Mazahib: Jurnal Pemikiran Hukum Islam, 2026
Vol. 25, No. 1, Page 52 of 78
https://doi.org/10.21093/mj.v25i1.11624

The Islamic Judiciary between Inheritance and Merit: A Historical Analysis of Egypt and the Levant (6–9 AH/12–15 AD)

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Abstract
This study presents a critical historical analysis of the judicial institution in Egypt and the Levant during the period under examination. It seeks to derive insights relevant to contemporary judicial challenges. By tracing the evolution of the judiciary from the centralized Abbasid model to the doctrinal pluralism of the Mamluk era, the study demonstrates how judges appointed by political authorities maintained relative independence despite political pressure. Judges employed various mechanisms of resistance, including adherence to Sharia principles, resignation in protest, and reliance on public support. The study concludes that the effectiveness of the judicial system depended on a balance between three elements: judicial independence, societal oversight, and flexibility in managing doctrinal pluralism. It further argues that doctrinal pluralism, when regulated within a unified legal framework, can promote unity rather than division. Methodologically, the study relies on critical analysis of historical narratives through descriptive, comparative, and case-study approaches, enabling historical experiences to be linked to contemporary issues such as transparency and anti-corruption efforts. The study also identifies the positive and negative implications of hereditary judicial appointments.

Keywords: Loyalties and Nepotism, Sectarian Pluralism, Scholarly Families, Separation of Powers, Administrative Corruption

I. Introduction

Contemporary Islamic judicial systems face challenges that threaten judicial independence and integrity, including nepotism and favouritism in judicial appointments. Recent studies have documented such challenges in several Arab and Islamic countries, including Egypt, where judicial appointments often favour the children of judges over other qualified candidates, thereby undermining the principle of

equal opportunity.[1] Similarly, contemporary scholarship has highlighted the growing influence of political pressures and populist movements that threaten judicial independence in many Islamic states and erode public confidence in judicial institutions.[2]

Against this backdrop, the present study turns to history to examine the experiences of the Islamic states that governed Egypt and the Levant during the sixth to ninth centuries AH (twelfth to fifteenth centuries AD). In particular, it investigates one of the most significant institutional phenomena of that period: the hereditary transmission of public offices within prominent scholarly families, including judicial positions. The selection of this historical period is not arbitrary; rather, it reflects a crucial stage in the evolution of the Islamic judicial system. During this period, the judiciary underwent a major transformation from a centralized structure subordinate to political authority to a decentralized system characterized by doctrinal pluralism and multiple schools of legal thought. Recurring tensions between political authorities and judicial institutions accompanied this transformation.

Previous studies on Islamic judicial institutions have focused primarily on descriptive analyses of judicial structures and administrative organization. Some have also examined the establishment of judicial positions within various Islamic legal schools, particularly during the Mamluk era. However, these studies lack a comprehensive analysis of the evolution of the judicial system from the Abbasid to the Mamluk periods. Moreover, they have not sufficiently examined the impact of doctrinal pluralism on the formation of the Islamic judicial identity and its relevance to contemporary realities in addressing current judicial challenges. Accordingly, this study seeks to fill this gap in the existing literature.[3] Likewise, several contemporary studies have examined the inheritance of administrative positions within scholarly families, such as teaching and supervisory roles, but have not specifically examined the hereditary transmission of judicial offices. This study, therefore, addresses an important yet underexplored issue in Islamic history.

This study aims to trace the historical transformation of the Islamic judicial system from a centralized structure during the Abbasid era to a decentralized system based on

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[1] Menna Omar, "Egypt: Familial Inheritance of Judicial Appointments Persists After Revolution," The Legal Agenda (2014). https://english.legal-agenda.com/egypt-familial-inheritance-of-judicial-appointments-persists-after-revolution/

[2] Cekli Setya Pratiwi, "Threat to Indonesia's Constitutional Court Independence Posed by Religious Populist Movements and its Implication Towards Human Rights," *Constitutional Review* 10, no. 2 (2024): 307–339. https://doi.org/10.31078/consrev1022

[3] Riad Salim Awad and Taha Ibrahim Shabeeb, "The position of supervisor (Al-Nadhir) and its inheritance by the scholarly families in Damascus during the centuries (7-9 AH / 13-15 AD)," *Research Journal in Advanced Humanities* 6, no. 1 (2025): 1-11, https://doi.org/10.58256/g6525c98

doctrinal pluralism during the Zengid, Ayyubid, and Mamluk periods. It also examines the mechanisms through which political authorities, represented by the Sultan, intervened in judicial affairs through appointments, dismissals, and interference in judicial rulings. Furthermore, the study explores how judges resisted such political interventions. Finally, it analyses the positive and negative effects of doctrinal pluralism within the Islamic judiciary, as well as the hereditary transmission of judicial offices within Muslim families. Accordingly, the study addresses the following questions: How did political upheavals, doctrinal pluralism, and hereditary judicial appointments shape the identity, independence, and effectiveness of the Islamic judiciary in Egypt and the Levant during this period? Moreover, did hereditary judicial appointments contribute to institutional stability or instability? Through addressing these questions, the study seeks to contribute to contemporary discussions on judicial independence, administrative corruption, nepotism, and political interference in judicial institutions.

The study is divided into five sections. The first examines the nature of the Islamic judicial system under successive states in Egypt and the Levant and traces its transformation from centralization to decentralization. The second analyzes the relationship between judicial institutions and political authority through cases of political interference and their impact on judicial decisions. The third discusses doctrinal pluralism and its effect on the judicial system during the Mamluk era. The fourth explores scholarly families and the hereditary transmission of judicial offices, with particular attention to their positive and negative effects on the judiciary. Finally, the fifth highlights the lessons derived from this historical experience and proposes recommendations for strengthening judicial institutions in contemporary Islamic states.

II. Origins and Development: Anatomy of the Judicial Structure in the Levant and Egypt during the centuries (6 - 9AH / 12 - 15AD)

The Arab-Islamic states witnessed significant political upheavals during centuries under study, as the governance in Egypt and Levant shifted from Fatimids (297–567 AH/909–1171 AD) to Zengids (521–577 AH/1127–1181 AD), then to Ayyubids (567–648 AH/1171–1250 AD), and subsequently to Mamluks (648–923 AH/1250–1517 AD). These transitions had a significant impact on Islamic judicial institutions, shaped by the governance adopted by each state, its administrative philosophy, and doctrinal differences between the Fatimids and other ruling dynasties. During the Fatimid era, the Ismaili doctrine was imposed on the Islamic judicial institution. In contrast, during

the Zengid, Ayyubid, and Mamluk eras, the Sunni doctrines (Shafi'i, Hanafi, Hanbali, Maliki) were imposed.[4]

