibn al-Ḥājj insists

that in times of prayer, rows should be ordered by the piety of individuals. He does not

indicate that hierarchy should be removed from religious practice. However, a different

kind of power dynamic is working when one enters the house of another. In addition to

the respect students should pay their professors as religious leaders and instructors,

they must also show them the defference of guests to hosts. They will not interact with

their professors on the common ground of a public mosque, but instead in the private

residence. In order to make students feel comfortable, Ibn al-Hājj urged professors to

welcome them with smiling faces.

It is interesting to note that Berkey used this passage to bolster his argument that

Islamic learning in the medieval period was an open process. He notes the diversity of

locations in which teaching occurred as a sign of the fluidity that defined Islamic

education at this time. [47] However, it seems that Ibn al-Ḥājj communicates that holding

lessons in the home did not open Islamic education to more individuals, but rather

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[47] Berkey, *Transmission*, 87-88.

lessons taught at home limited the communication of Islamic law to an even smaller,

possibly more elite, audience.

Ibn al-Ḥājj was aware that teaching in some locations encouraged the

propagation of Islamic law to a greater extent than others, and he urged his readers to

choose to teach in those places that would allow the greatest number of listeners to hear

their lessons – specifically mosques. On his spectrum of accessibility, mosques allowed

the most people to hear, while teaching in homes decreased the number of students

significantly. *Madrasahs* were another matter. While they did not have the same level of

openness that characterized the mosques, they would not have been as secluded as

private homes either. *Madrasahs* would have displayed their endowment deeds openly,

which describe the times and subjects of lessons that would have been offered. The

lessons would not have been held in secret; however, the open flow of Muslims into and

out of mosques would not have occurred in *madrasahs*. In addition to this inherent

limitation, many *madrasahs* of Ibn al-Ḥājj's day instituted complex barriers that would

have made entry even more difficult. It is not that Ibn al-Ḥājj envisioned that Islamic

education would be divorced from an institutional situation altogether, but he did favor

institutions that included the greatest number of Muslims possible, and that institution

would not have been, in his view, the *madrasah*.

The Instruments of Exclusion

Although *madrasahs* offered more access to instruction than private homes,

many of the schools still limited the access that members of society in general had to

knowledge. Ibn al-Ḥājj explains in detail the methods that were used to keep

undesirables out of lessons in *madrasahs*. His motive is to point out these barriers so

that they might be removed and the general population might be able to learn the

teachings of Islam. However, in the course of his criticism, the methods used to sustain

social order and the status of professors become evident. Ibn al-Ḥājj describes the

desire of many professors to create isolated worlds where they and their students could

interact in relative peace. It seems that many of them felt that allowing anyone outside

of their usual students to attend their lessons created too many distractions from

learning.

The first and most effective barrier one would have encountered at the *madrasah*

was the doorkeeper. *Madrasahs* and most other important buildings would have a

doorman stationed at the entrance to determine who may and may not enter. Their job

was also to maintain order and to evict those who might cause a disturbance in the

building. Ibn al-Ḥājj complains that the doormen stationed at *madrasahs* tended to

prevent any of the general population from entering the school. He writes that the

conduct of the doorman at a *madrasah* should be the same as that of a doorman at a

mosque. Anyone should be allowed inside who desires entry. Ibn al-Ḥājj notes that

some may complain that the masses would cause confusion and disorder within the

school. He writes that those who defend the use of a doorman in this manner will say,

"Indeed, what the doorman does is for the reason that most of the masses would cause

confusion, they would reveal their genitals because of their corruption, and they would

steal the shoes of the law students. The uproar [over this] would be great."[48] In their

eyes, the only solution would be to bar the members of the general public from entering

the school.

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[48] Ibn al-Ḥājj, *Madkhal*, 2:91.

Ibn al-Hājj disagrees with this argument. While he acknowledges that this behavior might occur if the doors were open to all, not everyone should be penalized because of the actions of a few. Instead, Ibn al-Ḥājj argues that the doorman should earn his keep by monitoring the guests of the *madrasah*. If someone should start behaving improperly, the doorman would intervene and put a stop to it. He could keep an eye on the shoes and other activity within the *madrasah* without preventing everyone from entering freely.

Once individuals entered a *madrasah*, they often encountered additional barriers. Ibn al-Ḥājj notes that many teachers stationed a *naqīb* before themselves in order to limit their audience to their appointed students. The *naqīb* would then move the rest of the observers away from the scholar's lesson. Ibn al-Ḥājj refers to this practice as "among the well-known customs of today which did not belong to those who were scholars of past generations."[49] Even if individuals who were not among the scholars' students managed to gain entrance to the *madrasah*, they would have been blocked from hearing the lecture, much less participating in the lessons in a meaningful way, which would have equipped them to act as jurists themselves.

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[49] Ibn al-Ḥājj, *Madkhal*, 2:91.

Ibn al-Ḥājj presents three different groups of people who used the *naqīb* to limit

their audiences in his time. The first group is the arrogant. They do not want to interact

with the common people and do not wish to have their lecture interrupted by simple

questions. They may realize that their actions are inconsistent with Islamic tradition, but

they do not care. The second group desires to be exalted. They may be ignorant of the

proper course of action and if they were informed, would repent of using a *naqīb* to keep

the general public away. However, in their ignorance they continue to bar anyone who is

not permitted from attending lessons. Ibn al-Ḥājj considers the third group of scholars to

be the most dangerous. These scholars believe that using a *naqīb* is part of the required

regimen of Islamic education. Ibn al-Ḥājj writes there "are customs that are continuous

so that a certain one of the scholars may maintain the error of these persistent customs.

He places them in the category of recommended actions if he is fortunate enough not to

call them required, trusting in these customs which he has become used to himself."[50]

The use of the *naqīb* during lessons is among the customs have been a part of the

landscape for so long that they are considered by some to be recommended or required

by Islamic law in Ibn al-Ḥājj's day. They placed the *naqīb* before them and barred those

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[50] Ibn al-Ḥājj, *Madkhal*, 2:91.

who they considered unworthy from hearing the lesson and considered this behavior to

be consistent with the requirements or recommendations of law.

Ibn al-Ḥājj's anger over this situation appears to set him apart from the general

community of Islamic scholars. Because he is approaching this issue as an outsider,

both as one who teaches outside the *madrasah* system and as one who is a foreigner in

this land, Ibn al-Ḥājj takes a far more critical view of these practices and has a greater

sensitivity to the effects that they have on the community. Rather than maintaining a

better level of order within the school, Ibn al-Ḥājj views the use of the *naqīb* and the

doorman as a clear violation of the purpose of holding classes in Islamic law. Sacred

knowledge could not reach those who needed it.

This discussion also provides important insights into the nature of the *madrasah*

as an institution. If by Ibn al-Ḥājj's time the practice of barring individuals from attending

classes had become so prevalent that scholars who worked at these locations

considered it to be a requirement, the overseers of *madrasahs* must have been blocking

the general community for some time. *Madrasahs* do not appear to be institutions that

anyone could attend. Instead, they created restrictive atmospheres that limited access to

learning to a select few. If the best scholars of the day were secluded from the general

population, the opportunity for those who desired to learn the advanced principles or

even the basics of Islamic law must have been limited.

Access to *Madrasahs*: More Difficult than Entering a Harem

Aside from the aspiring judges, jurists and students who wanted to study with law

professors, many other Muslims would have wanted to see them as well. Law

professors would have been sought out by members of the public for advice on legal

questions concerning a variety of topics. Their position within the community required

them to resolve these disputes, and Ibn al-Ḥājj maintains that these professors should

have made themselves available to decide these issues. However, he found that

scholars had developed a habit of avoiding those who needed their help and managed

to place themselves where they could not be disturbed by their problems.

Ibn al-Ḥājj responded to this behavior by pointing to the example of Muḥammad

and demonstrating how he reacted when called on to guide Muslims. Ibn al-Ḥājj refers

to an incident that took place during the Farewell Pilgrimage. As Muḥammad rode his

camel on his journey to Mecca, he was surrounded by a crowd of people who asked him

questions and sought his advice. Ibn al-Ḥājj writes that there "was not a doorman, or one who drove away people . . . the Blessed One, the One Granted Peace was sitting among the common people, and he was discussing what reports and instructions of rules the Lord Most High gave to him."[51] Ibn al-Ḥājj reasons that if the Prophet Muḥammad was willing to answer the questions of the common people and did not place himself above them, then legal scholars should teach and help anyone who comes to them.

Rather than making themselves accessible to the general public and addressing their concerns, Ibn al-Ḥājj writes that petitioners who sought the legal help of law professors ran into the same interference as those who attempted to join them in studying law. The doorman was instructed to keep out anyone who might attempt to ask the professor a legal question. In this respect, he writes, gaining entrance to a *madrasah* was just as difficult as being admitted to the women's chambers of a private residence.[52]

The trouble for visitors began almost upon their arrival. Ibn al-Ḥājj explains that the *naqīb* and doorman were frequently instructed to prevent any riding animals from being allowed to stand outside the *madrasah*. The reasons for this sanction baffle Ibn

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[51] Ibn al-Ḥājj, *Madkhal*, 2:92.

[52] Ibn al-Ḥājj, *Madkhal*, 2:93.

al-Ḥājj. He points out that Islamic law does not prohibit using a riding animal. In fact, in

many instances, using an animal would be considered obligatory, especially if a person

is ill or must travel a long distance. He sees no reason for a *madrasah* to prohibit riding

animals from being left in front of the building. This practice would have made entrance

to the *madrasah* easiest for the professor and students who lived in the school, but

difficult for anyone else.[53]

Dealing with the doorman could be difficult as well. Ibn al-Ḥājj writes that the

doorman would often treat visitors rudely and would prevent them from entering the

madrasah. If petitioners hoped to receive any help from scholars, they would have to

write out their request and then present it to the doorman with a bribe. The doorman

would then deliver the written request to the professor who would issue his ruling without

even consulting the petitioner. Ibn al-Ḥājj finds this practice unacceptable. Aside from

the fact that a scholar should have never put up these barriers between himself and the

people who sought his help, Ibn al-Ḥājj cannot comprehend how a law professor could

issue legal edicts without personally questioning the one who brought the case. In order

to make an informed decision, Ibn al-Ḥājj argues, scholars must personally question

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[53] Ibn al-Ḥājj, *Madkhal*, 2:93.

each petitioner.   Otherwise, an incorrect conclusion may be reached on the matter.

This level of attention in the issuance of *fatwās* would not have been consistent with the

rigor demanded by Islamic law.[54]

Law professors seem to have maintained an aura of unapproachability even

when they wandered outside the confines of their *madrasahs*. Ibn al-Ḥājj reports that

when law professors left the *madrasah* to attend prayer, they would take along their

naqīb to prevent the common people from approaching them with legal problems and

questions. If individuals desired to contact the professor, they would have to go through

the intermediary that the professor brought along. This limitation kept the professor from

being compelled to address legal questions outside of his workplace and without the

monetary compensation he would have expected for his work. Ibn al-Ḥājj juxtaposes

this approach to interaction with the general population to that of Muḥammad, who did

not hold back anyone from asking him a question about pious living. Clearly, the

conveyance and distribution of legal knowledge and advice had become a lucrative

business with limitations to and charges for services.

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[54] Ibn al-Ḥājj, *Madkhal*, 2:93.

Professionalization of Law Professors

Ibn al-Ḥājj criticizes what appears to be years of social practice exercised by law

professors throughout Egypt and Syria. The attitudes that he finds so offensive had

become common place among this class of scholars, and his disagreement with their

methods of education set him apart from his contemporaries. All of this information

leads to questions about how *madrasahs*, as widespread and developed institutions, had

transformed the process of and social practices associated with teaching Islamic law.

The fact that *madrasahs* created paid positions for individuals had a predictable

effect on the attitudes of professors toward education. Professors who had at one time

taught for little or no monetary compensation now enjoyed significant increases in their

lifestyle and social status. Ultimately, their newly established place in society was

directly related to their mastery of a particular set of works. Without question, political

connection and networks contributed to the attainment of positions, but their daily work

of teaching and issuing legal decrees was predicated on their knowledge of Islamic law.

It is true that some received their positions in spite of their abysmal knowledge of the

subjects they taught, but even they had to perform the services required in their endowment deed, or they handed these responsibilities to more able assistants.

The communication of knowledge had become a valued social commodity within Islamic society. The institutionalization of the teaching of Islamic law helped to create a class of scholars among both teachers and students that had not existed in quite the same way prior to this time. The behavior that Ibn al-Ḥājj describes is consistent with this process. Teachers were reluctant to teach without pay and actively sought out the support of wealthy contributors in order to sustain their school when money from endowed property did not yield its expected returns. Working apart from the monetary compensation became a foreign idea to the employees of many institutions.

The scholars who took up residence in *madrasahs* and benefited from the financial rewards that were associated with the institutions came to see themselves as deserving the compensation they received. Students also adopted attitudes similar to those of their professors and neglected their study in times when benefits were scarce. The expectation of money for work had transformed habits and behavior of both teachers and students.

Perhaps even more compelling evidence of a transformation of legal scholars

into a profession through their association with law schools is the social capital that they

seemed to have amassed as expressed in the exclusionary practices that have been

discussed. Law professors teaching for more humble wages in mosques could not have

afforded the far more luxurious surroundings of those who lived and taught in

madrasahs. As noted earlier, *madrasahs* employed an array of servants and workers

who did the cooking, cleaning, and shopping for professors and students who taught and

studied at the school. Additionally, the professor would have enjoyed the use of *muʿīds*

(repetitors), hadith instructors and other helpers who would allow him to focus strictly on

the work of teaching Islamic law. While the overseer in some ways held more

institutional power within the *madrasah* with regards to decision making, in most cases,

the entire institution was geared to teach Islamic law, making the law professor the focal

point of the institution.

