

JUDGES' INTERESTS IN RELIGIOUS SCIENCES IN THE ERA OF THE CIRCASSIAN MAMLUKS (AL-BURJA) (784 - 923 AH / 1382 - 1517 AD)

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Abstract

This research discussed the nature of the judiciary, the conditions required for those who hold a position in the judiciary, and the importance of the judiciary in the Mamluk era as it was one of the venerable jobs that received the attention of the Mamluk sultans, because judges had a wide position in society, including the right to decide disputes, appoint judges in the regions, review endowments, and others. However, the judiciary deteriorated after the middle of the eighth century AH, as it was no longer an independent authority, and the eligibility to choose judges was not based on the moral or scientific aspect. Rather, their appointment was linked either to their closeness to the Sultan or to paying money in exchange for obtaining the mandate of the judiciary, so the arts disappeared, and the virtues vanished. The judges sought to collect money, and despite that, the judges had interests in religious sciences. Some of them studied religious sciences and issued fatwas, and others composed many works that were of great interest to students of knowledge and to those who research those sciences.

Keywords: the judiciary - the judiciary in the era of the Circassian Mamluks - religious sciences

Introduction

The position of the judge received attention from the Mamluk sultans, as it was considered one of the highest and most honorable positions, because of the great importance it represented in society. Therefore, the selection of judges was linked to several conditions that were the subject of consensus among all jurists and scholars from the various Islamic schools of thought, and it is not right for anyone to be appointed judge, unless These conditions are fulfilled, and in addition to that, I discussed the importance of the judiciary in the era of the Circassian Mamluks (Burja), as the judiciary deteriorated, and the qualifications for selecting judges were not at the scientific and moral level. Rather, their appointment to the position of the judiciary differed, either due to their closeness to the Sultan or the need to pay money in exchange for obtaining a position. The position of the judiciary, and the phenomenon of bribery spread in the late eighth century AH, and this is what caused the loss of the prestige and authority of the judiciary. Despite this, we find that some judges remained preserving their principles and morals, and assumed venerable and elevated positions alongside the judiciary, and some judges walked alongside the scholars and jurists in their interest. In the various sciences, including religious ones and their types, including the principles, which is the Holy Qur'an and the Prophet's Hadith, and the branches, which is jurisprudence and its principles, I touched on my research, which included two sections, the first section on the judiciary, the conditions and qualities of the judiciary, and the importance of the judiciary in the Mamluk era, and the second section on the interests of judges in the religious sciences, and their types. Including the science of readings and hadith, the science of jurisprudence and its principles, and finally the works of judges on it.

First: Definition of the judiciary and its conditions

A: Judiciary linguistically and terminologically

Judiciary linguistically: judiciary is a noun, and its plural is qadaa, and its verb is to judge, i.e. judge, and the active participle of it is qadi judgment, in terminology, is the ruling on a thing and

the passing of judgment on it, and from it is the Almighty's saying: "And We made judgment for the Children of Israel..." and the Almighty's saying: "And judge between them according to what God has revealed, and do not follow their desires.

B: Conditions for selecting a judge and his qualities

Al-Mawardi pointed out great qualities in whoever is a judge or who holds the judiciary, saying, "It is not permissible for someone to imitate the judiciary except one whose conditions are fulfilled with which it is valid to imitate him, and whose ruling is implemented, and this is Islam, puberty, reason, freedom, masculinity, speaking, hearing, and seeing." He also mentioned. He must be free because the slave's lack of guardianship over himself prevents him from assuming guardianship over others, just as it prevents him from ruling and establishing guardianship. These conditions were the subject of consensus among all jurists and scholars across the various Islamic schools of thought, and it is not right for anyone to be appointed judge unless these conditions are met.

W: The judiciary in the Circassian Mamluk era "Al-Burja"

The judiciary was considered one of the highest and most prestigious jobs in the era of the Circassian Mamluk Sultans (Al-Burja), as judges had a great impact in all areas of life. Their tasks varied from managing religious and customs affairs, including leading prayers, looking into endowments, teaching in schools, and other judicial matters, including adjudicating opponents and appointing them. Judges, but the judiciary deteriorated as a result of the weakness and weakness that afflicted the Mamluk state. Therefore, the eligibility for selecting judges was not at the academic or moral level. Rather, their appointment to the position of judge was linked either to their closeness to the Sultan or to paying money in exchange for obtaining the position of judge. Thus, the phenomenon of bribery spread in At the end of the eighth century AH, when the Diwan al-Badl or the Diwan al-Barateel appeared, and anyone who had a need began to go to the owner of the Diwan and do whatever job he wanted and the sultans and princes began to interfere in the position of the judiciary, which made the judiciary lose its prestige, independence, and even its credibility. In the year 850 AH/ 1446 AD He deposed the judge Al-Muhib bin Al-Shihna by continuing what he had of ruling a town, writing down its secrets, looking at its army, and adding to it the sighting of the Aleppo Citadel and the Al-Nuri Mosque, and all of that after he had received huge sums of money and great gifts that would be long to explain, and this was very dear to the people of his country. Because of this requirement, the arts vanished, the virtues vanished, and people sought to collect money as they learned that ranks were given to the virtuous and not to the virtuous, so false witnesses multiplied in an unprecedented manner before, so the righteous became mixed with the immoral witnesses and judges who did not criticize them because of their connection to the princes or the sultan, and among them were those who were. Bribes are paid to appoint them to the position of testimony, and most of them are mixed with princes, teachers of the Qur'an, and imams in prayers. They cover them with justice, so they think good of them and share a share of prestige in recommending them when judging.