1. The judicial structure in the early islamic era: the foundation from which it departed

The judicial structure in Egypt and the Levant evolved under successive Islamic states. During the Abbasid era (132–656 AH/750–1258 AD), administrative centralization reached its peak when Caliph Harun al-Rashid (170–193 AH/786–809 AD) established the position of Chief Justice (Qadi al-Qudat) in Baghdad and appointed the jurist Abu Yusuf to the office[5], granting him authority to appoint deputies in Egypt and the Levant. This measure reflected the Abbasid Caliphate's effort to consolidate control over the judiciary across the Islamic world. It also contributed to the emergence of transregional judicial authority and the hereditary transmission of judicial offices.[6]

When the Fatimid state took control of Egypt, the Fatimid Caliph *Al-Azizi Billah* (365-386 AH/ 975-996 AD)[7] also created the position of Chief Justice according to the Ismaili doctrine, which differed from the doctrine of the Abbasid state, and assigned it to *Sheikh Ali bin Al-Nu'man,*[8] and appointed his deputies in Egypt and the Levant. Thus, two similar models: the Abbasid in Baghdad and the Fatimid in Egypt.[9]

This parallel between the Sunni Chief Justice in Baghdad and the Isma'ili Chief Justice in Egypt represented not only an early form of doctrinal pluralism within the Islamic judiciary but also reflected the rivalry for political and religious legitimacy between the Abbasids and the Fatimids. In both states, the judiciary served as a tool for reinforcing doctrinal identity. This rivalry later contributed to the judiciary's institutional flexibility during the Ayyubid and Mamluk eras, when doctrinal pluralism expanded through the incorporation of the four Sunni legal schools into the judicial system. Consequently, this earlier political and doctrinal rivalry laid the foundation for the emergence of a pluralistic judicial system under unified political authority.

2. The radical transformation: from the centralization of the "chief justice" to regional and sectarian pluralism

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[4] Riad Salim Awad, "Doctrinal Pluralism and its Impact on Shaping the Identity of the Islamic Judicial System (132–923 AH/ 750–1517 AD)," *International Journal of Islamic Thought* 28, no. 2 (2025): 172-182 https://doi.org/10.24035/ijit.28.2025. 343

[5] Shams al-Din Abu 'Abd Allah Muhammad ibn Ahmad al-Dhahabi, *Tarikh al-islam wa wafayat al-mashahir wal-a'lam* (Beirut: Dar al-Gharb al-Islami, 2003), 4/1021.

[6] Shams al-Din Abu 'Abd Allah Muhammad ibn Ahmad al-Dhahabi, *Siyar a'lam al-nubala'* (Cairo: Dar al-Hadith, 2006), 8/53.

[7] Al-Dhahabi, *Siyar a'lam*, 11/431.

[8] Abd al-Rahman ibn Abi Bakr al-Suyuti, *Husn al-muhadarah fi tarikh Misr wa'l-Qahirah* (Egypt: Dar Ihya' al-Kutub al-'Arabiyyah, 1967), 2/147.

[9] Al-Qalqashandi, *Subh al-a'sha*, 4/35, 36.

As the Abbasid state weakened and new regional powers emerged in Egypt and the Levant, the judicial institution gradually shifted from centralization to decentralization. Sultan Nur al-Din Mahmud (541–569 AH/1146–1173 AD) of the Zengid state appointed one chief Judge in the Levant and another in Egypt.[10] During the Ayyubid era, judicial decentralization further expanded, as major cities such as Cairo, Damascus, Aleppo, and Hama each came to possess their own chief Judge. This development contributed to the emergence of prominent judicial families, including the Al-Barzi family in Hama and the Al-Zaki family in Damascus, thereby strengthening the influence of scholarly families in these regions[11].

During the Mamluk era (648-923 AH/ 1250-1517 AD),[12] judicial decentralization reached its peak. Sultan al-Dhahir Baybars (658–676 AH/1260–1277 AD) appointed a chief judge for each of the four Sunni legal schools (Shafi'i, Hanafi, Maliki, and Hanbali) in Egypt and the Levant. This decision followed the refusal of the Shafi'i judge, Taj al-Din' Abd al-Wahhab ibn Bint al-A'azz, to hear cases that conflicted with his own legal school[13]. His position was criticized by prominent scholars such as Abu Shama al-Maqdisi and Taj al-Din al-Subki. In contrast, others, including the poet al-Busiri, defended it because litigants should be judged according to their own legal school.[14]

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[10] Faiz Ali Bakhit, "The Political Conditions in the Levant during the Zengid Era, " *Journal of Kirkuk University Humanity Studies* 7, no. 3 (2012): 764-777, https://iasj.rdd.edu.iq/journals/journal/issue/7404.

[11] Al-Suyuti, *Husn al-muhadarah*, 2/160, 167; Ahmad ibn 'Ali ibn Ahmad al-Fazari al-Qalqashandi, *Subh al-a'sha fi sina'at al-insha'* (Beirut: Dar al-Kutub al-'Ilmiyyah, n.d.), 9/257-258.

[12] Jassim Muhammad Jassim, "The Political and Military Importance of the Establishment of the Bahri Mamluk State in Egypt and the Levant, " *Journal of Kirkuk University Humanity Studies* 6, no. 1 (2011): 138-165, https://iasj.rdd.edu.iq/journals/journal/issue/5597.

[13] Shihab al-Din Ahmad ibn 'Abd al-Wahhab al-Taymi al-Bakri al-Nuwayri, *Nihayat al-arab fi funun al-adab* (Cairo: Dar al-Kutub wa'l-Watha'iq al-Qawmiyyah, 2002), 30/117; Taj al-Din 'Abd al-Wahhab ibn 'Ali ibn 'Abd al-Kafi al-Subki, *Tabaqat al-Shafi'iyyah al-kubra*, 2nd ed. (n. p.: Dar Hajar lil-Tiba'ah wa'l-Nashr wa'l-Tawzi', 1992), 8/319; al-Qalqashandi, *Subh al-a'sha*, 1/477, 36; al-Suyuti, *Husn al-muhadarah*, 2/166.

[14] Al-Subki, *Tabaqat al-Shafi'iyyah al-kubra*, 8/321; Ahmad ibn 'Ali ibn Hajar al-'Asqalani, *Raf' al-isr 'an qudat Misr*, ed. 'Ali Muhammad 'Umar (Cairo: Maktabat al-Khanji, 1998), 263.