Many law professors, as indicated by Ibn al-Ḥājj, seemed to enjoy the material

and social influence they now commanded, in addition to the spiritual authority that they

had previously enjoyed. *Madrasahs* themselves tended to occupy an area between

public and private space. In this gray area, many professors asserted their own

authority over the building, transforming them in many ways into an exclusive zone

under the control of the professor. Visitors were barred from entering, even those who

sought to discuss the particulars of their cases with the professor who would craft the

decision to the legal question they raised.

To an extent, this atmosphere may reflect the introduction of ruling elite families

into the living quarters of *madrasahs*. As has been noted, many schools were founded

as a means of preserving the wealth of state officials and providing for their children.

The heirs of these high-ranking Mamluks would have been raised in the splendor and

wealth of the most luxurious palaces of Cairo. It would be understandable if they

attempted to recreate that environment to the extent that they would have been able to

within the *madrasahs*. An excessive use of the doorman and the limitation of public

traffic through an already bustling environment of workers, law students and professors

might have been a common reaction among wealthy overseers moving into a *madrasah*

founded, at least in part, for their benefit.

What Ibn al-Ḥājj calls arrogance and pride in many ways is a natural reaction to

the elevation of a particular set of scholars over their peers. The wealth and power law

professors now enjoyed brought about understandable reactions among them, however

distasteful Ibn al-Ḥājj and other like him may have found them. Knowledge of Islamic

law in Ibn al-Ḥājj's reckoning was not something to be profited from. It was a gift from

God meant to be shared with all who wanted to benefit from it. However, for the law

professors who enjoyed these positions, this knowledge was the foundation of their

income and social prestige. Limiting access to that knowledge preserved their exclusive

position within society. This phenomenon of limiting access to education in order to

preserve power has been observed across a wide variety of societies.

Professionals seek to create scarcity by controlling entrance into their fields.

They do this by creating degree requirements, examination boards and other admission

requirements.[55] While those who worked in *madrasahs* did not have complete control

over legal education in Cairo, *madrasahs* and mosques that provided endowed chairs for

law professors did attract the most educated and politically connected of the legal

scholars, particularly at the time of Ibn al-Ḥājj, who preceded the multipurpose

complexes that appeared later. According to Ibn al-Ḥājj, law professors limited their

instruction to those for whom they received compensation to teach. Along with the

issuance of the certificate to teach law and issue legal edicts, the institutionalization of

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[55] Larson, *The Rise of Professionalism*, x-xvii; Collins, *The Credential Society*, 1-21.

education in *madrasahs* would have given law professors greater control over who could

practice the arts of their profession. This control allowed the professors to set high

standards for those who could teach and issue legal edicts, thereby limiting the

competition they would encounter for their work.

Ibn al-Ḥājj's writings also point to another sign of the professionalization of law

professors. Members of a profession enjoy elevated prestige in the community. Ibn al-

Ḥājj's work indicates that the highest members of the legal community had a strong

sense of their own identity and that they set themselves off from "the common people"

by a variety of means. The gates of *madrasahs* acted as protective barrier behind which

they concealed themselves. They distinguished themselves with unique clothing and

associated with the most powerful members of society, while using *naqībs* to shelter

themselves from interaction with others when going out. As is the case in modern

professions, law professors were not a distinct class, and there were law professors

across Cairo who did not enjoy all the privileges of professors at major institutions.[56] Ibn

al-Ḥājj may voice the frustration of one of those who were cut out of the highest levels of

the hierarchy that emerged in Cairo. As a Mālikī jurist, his employment opportunities

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[56] Larson, *The Rise of Professionalism*, xiv-xvii.

would have been far more limited, and as an expert in hadith, his skills would not have

been as highly valued as those who taught law. Nevertheless, for those who emerged

as the most influential in the profession of law instruction, recognition of high social

standing came with their positions. Those who did not gain the highest levels of position

and status still shared common identity with those who did by virtue of their attainment of

certificates and in shared educational experiences which distinguished professors, most

likely in the same or similar institutions.

Ibn al-Ḥājj's description of the complex world of legal education in Cairo

illustrates the ideals and realities that shaped the behavior of law professors.

 Just as modern professionals such as doctors, lawyers, and others develop codes of

conduct and standards, whose stated purpose is to benefit and protect consumers, law

professors of Cairo had idealized standards to follow. They had to master the required

texts of their tradition in order to guide Muslims in worship and to create legal documents

and edicts which gave order to personal, business and governmental affairs. Modern

professionals used these standards and ideals in order to limit competition, increase

their income, elevate their social status and create professional identities. While law

professors in Cairo could not create the same sort of monopoly over education and the

practice of law as modern professionals have in their fields, they did manage to achieve

many of the same goals, much to the chagrin of Ibn al-Ḥājj.

Chapter Five

Transforming Education

The last chapter described the ways the presence of *madrasahs* improved the

social status of law professors and students. They had more wealth and a much higher

place in society than they had enjoyed before, and as a result of this increased social

status, law professors seem to have isolated themselves to a even greater extent within

their own *madrasahs* and insulated themselves from those around them by employing

doormen and graduate students to keep the general population at a distance. This

chapter will explore how locating education in *madrasahs* altered methods of instruction.

While recent studies on Islamic education during the Mamluk period discuss

madrasahs, the importance of their presence in transforming the practice and substance

of Islamic legal education has not been thoroughly explored. In fact, the works of

Jonathan Berkey and Michael Chamberlain deny that *madrasahs* changed instructional

practices significantly. In his discussion of Islamic legal scholars in Mamluk Cairo,

Berkey emphasizes the personal relationships forged between students and professors,

and the importance of the personal connection between them. While Berkey provides

an extensive analysis of *madrasahs*' influence in shaping the lifestyles and social

relationships of professors and students, he does not explore the ways in which they

reshaped the educational process itself. His discussion of *madrasahs* and instruction

run parallel to one another. Because he observes that education took place outside

madrasahs, instructional practices are not considered as being reshaped by their

location within institutions. As Berkey observes an "education was judged not on *loci* but

on *personae*."[1] For this reason, he holds back from examining the importance of *loci* in

the development of the educational process.

Michael Chamberlain goes even further than Berkey in deemphasizing the

importance of *madrasahs* in shaping educational practice. Like Berkey, he argues that,

because legal education took place in a variety of venues, scholars should not give

madrasahs special consideration. Chamberlain argues that "there is remarkably little

evidence that [*madrasahs*] were specialized institutions of learning, as the knowledge

that was transmitted in them was little different from that transmitted elsewhere."[2]

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[1] Berkey, *The Transmission of Knowledge*, 23.

[2] Chamberlain, *Knowledge and Social Practice*, 85.

Furthermore, Chamberlain casts doubt on the idea that any curriculum even

existed. Because professors had the freedom to present any text that they wished, he

argues that there was little consistency in the training of legal scholars.[3] Rather than a

coherent education that trained students in particular skills and provided them with

recognized credentials, Chamberlain argues that what "appear as credentials were

tokens not only of an individual's acquisition of the texts carried by his shaykh, but of the

whole complex of manners, moral conduct, deportment, and scripted forms of self-

presentation that in sum made up the notion of adab."[4] Looking at the issue through the

perspective of Bourdieu's theories on education, Chamberlain sees the social capital

that one attained in their education as resting in the behavior learned within the study

circle; the knowledge of the Islamic law is secondary at best. For this reason, his

discussion of Islamic legal education neglects to mention the stages of education

scholars passed through, the works that they studied, and the certificates that they

attained. Chamberlain only presents part of the development of the educational

process.

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[3] Chamberlain, *Knowledge and Social Practice*, 82-84.

[4] Chamberlain, *Knowledge and Social Practice*, 107.

The fact that legal education took place outside *madrasahs* does not mean that

instructional practices would have continued unchanged inside *madrasahs*. If anything,

as *madrasahs* became more prominent, they likely changed the way professors taught in

less institutional contexts. The great majority of accomplished scholars worked in

madrasahs and adapted their teaching practices to the rhythms of life in these

institutions. The times of teaching, texts and methods of instruction were shaped, if not

determined, by the *waqf* documents that set the expectations of practices to be carried

out in *madrasahs*. Understanding the means by which *madrasahs* changed educational

practices will help clarify the practices surrounding the instruction of Islamic law during

the Mamluk period.

However, an examination of legal education during Mamluk period needs to be

placed with in its larger context. The teaching of Islamic law historically had been a

religious duty carried out by certain members of the *ʿulamāʾ*. An organized process, it

was replete with ceremony and practices that had been established and refined through

the centuries. Scholars of the Mamluk era were the inheritors of these traditions, which

they tended to follow with a high degree of consistency. The *madrasah* system of

education cannot be viewed as replacing traditional methods of instruction completely,

but it would be wrong to suppose that those traditions continued uninterrupted and

without alteration as *madrasahs* became more prevalent and influential in the landscape

of Islamic education. Instead, *madrasahs* are better understood as reshaping many of

the traditional practices of the educational process that had evolved over prior centuries.

This chapter will discuss the process of Islamic education as it was described in

a number of pedigogical works. Some of these works were composed before Islamic

education was influenced by the presence of the *madrasah* system, others after. It will

also examine *waqf* documents of the *madrasahs* in order to glean insight into the

practices that were carried out inside *madrasahs*. These works will help to illustrate the

dynamic forces that shaped Islamic education during this time period. They reveal the

social practices that accompanied teaching, the works students studied and their

advancement in the educational process.

Educational Practice Described in Hadith

In order to understand the instructional practices that characterized teaching in

the Mamluk period, it is useful to understand the earliest forms education in the Islamic

tradition in order to mark its consistency, development, and divergence. Collections of

hadith offered guidelines that gave order and meaning to instructional practices in early

Islamic communities. Christopher Melchert has studied hadiths commonly cited in hadith

collections used in the ninth century to establish etiquette practiced by professors and

students.   The passages that he cites clearly define the roles played by the professor

and the student. This etiquette that dictated proper behavior, called *adab*, would be

followed across time. The goal was to establish traditions that could be traced back to

Muḥammad in order to clarify proper behavior in various circumstances. The etiquette

or *adab* of learning became a popular subject, and a number of manuals on the topic

appeared over the centuries.[5]

Prior to the growth and spread of *madrasahs* and other institutions that hosted

Islamic education in various forms, instruction took place predominately in the *masjid*

(mosque) and in the home of the teacher.[6] The term *majlis*, the noun of place derived

from the verb *jalasa* meaning to sit, refers to the location where the professor would sit

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[5] Christopher Melchert, "The Etiquette of Learning in the Early Islamic Study Circle," in *Law and Education in Medieval Islam: Studies in Memory of George Makdisi*, ed. Joseph E. Lowry, Devin J. Stewart and Shawkat M. Toorawa (Cambridge: E. J. W. Gibb Memorial Trust, 2004), 33-44.

[6] Melchert, "The Etiquette of Learning," 34.

to as he began to teach. Some of the earliest references describe a professor of hadith

teaching from his *majlis* or *qaʿdah* (another term referring to sitting). Often, the instructor

would also act as the imam during the prayer services at a mosque. After completing his

duty of leading the required prayers, he would turn to face those he led in prayer and

take a seat. Those who were interested in studying with him would form a circle around

him, and he would begin to teach. [7]   Locating the practice of religious instruction in a

mosque following prayer emphasized the sacred nature of the process of teaching and

learning. Both the teacher and students would have ritually purified themselves before

prayer, and their consecrated physical and mental states would have carried over into

their lessons.

 Once students had met at the *majlis* of the professor, whether at a mosque,

home or elsewhere, the students would form a circle, or *ḥalqa*, with the professor at its

focus. The circle served as the basic formation in which students learned from their

professors. The rules that governed behavior in the study circle were extensive.

Students were required to sit with their knees drawn up, or later, sitting cross-legged was

allowed. It was expected that students would expand the circle to allow newcomers to

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[7] Makdisi, *Rise of the Colleges*, 11.

find a place to sit. People joining the circle could also sit outside of the perimeter;

however, sitting in the center of the circle was strictly forbidden. One hadith stated that

an individual sitting in the center of circle would find his place in hell.[8] Some reports

banned the practice of sitting with fingers intertwined, and there were even instructions

describing how participants should remove their shoes after sitting, one at a time, then

placing them to the left.

It was recommended that participants wear white when attending the meeting

and that students should salute their professor upon entering the circle and if they

should have to leave before the lesson was concluded. These rules drawn from hadith

gave order to the study circle. Melchert also indicates that they served to recreate the

practices that they believed characterized the teaching methods of Muḥammad.

Regardless of the reliability of the sayings, traditionalists could look back to the time of

Muḥammad and feel that they were learning the words of the Prophet in the same

manner that he taught his companions.[9] These early practices of learning were

incorporated into manuals after the ninth century.

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[8] Melchert, "The Etiquette of Learning," 36-38.

[9] Melchert, "The Etiquette of Learning," 39-44.