Judges' interests in religious sciences

Religious sciences

What is meant by the Sharia sciences, or the codified sciences in which the Sharia and doctrinal rulings are mentioned, including the Holy Qur'an, the Sunnah of the Prophet, and what is related to them, and they are lawful from God.

The Almighty and His Noble Messenger Muhammad (peace be upon him) and the religious sciences are of various types, including the fundamentals, which is the Holy Qur'an and the Prophet's Hadith, and the branches, which is jurisprudence and its principles. Religious sciences received widespread attention in Egypt and the Levant, especially after the revival of the Abbasid

Caliphate in Egypt, after the fall of the Abbasid Caliphate in Baghdad at the hands of the Mongols in 656 AH/1258 AD. The Islamic world in general, and scholars in particular, as well as the interest of the Mamluk sultans in science and scholars, as they brought scholars closer and raised their homes, and paid attention to knowledge councils, all of this helped in the activity of the intellectual and scientific movement in the country

A: The science of readings

It is knowledge of how the words of the Qur'an are performed and their differences attributed to its transmitter or it is the difference in the revealed words mentioned in the writers of the letters or their manner of abbreviation, transposition, etc. This knowledge appeared and developed as a result of the Persians entering Islam in droves, and this was affected by the Persian dialect, and therefore it is necessary to pay attention. By controlling Qur'anic readings The science of recitations gained great importance in Egypt and the Levant, and it spread in mosques, schools, gorges, and others. He wrote many works in this field, the most famous of which is my book *Al-Taysir* by Abu Amr Uthman bin Saeed Al-Dani (d. 444 AH/1052 AD). Al-Shatibi included it in his poem known as *Al-Shatibiyyah*, "His Wishes and Faces" Congratulations in the seven recitations of the seven Mathanis" Some judges were interested in the science of recitations, and among them memorized *Al-Shatibiyyah* and recited it to the imams and scholars of his time. Among these judges was Judge Burhan al-Din al-Karaki (who, according to the testimony of the jurists of his time, was considered the master of recitations), memorized *Al-Shatibiyyah* and recited it to many of the imams of his time, and recited it to many of the sheikhs of Egypt and the Levant. He also taught recitations in the old *Zahiriyya* school, and wrote and dictated several booklets on recitations, including "Al-Isa'af fi Ma'rifat al-Fath and Imamate," in a volume. He also created an intermediate between them, which he called "Al-Wawatat between Al-Lhaz and Al-I'sa'af," and "Al-Alah fi Ma'rifa Al-Fath and Imamate," in a nice volume. He wrote jokes about *Al-Shatibiyyah* in a nice volume, and "The Solution of the Symbol in the Waqf of Hamza and Hisham on the Hamza" in another volume, and a model for solving the symbol, and he singled out the narration of each one of the seven recitations separately, in a large volume called "Umdat Al-Musul Al-Hammam fi Madhab Al-Saba' Al-I'lam." "The Durrat of the Majestic Reciter in the Rulings of the Qur'an and Tajweed. Many people benefited from him in the recitations, as a council was held for him in Belbeis, and the people in the country benefited more from him, and many students of knowledge stayed with him, and the seven recitations were recited to him, until he became advanced in the recitations, and Judge Izz Al-Din Al-Bakri Al-Qudsi also paid attention to the recitations He read narrations and wrote a book on recitations, which he called "The Path of the Righteousness in Knowing the Ten Recitations "

B: The science of interpretation

Interpretation is the science by which one can understand the Book of God revealed to His Prophet Muhammad, may God bless him and grant him peace, explain its meanings, and extract its provisions and wisdom Interpretation of the Holy Qur'an gained great importance in the Mamluk era, as the scholars of this era left us with more than fifty interpretations, although their approaches and methods in interpreting it differed. In addition to that, some judges paid attention to the science of interpreting the Qur'an, so he studied interpretation in schools, mosques, and other institutions. The role of knowledge, and one of the judges who was interested in the science of interpretation was Judge Wali al-Din al-Safti, as he was assigned to teach interpretation in the *Jamali* school, and due to the eloquence of his speech and the loudness of his voice, distinguished people crowded to attend his lesson just as Judge Taj al-Din al-Balqini studied interpretation at the *Mosque of Toulon*, and wrote some of the Judges wrote books on interpretation, including Judge Burhan al-