Table 1. The development of the position of "Judge of Judges" in Egypt and the Levant during the centuries (6-9 AH / 12-15 AD)

Period/Country	**Prevailing Model**	**Main Features**	**Political and Sectarian Significance**
Abbasid	Chief Justice in Baghdad	- Appoints deputies in the provinces - Represents the central authority	- Centralization of the Caliphate - Dominance of the Sunni sect (mostly)
Fatimid	Chief Justice of Cairo	- Appoints deputies in the provinces - Independent from Baghdad	- Political and ideological independence - Dominance of the Ismaili sect
Zengid	appointed a chief justice in Egypt and another in the Levant.	- Administrative separation between the two regions - Maintaining a central structure within each region	- Emergence of independent regional political entities - Return of Sunni hegemony
Ayyubid	Multiple positions of chief judges within a single region	One Judge for Cairo and Lower Egypt + one for Egypt and Upper Egypt - One Judge for each major Levantine city	- A decentralized system of government (family feudalism) - The continued dominance of the *Shafi'i* school of thought in senior positions
Mamluk (*Baybars*)	Religious pluralism: 4 judges according to the four Sunni schools of thought	- Each school had its own Judge - A hierarchy of status (*Shafi'i*, then Hanafi, then Maliki, then Hanbali)	- An attempt to accommodate religious pluralism - Limiting the authority of the *Shafi'i* judge

Baybars' decision also sparked competition among judges, each seeking to appoint competent deputies from within their own legal traditions. Furthermore, it created new opportunities for scholarly families from different legal schools to enter the judiciary and inherit judicial offices. Consequently, the adoption of doctrinal pluralism contributed to the emergence of Hanafi, Hanbali, and Maliki judicial families alongside established Shafi'i families.

3. The status and prestige of the "chief justice": between political practice and legal text

The position of Chief Justice retained significant religious and administrative prestige, as its holder was regarded as the guardian of divine law and the representative of the Prophet Muhammad in adjudicating disputes. The historian al-Qalqashandi described it as the highest office after the sultanate; the Chief Justice was appointed through a special decree from the Sultan and occupied a position beside him.[15] Despite this elevated status, chief judges remained vulnerable to political humiliation and interference. Judge Sharaf al-Din Ibn' Ayn al-Dawla (d. 639 AH/1241 AD) was dismissed after challenging the testimony of Sultan al-Kamil (614–635 AH/1218–1238 AD), while Judge Taj al-Din Ibn Bint al-A'azz was removed through the intrigues of the minister Ibn al-Sal'ous. Likewise, Judge Zaki al-Din al-Tahir Ibn al-Zaki was humiliated by Sultan al-Mu'azzam' Isa. These incidents reveal the persistent tension between political and judicial authority.[16]

4. Implications for contemporary reality: lessons learned

The development of the judicial system during this period offers important lessons for contemporary judicial systems in many Muslim-majority societies:

- The position of Chief Justice (Qadi al-Qudat) reflected the complex relationship between judicial independence and political authority. During the Abbasid and Fatimid eras, it functioned as an instrument of centralization, whereas in the Zengid, Ayyubid, and Mamluk periods it reflected judicial decentralization. This historical experience demonstrates that judicial independence contributes to social stability, while subordination to political authority undermines public trust.
- Sultan Baybars' decision to appoint judges from the various Sunni legal schools represented an acknowledgment of doctrinal pluralism, reinforced freedom of litigation, and sought to prevent judicial monopoly. It also promoted judicial diversity within a unified legal framework. This historical model may offer useful insights for contemporary religiously diverse states, such as Iraq and Lebanon, in

[15] Al-Qalqashandi, *Subh al-a'sha*, 3/557, 4/46, 202, 230, 241, 245
[16] Al-Subki, *Tabaqat al-Shafi'iyyah al-kubra*, 8/65-66.

maintaining balance among social groups under a constitutional framework based on equality.[17]

- Likewise, the decentralized judicial model of the Ayyubid era, reflected in the establishment of independent courts in major cities, resembles systems adopted in some contemporary states to improve access to justice. However, it also carried the risk of judicial elites exploiting their authority, highlighting the need for institutional safeguards to prevent division and injustice.

III. Judicial Authority and Independence: the Hidden Conflict Between Judges and Sultans

1. The theoretical framework of the relationship between the judiciary and authority: between legitimacy and balance

The relationship between rulers and judges was based on balance rather than conflict. The Sultan's appointment of a judge granted the Sultan political authority and administrative influence over the judiciary. At the same time, jurists established strict qualifications for the office, including legal knowledge, justice, independence of opinion, and freedom from subservience to the ruler. Consequently, judges possessed two forms of authority: a political authority derived from the Sultan's appointment and a religious-scholarly authority rooted in their moral and intellectual standing. Judges also exercised soft power derived from public trust and esteem, which strengthened their independence.[18] Al-Qalqashandi affirmed the elevated status of judges, describing the judgeship as the highest office and one held in great respect by the people. Consequently, this status afforded judges a degree of protection against political interference.

2. Manifestations of sultanic interference in judicial affairs: case studies

Despite the theoretical elevation of judges, history records numerous instances of direct and indirect interference by sultans and princes in the judiciary's work. These interventions can be classified into several types:

- Interference in Appointment and Dismissal: Appointment by royal decree granted the judge legitimacy but it also made him vulnerable to dismissal if he failed to satisfy the Sultan's aspirations. For example, the *Shafi'i* judge *Taqi al-Din Abd al-Rahman ibn Bint al-A'ز* was dismissed due to pressure from the vizier Ibn al-Sal'us (d. 693 AH/1293 AD)[19], who persuaded *Sultan al-Ashraf Khalil ibn Qalawun* (689-693

[17] Karimullah, S. S. "Pursuing Legal Harmony : Indonesianization of Islamic Law Concept and Its Impact on National Law." *Mazahib* 21, no. 2 (2022) : 213-44, https://doi.org/10.21093/mj.v21i2.4800.

[18] Hamed Ibrahim Abdul Karim, Guarantees of the Judge in Islamic Sharia and Law (Beirut: Manshurat al-Halabi al-Huquqiyyah, 2008), 54-58

[19] Al-Dhahabi, *Tarikh al-islam*, 15/777.

AH/1290-1293 AD) to dismiss him after he accused him of giving false witnesses.[20] The incident of political interference here was not the only one. Still, it was repeated whenever judges tried to stand up to such interference in the judicial institution's work. Consequently, the position of the Judge was subject to dismissal whenever they tried to stand up to the Sultan, regardless of their religious or scientific status.