Al-Zarnūjī's Manual for Students

Burhān al-Dīn al-Zarnūjī, a resident of Khurasan who died in the early thirteenth

century, composed a work called * Taʿlīm al-Mutaʿallim Ṭarīq al-Taʿallum* (*Instruction of the*

Student: The Method of Learning).[10] In it he describes the behavior that students should

follow as they pursue their education and best ways to succeed in learning. The work

does not mention the location where students studied, which suggests that he was

writing before *madrasahs* appeared in a meaningful way in his part of the world. The

earliest *madrasahs* appeared in Iraq and parts of Iran during the eleventh century and

spread beyond those areas. Al-Zarnūjī, living during the twelfth century, may not have

encountered them. It could also be that the presence of these structures was peripheral

to the advice that he offered students. His teaching concerns the interactions between

students and their professors and the material that students studied. This instruction

could be applied in any number of contexts.

Al-Zarnūjī considered learning to be foundational to the Muslim faith and wrote

that all Muslims should learn behavior appropriate to their station in life. Each Muslim

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[10] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 1-3.

needs to know how to carry out the basic requirements of the faith, including prayer,

fasting and other obligations. However, al-Zarnūjī argues that some Muslims need to

have mastered the more advanced sciences of Islamic law in order to oversee the

direction of the community. He writes that "jurisprudence is the best guide to piety and

fear of God."[11] In contrast, he sees only limited value in other fields of knowledge such

as medicine and astronomy.   While both these fields contribute to a good life, medicine

for curing illness and astronomy for determining the direction of the *qibla*, they do not

have the same value as the study of the law. Al-Zarnūjī encourages his readers to

pursue knowledge that leads to fear of God which "entitles [the believer] to God's

benevolence and to eternal bliss."[12] Within the realm of Islamic sciences, al-Zarnūjī

encourages his reader to study older teachings, rather than becoming engulfed in more

recent controversies. Becoming well grounded in the foundational teachings of Islam is

of greater importance than learning the current debates on various topics.

Al-Zarnūjī advises his readers to take care in choosing a teacher. He writes that

students should seek a teacher who is "the most learned, the most pious and the most

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[11] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 21.

[12] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 22-24.

advanced in years."[13] The process of selecting a professor is crucial in ensuring a

quality education, so al-Zarnūjī urges his readers to take their time in finding an

instructor. He writes that al-Ḥākim al-Samarqandī (d. 953) advised students traveling to

Bukhara not to commit themselves to studying with a professor immediately, because

they might find that they disagree with his teaching. Instead, they should take two

months to gather advice and information before committing to a professor. Otherwise,

students might find themselves in the awkward position of leaving a professor with whom

they already established a relationship.[14]

After the student finds a teacher, al-Zarnūjī describes the relationship that should

exist between them. The student should approach the professor with respect and

veneration. He writes that it "seems to me the greatest duty is that which is due the

teacher, and that which is the most necessary thing for each Moslem to observe."[15]

Because the teacher provides the most vital information that students and the entire

Muslim community needs above all else, they deserve to be treated with reverence.

Their knowledge of Qurʾān, hadith, law or other topics make them guides for the

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[13] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 29.

[14] Al-Zarnūjī *Taʿlīm al-Mutaʿallim*, 29-30.

[15] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 32.

community, and it seems that al-Zarnūjī views their possession of this sacred knowledge

as making the scholars themselves sacred. He writes,

> In venerating the teacher [among other things it is necessary to avoid] walking in
> front of him or sitting in his place. Also, one should not begin speaking in his
> presence without his permission, and then one should not speak to any great
> extent before him. One should not ask him any [question] when he is weary.
> One should observe the correct time [i.e., not intrude at the wrong moment] and
> not knock on the door but have patience until [the teacher] comes out.[16]

Students are encouraged to pay great respect to their professors. In addition to walking

behind them and following these other suggestions, al-Zarnūjī writes that respect should

be extended to the children and family of the professor. He cites another Hanafī scholar

who writes that he would stand each time his professor, playing with his children, passed

in front of the mosque in which he studied to demonstrate his respect. Another scholar

al-Zarnūjī cites spent thirty years preparing his teacher's food without eating with him

one time.[17]

Al-Zarnūjī also offers advice to students on how they should conduct themselves.

He encourages students to spend the optimal times of day in study. After studying with

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[16] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 33.

[17] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 33.

a teacher during the day, he encourages students to spend from dusk until dawn

reviewing material. Al-Zarnūjī feels that indulging in sleep and food weakens students

and slackens their ability to study with the intensity that their work deserves. He writes,

"Laziness is often derived from a great deal of phlegm and "humor," so the way to

diminish [laziness] is by a reduction of food."[18] Some foods such as bread and dried figs

also reduce the body's tendencies toward laziness.

In addition to discussing the types of food and the amount of food that students

should consume, al-Zarnūjī also considers the source of food. He argues that students

should avoid food from the market since it is more likely to be "impure and

contaminated."[19] Also, eating in the crowded environment of the market might distract

students from the contemplation of God. Instead, al-Zarnūjī writes that students should

prepare their own food in a moderate way. He tells the story of a famous scholar,

Muḥammad b. al-Faḍl, whose father would not speak to him when he saw market-

bought bread in his son's room. The son protested that the bread was his roommate's

and not his own, but his father only replied that if he had practiced greater moderation,

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[18] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 39-44.

[19] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 64.

then his roommate would not have bought bread from the market.[20]   Al-Zarnūjī views

the learning process as encompassing the entire person. The mind, body and spirit

must all be considered. The amount of food and sleep one takes not only affects the

physical ability that a student has to acquire and retain knowledge, but overindulgence

also compromises their moral integrity, which can impair their ability to use the

knowledge that they obtain in righteous ways.

Concerning methods of study, al-Zarnūjī emphasizes the process of

memorization that all students must carry out. He quotes one scholar who says that

students should begin by memorizing only what they can remember after two repetitions.

After that, they should add only one word to each piece they memorized so that they

could build up their memory "gradually and gently."[21] In this way, students could expand

the retention of their memories dramatically.   Al-Zarnūjī also discusses the repetition

necessary for maintaining the material memorized by the students. He writes that

students should repeat the material they studied the day before five times, the lesson

from the preceding day four times, the material from the day before that, three times, the

prior day's lesson twice, and the last day's material, once. The constant practice of

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[20] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 64-65.

[21] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 46.

repetition will prevent students from losing the material they studied before. He advises

his students to repeat their lessons outloud rather than to themselves, but in a soft

voice. [22] Al-Zarnūjī does not list or explain the works that students should study as they

carry out their education, but he does cite another scholar, Fakhr al-Islam Qaḍī Khān,

who advised students to memorize one book of law constantly so that they could more

easily retain what they learn in the law after that.[23]   To aid the memorization process, al-

Zarnūjī encourages his readers to write out a summary of their lessons.[24]

Al-Zarnūjī also emphasizes the importance of comprehension as students study

their work. He writes that comprehending two letters is better than having memorized

two loads of books. He recognizes that as much effort must be put into comprehension

as memorization. Otherwise, students could fall into the habit of learning without

understanding.[25] In order to increase understanding, al-Zarnūjī encourages students to

practice debate, argumentation and questioning. Debate with a teacher allows students

to understand the importance of what they study. It requires the students to understand

how they might apply the knowledge they understand.   Similarly, disputation and

[22] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 53.

[23] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 54.

[24] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 47.

[25] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 47.

questioning force students to arrive at a deeper comprehension of the material they

study. However, he warns students against having an improper attitude in their debates.

Participants in arguments should avoid violent dispute or attempts at "crushing" their

adversary. Instead, the goal should be a mutual striving toward the truth. Students

need the humility to ask questions of their superiors. Zarnūjī writes that "posing

questions for an hour is better than a month of repetition." Ultimately, al-Zarnūjī

indicates that "knowledge, learning and guidance come from God Almighty" and that

students must "ask for the assistance of God by praying to him and beseeching Him."[26]

Al-Zarnūjī also mentions the importance of writing and books. He writes that

students should always carry a book in their sleeve so that they can constantly study.

This book should also have blank pages so the student may take notes on anything of

worth that he may hear.[27] Al-Zarnūjī quotes a hadith of Muḥammad in which the Prophet

asks one of his companions if he has any ink with him. Upon learning that his

companion did not have ink, he replied, "O Hilāl, do not separate yourself from ink, for it

is good in itself and it is good for those who have it in their possession till the Day of

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[26] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 51.

[27] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 66.

Resurrection."[28] Al-Zarnūjī also encouraged students to record excerpts of passages

they memorize.

Al-Zarnūjī wrote on other aspects of the learning process. He encouraged his

students to face the *qibla*, the direction of Mecca, while conducting their study. In order

to emphasize this point, al-Zarnūjī tells the story of two young men who went abroad to

study law. When they returned, one had become a jurist while the other had failed to

attain his goal. The jurists of the area gathered to discuss the reasons one had

succeeded where the other had failed. In their inquiry, they learned that one student had

faced Mecca while repeating his lessons and studying and the other had not. The story

highlights the sacred nature of legal study. Additionally, al-Zarnūjī states that the story

demonstrates the importance of observing *adab*. Following good manners and social

practice has implications beyond observing the norms of society; it may determine the

success that one will enjoy in life.   God will grant favor to those who observe the rules

that they learn from the sayings of Muḥammad and the teachings of their elders.[29]

Al-Zarnūjī encourages his readers to embrace the poverty that comes with

learning. While enduring life with little income may be difficult, it will actually contribute

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[28] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 62.

[29] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 65-66.

to the ability of the scholar to learn. He warns that preoccupation with wealth distracts

individuals from learning and may corrupt the morals of the scholar. He writes, "So,

verily, he who occupied himself with matters of sustenance, such as food and clothing, is

not yet free for the acquisition of noble traits and elevated matters."[30] Al-Zarnūjī assures

his reader that God will provide for the needs of scholars, and that they will not need to

worry about supporting themselves. In fact, embracing this poverty will allow them to

bear the struggle scholars face with greater strength. Frequently, students had to travel

great distances in order to study with the best scholars. These students faced immense

hardships, but if they were not concerned with the affairs of the world, they could tolerate

their conditions better.[31]

  Al-Zarnūjī's work highlights the important behaviors and attitudes he believes

should shape the approach of students to their education.   His focus on *adab*

underscores his belief that right behavior not only will help students by equipping them

with effective study-habits and winning the approval of their teacher, but also by teaching

students proper respect and reverence toward God, who will ultimately determine the

success of their efforts. The goal of his work is to teach these behaviors rather than the

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[30] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 55.
[31] Al-Zarnūjī, *Taʿlīm al-Mutaʿallim*, 56.

substance of what students should learn. The absence of a curriculum of study in his

work does not prove that it did not exist, but it does not appear to be of particular

importance at this stage of the pedagogical genre's development.   Later works do

incorporate references to more specific works in legal education. The behavior and

attitudes prescribed by the hadith sayings and the writings of al-Zarnūjī do appear in

later manuals on the *adab* of learning without dramatic alterations. The instruction and

guidance provided in these accounts provide examples that later scholars followed and

contributed to as their circumstances changed and the requirements of legal education

evolved.

Ibn al-Ḥājj on Instruction and Learning

        Ibn al-Ḥājj (d. 737/1336) reiterates many of the al-Zarnūjī's thoughts on education

and shares a similar interest in maintaining the *adab* or proper behavior that should

define the life of students and teachers. Ibn al-Ḥājj also provides many other insights

into the practice of Islamic legal education as it was carried out in Mamluk Egypt. In

addition to the timeless adages that characterize works that offer advice to students and

teachers, Ibn al-Ḥājj infuses his work with examples from his own day that offer insights

into the practices that characterize instruction carried out by professors in training their

students.

Ibn al-Ḥājj maintains some of the motifs that characterize the earlier works that

describe the expected behavior of professors and students; however, his practice of

criticizing violations of this conduct provides insights into how actively they were applied.

Ibn al-Ḥājj states that the goal of teaching is to "bring to light the wisdom of God Most

High and the sayings of his Messenger."[32] This sacred practice creates a special bond

between students and their teachers. The teacher should guide students not only in

their knowledge, but in developing their character as well. The teacher should bring the

students into agreement and guide them toward understanding, and he should take

them from "tiredness, weariness, irritation, haughtiness, pride and conceit."[33] This

personal interest in students' character is linked once again to the idea that the

knowledge students obtain has as a goal beyond that of preparing them to practice law –

it prepares them to practice Islam. The instructors' interest in the students as individuals

should shape their entire relationships. Ibn al-Ḥājj writes that instructors should view

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[32] Ibn al-Ḥājj, *Madkhal*, 92.