Din al-Karaki, who compiled his commentary on the work of interpretation “Gharib al-Qur’an” by Judge Ala al-Din al-Turkmani al-Hanafi (d. 750 AH / 1349 AD) and he concluded in it to the beginning of Surat al-An’am in a volume, and Judge Badr al-Din al-Aini wrote it. Works on the science of interpretation, including: Footnotes to Tafsir al-Kashshaf, Footnotes to Tafsir al-Baghawi, and Footnotes to Tafsir Abu al-Layth.

T: Hadith science

Hadith is divided into two parts, including the science of hadith related to narration, which is what includes the sayings of the Messenger Muhammad (peace and blessings be upon him), his actions, attributes, narrations, their control and editing of their words, and the science of hadith through knowledge is a science from which the truth of narration, its conditions, types and rulings is known, the condition of narrators and their conditions, the types of narrations, and what is related to them. The teaching of hadith in Egypt and the Levant received great interest, whether from the Mamluk sultans, or from jurists and scholars. Special centers and schools were established to teach hadith and endowments were established for them. Hadith reading sessions were also held in the citadel, attended by

Sultan

The judges also paid attention to the science of hadith, as the judges studied the science of hadith in places and institutions of knowledge, so Judge Izz al-Din al-Salti used to read hadith in the aesthetic school, so he worked hard on the hadith, as he read in the collection of abbreviations while he was in Jerusalem, and it was a strange thing and the judge read Jalal al-Din Ibn al-Amanah, the hadith in the hands of Sultan al-Zahir Jaqmaq (842-857 AH / 1438-1453 AD) in the citadel, and people thanked him for his reading, his eloquence, his abundance of literature, his mind, and his good relations. Some of the judges, in addition to their readers and teachers, compiled works on the science of hadith, including Judge Taqi al-Din al-Dimashqi, who is considered one of the most senior sheikhs of Damascus. He had spoken, studied, and issued fatwas. He also dealt with writing hadith and compiled, according to the editor, Ibn Abd al-Hadi, an explanation in twelve volumes in the style of the preamble for perfection. Al-Dumayri called it the graduation of the editor in explaining the hadith of the pure Prophet and the judge, Shihab al-Din Ibn Hajar was one of the narrators of the hadith, because the hadith became beloved to him, so he heard many people by reading it and reading others in the Levant, Egypt, and Hijaz countries, and he heard a lot from the sheikhs, and he devoted himself to spreading the hadith and devoted himself to it. He studied and read, compiled, and issued fatwas. He studied hadith in several places, and wrote more than one hundred and fifty works in the science of hadith and other things. He read many of them, and they were guided by kings and written by the greats. His work, “Fath al-Bari bi Sharh Sahih al-Bukhari,” is considered one of his most important works on The science of hadith, and the compiler Taqrib al-Tahdheeb, and the hastening of benefit with the additions of the men of the four imams, and the doubtful lineage he called “Tabsir al-Muntahbi bi Tahrir al-Musbah,” and a summary based on the graduation of al-Rafi’i, and the summary of Musnad al-Firdaus, and the introduction to the injury in another volume, and the giving of aid in the virtue of the plague,” and the graduation of al-Masabah. Commentary on commentary, Ithaf Al-Mahra, Al-Nukhba and its explanation, and many others.

Judge Badr al-Din al-Ayni was also interested in the science of hadith. He wrote, issued fatwas, and studied hadith in the Al-Mu’ayyad school, and he stayed at home, focusing on collecting and classifying. Among his works on hadith are “Umdat al-Reciter fi Sharh Sahih al-Bukhari” in twenty-one volumes, and Sharh Ma’ani al-Athar by al-Tahawi in ten volumes. He explained a portion of the Sunan by Abu Dawud in two volumes, an explanation of a large portion of the

Prophet's biography by Ibn Hisham, a complete explanation of the good words in a volume, and Rijal al-Tahawi in a volume. In addition to reading hadith, hadith dictation sessions were held, which were considered one of the highest levels of narration and listening. Only the knowledgeable hadith scholar (Muhaddith) addresses it, and it is held on one day of each week, usually on Tuesday or Friday. It is recommended that the prayers be in the mosque due to their honor, and their method of doing so is that the Mustamli write at the beginning of the list: This is a meeting dictated by our Sheikh so-and-so in such-and-such mosque on such-and-such a day. He mentions the history chooses what has strong chain of transmission and short text, and draws attention to what is useful and valuable in it, and avoids what the minds of those present cannot understand, and dictation sessions were often held in the home of the dictator or in the houses of knowledge and one council had more than one sheikh who took turns in it. On the lesson one after the other and the dictation sessions often conclude with some stories, anecdotes, and chants with their chains of transmission, especially those related to asceticism and etiquette.