- Pressure to Issue Particular Rulings: Rulers occasionally pressured judges to issue rulings that served political interests. Judge Sharaf al-Din Abu al-Makarim Ibn 'Ayn al-Dawla rejected the testimony of Sultan al-Kamil Muhammad al-Ayyubi in a legal case because he did not satisfy the required standards of fairness. This angered the Sultan, who insulted him by calling him "ya kinwakh" (a Persian insult), prompting the Judge to resign immediately. This incident illustrates both the Judge's commitment to Islamic legal principles and the vulnerability of the judicial office in the face of political authority. Judge Ibn 'Ayn al-Dawla's ability to resist political pressure and submit his resignation was strengthened by his personal status, his family's reputation for integrity and righteousness, and established judicial traditions requiring adherence to the rules of legal testimony even when the Sultan himself appeared as a witness. Such institutional and social support enabled him to take this bold position.
- Creating judicial positions for political purposes: *Sultan al-Zahir Baybars'* decision to create the positions of "chief judges" for the four schools of jurisprudence (*Shafi'i, Hanafi, Maliki, and Hanbali*) in Egypt and the Levant in 663 AH/1264 AD was not only motivated by developing the judiciary, but also aimed to curtail the powers of the *Shafi'i* chief judge *Taj al-Din Abd al-Wahhab ibn Bint al-A'zz*, who was strict in his rulings and did not accept the intercessions of princes.[21] This decision, despite its positive effects in representing the schools of jurisprudence, was a clear interference in the judicial structure for political purposes. Baybars' decision can be considered a direct political intervention in the structure of the judicial institution. His use of the issue of the multiplicity of doctrines as a tool to stand against a strong judge who refused to submit to political authority can also be interpreted as a mechanism to consolidate political influence in the judiciary by achieving a balance of interests between the four doctrines, thus ensuring their loyalty to the ruler, and preventing one doctrine from controlling the judicial institution.

[20] Ibn Hajar al-'Asqalani, *Raf' al-isr*, 222-224.

[21] Al-Nuwayri, *Nihayat al-arab*, 30/117; al-Subki, *Tabaqat al-Shafi'iyyah*, 8/319; al-Qalqashandi, *Subh al-a'sha*, 1/477, 36; al-Suyuti, *Husn al-muhadarah*, 2/166.

Table 2. Examples of Sultanic Interference in the Judiciary

Type of intervention	Case study	Intervening party	Judge's reaction	Source
Direct dismissal	Direct dismissal of Taqi al-Din Abd al-Rahman ibn bint al-A'zz	The minister *Ibn al-Sal'us / Sultan al-Ashraf Khalil*	Acceptance of dismissal and retirement	Ibn Hajar al-Asqalani, *Rafi' al'isr*, 222-224
Pressure to issue a ruling	rejecting the testimony of *Sultan Al-Kamil*	*Sultan Al-Kamil Al-Ayyubi*	Immediate resignation	Al-Subki, Tabaqat Al-Shafi'iyyah:,8/65, 66
Structural Amendment	Creating Judge Positions for the Four Doctrines	*Sultan al-Zahir Baybars*	Supreme decision	Al-Subki, Tabaqat al-Shafi'iyyah, 8/319
Insult and revenge	Judge Zaki al-Din al-Tahir ibn al-Zaki was forced to wear inappropriate clothing	King *al-Muazzam Isa al-Ayyubi* (615-624 AH/1218-1227 AD)	Silence, illness, and then death	Al-Dhahabi, *Tarikh al-Islam*,13/497

3. Confrontation mechanisms: how did judges maintain their independence?

Judges countered these pressures through various mechanisms, some individual and personal, while others were institutionalized and inherited within scholarly families:

- Piety, asceticism, and the threat of resignation: Many judges were characterized by asceticism and piety, which made them fearless in the face of criticism. The threat of resignation, or the actual resignation, was an effective weapon to pressure the Sultan, especially if the Judge was highly regarded in society. The resignation of Judge *Sharaf al-Din ibn Ayn al-Dawla* caused *Sultan al-Kamil* to back down and seek his favor.[22] Society viewed a judge's resignation as a loss of legitimacy, sometimes forcing the Sultan to back down. It is important to note here that the resignation of Ibn Ain al-Dawla was not a rare or individual act, but rather a similar act was done by Taqi al-Din Ibn Bint al-Azz, who also submitted his resignation as a form of protest, known to the judges at that time

[22] Al-Subki, *Tabaqat al-Shafi'iyyah al-kubra*, 8/65, 66.

- Community support and public opinion: Prominent scholarly families (such as the *Bint al-A'az, Al Zaki, and Al Barzi* families) enjoyed significant social and scholarly influence. The arbitrary dismissal of one of their members could cause public discontent. This community support indirectly protected the Judge. *Al-Subki* says of the *Bint al-A'az* family: "There is no household in Egypt known to have been more virtuous than this family. They were men of knowledge, leadership, prestige, and majesty."[23] This social status increased the cost of intervention against them.
- Strict adherence to procedures and conditions: Judges resorted to strict adherence to legal conditions and procedures to counter pressure. These included *Ibn Ayn al-Dawla*'s refusal to accept *Sultan al-Kamil*'s testimony due to a legal issue, and *Taj al-Din Ibn Bint al-A'az's* refusal to delegate the consideration of cases involving other schools of thought to his deputies, forcing *Baybars* to create new positions. This adherence to procedures constituted a legal defense.[24]
- Alliance with contemporary scholars and intellectuals: Historians such as *Abu Shama al-Maqdisi* and *Ibn Kathir* have recorded their denunciations of decisions that interfered with the judiciary. Abu Shama criticized the creation of the position of four judges, saying: "When he mentioned the inclusion of the three judges, it is not believed that this had ever occurred".[25] This scholarly and literary criticism constituted a moral pressure on the authorities.

4. Projections on contemporary reality: judicial independence between past and present

The issue of the independence of judicial institutions from political influence is considered the greatest challenge facing contemporary Islamic regimes. A review of historical experiences during periods under study, several key conclusions can be drawn:

- In many Islamic states, executive control over the appointment and dismissal of senior judges weakens judicial independence. It turns courts into instruments of political power, underscoring the need for independent judicial bodies responsible for these processes, free from executive interference.
- The case of judge Ibn Ayn al-Dawla's rejection of a sultan's testimony illustrates the pressures on judges in sensitive cases, underscoring the need for procedural safeguards to prevent coercion and ensure justice, professionalism, and fairness.

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[23] Al-Subki, *Tabaqat al-Shafi'iyyah al-kubra*, 8/310.

[24] Al-Nuwayri, *Nihayat al-arab*, 30/117; al-Subki, *Tabaqat al-Shafi'iyyah*, 8/319; al-Qalqashandi, *Subh al-a'sha*, 1/477, 36; al-Suyuti, *Husn al-muhadarah*, 2/166.

[25] Al-Subki, *Tabaqat al-Shafi'iyyah*, 8/321.

- *Sultan Baybars'* decision concerning doctrinal pluralism within society produced a positive outcome despite opposition from contemporaries who viewed it as a source of division among Muslims. Today, history repeats itself, as religious and sectarian diversity are used to weaken judicial institutions in many Islamic states. So, it is important to establish modern judicial systems with a unified framework that ensures fairness for all, regardless of religious or doctrinal affiliation, remains insulated from political rivalries and societal discord, and upholds justice for all members of society.
- The Role of Civil Society and the Media: The outcry of historians and scholars during the Mamluk era helped expose interference. Today, independent media and civil society organizations can play the role of "*Al-Dhahabi*" and "*Abu Shama*" through monitoring, documentation, and advocacy for judicial independence. The censorship was not limited to historians alone. Still, mosque preachers, religious men, and poets were also considered part of this censorship as an influential public opinion in society, as their evaluative opinions about these judges, which they passed on in study circles, and even on pulpits, or in poetry gatherings, had a direct impact on the judges' reputation and standing among the people. All of this represented a means of exerting public opinion pressure on the ruling authority, which might try to undermine the judiciary's independence by imposing its authority on judges.