[33] Ibn al-Ḥājj, *Madkhal*, 92.

their students as their own children, or the students should have even greater

importance in their lives than their own children. He argues that because a father's care

for his children is based in human concerns rather than on divine ones, their relationship

has a lower quality to it. Ibn al-Ḥājj writes that the teaching sessions that an instructor

has with his students are for God alone, which gives the students a special status in the

life of the teacher.[34]

The kinship that forms from the bonds of learning has been mentioned by other

writers, but Ibn al-Ḥājj also discusses the realities of life among professors and students

which strain these idealized bonds. Like al-Zarnūjī, Ibn al-Ḥājj considered asking

questions to be central to a student's education. However, Ibn al-Ḥājj indicates that

students who asked questions were frequently silenced or humiliated. He writes that the

naqīb might prohibit individuals from speaking out and asking questions. Ibn al-Ḥājj

writes in response to this practice,

> In the act of making students silent, knowledge was suppressed, because there
> may be a question which one of the students wanted to discuss so that it would
> be clear to him, or a new-comer has a question which he wants to present to him

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[34] Ibn al-Ḥājj, *Madkhal*, 92.

so that his question might be cleared up. Then he is silenced concerning this and he prohibits him from the intended goal.[35]

Professors who did not wish to stop their lectures would use the staff which they had available to stop questions from being asked. Ibn al-Ḥājj finds this practice violates the principle goal of the lesson: teaching the students to follow the path of Islam. This passage also reveals a problem that seems to have occurred frequently. New students joining a class that was in progress already would feel a bit lost and needed additional help from the professor. It is important to note that this problem emerged within the *madrasah*. It is there that the professor had the staff in place to help him maintain this type of classroom environment. Also, the social status that the professor earned from his connection with the *madrasahs* may have encouraged him to treat his students in this manner. Apparently, this problem became so widespread that the *waqfiyyah* for al-Naṣir Muḥammad's *madrasah* prohibited *muʿīds* from silencing those in attendance from asking questions.[36]

Ibn al-Ḥājj does allow that in some instances it may be necessary to silence students who draw attention from the lesson the professor is trying to convey or who

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[35] Ibn al-Ḥājj, *Madkhal*, 91.

[36] Maqrīzī, *Sulūk*, 1:3, 1046.

may lead the discussion toward error, but even in these cases, Ibn al-Ḥājj urges the

teachers to act with kindness in silencing these students. He indicates that the professor

who "rebukes them with violence" loses the students whom he is trying to teach.[37] The

professors who teach their students with contempt prevent student from arriving at the

truth, which should be their first priority.

Ibn al-Ḥājj argues that the damage done by this behavior may extend beyond the

circle of students the professor teaches. He writes that the general public who may

attend lectures will be discouraged from asking questions and trying to understand the

material. Ibn al-Ḥājj argues that the common people are naturally disinclined from

learning anyway, but seeing students who are more educated than they are dismissed or

berated for asking questions will push them further away from studying with scholars.

He writes that if "the general population see this reprehensible act being done to the

student, they would abstain from asking questions about things they need to know."[38]

The barriers that separated the general population from the *ʿulamāʾ* could be great. In

addition to the prohibitions that barred some people from *madrasahs*, the attitudes of

professors seem to have discouraged those who gained access to study circles from

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[37] Ibn al-Ḥājj, *Madkhal*, 91.

[38] Ibn al-Ḥājj, *Madkhal*, 91.

participating or learning in a meaningful way, which may have contributed to the

separation of venues of learning between the *ʿulamāʾ* and popular teachers in Cairo and

elsewhere.

Although Ibn al-Ḥājj and other writers indicate that professors should treat their

students with patience and forbearance, as a father treats his children, and that students

should treat their professors with respect, love and service, scholars studying these texts

should approach these statements with caution. Some professors probably formed

these bonds with their students, but in the world of Islamic legal education dominated by

madrasahs, it seems clear that many professors and students did not establish such

ties. Particularly in large schools where professors might teach up to fifty students in

their classes and delegate more teaching responsibilities to graduate students or other

appointees, their relationships must have been limited, especially if they held multiple

appointments in *madrasahs* across Cairo.

Ibn al-Ḥājj also offers some advice in selecting a professor. He warns his

readers against attaching themselves to a professor who teaches innovations and

heresy, a professor who is foolish, or a professor who inaccurately teaches the sayings

of Muḥammad. He also encourages his readers to look for a variety of teachers and to

learn in a several locations.[39] It seems that many students would settle with one

professor and neglect to learn from others who might teach near them.   Ibn al-Ḥājj

mentions that students become so attached to their *madrasahs* that they neglect to seek

out instructors beyond it.[40]

Ibn al-Ḥājj on Teaching Law

Much of the scholarship concerning the practice of religious education during the

Mamluk era has focused on the general issues of memorization, dictation, the collection

of books and similar topics. Less attention has been given to the methods used to

prepare students in the practice of issuing *fatwās*. As has been mentioned before, one

of the highest degrees presented to students was the license to teach law and issue

fatwās. Devin Stewart's research has demonstrated that these two degrees could have

been issued individually, as either a license to teach or issue *fatwās*, but in a majority of

instances they appear jointly. The study required to achieve this degree took years to

complete and enabled to the holder to carry out extremely important, but seemingly

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[39] Ibn al-Ḥājj, *Madkhal*, 94.

[40] Ibn al-Ḥājj, *Madkhal*, 94.

disparate activities in the Muslim community.⁴¹ Presumably, one could recite and

comment on important works of Islamic jurisprudence without necessarily being able to

issue *fatwās*, and it seems that one who could master the art of writing *fatwās* would not

necessarily have the ability to instruct students competently. The connection between

these activities becomes clearer in a close reading of texts by Ibn al-Ḥājj and other

writers who comment on Islamic legal education. Issuing *fatwās* seems to have been an

integral part of the process of training young jurists.

Ibn al-Ḥājj wrote that scholars who write and issue *fatwās* in the proper way

receive two benefits. The first is the fulfillment of their obligation to perform this duty.

The second is the training of students in legal theory and practice.⁴² Legal scholars who

worked with students in this context could train them in the application of texts which

they studied to the practicalities of helping those in the community who need their aid.

Ibn al-Ḥājj considered dealing with legal problems an important means of teaching

students sources for dealing with questions, problems that arise in applying the law, and

their solutions. It also provided the professor a means of evaluating the quality of the

students whom he trained. By interacting with them in the context of responding to a

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⁴¹ Devin Stewart, "The Doctorate of Law," 55-56.

⁴² Ibn al-Ḥājj, *Madkhal*, 94.

legal problem, professors could learn the extent to which their students had grasped the

concepts and ideas they had covered in lecture and discussion.[43]

Ibn al-Ḥājj presents the process by which scholars should train students to issue

fatwās. In the first place, he emphasizes the need to interact with the petitioner

personally. He makes these comments while describing the exclusionary practices

imposed in *madrasahs*. There seems to be an underlying assumption that this sort of

legal instruction would take place in *madrasahs* where these exclusionary practices

appear to be prevalent. Many professors of law would not interact with the petitioner

directly, but would take a written statement that had been delivered to them by the

doorman. The professor would make a decision on the case based on this statement.

Ibn al-Ḥājj rejects this method of judicial inquiry as inadequate in making an informed

and accurate opinion. Without personal interaction with the person requesting a

decision, the professor might make a ruling "based on conjecture and error."[44] The

professor could then write the *fatwā* and leave the response with the doorman for the

petitioner to pick up the next day. The individual making the request and payment could

conduct the entire transaction without even seeing the *muftī*. Ibn al-Ḥājj encouraged a

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[43] Ibn al-Ḥājj, *Madkhal*, 94.

[44] Ibn al-Ḥājj, *Madkhal*, 93.

far more circumspect approach to issuing legal decisions. Ibn al-Ḥājj expected the *muftī*

to interview the parties involved, much like a judge hears the statements of plaintiffs and

defendants in a modern courtroom or as a judge in a medieval Islamic court would as

well.

In addition to having personal interaction with the applicant, Ibn al-Ḥājj writes that

the professor should take his time in making a decision. Hurrying to an answer could

lead to mistakes and inaccurate decisions. In describing the process that professors

should follow in issuing legal rulings, Ibn al-Ḥājj reveals the educational training that took

place in *madrasahs*. Upon receiving a request for a *fatwā*, the instructor should conduct

a careful interview with the petitioner. After receiving the information about the issue and

questioning the petitioner carefully, the professor should contemplate the question and

attempt to reach a decision on the matter. However, even if professors feel secure in

the decision they reach, they should refrain from writing the decision at that moment.

Instead, they should wait until the next day and present the problem to their law

students. Each of the students should give his opinion on the question. If their opinions

are in agreement with each other and with the professor's, the matter is settled.

However, if the students disagree with each other or the professor, then the professor

must debate the question with the students in detail and make the position that he thinks

is correct clear to them.[45] This disputation and debate of legal questions is an important

didactic opportunity for the professor. Students who have memorized texts and debated

theoretical questions thus have the opportunity to decide an actual question.

The interactive process between professors and students advocated by Ibn al-

Ḥājj requires a higher level of performance on the part of the students. The professor

does not simply tell his students his opinions or how they should decide the question, but

rather asks for their opinion and allows for debate among the students and with the

professor. Even in the process of the professors' explaining their own positions, Ibn al-

Ḥājj allows that some students may not be persuaded by their professors' logic. In the

case that the professor is unable to bring the group to consensus, Ibn al-Ḥājj writes that

the professor should write the opinion that he had arrived at on his own.[46] The professor

should not demand that students fall into agreement with him on the decision. The

professor may even be open to the ideas of the students. Presumably, Ibn al-Ḥājj

encourages the professor to wait until after talking over the question with his students so

that he may generate more ideas on the topic before writing his opinion. The students

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[45] Ibn al-Ḥājj, *Madkhal*, 93.

[46] Ibn al-Ḥājj, *Madkhal*, 93.

may even contribute to his decision through their insights into the problem. For Ibn al-

Ḥājj, the processes of writing *fatwās* and teaching law are closely linked.

From Ibn al-Ḥājj's perspective, issuing a *fatwā* required the jurist to come as

close to discovering the will of God in that situation as he could. Rushing the decision

could lead to an error. In order to demonstrate his point, Ibn al-Ḥājj relates a story about

one of his teachers, Shaykh Abū al-Ḥasan. One day, a woman came to Abū al-Ḥasan

seeking a legal ruling. He listened to her question and issued a *fatwā*. After receiving

the *fatwā*, the woman left and walked down the street. Abū al-Ḥasan continued to

consider the problem after she walked out and reconsidered his position on the matter.

Immediately, he sprang up from his seat, picked up his cloak and chased after the

woman. He managed to overtake her and tell her that he had changed his position on

the matter. When he returned, his students gathered around and asked why he did not

send one of them to bring her back. He replied:

> If you had done this, then one of you would have stood up at your leisure,
> and [would not have left] until you had dressed yourself nicely, and you
> would have walked, walking as you are accustomed or perhaps a little
> faster than that. The woman would have vanished . . . [47]

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[47] Ibn al-Ḥājj, *Madkhal*, 93-94.

Abū al-Ḥasan felt that the error in his decision needed to be corrected. Issuing a *fatwā*

was an obligation to God that had to be carried out correctly. He felt that if the woman

had disappeared, he would have failed not only her, but God as well. He treated the

issuing of a *fatwā* as a sacred obligation. Once again, this process was completed in the

presence of a shaykh's students so that they could learn the proper way of forming a

legal opinion.

Ibn al-Ḥājj relates another anecdote in which a shaykh refused to issue a *fatwā*

until he had heard the testimony of the petitioner on two different occasions, just to be

sure that the stories communicated by the person were consistent. Ibn al-Ḥājj

comments that there are occasions in which issuing a *fatwā* quickly is acceptable, for

instance, if the question is common and the legal precedent is clear.

Ibn al-Ḥājj's discussion of the issuance of *fatwās* and legal education

demonstrates that the two practices often were carried out together. Professors trained

their students in the application of legal texts, disputation, writing documents, and proper

behavior as they considered the legal needs of their communities. The students would

have gained practical knowledge regarding the application of the lessons they had

studied and books they had memorized. Additionally, professors would have obtained

extra income for their trouble, and students would have learned skills that would have

been helpful in making a living. The fact that this process took place in *madrasahs*

reveals that these institutions were centers where people could go to obtain legal rulings.

Those who held a license to teach and issue *fatwās* could be found in these institutions,

and those who needed a *fatwā* would seek them out there. The connection between

teaching law and issuing *fatwās* in the certification, *ijāzat at-tadrīs wa᾿l-iftā᾿*, is clear. Not

only had the holders of this degree attained a high level of knowledge in Islamic law, but

they had been thoroughly trained in the teaching methods used to instruct others. There

seems to have been an expectation, on the part of Ibn al-Ḥājj at least, that *muftīs* who

could issue a *fatwā* would do it where others could watch and learn. In this way, they

would fulfill their obligation to offer guidance to the Muslim community and their

obligation to share and spread the knowledge they had obtained with others.

Ibn Jamāʿah on Proper Behavior

Badr al-Dīn Muḥammad Ibn Jamāʿah (d. 733/1333) composed another

pedagogical work that offered advice to students and professors. Like al-Zarnūjī, Ibn

Jamāʿah devotes a large portion of his writing to proper behavior that should be carried

out by students and professors, the attitudes that shape their interactions, and the moral

aspects of their behavior. However, Ibn Jamāʿah also explores more of the specific

topics students studied and goes into greater detail about methods used by professors

to instruct their students. Additionally, he explains what constitutes proper behavior in

madrasahs in particular. The final chapter of his work is devoted to the issues that

students and professors face while working in *madrasahs*. This information on behavior

specific to the *madrasahs* sheds light on the practices that were carried out in these

institutions during the late Baḥrī Mamluk period.

Ibn Jamāʿah established one of the most powerful families of jurists during the

Mamluk era. His father, Ibrāhīm, was a relatively obscure Shāfiʿī jurist who had a

reputation for strong piety and dedication to his Sufi order.[48] Ibrāhīm taught in a number

of places, but remained based in Ḥamā for most of his life, and it was there that

Muḥammad was born in 639/1241. [49] Muḥammad Ibn Jamāʿah studied with some of the

leading scholars of the day in Syria and Cairo and distinguished himself in the study of

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[48] Al-Subkī, *Tabaqāt al-Shāfiʿīyah al-Kubrā* , 1:46-47.

