IN the year 663/1265 the Mamluk Sultan Baybars ordered the investiture of a chief judge (qādi al-qudat) for each of the four generally recognized schools of Sunni law (madhāhib). Previously there had only been a Shāfi‘ī chief judge, but from this time onwards the Mamluk empire would also be served by Hanbali, Hanafi and Mālikī chief judges. Soon afterwards four chief judgeships were established in the other major cities of the empire. However, Cairo was the capital, and its chief judge undoubtedly enjoyed a special prestige.

The reasons for an individual’s appointment to the chief judgeship were varied and complex, but four basic ones emerge: merit, nepotism, patronage, and succession of a deputy or assistant judge (nā‘ib) to the chief judgeship. Often some combination of these factors contributed to an individual’s appointment, as when a man who had been deputy judge as well as a son (or son-in-law) of the preceding qādi al-qudat took over the judicial duties when his predecessor left office. Such a case would be described as a combination of nepotism and nā‘ib succession. Similarly, a man might be chosen for the chief judgeship because an amir or influential bureaucrat worked for this appointment; this would be an example of patronage. «Merit» defines itself, but has been used as an explanation for an appointment only sparingly. In a number of cases the sources do not indicate a specific reason for an appointment.

There was a total of fifty-three men who held the chief judgeship of Cairo during the Bahri Mamluk era. I have discussed the reasons for the appointments of 663 elsewhere¹, which reduces the number for study.


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to forty-nine; of these, we have been able to assign reasons for the appointments in thirty-one cases, or approximately sixty-three per cent of the total. Almost all of these fall into the four categories mentioned above, along with a few miscellaneous cases which will be discussed as well. What is interesting is that although there are more Ḥanafīs, for example, to study that Ḥanbalis, the reasons for an appointment, as listed earlier, can be found in some form in the discussion of each madhhab. Finally, it should be noted that a number of the chief judges served more than one term, being deposed and reappointed at a later date. The present discussion will focus only on the reasons for the original appointment, because an individual who had already served as a chief judge in Cairo had special qualifications, prestige, and contacts with influential people which other candidates did not have. By looking only at the original appointments we remove this complicating factor, and we can observe the candidates for this office form a more uniform perspective.

Hanbalis

The very first Ḥanbali appointed chief judge was Shams al-Dīn Ibn al-ʿImād, who rose from his teaching post at al-Ṣālihiyya madrasa to be appointed Ḥanbali qādī al-quḍāt. As noted previously the circumstances surrounding his appointment, as with the appointments of the first Mālikī, and Ḥanafī chief judges, is a special case, and does not fit into the present discussion. His successor, as often happened in the Bahri Mamluk era, was his son-in-law and assistant judge, ʿĪz al-Dīn Ibn ʿAwād. There was a gap between Ibn al-ʿImād’s deposition from the chief judgeship, and his son-in-law’s official appointment to that post, but Ibn ʿAwād carried out the necessary judicial tasks during that interval without the official title.  

Hanbali Chief Judges

1. Shams al-Dīn Ibn al-ʿImād  663-670
2. ʿĪz al-Dīn Ibn ʿAwād  678-696
3. Sharafi al-Dīn al-Ḥarrānī  696-709
4. Saʿd al-Dīn al-Ḥārithi  709-711

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