Table 3. Comparison between the challenges of judicial independence, historically and contemporarily

Type of challenge	**Its historical aspect during the centuries (6-9 AH / 12-15 AD)**	**Its contemporary aspect**	**The lesson learned**
Appointment and Dismissal	Direct Royal Decree	Executive Authority's Dominance over the Supreme Judicial Council	Necessity of Separating the Appointment of Judges from the Executive Authority
Direct Pressure	Threats, Insults, Dismissal	Phone Calls, Promises, Indirect Threats	The Importance of Judges' Immunity and Protection from Pressure
Fragmentation	Creating judicial positions for political purposes (*Baybars*)	Special, exceptional, or limited-jurisdiction courts	The unity of the judicial system is the basis of its strength and independence

Mechanisms for Confronting the Challenge	Resignation, Community Support, Adherence to Procedures	Strike, Statements, International Reports, International Pressure	The Need for Judges' Solidarity and Public Support for Them

IV. Sectarian Pluralism: Enriching or Weakening the Judicial System?

Sectarian pluralism in Islamic history was one of the most prominent features of jurisprudential and judicial life, especially during periods of cultural prosperity, such as the Ayyubid and Mamluk eras. However, this pluralism was not merely a result of cultural or jurisprudential diversity, rather, it was a driver of profound problems related to the unity of the judicial system, For example, Sultan Baybars' decision to make the judiciary based on the four schools of Islamic jurisprudence was subjected to sharp criticism by contemporary scholars such as Abu Shama al-Maqdisi, who considered it an unprecedented innovation that would lead to the division of Muslims. This study aims to analyze the experience of sectarian pluralism in the judicial systems of the Levant and Egypt during the period under study, and to demonstrate how this pluralism affected the effectiveness and legitimacy of the judiciary. The study then proceeds to compare this historical model with the dilemma of pluralism in modern Islamic states.

1. Theoretical framework: pluralism between religious legitimacy and professional competence

Judicial pluralism is defined as the presence of more than one legal or judicial system within a single political entity.[26] In the Islamic context, this pluralism was manifested through the recognition of the four schools of jurisprudence: Hanafi, Maliki, Shafi'i, and Hanbali, each with its own sources, evidence, and rulings. Yet, a fundamental question remains central to this form of pluralism: did this historical experience support the judicial system and preserve its unity, or was it the reason behind its fragmentation and weakness? This question remains today in countries such as Lebanon, India, and others, where multiple legal systems (civil, *Shari'a*, and customary) coexist, raising questions about national unity and equality before the law.

2. The historical development of judicial pluralism in egypt and the levant
   - Shafi'i Dominance (Ayyubid and Zengid Eras): The *Shafi'i* school was the official school of thought of the state during the Ayyubid and Zengid eras. The *Shafi'i* chief judge was the highest judicial authority, with the right to appoint

[26] Brian Z. Tamanaha, Legal Pluralism Explained: History, Theory, Consequences (New York: Oxford University Press, 2021), 213.

deputies from other Sects. This stage represented a model of codified pluralism, in which the judicial unit had a clear structure. Still, it raised questions about the extent of non-Shafi'i judges' independence. Here, it is necessary to point out that the reason for adopting the Shafi'i school of thought in these two eras is the widespread adoption of the Shafi'i school in the Levant and Egypt. Consequently, the sultans appointed Shafi'i judges to avoid the people's anger. Likewise, Sultan Saladin al-Ayyubi was a Shafi'i, so he approved of the Shafi'i school of thought in the state.

- Official Pluralism (Mamluk Era): As previously mentioned, during the reign of Sultan al-Zahir Baybars, the position of "*Qadi al-Qudat*" was created for the *Hanafi*, *Maliki*, and *Hanbali* schools, as well as the Shafi'i school. This decision was not purely a jurisprudential one, but rather a purely political one, the result of pressure from the princes and in response to internal conflicts within the Mamluk court.[27]

Table 4. Distribution of judicial positions after Baybars' decision

Sect	Newly created positions	Main centers of application
Shafi'i	Chief Justice (previously present)	Egypt, Damascus, Aleppo
Hanafi	Chief Justice	Egypt, Damascus, Aleppo
Maliki	Chief Justice	Egypt, Damascus
Hanbali	Chief Justice	Damascus

- Reactions to Pluralism: *Baybars*' decision faced sharp criticism from prominent scholars such as *Abu Shama al-Maqdisi* and *Taj al-Din al-Subki*, who stated: "It led to sectarian fanaticism and discord among jurists, and the Muslims' unity was divided."[28] Others, however, defended the decision, arguing that it expanded people's options and alleviated the embarrassment caused by jurisprudential differences.

3. Problems of judicial pluralism: a comparative analysis
   - The Problem of Legal Unity vs. Legal Flexibility: The problematic relationship between legal unity and flexibility based on sectarian pluralism has a long historical legacy. During the Mamluk era, the adoption of multiple recognized

[27] Al-Nuwayri, *Nihayat al-arab*, 30/117; al-Subki, *Tabaqat al-Shafi'iyyah*, 8/319; al-Qalqashandi, *Subh al-a'sha*, 1/477, 36; al-Suyuti, *Husn al-muhadarah*, 2/166.
[28] Al-Subki, *Tabaqat al-Shafi'iyyah*, 8/321.

schools of jurisprudence led to diverse judicial rulings on the same case, depending on the school the Judge adopted. This legal flexibility created a climate of legal uncertainty, as litigants could not predict outcomes, thereby undermining the principles of equality and justice. The echoes of this historical problem persist in several contemporary legal systems that embrace judicial pluralism. These two models are a living example of the ongoing problem of religious pluralism in the judiciary from that time to the present, a problem that societies in various countries continue to face. It is the challenge of balancing respect for religious and sectarian pluralism with the unity of the judicial system, which helps in drawing lessons and morals from that historical experience to formulate legal frameworks that protect common citizenship and justice. In India, for example, the constitution provides for the principle of civil unity, but it faces a complex reality of personal laws applied according to religious affiliation.[29] Muslims are subject to Islamic personal status laws, while Hindus are subject to codified positive laws such as the Hindu Marriage Act 1955. Similarly, Lebanon is a stark example of sectarian pluralism in the judiciary, where separate sectarian courts entirely administer personal status cases.[30] This system has entrenched sub-identities at the expense of a unified national identity. It has significantly complicated efforts to unify or reform legislation, especially in sensitive areas such as women's rights and civil marriage.[31] Thus, legal pluralism - despite its apparent flexibility and respect for particularities - hampers the formation of a unified legal identity and complicates the process of legislative reform.[32] Any attempt at change turns into an identity conflict before it becomes a substantive legal debate. Some may see pluralism as a source of enrichment and coexistence in societies with diverse ethnicities and religions, provided that it is managed within controls that respect the principle of justice and citizenship.[33]

- The Problem of Equality Before the Law: In the Mamluk judicial system, judges did not enjoy equal rank or authority. The Shafi'i chief judge occupied the

[29] Werner Menski, *Hindu Law: Beyond Tradition and Modernity* (Oxford: Oxford University Press, 2003), 25-35, 510-540.