[49] Kamal S. Salibi. "The Banū Jamāʿa: A Dynasty of Shafiʿite Jurists in the Mamluk Period," *Studia Islamica* 9 (1958): 97-109.

fiqh and the literary arts. Eventually, he settled in Damascus, where he took his first

teaching position at the Qaymariyyah *Madrasah*, probably around 681/1282, after the

death of Muḥammad b. ʿAli al-Shahrazūrī, who had been the professor prior to Ibn

Jamāʿah.[50] He continued to teach there until he was appointed as chief judge of

Jerusalem in 687/1288.[51] In 690/1291 he began to serve as chief judge over Egypt, a

position that he held off and on throughout his life, until he stepped down in 727/1327.

He died at the age of 93 lunar years in Cairo in 733/1333.[52]

During his service as a judge and professor, he traveled between Cairo,

Damascus and Jerusalem. In addition to the post that he held at the Qaymariyyah in

Damascus, he also taught at the Ṣāliḥiyyah, the Nāṣiriyyah, the Mosque of Ibn Ṭūlūn,

the Kāmiliyyah in Jerusalem, and a *zāwiyah*.[53] It appears that he held several teaching

posts while he served as a judge in the Mamluk judicial system. This extensive teaching

experience gave him a keen insight into the issues faced by students and teachers that

informs his pedagogical work. *Madrasahs* seem to have provided the main venue in

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[50] Louis Pouzet, Les *Madrasa*-s de Damas et leurs professeurs durant le VII/XIIIème siècle', *Mélanges de l'Université Saint-Joseph* (1991/2) 52: 144.

[51] Ibn Ḥajar, *Durur*, 3:181. Ibn Qāḍī Shuhbah, *Ṭabaqāt*, 2:68.

[52] Salibi, "The Banū Jamāʿa," 100.

[53] Ibn Hajar, *Durur al-Kāmina*, 3:181.

which he taught his students, so he had an intimate knowledge of the complications of

teaching and living in the environments of these schools. His knowledge of the practices

of *madrasahs* in Cairo would have been particularly extensive since that was his primary

residence between 690/1291 and 733/1332-3.

Ibn Jamāʿah made a favorable impression on his biographers. He was

considered a pious and honest man who was not consumed with amassing wealth and

influence as many of his contemporaries were.[54] He also took a strong interest in the

success of his family. Under his supervision, his children and nephews held some of the

highest positions judiciary and in educational offices during the Mamluk era. A member

of the third generation of his family also ascended to hold the position of chief judge of

Egypt.

Ibn Jamāʿah's concerns with *adab* reflect those of the earlier generations of

scholars who had written in the genre. He comments extensively on proper behavior in

the presence of the teacher. Ibn Jamāʿah writes that students should sit in a circle with

the teacher at its head.   The two best students sit to the right and left of the teacher

while the rest of the students fill in the circle roughly according to their rank, the best

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[54] Salibi, "The Banū Jamāʿa," 100.

students having the closest proximity to the teacher. He comments that the circle should

open up in order to allow new-comers to enter.[55] Once students enter the circle, their

attention should be on the teacher. Ibn Jamāʿah discourages students from leaning

against walls, playing with their hands, laughing during the lecture, or speaking too much

when addressing the professor.[56]

Ibn Jamāʿah places heavy emphasis on the rituals that accompanied lessons.

Like Ibn al-Ḥājj and other writers, Ibn Jamāʿah considered teaching Islamic law to be a

sacred duty that bestowed blessing on the instructor and students. However, students

and instructors needed to enter into time of instruction as a religious practice with proper

physical and spiritual preparation. Students should arrive at their lessons in a state of

ritual purity. They should come with pure hearts and without corrupt thoughts that may

distract them. Aside from preventing them from concentrating, going into a lesson in this

condition would prevent students from comprehending the material they study. Because

God reveals the meaning of texts, their understanding would be prevented by their

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[55] Chamberlain, *Knowledge and Social Practice*, 159-60.

[56] Chamberlain, *Knowledge and Social Practice*, 127-29.

impurity.[57] As the lesson begins the professor should start with praise of the author they

will discuss that day and end the lesson with a prayer for the writer.

The students' respect for their teacher is not limited to their time in his study

circle. Ibn Jamāʿah advises his students to show respect outside of their lessons as

well. He writes that students should shield their teacher from crowds pressing in when

he goes out in public. They should approach their professor in clean clothes and without

strong body odor. Students should care for their professors' families, and after their

professors' death, students should visit the tombs of their teachers.[58] This commitment

to caring for the teacher shows a strong bond that should exist between students and

professors. Even in the institutional context of the *madrasah*, these traditional bonds

appear to remain an integral part of educational practice.

In choosing a professor, Ibn Jamāʿah emphasizes the importance of finding a

recognized expert in that field. He discourages students from reading books on their

own. Despite the fact that he was a noted author himself, Ibn Jamāʿah expresses strong

suspicion of individuals who claim to have expertise in a field in which their only training

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[57] Chamberlain, *Knowledge and Social Practice*, 129.

[58] Berkey, *Transmission of Knowledge*, 36; Chamberlain, *Knowledge and Social Practice*, 117.

is reading books on their own.[59] Instead, their goal should be to find an expert who

could guide them through a work or field of study that they are pursuing. This practice

fits into the larger historical practice of transmission of learning within the Islamic

tradition, but it also creates a need for professors who can guide students through texts.

The religious and practical value of professors is amplified since they are the only

legitimate instructors of Islamic law. The certificates that students received offered proof

that they had mastered a particular text in the presence of a known authority.

Like al-Zarnūjī, Ibn Jamāʿah lists foods that will enhance students' memories and

encourages them to study at particular times.[60] Most of these practices are discussed

by al-Zarnūjī and others. However, Ibn Jamāʿah offers details that give us a more

nuanced perspective of educational practices during the Mamluk period. In particular,

his instructions concerning life in *madrasahs* clarify the problems that accompanied

living and studying in these institutions. Ibn Jamāʿah's commentary on *madrasahs* helps

to open windows into the daily life experienced by professors and students. In many

ways his comments on *madrasahs* mirror his commentary on the nature and practice of

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[59] Ibn Jamāʿah, *Tadhkirat al-sāmiʿ wa al-mutakallim* (Bayrūt: Dār al-Kutub al-ʿIlmīyah, 1979), 123; Berkey, *Transmission of Knowledge*, 30.

[60] Chamberlain, *Knowledge and Social Practice*, 146.

the study circle. Just as the study circle had a sacred purpose in communicating

knowledge to those who attended the teacher's lessons, students granted the privilege

of living in a *madrasah* should treat their opportunity with appreciation and reverence.

However, Ibn Jamāʿah warns his readers that not all schools are excellent places to

study. Prospective students should look at the reputations of professors, the lives of the

students and the institution's background before committing to study there.

The institution could have a questionable background that the student needs to

consider. Like Ibn al-Ḥājj, Ibn Jamāʿah was aware of the questionable means by which

some *madrasahs* had been established. If the property for the building or the

endowment was seized illegally, as was frequently the case, its foundation came at the

expense of those whose property was stolen. By association with this activity, the

building and the stipends would have been considered corrupt. Ibn Jamāʿah advised his

students to avoid studying in a *madrasah* if they "do not know the circumstances around

its construction and the property supporting it."[61] They would be better off finding a

place with pure foundations than to suffer from the association with injustice and

oppression that tainted some *madrasahs* in Cairo.

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[61] Ibn Jamāʿah, *Tadhkirat*, 196.

Once students found an appropriate place to live, Ibn Jamāʿah urged them to live

in a manner that would most benefit themselves and those around them. *Madrasahs*

must have been fraught with problems that would come with housing a large number of

young men. The *madrasahs* that had sleeping accommodations as part of their

complexes housed anywhere from a dozen students to over two hundred. The

bedrooms tended to be small and placed tightly together. They frequently opened into a

courtyard where lessons or other intellectual discussions might be held, as the founder

would have directed in the *waqf* document. If students were loud, this would have

caused disruptions among students and instructors in study circles, students studying in

private, or those performing prayers whether they were the five obligatory prayers,

prayers for the founder, or sufi *dhikr* services that would have been practiced within

some *madrasahs*. Ibn Jamāʿah considered these activities to be consistent with the

purpose and mission of *madrasahs*; any behavior that prevented the execution of these

practices should be suppressed.

Because most of these activities required quiet, Ibn Jamāʿah stressed to his

readers the importance of moving silently through the *madrasah*. He wrote that when

entering a *madrasah*, students should be quiet and avoid making disturbances. It is

forbidden to shout into the *madrasah* as students walk inside. Once inside students should speak in low voices, so that they not disturb others. He stresses that when students walk up stairs they should do so quietly without clomping their feet in a noisy manner. Ibn Jamāʿah also mentions that students should lock doors quietly to prevent disruptions. Even in the privacy of their rooms, Ibn Jamāʿah reminds his readers that they could be a distraction to their neighbors. Since students memorized material by repeating it aloud, Ibn Jamāʿah encourages his readers to repeat their lessons in a low voice so that it would not carry down the hall. [62]   Also, students living upstairs needed to be careful to avoid dropping heavy objects which could disturb lessons taking place beneath their rooms.[63]

Ibn Jamāʿah also advises students how to walk down stairs properly. When two arrive at the top of the stairs at the same time, the older of the two should go down first. After the first reached the bottom of the stairs, the younger of the two could begin going down the stairs. Ibn Jamāʿah does not present a reason for this procedure; perhaps, he hoped to establish order and reduce noise.

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[62] Ibn Jamāʿah, *Tadhkirat*, 233.

[63] Ibn Jamāʿah, *Tadhkirat*, 231.

These rules of behavior give us clues into the conduct that may have caused

problems in *madrasahs*. With that many young men gathered together, those in charge

must have struggled to maintain order and quiet at times. Fighting, pranks, drug and

alcohol use and sexual misconduct must have caused disruptions on a regular basis,

and this behavior would have caused problems because of the many purposes

madrasahs served. In addition to being centers of study, *madrasahs* frequently were the

burial sites of rulers and prominent figures. Often continuous vigils of prayer recital and

Qurʾān reading were maintained over their bodies; loud and inappropriate behavior

would not have only disrupted the quiet for study, but also the reverent atmosphere

surrounding the tomb of the founder. Ibn Jamāʿah's experience seems to point to a

certain degree of bad behavior in *madrasahs* that his comments were meant to

discourage.

To help students find the best room in the *madrasah*, Ibn Jamāʿah encourages

his readers to consider their future neighbors. He writes that students should choose to

live by those who are righteous in their actions, dedicated to their studies and committed

in their submission to God.[64]   Those living around them not only determine the

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[64] Ibn Jamāʿah, *Tadhkirat*, 223.

atmosphere in which they study, but their behavior could shape the students living

among them. Ibn Jamāʿah seems to be aware that within *madrasahs* some negative

influences could be present that could corrupt a good student. His warnings to law

students were meant to bring their attention to these risks so that they might avoid

corruption from within an institution which ideally was designed to produce righteous and

educated scholars.

Maintaining the positive atmosphere within a *madrasah* remained a high priority

of Ibn Jamāʿah. This emphasis on keeping order and purity within the *madrasah* colors

Ibn Jamāʿah's perception of whether the *madrasah* is a public or private institution. Ibn

al-Ḥājj emphasizes the need for *madrasahs* to maintain an open atmosphere. His

greatest concern lies in seeing that the greatest number of Muslims are able to hear and

learn from the teachings of instructors. As we have seen, he worked mostly outside the

madrasah system and actively opposed the exclusive practices that emerged around

them. Ibn Jamāʿah in contrast held several appointments to teach in *madrasahs*, and his

writings have a very different perspective on their exclusive nature. He does not seem

to mind the exclusive practices of *madrasahs* because his concern does not seem to lie

with spreading knowledge to the greatest number of individuals, but to ensure that the

students under his direction and who work within *madrasahs* in general have the best

possible experience. Ibn Jamāʿah's priority is to see that students are able to maintain

their moral purity, study in a quiet and reverential atmosphere, and obtain the best

possible education. If opening the doors of the *madrasah* should interfere with those

goals, he did not object to closing them.

In Ibn Jamāʿah's mind, the *madrasah* should have a positive effect on the

neighborhood in which it was located. Just as students could influence each others'

behavior, Ibn Jamāʿah believed that *madrasahs* could shape the morality of the

neighborhood in which it was located. He writes that individuals living in *madrasahs*

should spread peace and respect for the truth throughout the neighborhoods in which

they are located.[65]

Ibn Jamāʿah was also concerned that the corruption that afflicted the neighbors

surrounding the *madrasah* could infect those living inside. He encouraged his readers to

be very careful about the company they kept. He writes that students should avoid

entering houses which are "suspicious, evil or have little piety."[66] He is concerned that

law students could become involved in detestable actions that would corrupt their morals

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[65] Ibn Jamāʿah, *Tadhkirat*, 221.
[66] Ibn Jamāʿah, *Tadhkirat*, 229.

and compromise their ability to learn and apply their knowledge. He does not forbid

students from going outside the *madrasah*, but he seems to have a heightened

awareness or the pure and impure. If students traveled beyond the *madrasah*, which

they almost certainly would, they should be conscious of their surroundings and avoid

evil influences. In that way, they could maintain their own purity and prevent corrupt

influences from entering the *madrasah* through their behavior.