Al-Sakhawi mentioned that he wrote and attended the dictation council of Judge Shihab al-Din Ibn Hajar

It was also reported in the year 852 AH / 1448 AD that on Tuesday, our Sheikh, our sheikh, dictated to us the fortieth council after the thousand from Al-Amali, asking for permission to recite the dhikr, and that was the last of the era of dictation from him. The imams traveled to him, and the virtuous people bragged about the delegations to him, and his requests increased

Science of jurisprudence and its principles

Jurisprudence is the knowledge of the rulings of God Almighty regarding the actions of those charged with obligation, caution, recommendation, dislike, and permissibility. They are received from the Qur'an and the Sunnah and what the Shari'ah has prescribed to know them from the evidence. If the rulings are extracted from that evidence, it is called jurisprudence, and it must happen by necessity. As for the principles of jurisprudence, it is the knowledge of the evidence of jurisprudence in general. How to benefit from it and the condition of the beneficiary The science of jurisprudence and its principles received great attention in the Mamluk era in Egypt and the Levant, as sultans and jurists of different sects took an interest in it. Jurisprudence was studied according to the four sects in mosques and schools, and works, summaries, and explanations on the science of jurisprudence abounded. He taught jurisprudence alongside the jurists, as Judge Shams al-Din al-Tafhani, studied Hanafi jurisprudence in Shaykhuniya. Judge Shams al-Din al-Wana'i (849 AH/1445 AD) also taught Shafi'i jurisprudence in Shaykhuniya. Notables, layer after layer, learned from him, and in the Levant he studied. Jurisprudence Judge Taqi al-Din al-Dimashqi was known as Ibn Shahba in several schools in Damascus and Jerusalem. He excelled in jurisprudence and dealt with issuing fatwas and teaching in it, and many people benefited from him, as he devoted himself to the work of students until he surpassed his peers, and the notables in his country became among his students. In fact, he was a jurist. Al-Sham, in his time, wrote a lot about jurisprudence, including an explanation of the curriculum called Kifayat al-Muhtaj, but it was not completed, and an explanation of the alert called Kafi al-Tanbih Some judges compiled works on jurisprudence, including explanations and summaries. Judge Izz al-Din al-Bakri al-Maqdisi summarized al-Mughni by Ibn Qudamah in four volumes, and included to it issues from al-Muntaqa by Ibn Taymiyyah, which he called al-Khalasa, and he summarized al-Tawaafi in the principles of Islamic jurisprudence, and the hermit's pillar in knowing the rituals as the judge compiled Burhan al-Din al-Abdmani wrote a summary of jurisprudence, which he called Mukhtasar al-Rawdah, in which he addressed usury, and explanations in jurisprudence, which he called Sharh Taqih al-Lubab for the Iraqi Guardian, in which he reached Hajj, and another

compilation in jurisprudence by Ibn Haddad, which he called Explanation of the Mawlid of Ibn Haddad. He also addressed the principles of jurisprudence, and compiled a summary which he called Summary of papers by the Imam of the Two Holy Mosques. Judge Izz al-Din al-Hanafi, known as Ibn al-Furat, was interested in the science of jurisprudence, and he made a classification on abandoning standing, which he called "The Remembrance of the Sleep in the Prohibition of Standing," and he summarized the issues of explaining Ibn Wahban's system in the doctrine, which he called "Nukhbat al-Fawa'id al-Munkhtabha from the Book of the Contract of Necklaces in Untying the Registration of Shari'ah" and its systems. Al-Fara'id" as Judge Izz al-Din al-Maqdisi meant the science of jurisprudence, as he often mentioned the branches of his doctrine and had several classifications in it, including, Al-Shafi and Al-Kafi in jurisprudence in a volume, and Kashf Al-Gharb by facilitating the removal of this nation in a nice volume, and Safina Al-Abrar, which brings together the works, The news in the sermons is in three volumes. Judge Badr al-Din al-Aini was also interested in the science of jurisprudence. He studied jurisprudence in several schools, including teaching Hanafi jurisprudence in the Mahmoudiya school. He issued fatwas, taught, and wrote several books on jurisprudence, including al-Kanz, which he called "Rumz al-Haqiqi' fi Sharh Kanz al-Daqa'iqah," and an explanation of "Al-Tuhfah" and "Al-Tuhfah." Guidance

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