[30] Antoine Messarra, *The Lebanese Legal System: A Historical and Political Study* (Beirut: Lebanese American University Press, 2003), 75-95.

[31] W. Mahdi, "Personal status laws in Lebanon: The argument for a civil code," *Middle East Journal* 74, no. 2 (2020): 231-250.

[32] Gariaga, Oleg, Olena Marchenko, Iryna Kuchynska, Viktoriia Rieznikova, and Nino Patsuriia. "Protection of Human Rights in the Framework of Global Judicial Reforms." *Mazahib* 24, no. 1 (2025): 38-61, https://doi.org/10.21093/mj.v24i1.9403.

[33] Riad Salim Awad, "Doctrinal Pluralism and its Impact on Shaping the Identity of the Islamic Judicial System (132–923 AH/ 750–1517 AD).

highest position, followed by the Hanafi, Maliki, and Hanbali judges. This hierarchy resembles the distinction between civil and Sharia courts in some contemporary states, where rulings based on Sharia are sometimes regarded as subordinate to positive law.

Table 5. Analytical Table: Pros and Cons of Judicial Pluralism, Historical and Contemporary

Side	Positives (Historically)	Negatives (Historically)	Contemporary Parallelism (Positive)	Contemporary Parallelism (Negative)
Flexibility	Multiple options for litigants	Legal uncertainty	Respect for cultural privacy	Difficulty in unifying rulings
Legitimacy	Accommodating sectarian differences	Fostering divisions	Recognizing religious pluralism	Weakening the idea of equal citizenship
Competence	Specialization by sect	Conflict of powers	Distribution of the judicial burden	Complexity of procedures and lengthy litigation
Independence	Broader representation of jurisprudential trends	Transformation of the judiciary into a tool of political conflict	Participation of a broader group of judges	Sectarian or denominational quotas

Sectarian pluralism in Islamic judicial history was neither an absolute evil nor an absolute good. Rather, it was a double-edged sword: it enriched the system when it was codified and subject to the constraints of political and legal unity, and it weakened it when it became a tool for conflict and fragmentation. Today, Islamic states can benefit from these lessons by: unifying procedures and basic rules while allowing for ijtihad in various branches; ensuring the independence of the judiciary from political and sectarian influences; adopting uniform criteria for the appointment of judges and evaluating their performance; and integrating pluralism within a single constitutional framework that guarantees complete equality for all citizens.

V. Scholarly Families: Engines of Stability and Sources of Tension in the Judicial Institution

The phenomenon of "inheritance of office" within established scholarly families was one of the most prominent structural features of the administrative system in Egypt and the Levant during the period under study. The hereditary transmission of judicial positions was neither accidental nor a temporary custom; rather, it reflected an administrative system that combined political interests with the ambitions of scholarly families. This phenomenon was widespread across many Islamic regions, including Iraq, al-Andalus, the Levant, and Egypt. Ruling authorities utilized hereditary succession within scholarly families to secure loyalty and strengthen their religious legitimacy among the population. At the same time, these families benefited from monopolizing influential state offices and ensuring their continuity within the family. The Ibn Bint al-A'azz family exemplifies this pattern, having enjoyed the support of Ayyubid and Mamluk sultans for decades and occupying judicial offices on six occasions. This relationship reinforced political authority and enhanced its legitimacy. This section analyses the phenomenon and its positive and negative implications as a model of institutional governance. On the one hand, scholarly families contributed to judicial stability by supplying qualified scholarly and administrative elites across generations. On the other hand, they sometimes became sources of tension due to internal rivalries over office, their transformation into independent power centres that provoked rulers' hostility, and competition with other scholarly families.

1. Scholarly families: definition and function in the socio-political structure

The "scholarly family" was not merely a group of individuals connected by blood ties. Rather, it was a micro-institution possessing enormous symbolic capital, represented by scholarly reputation and religious piety; social capital, represented by a network of relationships with other ruling and scholarly elites; and cultural capital, represented by libraries and accumulated and inherited knowledge. These families performed two main functions:

- The Internal Function (Formation and Qualification): These families raised their children from an early age to memorize the *Qur'an* and *Hadith*, to learn Arabic language and literature, and to specialize in one of the schools of Islamic jurisprudence. For example, the Ibn al-Barzi family produced ten scholars, including Quran reciters, hadith scholars, jurists, poets, grammarians, and orators. Prominent families, such as the *Al-Zaki* family in Damascus or the *Bint al-A'az* family in Egypt, owned informal boarding schools supervised by senior scholars in

the family, ensuring the transfer of high-quality judicial knowledge and expertise and a consistent philosophy.[34]

- The External Function (Representation and Mediation): These families served as a natural intermediary between the ruling authority and the public. The ruler needed religious and scholarly legitimacy, which these families granted him by appointing them to judicial positions. In return, the families needed the authorities' material and moral support to maintain their status and inherit their positions. This symbiotic relationship was the foundation of the regime's stability, but it was also the seed from which tensions could grow.

2. Engines of stability: how did scholarly families support the judicial system?

Scholarly families contributed to institutional stability through several mechanisms:

- Ensuring the continuity of expertise and experience: The inheritance of a position meant the transfer of a vast accumulation of knowledge from one generation to the next. A young judge raised in a judicial household would learn from his father or uncle not only the legal texts but also the art of managing court sessions, professional ethics, and methods for dealing with pressure from authority and witness manipulation. This informal transmission of applied knowledge was difficult to replace, making these families an indispensable human resource for the judicial institution.[35] However, this positive view of the phenomenon of inheriting judicial and other positions within the family may be seen by some as making the job exclusive to one family, thus depriving competent people from outside the family of opportunities to obtain these jobs, which leads to the creation of intellectual stagnation and hinders renewal in the institution in which they work.
- Creating a state of psychological and social stability: In a society plagued by political crises and wars, the continuity of these families in their positions provided a reassuring element for the subjects. The presence of a familiar and respected name at the head of the judiciary, believed to be of integrity and knowledge, mitigated fears of power grabs or the loss of rights, like the Ibn al-Zaki family, which produced seventeen scholars in various disciplines, including hadith scholars, grammarians, poets, orators, historians, and many of them teachers. They contributed to the stability of the judicial system in the city of

[34] Ibn Hajar al-'Asqalani, *Raf' al-isr 'an qudat Misr*, 259; Riad Salim Awad, "Religious and Cultural Dimensions Reflections in Levantine Schools Architecture During the Zengid, Ayyubid, and Mamluk Periods," *Journal of Islamic Architecture* 8, no. 3 (2025): 675-690, http://dx.doi.org/10.18860/jia.v8i3.25934.