In addition to encouraging his students to avoid compromising situations outside

the *madrasah*, Ibn Jamāʿah also tried to prevent impurity from entering *madrasahs* by

barring some individuals altogether. He wrote that common people should not be

allowed to use the ablution fountains inside *madrasahs*. Ibn Jamāʿah indicates that their

vulgar manners and inappropriate behavior should not be allowed in the *madrasah*.[67]

This brief reference to the common people is telling. Ibn al-Ḥājj commented extensively

on the need for common people to have unlimited access to not only the worship

facilities within *madrasahs*, such as ablution fountains and *masjids* located within, but

also to study circles or other venues where teaching would be conducted. Ibn Jamāʿah

had little interest in making a place for the larger population of the city's inhabitants.

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[67] Ibn Jamāʿah, *Tadhkirat*, 232.

Their lack of manners and sense of propriety would have disrupted the activities of the school. Instead, they would have been stopped at the door by the doorman who would allow only the residents of the *madrasah* or respected members of the city inside.

Ibn Jamāʿah's desire to keep the *madrasah* a consecrated place of study and worship becomes evident in his description of the entrance way to the *madrasah*. The entrance to the *madrasah* can serve as a means of encouraging visitors to attend services and other activities held within its walls or as a barrier to prevent individuals from entering. In addition to barring common visitors from entering the *madrasah*, Ibn Jamāʿah discouraged law students from gathering at the entrance way to *madrasahs*. Most of the larger *madrasahs* in Cairo had elevated entrance ways and wide staircases leading up to the doors of the *madrasah*. These stairways must have been popular locations for students to gather after lessons or during their leisure time. It would have allowed the students a view into the community and a chance to chat with each other as well as their neighbors along the street. They could have looked down on the bustling activity that surrounded their schools. Ibn Jamāʿah did not see this lounging about as a pleasant diversion for law students. He warns them that they might see or hear embarrassing incidents which they would be better off avoiding. Also, women who have

business in the *madrasah* would enter through the main door, and Ibn Jamāʿah advises

that the students should avoid contact with women.[68] The entryway as a threshold to

the world outside the *madrasah* could distract students and cause them to be lured into

obscene thoughts or behavior. For this reason, Ibn Jamāʿah writes that students should

not sit leisurely at the entryway. Ibn Jamāʿah desires to create a pure atmosphere that

an open door policy could corrupt. Not only did he discourage letting the world outside

the *madrasah* inside its doors, Ibn Jamāʿah sought to prevent law students from even

standing on the border between these two worlds and become pulled from their studies.

For similar reasons, Ibn Jamāʿah stated that women should not be allowed inside

the *madrasah* if avoidable. He goes further to say that women should not pass

frequently by the doors and windows of the *madrasah* or gather in the courtyard of the

madrasah.[69] Because of these same concerns, presumably, he also advises that young

boys should not live in the *madrasah*. Eliminating these distractions could keep students

from a variety of problems. Not allowing women to enter could have also been an effort

to keep students from having illicit relationships in the *madrasah*. This instruction also

might have been an effort to keep students from looking at women rather than their

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[68] Ibn Jamāʿah, *Tadhkirat*, 231.

[69] Ibn Jamāʿah, *Tadhkirat*, 229.

books. Ibn Jamāʿah's rules do not make exceptions for married students who would

have had to find housing outside of the *madrasah*.

In addition to ensuring that the students were protected from outside influences

which may have compromised their purity and focus, Ibn Jamāʿah wanted to make

certain that the surrounding neighbors would not be compromised by having a *madrasah*

near their homes and shops. He instructed his students to be aware of their

surroundings. If their *madrasah* happened to be located on a busy street, Ibn Jamāʿah

advised them that they should avoid undressing or walking about undressed in front of

open doors or windows.[70] His primary approach to shaping their behavior seems to be

encouraging them to follow Islamic law and rules of piety, rather than writing extensively

about misbehavior that he has observed.

Ibn Jamāʿah's instructions for life in *madrasahs* emphasized the importance of

maintaining a proper atmosphere for worship and study. He seems to have had less

regard for the place of *madrasahs* in community worship or instruction. *Madrasahs*, as

described by Ibn Jamāʿah, have an almost monastic quality. The public world of the city

contrasts with the quiet, pious, and sacred surroundings of the *madrasah*. Ibn al-Ḥājj

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[70] Ibn Jamāʿah, *Tadhkirat*, 235.

resisted this impulse to insulate law students within these scholarly communities, but Ibn

Jamāʿah seems to recognize value in separating professors and students for the

purpose of work and study. Also, as a member of the highest echelons of power within

the Mamluk educational and legal communities, Ibn Jamāʿah had interests in preserving

the status quo. Widespread, free and disorganized methods of disseminating legal

knowledge would have diminished his authority both as a judge and an educator. If

madrasahs were considered the best location to receive legal education, then he would

have increased his own prestige as a professor who held a number of positions in

madrasahs across Cairo and the other cities in which he lived over those who taught

outside *madrasahs*.

Ibn Jamāʿah on Legal Education

Ibn Jamāʿah's approach to education, as discussed above, reflects many of the

traditional approaches that defined earlier periods of Islamic education. The importance

of finding a reliable professor remained a crucial aspect of beginning one's study. He

encourages students to find a professor who is pious, intelligent, excellent in his work,

compassionate and a lover of knowledge.[71] However, he seems to work under the

assumption that students will most likely find their professors in a *madrasah*. In fact,

while warning students against studying with an incompetent professor, Ibn Jamāʿah

indicates that some professors may attain their positions through bribery or other

underhanded methods rather than in recognition of their skill as legal scholars and

teachers.[72] Only professors working in *madrasahs* or perhaps some mosques would

have tried to buy their way into a position like this, as *khānqāhs* had not yet become

significant centers for the study of Islamic law at this time. The benefits that they would

have enjoyed over time would have made a bribe worth the expenditure. However,

students working under incompetent professors would have suffered as a result.

Ibn Jamāʿah also offers specific directions for rules of behavior in *madrasahs*.

He emphasizes that students must be careful to avoid being late for their lessons.   He

writes that it is the place of "the students to wait for professors, not professors to wait for

students."[73] Ibn Jamāʿah encourages his readers to avoid being drowsy or falling asleep

in class. Students should not talk or laugh during the lesson, but should focus on the

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[71] Ibn Jamāʿah, *Tadhkirat*, 197.

[72] Ibn Jamāʿah, *Tadhkirat*, 46.

[73] Ibn Jamāʿah, *Tadhkirat*, 234.

professor and the lesson. Ibn Jamāʿah also describes the protocol for asking the

professor questions. Students should not interrupt the professor, but should wait until

the professor grants the student permission to speak. The professor would also oversee

debate over legal questions, in which students were expected to participate. Ibn

Jamāʿah indicates that student should maintain their composure in these debates. They

should refrain from speaking if they had lost their temper or had become too emotionally

involved in the discussion.[74] Such unbridled anger would detract from learning a point,

rather than helping students sharpen their thinking and speaking skills which debate was

meant to do. Professors also used these interactions as opportunities for students to

distinguish themselves from one another. Apparently, these discussions could become

heated, and the competition would become personal. Students who enjoyed the favor of

the teacher might have advantages in obtaining work and prestige because the social

networks among jurists were very influential in determining the direction of a scholar's

career.[75] Competition may have developed within the study circles of respected

teachers which Ibn Jamāʿah felt compelled to moderate.

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[74] Ibn Jamāʿah, *Tadhkirat*, 236.

[75] Berkey, *Transmission of Knowledge*, 107-119.

Ibn Jamāʿah's work also clarifies the structure that shaped the development of

student education and how students were rewarded within that structure. In his

discussion of the responsibilities of the *muʿīd*, Ibn Jamāʿah indicates that the *muʿīd* has

responsibility for monitoring the progress of students living in the *madrasah*. He writes

that if the *waqfiyyah* stipulates that the students should demonstrate progress through

their education, the *muʿīd* should test them each month or each term as stipulated. He

goes on to distinguish between beginning and advanced students. Beginning students

are examined primarily on the amount of material that they had memorized from their

lessons. However, Ibn Jamāʿah writes that advanced students should be evaluated by a

different set of criteria. Advanced students should have lighter expectations in terms of

the amount of material they have memorized. Instead, their focus should be on their

competence in debate (*ahliyyat al-baḥth*), reading (*muṭālaʿa*), contemplation (*fikr*), and

disputation (*munāẓara*). Ibn Jamāʿah writes that the development of contemplation is

"the mother of acquiring knowledge and learning law."[76] Students had to reach certain

benchmarks in order to move from the beginning stages of their education to the

advanced. It appears that after students had memorized the necessary texts, they had

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[76] Ibn Jamāʿah, *Tadhkirat*, 204-05.

to demonstrate competence in their comprehension and their capacity to debate their

positions within the study circle. The goal was to produce competent students who

could issue their own legal opinions. In order to ensure a student met these goals, Ibn

Jamāʿah encouraged professors to demand "what was appropriate from him according

to station and intellect."[77]

While it is difficult to know how many *waqfiyyahs* included stipulations that

required examinations to monitor students' advancement given the number that have

been lost, there is evidence from at least one document that confirms this practice.

Nāṣir Muḥammad's *madrasah* indicates that the *muʿīd* had the responsibility to examine

students, and the students were clearly divided into beginning and advanced, with the

advanced students receiving substantially more pay than the beginners. The link

between advancement in the educational program and level of stipend demonstrates

that a well-delineated structure of education existed and that this structure was

connected to specific *madrasahs* in which students lived and studied.[78]

Ibn Jamāʿah also mentions the role of the *muʿīd* in determining the progress of

students and connects student advancement to their stipend. He writes that students

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[77] Ibn Jamāʿah, *Tadhkirat*, 205.

[78] Maqīzī, *Sulūk*, 1:3, 1046; Makdisi, *Rise of the Colleges*, 172-73.

should present to the *muʿīd* at the appointed time so that they might receive their pay.[79]

The implicit message seems to be that students who did not meet their expected

progress may have lost at least part of their monthly stipend. This accountability would

have motivated students to exert the necessary effort in their studies to receive their

salaries.

Implementing these requirements would have encouraged students to advance

in their programs so that more students could enter *madrasahs* and benefit from the

education offered in them. Additionally, it served the purpose of discouraging students

from staying without working. It makes sense that payment was linked to student

performance. Every institution examined in chapter three paid individuals who took roll

at the *madrasahs*. Some penalty must have been in place to punish students who

neglected to attend their lessons. It seems likely that a deduction would have been

extracted from their stipend.

In general, Ibn Jamāʿah seems to have a far more tolerant view of salaries than

Ibn al-Ḥājj had. While Ibn al-Ḥājj saw money corrupting the motives and purity of

students and professors, Ibn Jamāʿah views the finances generated by endowed

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[79] Ibn Jamāʿah, *Tadhkirat*, 204.

properties in the *madrasah's* possession as providing important means of supporting

students' education. As mentioned, Ibn Jamāʿah sought to encourage students to keep

up with their studies by linking their stipend to their advancement. Ibn Jamāʿah

recognized the difficult positions that students faced. Pursuing an education required

years of study, and if students did not have the financial backing of a wealthy family or if

they were not the children of established jurists who would have educated their children

willingly at home or through apprenticeship, then they would have had faced enormous

difficulties in completing their educations. Ibn al-Ḥājj's assurance that God would meet

their needs must have brought some comfort, but Ibn Jamāʿah recognized the security

that a consistent salary would provide struggling law students.

Ibn Jamāʿah goes as far as to say that a student could leave a *madrasah* that ran

out of funds to pay their students. In his discussion of reasons that would legitimate a

student's decision to leave a school, he mentions several factors that would make life in

a particular *madrasah* intolerable. The primary reasons he lists are the corruption

among the inhabitants of the *madrasah*, but he also includes wasting of money that

would go to students.[80] Ibn Jamāʿah appears to feel that students need help and would

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[80] Ibn Jamāʿah, *Tadhkirat*, 216-17.

benefit from *madrasahs* that opened doors to struggling students. Ibn al-Ḥājj had

argued that when funds disappeared students should work just as hard. Ibn Jamāʿah

appears to be among the great majority of scholars who accepted the advantages of the

madrasah salary structure.

Ibn Jamāʿah on the Levels of Student Advancement and Important Works

Ibn Jamāʿah makes it clear that students were required to advance through

specific stages in their academic careers and, in some cases, lists specific works that

they were expected to learn at each stage. Makdisi described the levels of education

that students progressed through in his description of *madrasah* education, including

beginning students (*mubtadiʾūn*), intermediate students (*mutawassiṭūn*), and terminal

students (*muntahūn*). These three levels made up the studies of what Makdisi referred

to as undergraduate students (*mutafaqqiha*). Beyond these levels, Makdisi found that

students who entered into advanced study "from the terminal up to the license to teach

and issue legal opinions," made up the graduate students (*fuqahā*).[81] He finds evidence

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[81] Makdisi, *Rise of the Colleges*, 173.

of these positions in Tāj al-Dīn al-Subkī's biographical dictionary, *Ṭabaqāt al-Shāfiʿiyyah*

al-Kubrā, as well as in *fatwās* from Tāqī al-Dīn al-Subkī. Evidence of the use of the terms

mutafaqqih and *faqīh* referring to beginning and advanced students appears as early as

the time of Ibn ʿAqīl (d. 1119). [82] Tāj al-Dīn al-Subkī also describes these levels of

accomplishment in *Kitāb Muʿīd al-Niʿam wa Mubīd al-Niqam*.[83] Makdisi saw these

positions as serving as benchmarks in students' progression. He also found evidence

that the amount of the stipends that students received was linked to their progress

through these ranks, with the advanced students earning more than the beginning

student. Stewart also found evidence of this structure in biographical dictionaries,

demonstrating that students going through the terminal stage in their education tended

to move on to seek the license to teach and issue *fatwās*.[84]

Setting goals for students that they would have been required to meet

demonstrates a structure at work that guided students and professors through their

studies. Understanding the process of their education, then, gives further insight into

methods of education used. Ibn Jamāʿah mentions several works that students should

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[82] Makdisi, *Rise of the Colleges*, 171-75.

[83] Taj-ad-Dīn Abū Naṣr ʿAbd-al-Wahhāb As-Subkī, *Kitāb Muʿīd al-Niʿam wa Mubīd al-Niqam*, ed. David W. Myhrman (London: Luzac, 1908), 151-54.

[84] Stewart, "The Doctorate of Islamic Law," 60-63.

study. He placed a strong emphasis on the memorization and study of the Qurʾān. Ibn

Jamāʿah indicates that the Qurʾān should form the basis of scholars' educations. It

should be memorized and students should study its interpretation (*tafsīr*). The

knowledge of the these two fields serve as the basis of all other fields of knowledge, and

Ibn Jamāʿah reminds his readers that they must review their memorization of the Qurʾān

daily so that they do not forget it as they move on to other works.[85]

After mastering the Qurʾān and its interpretation, Ibn Jamāʿah writes that students

should memorize a shorter work summarizing an area of study (*mukhtaṣar*) in the

following fields: hadith and its related sciences, jurisprudence (*uṣūl al-fiqh*), theology

(*uṣūl al-dīn*), grammar, and morphology (*taṣrīf*). Rather than beginning with an

exhaustive study of a particular field, Ibn Jamāʿah recommends gaining a general

overview of a number of fields.[86] Furthermore, he writes that students could not engage

in disputation (*ikhtilāf*) with scholars or those without training at the beginning of their

studies. Otherwise, the beginners may become confused and disheartened. Instead,

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[85] Ibn Jamāʿah, *Tadhkirat*, 112-13.

[86] Ibn Jamāʿah, *Tadhkirat*, 113.

students should wait until they gain more advanced understanding in a *madhhab* before

they engage in debates with other scholars.[87]

Ibn Jamāʿah explains that books must be studied and memorized in the presence

of teachers who are able to comment on the meaning and interpretation of the works.

Students should seek out the most accomplished scholar in a particular area and study

with him. As for professors, Ibn Jamāʿah writes that they should focus their attention on

one book at time and avoid jumping between books. He fears that students become lost

unless they master one work before moving on to another. When gathered in the study

circle, the professor reads from a text and then comments on it. Later, the professor, or

someone appointed by him, has the students repeat the material they studied, checking

for proper pronunciation and comprehension.[88]

Ibn Jamāʿah discusses the study of hadith in more detail than other sciences. He

writes that students should learn hadith and its related subjects, beginning with the

Ṣaḥīḥ of Bukharī and the *Ṣaḥīḥ* of Muslim. After that, students need to study the other

foundational texts, *Muwaṭṭaʾ* of Mālik, Abū Dāwūd's (d. 899) *Sunan*, and the collections

of Ibn Mājah (d. 887), al-Tirmidhī (d. 892), and al-Shāfiʿī. He also recommends as

[87] Ibn Jamāʿah, *Tadhkirat*, 116-17.
[88] Ibn Jamāʿah, *Tadhkirat*, 115-18; 121-23.

"excellent sources for jurists" al-Bayhaqī's (d. 1066) *Sunan*, as well as *Musnad* of

Ahmad b. Ḥanbal and *Musnad* of Ibn Ḥamīd al-Bazzār.[89]

While Ibn Jamāʿah encourages students to study and learn hadith, he

emphasizes the importance of understanding the transmission and quality of hadith. He

writes, "Do not be content to be present to hear hadith recitation (*samāʿ*) as most of the

scholars of hadith (*muḥaddithūn*) are in this age. Rather one should be concerned with

the study of the reliability of traditions (*al-dirāyah*), which is more important than listening

to hadith (*al-riwāyah*)."[90] Ibn Jamāʿah's assertion that the study of the reliability of

traditions supersedes the collection of many transmissions demonstrates the importance

of understanding the soundness of a hadith in making a legal decision. Ultimately, Ibn

Jamāʿah wrote his work to prepare his readers for the process of learning to compose

legal opinions. Ibn Jamāʿah's preference for the study of the reliability of hadith also

reveals his tendency to support particular scholars and locations of study. Trained law

professors as well as more advanced hadith scholars tended to instruct students in the

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[89] Ibn Jamāʿah, *Tadhkirat*,126-28.

[90] Ibn Jamāʿah, *Tadhkirat*, 131-33.

reliability of hadith in *madrasahs* or similar settings, whereas almost anyone who heard

transmissions of hadith could participate in the transmission of hadith.

This distinction is demonstrated by al-Suyūṭī's observation that he preferred to

study *al-dirāyah*, the study of the reliability and soundness of traditions, rather than *al-riwāyah*, the process of collecting *ijazāt* for listening to hadith collections (*al-samā*). Al-Suyūṭī writes:

> I did not indulge very much in *al-samā'* for various reasons, one of which was my
> preoccupation with *al-dirāyah*: I was teaching, writing and studying with its
> esteemed masters, taking the opportunity to frequent them before their deaths.
> This, in my opinion, is more important than *al-riwāyah*. Another reason was that I
> found the transmitters of traditions (*shuyūkh al-samā*) to be common people,
> rabble, women, and old men, and I disdained to study under these being myself
> a teacher . . . Even so, I did not give up *al-sama'* altogether.[91]

Both the reasons that al-Suyūṭī provides for his aversion to *al-samā'* illustrate the social

stratification among the scholars of Cairene society. Certain types of knowledge seem

to have been granted superior status to others because of the rigor and perquisite

knowledge required to obtain them. Their importance is linked to the extra work required

to master their content, and also, al-Suyūṭī might argue, knowing the hadith without its

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[91] Sartain, *The Life of Jalāl al-Dīn al-Suyūṭī*, 1:30-31.

reliability is incomplete knowledge. However, acquiring this type of knowledge required

more extensive study with more accomplished instructors.

The second reason that al-Suyūṭī provides relates to the social status of the

individuals he would have been required to study with. Some of the most valued

transmitters of hadith would have been from a social status and level of education that

al-Suyūṭī considered beneath his own. The goal in hadith transmission was to have the

fewest number transmitters who had the greatest reliability between the listener and

Muḥammad. That meant that the oldest living individuals who had heard hadith related

at a young age would be the most valued transmitter, whether they held high or low

status or whether they were men or women. Al-Suyūṭī seems to have been more

selective about whom he interacted with.

Al-Suyūṭī's father taught at the Shaykhūniyyah *madrasah*, and much of his early

education seems to have taken place within its walls. He may have felt most

comfortable studying and living among the more eminent scholars who took these

posts.[92] Not every scholar would have suffered from al-Suyūṭī's prejudices, but the fact

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[92] Sartain, *The life of Jalāl al-Dīn al-Suyūṭī*, 30.

that his education and work centered in *madrasahs* seems to indicate that being

educated in this environment shaped his values and perceptions as a scholar.

The beginning stages of students' educations, according to Ibn Jamāʿah,

revolved around the memorization and study of epitomes (*mukhtasars*) that summarized

the central sciences of Islamic law, with a special emphasis on the study of the Qurʾān,

hadith and commentaries on these works. Students engaged in memorization of the

texts, repetition of their contents both in the presence of either a professor or repetitor

(*muʿīd*) and in solitude, and discussion of the texts. Students listened to professors'

comment on the texts and were required to explain these works back to them.

Mastering these basics allowed students to advance to the next phase of their

education.

The next stage required students to study more advanced material and to

engage in disputations with other students. Ibn Jamāʿah describes the transition to the

intermediate stage in the following passage:

> If he can comment on the epitomes which he has memorized and if he has
> mastered their difficult aspects and important information, then he may move on
> to discussion of advanced works (*baḥth al-mabsūṭāt*) with the constant reading
> and note taking (*taʿlīq*) on gems of knowledge, intricate questions, and unusual
> applications of law which he comes across or hears. He will solve problems and

the differences between rulings of obscure questions from all types of sciences. He should not be alone in seeking useful knowledge. . . He masters these things. Rather he sets out to gather his notes (*taʿlīq*) on these things and memorizes them. The ambition [of the student] in seeking knowledge is [to attain] the highest rank. He is not content with a little knowledge from many places, and he is not content with the inheritance of the prophets, God's blessing be upon them – that is the easy way. He does not wait to study useful knowledge that he might possess. Otherwise, hope [to study later] and procrastination will distract him from [learning]. . .[93]

As this passage illustrates, a number of the characteristics define the next stage of students' education, including the study of difficult points of law, disputation and debate, and the composition of a notebook for study. As Makdisi has explained, all these areas are closely related. Ibn Jamāʿah describes the next level of education as dealing with intricate question (*al-masāʾil al-daqīqah*), unusual applications of law (*al-furūʿ al-gharībah*), and solving problems. Within each *madhhab*, differing opinions (*khilāf*) existed about certain legal questions. After training their students in positive law (*fiqh*) and jurisprudence (*uṣūl al-fiqh*), law professors challenged their advanced students with these more difficult problems. Within this context, professors would open up these questions for debate among the students. Students would rely on their knowledge of the Qurʾān, hadith, *fiqh* and *uṣul al-fiqh* to construct their responses. The professor would

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[93] Ibn Jamāʿah, *Tadhkirat*, 133-34.

moderate and guide these discussions, and, in the process, instruct the students in his

approach (*ṭarīqah*) to dealing with difficult questions.

As Makdisi explains, this approach would be recorded in a notebook kept by

advanced student call a *taʿlīqah*. This notebook could then be used later for study, as a

syllabus for students' own courses on law or it could be developed into a guide to the

students' own method (*ṭarīqah*) of solving legal questions.[94] Bernard Weiss' study of ʿAlī

b. Abī al-Āmidī's (d. 631/1233) master work on *uṣūl al-fiqh*, *al-Iḥkām fī uṣūl al-aḥkām*,

demonstrates that the book originated in a *taʿlīqah* written while he was a student.

Gradually, he expanded it into a comprehensive study of his approach to solving legal

questions. Weiss analyzes the structure of this book and finds that its dialectic form,

based on a basic issue or question (*mas'alah*) and responses to it, reflected the format

of teaching and debate that took place in *madrasahs*.[95] Ibn Jamāʿah refers to the

composition of this type of notebook (*taʿlīq*) twice in the passage above. Students kept a

careful record of important questions, traditional responses to these questions,

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[94] Makdisi, *Rise of the Colleges*, 106-122.

[95] Bernard Weiss, "Medieval Islamic Legal Education as Reflected in the Works of Sayf al-Dīn al-Āmidī," in Law and Education in Medieval Society: Studies in Memory of George Makdisi, ed. Joseph E. Lowry, Devin J. Stewart and Shawkat M. Toorawa (Cambridge: E.J.W. Gibb Memorial Trust, 2004).

arguments and counterarguments. By doing so, they prepared themselves for

disputations in their study circles and for the work of developing their own well-

considered legal opinions. Ibn Jamāʿah goes on to conclude this section by stating that

the most advanced students must master the greatest and most famous works in their

madhhab, while continuing to write (*taṣnīf*) and to engage in disputation (*khilāf*).[96]

     Ibn Jamāʿah's description of the phases of education corresponds with what

Makdisi found in other texts. The phases described here demonstrate that students

preparing for work in legal occupations followed a regimented program. While the books

that a professor chose for study are left open outside of specific instructions concerning

the Qurʾān and hadith, the subjects a student must master, the methods of study used

and the measures of students' progress are clearly explained.

Al-Ghazzī

     Muḥammad b. Muḥammad al-Ghazzī (904-984/ 1499-1576) lived during the late

Mamluk and early Ottoman period. He spent most of his life teaching and issuing *fatwās*

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[96] Ibn Jamāʿah, *Tadhkirat*, 135-142.

in Damascus, but spent his several years studying with many of the best professors of

Islamic law in Cairo.   Al-Ghazzī began his study of Islamic law with his father and other

important figures in Damascus. After studying law in Damascus, he moved to Cairo

where he studied with Burhan al-Din Qalqashandī, al-Qasṭlānī, and al-Suyūṭī among

other leading scholars. Al-Ghazzī returned to Damascus after seeking an *ijazah* from al-

Suyūṭī, and he began to teach and issue *fatwās* at the age of seventeen.[97]

Al-Ghazzī received appointments at a number of institutions in Damascus

including, the Umayyad Mosque, the ʿĀdiliyyah *madrasah*, al-Fārisiyyah, al-Shāmiyyah

al-Barrāniyyah, al-Maqaddamiyyah and al-Taqawiyyah.[98] During his career, al-Ghazzī

wrote a work on instructing students in the rules of legal education and training in the

writing of legal opinions (*fatwās*) called *al-Durr al-Naḍīd fī ʿĀdab al-Mufīd wa al-Mustafīd*.

Like Ibn Jamāʿah, whom he quotes frequently, al-Ghazzī explains the proper behavior of

students and instructors should follow. Many of the ideas that al-Ghazzī discusses are

presented in the works of others who wrote within this pedagogical genre. He expands

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[97] Al-Ghazzī, *Durr*, 27-28.