[35] Shams al-Din Muhammad ibn 'Abd al-Rahman al-Sakhawi, *Al-Daw' al-lami' li-ahl al-qarn al-tasi'* (Beirut: Dar Maktabat al-Hayah, n.d.), 8/236.

Damascus after eleven scholars from it inherited judicial positions, such as the Sheikh, hadith scholar, jurist, poet, and orator, Chief Justice Muhi al-Din Abu al-Ma'ali Muhammad ibn Ali ibn al-Zaki al-Qurashi (d. 598 AH/1201 AD).[36]

Table 6. The most prominent scholarly families and their influence on judicial stability

Family name	Home country	Most prominent inherited positions	Role in stability
Bint Al-A'az family	Egypt	Chief Justice of the *Shafi'i* School (Egypt and Upper Egypt)	They were known for their firmness and integrity, which instilled confidence throughout the system. (Ibn Hajar al-Asqalani, Raf' al-Isr, p. 259)
Al-Barzi Family	Levant (Hama)	*Shafi'i* Chief Justice	Eleven scholars inherited the position in succession over two centuries, providing long-term administrative stability for the city of Hama and its surrounding areas (Al-Sakhawi, Al-Daw' Al-Lami' li-Ahl al-Qarn al-Tasi': 8/236)
Al- Zaki Family	Damascus	*Shafi'i* Chief Justice	It was a distinguished judicial lineage that taught in the most prestigious schools, giving the Damascene judiciary great scholarly prestige. (Al-Dhahabi, History of Islam: 12/1155)
Ibn Qudamah's family	Damascus	*Hanbali* Chief Judge	Ten scholars inherited the position and maintained the continuity of the Hanbali school of thought within the official judiciary, despite their small number (Al-Dhahabi, History of Islam: 15/469)

3. Tension points: conflicts and negatives resulting from the inheritance system

Despite its positive aspects, this phenomenon generated tensions at multiple levels:

[36] al-Dhahabi, Tarikh al-islam, 12/1155

- Tension with the Authority: The loyalty of these families was not absolute loyalty to the ruler, but rather their loyalty was to the honor of the family and knowledge, which made them an independent force that aroused the fears of the rulers, especially if the Judge enjoyed great popularity. The evidence for this is the conflict between Judge Taqi al-Din Ibn Bint al-Aazz and Minister Ibn al-Sal'ous, in which the latter's fear of Judge Taqi al-Din's influence led him to accuse him of malicious charges, such as adultery and drinking alcohol, thereby turning institutional trust into a political conflict.
- Tension within the family: Some scholars were compelled to be appointed as judges despite their reluctance, as they preferred to devote their lives to teaching and authorship. A clear instance occurred when Shaykh *Najim al-Din Muhammad Ibn Ajlun* (d. 876 AH/ 1471 AD) resigned from a judicial position, generating tension between familial expectations and personal scholarly aspirations.

4. Contemporary projections: from inheritance of position to nepotism

The main aim of this section is to find a solution for one of the most critical problems facing institutions in our Islamic world nowadays, which is the dominance of family loyalty and nepotism at the expense of competence, professionalism, and integrity in administration:

- It is important to differentiate between the phenomenon of inheriting public positions in those historical eras and contemporary familial nepotism. In earlier times, these positions were inherited within families based on scholarly merit, expertise, and professional preparation, because scholarly households genuinely functioned as centers for producing qualified candidates for such positions. Today, however, educational and ethical systems have suffered from the erosion of this formative familial role, which undoubtedly results in diminished contributions to state institutions. So, contemporary practices of position inheritance are often based solely on kinship at the expense of competence, undermining administrative performance and facilitating the spread of corruption.
- Lessons Derived: Historically, experiences highlighted the necessity for contemporary systems to adopt the principle of equal opportunity, based on transparent recruitment and appointment criteria, and mechanisms to combat nepotism in this domain. The historical record shows that the Barzi family held the position of Judge for two centuries through eleven scholars among its members, as did the Al-Zaki family, which monopolized the position of Shafi'i judge. Undoubtedly, this prevented qualified scholars from outside these families from reaching this position. Thus, the phenomenon of inheritance established an exclusionary judicial system. Consequently, contemporary systems must strengthen

the institutional nature of qualifications rather than familial inheritance. This historical experience has also proved that the family can be considered a small-scale educational institution that supplied administrative institutions with capable individuals. Today, families, universities, and judicial institutions are responsible for fulfilling their educational role in preparing qualified elites, both academically and administratively.

VI. Lessons Learned: Projections of Historical Experience on Contemporary Judicial Issues

The historical model of the judicial institution in Egypt and the Levant during the period under study constitutes a rich field of historical evidence, offering practical models that can inspire effective solutions to the problems of judicial independence, sectarian pluralism, and administrative corruption in some contemporary systems.

1. Judicial independence: historical lessons and contemporary challenges

During the period examined, the relationship between the ruling political authority and judges reflected tension and interaction within the judicial institution. The study clarified that the process of appointing judges by sultanic decree, along with the horrific titles conferred upon them, served as an instrument through which political authority maintained its control over the judiciary.[37] Despite this dominance, instances of resistance emerged between judicial and political authorities when the Judge Sharaf Al-Din ibn Ayn al-Dawla rejected Al-Sultan Al-Kamil's testimony, finding it violated the standards of honesty and integrity. The Sultan reacted angrily, intensifying the struggle between the two authorities. The Judge, protesting, submitted his resignation. Eventually, the Sultan sought reconciliation and facilitated the Judge's reinstatement.[38] This historical incident should not be regarded merely as a heroic narrative; rather, it illustrates an effective defensive strategy for preserving the dignity of judicial institutions—namely, protest resignation. By doing so, the political authority is placed in an embarrassing situation and is undermined in its dominance over the judiciary. This historical experience is beneficial for contemporary judicial systems as they develop and free themselves from executive domination over supreme judicial councils. So, it is important to develop institutional strategies to protect judicial independence, including the following:

- Granting functional immunity to judges, while entrusting independent supreme judicial institutions— free from executive influence—with the authority to appoint, dismiss, and hold judges accountable.

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[37] Al-Qalqashandi, *Subh al-a'sha*, 11/81.
[38] Al-Subki, *Tabaqat al-Shafi'iyyah*, 8/65, 66.

- Activating the principle of peaceful strike and protest resignation as a legitimate means for defending judicial institutions and safeguarding their independence.