[98] Al-Ghazzī, *Durr*, 28.

the discussion of some of these points in places, for example, telling students that they

should never laugh at or mock their teacher.[99]

Al-Ghazzī also delves into questions such as how students should accompany

their teacher when they walk together. He offers a number of opinions on this topic. Al-

Ghazzī writes that a large group of experts instruct that the teacher should walk behind

his students at night and before them during the day. However, he quotes Ibn Qāḍī

Shuhbah who wrote that, "It is the custom of Sufis (*al-fuqarā*) to walk behind the

teacher, while it is the custom of jurists to walk before the teacher. It is related in hadith

that the companions of the prophet walked before him, and he did not permit anyone to

walk behind him."[100] Al-Ghazzī's interest in establishing proper conduct (*adab*) extends

to the slightest behaviors of students as it did to those who wrote before him, and he

repeats many of their opinions while embellishing them with his perspectives and those

of his contemporaries.

Al-Ghazzī also comments on the development of jurists' education and the

phases that they should advance through as they study. On this subject, al-Ghazzī is in

agreement with Ibn Jamāʿah, and quotes him extensively, but he also clarifies some of

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[99] Al-Ghazzī, *Durr*, 253.

[100] Al-Ghazzī, *Durr*, 260-61.

Ibn Jamāʿah's statements, particularly regarding the requirements for jurists' education in

writing. Al-Ghazzī quotes Ibn Jamāʿah's *Tadhkirah* in stating students should first

memorize the Qurʾān and study commentary on it. Next, he writes, students should

memorized epitomes (*mukhtaṣars*) on law, grammar, morphology (*taṣrīf*), hadith and its

sciences, jurisprudence, and theology (*uṣūl al-dīn*). Lilke Ibn Jamāʿah, al-Ghazzī notes

that this work should be done with a teacher and that students in this early stage should

avoid engaging in disputation (*ikhtilāf*).[101]   Al-Ghazzī also repeats the books suggested

by Ibn Jamāʿah for the study of hadith. For advanced study, al-Ghazzī agrees with Ibn

Jamāʿah by stating that if students have memorized epitomes and mastered their

content, then they should begin study of more advanced works (*al-mabsūṭāt*) along with

difficult problems in law while developing notebooks for reference and study (*taʿlīq*).[102]

Al-Ghazzī does offer more explanation for what is required in the highest levels of

education. Ibn Jamāʿah states that those whose "competence is complete" (*kamulat

ahlīyatah*) work at writing and disputation, but does not present an elaborate description

of these skills. Ibn Jamāʿah indicates that disputation should be done with proper

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[101] Al-Ghazzī, *Durr*, 263-70.

[102] Al-Ghazzī, *Durr*, 270.

respect, but says very little about writing.[103] Ibn Jamāʿah locates this statement at the

end of the section describing the levels of education a student moves through, indicating

that these skills reflect the highest levels of education and the last practices the jurists

would be expected to master. Al-Ghazzī uses the phrase that one's competency is

complete to indicate that a jurist's education is finished and that he is prepared to

receive an appointment to teach. Al-Ghazzī writes, that a jurist, "will set himself up to

teach law (*yantaṣiba lil-tadrīs*) until his competency is complete (*takmul ahliyatuhu*), and

the most reliable of his teachers testify to this about him."[104] This approval indicates that

the student has attained the highest levels of education and has permission to teach.

Al-Ghazzī also mentions the completion of competency in the context of the

phases of students' education. In the last section of the book dealing with students'

education, al-Ghazzī appears to quote Ibn Jamāʿah again when he writes that for a

student's education to be complete, he must learn to write. However, he changes Ibn

Jamāʿah's wording somewhat and adds an entire section explaining the importance and

method of writing:

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[103] Ibn Jamāʿah, *Tadhkirat*, 135-142.

[104] Al-Ghazzī, *Durr*, 169.

It is necessary in order for one whose competency is complete (*kamulat ahliyatuhu*) and whose excellence is perfect to apply himself to writing (*taṣnīf*). He should be careful about what [works] he collects and the [new work] he composes, being certain about all that he states, verifying what he quotes [from other writers] and his own discoveries. He should investigate explanations with care and conciseness. Failure to explain with clarity will result in inadequate [writing]. Failure to write with conciseness leads to confusion. He should not write excessively long [prose], which causes boredom. He should avoid weak points and feeble arguments and offer clarification for problems, presenting answers to what he has investigated and showing his understanding of the great rulings (*aḥkām*) of the [legal] field without violating its principles (*uṣūl*). He should indicate the foundational [issues] and obscure [points of the law]. In this way, the principles of knowledge and its details become apparent to him, and problems are uncovered by him. He explains obscure questions and solves dilemmas. Knowledge (*al-ʿilm*) is established by him and is raised up with him, because this [composition] requires extensive research (*al-taftīsh*), reading (*al-muṭālaʿah*), inquiry (*tanqīb*), examination (*murājaʿah*), and study (*iṭṭilāʿ*) of the *madhhabs* of the *ʿulamāʾ* and the disputations (*mukhtalif kalām*) of the leaders . . .[105]

Al-Ghazzī's discussion of writing describes the work that scholars who complete their

studies should be capable of producing. The general statements on style are

informative. Al-Ghazzī favors clear, concise and accurate writing; however, this section

also reveals the abilities that define scholars who reach the completion of their

education. As has been discussed, after mastering the Qurʾan, hadith, and central texts

on law and related subjects, legal scholars explored advanced legal theory and debated

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[105] Al-Ghazzī, *Durr*, 283-84.

complex questions and applications of law. The ability to write about these issues

served as the final demonstration of the students' mastery of these topics. Al-Ghazzī

explains that the most accomplished students must demonstrate their knowledge of the

basic principles of the law and their skill in solving difficult legal issues.   He indicates

also that students should demonstrate originality in their work and contribute to

knowledge of Islamic law, but notes that their work should not exceed the boundaries of

their *madhhab*. The writing that students were required to produce had to deal with a

difficult legal question and provide a satisfactory answer that demonstrated their

competency to form legal opinions.

While al-Ghazzī offers a far more detailed account of the writing students were

expected to produce than Ibn Jamāʿah, he does not specify what type of document they

wrote. This may have been a treatise, an abridgement of another work, a commentary,

or, given that al-Ghazzī's manual describes the process of writing legal opinions, it may

have been a *fatwā*. Whatever form the writing took, it appears to have been an

important proof of students' knowledge and a requirement for students who aspired to

hold teaching positions in Damascus or Cairo.

Conclusion

      Certain consistencies appear in each of these works that span across several

centuries. They all emphasize the importance of proper conduct (*adab*) among

professors and students that encompassed behavior that ranged from asking questions

in the study circle to the way students should walk with professors on the street. If one

were to focus only on the pieces of advice related to these social and educational

practices, it would appear that little had changed in the method of instruction as the

centuries passed; however, each of the writers surveyed in this chapter who lived during

or shortly after the Mamluk period reveal the changes that *madrasahs* had on the

practice of legal education.   Ibn al-Ḥājj discusses instructional methods as they took

place in the context of *madrasahs* and the ways studying and teaching in *madrasahs*

shaped the behavior of professors and students.   Ibn Jamāʿah devotes a large section

of his work to proper behavior for those living in *madrasahs*. The role of repetitors

(*muʿīds*) in participating in students' training and in monitoring their progress is

considered a standard part of education.

The works from the Mamluk period also reveal the professional standards for professors and students that had emerged over time. Many of these standards and practices predated the Mamluk period and had been established within the *madhhabs*. However, by the Mamluk period, these practices had become more standardized, the steps of education were defined and progress in advancing through these steps was monitored and certified by professors overseeing students.

Chapter 6

Conclusion

Islamic legal education in Mamluk Egypt must be considered first in light of the organization that defined *madhhabs*. Since the late eleventh century, when *madhhabs* of Sunni law had emerged as the most recognized authority in the Sunni tradition, members of *madhhabs* had developed highly sophisticated methods of training and regulating their members. As Makdisi has demonstrated, a system of educating jurists to serve in these *madhhabs* began to form along with the *madhhabs* themselves. The growth and development of *madrasahs* took place within the broader process of the organization of the *madhhabs*.

The earliest *madrasahs* founded in Egypt during the Ayyubid period were tied to specific *madhhabs*, whose leading members served as professors offering instruction to jurists in training. *Ṭabaqat* literature demonstrates the level of organization, evaluation, and self-regulation that took place within each *madhhab*. Academic and personal

accomplishments were carefully catalogued in order to determine the place of particular

individuals within the community of jurists.

This study's examination of jurists and *madrasahs* during the Mamluk period

illustrates the many layers of organization that characterized the practice of teaching law

in Mamluk society and the special role *madrasahs* played in creating, transforming and

perpetuating this structure. While many factors helped determine the appointment of

jurists to teaching posts in *madrasahs*, the examination of the Bulqīnī family and other

scholars demonstrates that the possession of proper educational credentials served as

the most accurate predictor of appointment to academic office. These credentials

included the study and memorization of central texts to their *madhhab*, studying with

recognized authorities within the *madhhab* in a variety of fields including hadith, *fiqh*,

uṣūl al-fiqh, *tafsīr*, literary arts, and other areas, obtaining certificates, most importantly,

the certificate to teach law and issue legal opinions, and the establishment of personal

ties with other jurists. The ability of jurists to master the crucial texts of their tradition and

navigate the social networks of Mamluk society helped to determine their rank among

the jurists of their *madhhabs* and the success of their careers. A highly successful jurist

could enjoy lucrative appointments to a variety of teaching and judicial posts. Other

jurists could make careers as judicial deputies, teaching deputies, repetitors in

madrasahs, witnesses, administrators in the Mamluk government and in other careers

open to those educated in law.   The *madhhabs*, then, acted as structured institutions

that regulated the education of their members and helped to determine the advancement

and appointment of jurists within their ranks.

   Madrasahs also served a central role in defining the structure of Islamic

education in Cairo during the Mamluk period. The *waqf* documents surveyed in this

study demonstrate that *madrasahs* served a specific purpose in educating jurists. They

prepared aspiring jurists with the educational backgrounds necessary to practice law.

While a certain amount of flexibility existed within some foundation deeds for the

professors to choose texts and decide the content of their course, this flexibility should

not be interpreted as an absence of an understood curriculum or structure that shaped

the professors' teaching and students' education.   Each document indicates that

students should receive the necessary background in the sciences required to practice

law. Larger institutions funded multiple professors qualified to teach these sciences in

separate classes, while smaller institutions required a single professor to instruct the

students in several fields. The requirements of the *madhhabs* are reflected in the

instructional requirements set down in the foundation deeds of the *madrasahs*. The

relative importance of law is also reflected in the salary structures established in these

documents, affirming the preeminence of law within the Sunni tradition.

The expansion of *madrasahs* during the Mamluk period also contributed to

changes in the social standing of law professors and their methods of instructing

students. Ibn al-Ḥājj provides many examples of the effects that these institutions had

on professors' behavior. He notes that professors refused to teach when salaries were

interrupted due to problems in the collection of revenue. Ibn al-Ḥājj also complains that

professors put up barriers between themselves and the common people so that they

only instructed those whom they were paid to teach. The *madrasahs*, while founded to

facilitate the spread of Islamic legal instruction, also contributed to the creation of

barriers. As professors developed a stronger sense of their own professional identity,

responsibility, and privileges, they increasingly limited access to their classes and

reserved their knowledge for those whom they were paid to teach. If Ibn al-Ḥājj

lamented these practices, Ibn Jamāʿah defended and promoted their implementation.

As an instructor in several *madrasahs* and an active judge in the Mamluk judicial system,

Ibn Jamāʿah was fully immersed in the world of education as it was practiced in

madrasahs. Ibn Jamāʿah couched his arguments in favor of heightened restrictions on entering *madrasahs* in terms of preserving the piety of the jurists, maintaining a worshipful atmosphere in the institution and optimizing the environment for study and memorization, but the results were the same. Professors only instructed students whom they were paid to teach and enjoyed the prestige of limiting access to their lesson to those affiliated with the *madrasah*.

The effects of the *madhhab* and *madrasah* are also evident in the educational requirements for students. Pedagogical texts composed during the Mamluk and early Ottoman periods dictate a clear progression of study. The phases of education began with the memorization of the Qurʾān and rules of grammar, progressed through the study and memorization of epitomes on hadith, *tafsīr*, *fiqh*, *uṣūl al-fiqh*, and on to the debate over difficult points of law and the composition of notebooks. The highest levels of instruction frequently took place as the professor considered actual legal questions presented by petitioners. After mastering these texts and skills, for scholars to be considered worthy to hold the highest positions in the *madhhab* and obtain prestigious appointments, jurists had to produce their own works demonstrating their mastery of a

particular topic. Almost all of this instruction was conducted by leading scholars within

the *madhhabs* who were considered qualified to teach by their peers.

These trends demonstrate that a professionalization of jurists took place during

the Mamluk period, and this process resulted, in large part, from the spread and

development of *madrasahs*. *Madhhabs* acted as self-regulating bodies in a similar

manner to modern professional organizations. *Madrasahs* provided professors with

positions that offered significant income and prestige. In sum, the professors of law in

Mamluk Cairo operated in a manner similar to modern professionals, setting standards

for education, licensing those who were trained and qualified, limiting competition, and

securing higher payment and prestige for members of their profession.   The structure of

Islamic legal education promoted the clear instruction of the foundations and principles

of Islamic law, while also protecting the status and prestige of those who taught it.

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