2. Sectarian pluralism: between enrichment and fragmentation (re-reading the decision of sultan baibars)

Sultan Baybars's decision to institutionalize judicial pluralism based on recognized schools of Islamic jurisprudence provoked intense debate among scholars of his era. Nowadays, the same debate in discussions concerning issues such as the "unification of judicial authority" and the "codification of jurisprudential schools" within Islamic states characterized by diverse social, religious, and sectarian compositions. This historical experience, therefore, offers balanced and nuanced lessons, which may be summarized as follows:

- It is necessary to be aware of the negative consequences of adopting pluralism when it degenerates into extreme sectarian fanaticism, which undoubtedly threatens social cohesion and obstructs the proper functioning of a fair judicial system.
- From a positive perspective, the principle of pluralism acknowledges the diversity of society and its different needs, provides sufficient flexibility in legal practice, and supports the principle of justice among the various social and sectarian components of the state.
- Recommendations: The solution does not lie in rejecting pluralism entirely or in viewing it as inherently contradictory to unity. Rather, it is necessary to incorporate it within a unified judicial framework, governed by clear legal procedures. It is also possible to establish specialized courts for each officially recognized jurisprudential school, provided that these courts must operate under a single constitution and are subject to a single supreme judicial authority, to guarantee respect for social diversity while preserving social unity and its legal and constitutional sovereignty.

3. Scholarly families: from inheritance of position to qualification

The study clarifies how scholarly families - such as those of Ibn al-Zaki, Ibn al-Barzi, and *Ibn Bint al-A'zz* - produced successive generations of highly qualified judges. These families effectively functioned as "law faculties," transmitting judicial knowledge and expertise through a system of inherited judicial positions based on suitability, competence, and professional preparedness.

Contemporary Challenge and Recommendations: Contrary to the historical model of inheriting judicial positions based on academic qualifications, this phenomenon has sometimes become a form of favoritism and party loyalty at the expense of competence in some regimes, thereby weakening institutional performance and undermining the

principle of equal opportunity. So, this historical experience is beneficial for Islamic scholarly families, who once operated as rigorous legal institutions that encouraged the establishment of advanced judicial academic institutions that now assume the roles these families once played. So, such institutions should not be limited to scientific and academic preparation of judicial elites, but should also seek to instill values of integrity, independence, and ethical responsibility among their graduates. Strictly applying merit and competence criteria in the selection, appointment, and promotion of judges, with full transparency in the selection processes. Utilizing the experience of retired judges as trainers and mentors for new judges, to transfer practical and ethical expertise institutionally.

4. Combating corruption: the role of civil society and popular oversight

The study proved the existence of informal oversight mechanisms that sought to preserve the independence of judicial institutions during the historical period under study. Among the mechanisms that safeguard the independence of the judiciary are public opinion, judges' social standing, and their personal reputation among the population, all of which impose constraints that compel judges to adhere to principles of justice, independence, and integrity. What was written by historians and poets concerning judges and their professional conduct functioned as platforms for public expression.[39] Praise served as a societal endorsement of judicial integrity, while criticism reflected collective disapproval.[40]

Contemporary Challenge and Recommendations: Many judicial institutions in modern Islamic states suffer from a pronounced erosion of public trust. This historical experience highlights the necessity of activating oversight mechanisms in society, including media, civil society organizations, and social media platforms, as well as the role of researchers and historians, to monitor judicial performance, while ensuring that these actors are provided with adequate legal protection. It is also necessary to adopt transparency and open governance principles in judicial matters of public concern—by publishing relevant rulings while safeguarding privacy—to strengthen public accountability. Furthermore, establishing secure, accessible communication channels to help citizens report suspected corruption without fear of retaliation would strengthen public oversight mechanisms.

[39] Al-Dhahabi, *Siyar a'lam al-nubala'*, 20/531.
[40] Ibn Hajar al-'Asqalani, *Raf' al-isr*, 263.

Table 7. Analytical Table: Contemporary Problems and Inspiration for Solutions from the Historical Model

Contemporary Problem	Historical Model/Mechanism	Contemporary Recommendation Inspired by History
Executive pressure on the judiciary	Judge Sharaf al-Din bin Ain al-Dawla's reaction and his resignation in protest	Developing Institutional Mechanisms to Protect Judicial Independence, Such as Independent Supreme Judicial Bodies and Mass Peaceful Protest
Sectarian Pluralism and the Fragmentation of Legal Unity	The Controversy over Sultan Baibars' Decree (Enrichment vs. Fragmentation)	Framing Pluralism within a Unified Judicial System: Specialized Personal Status Courts Subject to a Single Constitution and a Supreme Judicial Authority
Favoritism and inheritance of positions (mediation)	A system of scholarly families based on qualifications and merit (not just kinship)	Establishing higher judicial academies, strictly applying merit standards, and utilizing the expertise of retired judges in training
Lack of public trust and corruption	The role of public oversight and public opinion (praise/ criticize)	Strengthening the role of media and civil society in oversight, adopting open government policies, and establishing safe reporting channels

VII. Conclusion

The study reaches the following conclusions: The judicial system in Egypt and the Levant was centralized during the Abbasid and Fatimid periods, whereas it evolved into a decentralized system during the Zengid, Ayyubid, and Mamluk periods, this transformation led to the formation of sectarian pluralism, the emergence of the phenomenon of inherited positions within families, and contributed to redefining the relationship between political and judicial authority, as well as reflects the influence of political shifts and administrative philosophies on shaping the identity of the Islamic judiciary. The position of Chief Judge (Qadhi al-Qudhat) held considerable symbolic status; however, its holders were subject to political influence, particularly through the Sultan's ultimate authority over appointments, dismissals, and the issuance of binding decisions. Despite this, judges employed different strategies to defend their

independence, most notably by resigning and by strictly adhering to Islamic legal principles. The principle of doctrinal pluralism endorsed by Sultan *Baybars* constituted official recognition by the political authority of the right to litigate before a judge representing one's own legal school, thereby reinforcing the principle of equality before the law. At the same time, this decision may lead to societal division and added complexity to the legal system. The study also demonstrates that the inheritance of judicial positions enhances the effectiveness of the family's role in supporting judicial institutions by supplying them with qualified personnel, while simultaneously raising a critical concern about the need to balance competence-based succession with the dangers of favoritism-based nepotism. Finally, the study concludes with a set of beneficial lessons derived from historical experiences to address contemporary judicial challenges, including the necessity of strengthening judicial independence through institutional safeguards, combating corruption through transparency and active public oversight, and reinforcing public accountability by enhancing the role of civil society organizations and the media in monitoring judicial performance. It further emphasizes the importance of managing sectarian pluralism within a unified legal framework and transforming the model of "inheritance of office" into a system grounded in academic qualifications, integrity, and professional ethics.

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